

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -July 18, 2017**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Jones, Klimko, Noone, Thompson, Valle.

Absent: M. Hall

Also, Present: Laurie Barton, Borough Clerk
Attorney, Leslie Parikh

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

CORRESPONDENCES

Washington Borough Fire Dept.-Approval and Change of By-Laws and Update Town Code

Meeting was turned over to Deputy Mayor Heinrich.

Discussion

Councilman Jones inquired about the changes with the fire company’s by-laws. Josh Devoe, Captain, gave a brief report on the reasoning of changing their by-laws which needs approval from Council by amending the current ordinance.

Motion to receive and file the report from the Washington Fire company made by Thompson and seconded by Higgins.

Ayes: 6 Nays: 0
Abstain: Higgins.
Motion Carried.

MINUTES

Motion made by Noone and seconded by Heinrich to approve the meeting minutes of June 20, 2017 and the Executive Session minutes of June 20, 2017 (proof for content only).

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

COUNCIL APPEARANCE

Ethel Conry, Youmans Ave., discussed the right-of-way by her and stated her concerns with the County buses going through the wrong way and not slowing down. Attorney Parikh stated she will send letter to the County with concerns over the buses using the roadway.

John Monteverde, BID, stated that plaques will be going on the planters thanking those who donated flowers that were planted.

Mr. Monteverde thanked Mary Jo Harris on her efforts and her donations of flowers.

Mr. Monteverde reported on the success of the recent fundraiser. The Borough will be hosting its festival on September 23rd. There will be food trucks, vendors and the regular vendors.

Neil Santorello (sp) President of the Homeowners Association for Washington Square, recapped what has transpired since the July 5th meeting regarding Jades performance bond. Mr. Santorello urged that the matter needs to be pushed going forward to have the items taken care of that are on the list.

Attorney Parikh stated that timing of vacations is unfortunate but will arrange a meeting with the Manager and Ray Rice's counsel.

Mr. Santorello stated he will be coming to meetings every two weeks and added that it's a safety issue with a lot of kids and no lights on.

Reverend Bauknight, Library President, stated that the next meeting will be next Monday July 24th at 7:00 P.M. but added that it could change to 6:30 PM. A new employee was hired to replace Richard Bright. They are still researching to bring in a full-time Director. Stationary has been updated as well as the information pamphlet. An overgrown poison sumac tree is overgrowing in the front. Discussions of the sidewalk for handicap ensued. Correspondences received concerning

libraries being deemed not part of municipalities was discussed with concerns this may cause to budgets and funding. Attorney Parikh stated she will look into this statute.

Hometown Chicken (name inaudible), requested permission for tables and chairs to be placed on sidewalk.

Motion made by Valle and seconded by Heinrich to allow tables and chairs according to borough code.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

Placing flags out front of Hometown Chicken was discussed with the concern of other businesses being allowed to have them.

Motion made by Klimko and seconded by Thompson to close the audience portion.

Ayes: 7 Nays: 0
Motion Carried.

REPORTS:

Motion was made by Heinrich, seconded by Klimko to receive and file the following reports:

1. Court Report-monthly
2. Recreation-Revenue Report-June
3. Warren County Health Dept-July
4. Managers' Report-May/June

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS

Sewer: Heinrich stated that the telephone poles went in for the electric at the pump station. Councilwoman Klimko added that an old pole was left and that one of the new ones installed is leaning.

Mid-Block Crossing: Mayor Higgins reported on the meeting that was held on Monday with the State. Mayor Higgins reported that the State DOT is looking to have this project completed in 24-hours.

Green Team: Councilwoman Noone stated that she believes the members need to be appointed now that its officially created (Green Team).

ORDINANCE

Motion made by Jones and seconded by Klimko to open the public hearing on Ordinance 2017-13.

Ayes: 7, Nays: 0
Motion Carried.

Hearing no public comment, motion made by Jones to close the public hearing portion and seconded by Thompson.

Ayes: 7, Nays: 0
Motion Carried.

Motion made by Valle to adopt Ordinance 2017-13, motion seconded by Jones.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

**ORDINANCE 2017-13
BOROUGH OF WASHINGTON
AN ORDINANCE PROVIDING FUNDING FOR VARIOUS ROAD
IMPROVEMENTS PURPOSE FOR THE BOROUGH OF WASHINGTON
AND APPROPRIATING \$60,000.00 FOR SUCH PURPOSE.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes various road improvements to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$60,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$60,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

RESOLUTIONS

Motion made by Noone and seconded by Klimko to approve Resolution 2017-162.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-162 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of Washington hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion made by Heinrich and seconded by Noone to approve Resolutions 2017-163, 164 and 165.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION #2017-163
A RESOLUTION TO REFUND OVERPAYMENT
ON 2017 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,706.04 on 2017 2nd Quarter Regular Taxes paid on property located at 86 McKinley Avenue, also known as Block 69 Lot 10, and in the name of Langan, Glen W. & Barbara L.; and

WHEREAS, First Choice Title and Corelogic Tax Service had both paid the 2nd Quarter 2017 property taxes, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,706.04 payable to:

Corelogic
3001 Hackberry Rd.
Irving, TX 75063
Attn: Refund Department

RESOLUTION #2017-164

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2017 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,451.70 on 2017 1st Quarter Regular Taxes paid on property located at 29 Youmans Avenue, also known as Block 94 Lot 36, and in the name of Estate of Randy Widdoss; and

WHEREAS, Fortune Title and Corelogic Tax Service had both paid the 1st Quarter 2017 property taxes, resulting in the overpayment; and

WHEREAS, the property is changing ownership and the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,451.70 payable to:

Corelogic
3001 Hackberry Rd.
Irving, TX 75063
Attn: Refund Department

RESOLUTION #2017-165

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2017 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$932.95 on 2017 2nd and 3rd Quarter Regular Taxes paid on property located at 17 Independence Street, also known as Block 17 Lot 3, and in the name of Hakes, Jeremy R./ Phillips Emilia; and

WHEREAS, Emilia Phillips and Corelogic Tax Service had both paid portions of the 2nd and 3rd Quarter 2017 property taxes, resulting in the overpayment; and

WHEREAS, the property owner was unaware that her bank had also paid the property taxes and the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Emilia Phillips that the overpayment be refunded to her.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$932.95 payable to:

Emilia Phillips
17 Independence Street
Washington, NJ 07882

Motion made by Thompson and seconded by Klimko to approve Resolutions 2017-166

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-166
BOROUGH OF WASHINGTON

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND UPDATING THE PERSONNEL POLICY MANUAL

WHEREAS, the Borough of Washington adopted a Personnel Policy on July 5, 2017; and

WHEREAS, at this time, the Borough is also desirous to adopt a Borough policy applicable to conducting background checks for employees and candidates for employment, which complies with the law; and

WHEREAS, the Borough has agreed upon the appropriate policy with regard to background checks; and

WHEREAS, the Borough now seeks to update its Personnel Policy Manual to conform with the current policies of the Borough so that it may be distributed to all employees of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, that the Borough's Personnel Policy Manual is updated as to include a policy applicable to background checks.

BE IT FURTHER RESOLVED that a copy of the updated Personnel Manual is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of the updated Personnel Manual shall be forwarded to the Borough Clerk for distribution to all Borough employees.

Motion made by Thompson and seconded by Noone to approve the check list and instructions to applicants for the Board of Adjustment.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 7, Nays: 0
Motion carried.

Motion made by Thompson and seconded by Heinrich to appoint the following Planning Board members as Board of Adjustment members on an "emergency basis":

- Marianne VanDeursen,
- Gary Pohorely,
- Dan Frascella
- Pat Post

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 6 Nays: 0
Abstain: Klimko.
Motion carried.

VOUCHERS AND CLAIMS

Motion made by Noone seconded by Valle to pay the vouchers and claims in the amount of \$530,030.85 from the current fund and \$ 6,719.88 from sewer.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone Thompson and Valle
Ayes: 7, Nays: 0
Abstention: Thompson abstains from any
Fire and EMS bills.
Motion Carried.

RECAP

Attorney Parikh recapped on the following:

- Get map regarding right-of-way
- Write letter to county regarding buses
- Set up meeting with M. Hall and Ray Rice's counsel.
- Research rights of library in terms of what they can and cannot do.
- Reach out to Matt Lopez regarding signage and if flags are allowed.

COUNCIL REMARKS

Councilwoman Klimko reminded everyone of the 150th anniversary meeting scheduled for July 24th at pm.

Councilwoman Klimko also stated that it has been brought to her attention that some ordinances aren't being enforced uniformly and this needs to be addressed.

Councilman Heinrich reported on a false fire alarm at his house but commended the fire and police departments for their quick response time and made him even prouder to live in this community.

Councilwoman Noone stated that the DPW has been doing a really good job on helping in cleaning up the park.

Councilwoman Noon expressed her concerns over dog feces in the pocket park and noticed a lot of graffiti around the underpasses throughout town.

Reverend Bauknight thanked the fire department as well for an alarm that went off at the library.

Mayor Higgins reported that a new Farmers Insurance business opened up downtown. There was a lot of food and pictures were taken and stated he was excited to be able to attend it.

Mayor Higgins stated he is looking into passing an ordinance often referred to as “animal house” which pertains to landlords. The ordinance holds the landlords accountable for their tenants’ underage parties, overgrown grass and garbage.

EXECUTIVE SESSION

A motion was made by Thompson , seconded by Jones, to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:15 pm.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality’s position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality’s position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Klimko seconded by Jones, to come out of Executive Session at 9:08 pm.

Ayes: 7; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Jones, seconded by Heinrich, to adjourn the meeting at 9:08 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk