

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -August 15, 2017

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:00 P.M.

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

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk

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.”

CORRESPONDENCE

Mayor Higgins received notice from Cares, All Roads to Recovery Needs hosted by Safe Harbor, Easton Police Department and local Warren County Police Departments, which will have a walk to remember at Shappell Park, Phillipsburg on August 26th.

COUNCIL APPEARANCE

Neil Santorello (sp) President of the Homeowners Association for Washington Square, restated his message that he has been stating at meetings before this, for the Borough to remediate the issue between the Association and Jade (performance bond).

Lengthy discussions ensued regarding the past administration and manager and Jade not complying with the agreement or performance bond for items still remaining on the punch list that need to be repaired. Lack of lighting fixtures getting repaired was cited as a safety concern.

Manager Hall reiterated that they cannot make decisions without the advice and consent of legal counsel.

Mayor Higgins personally apologized for the length of time being taken to resolve this.

Reverend Bauknight, Library President, asked if anything was being done about the grass growing on corner of Ramapo and Lenape with the house that is for sale there.

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

Ayes: 7 Nays: 0
Motion Carried.

REPORTS:

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

- Police: June/July
- Warren County Board of Health Report
- Recreation: July/August

Ayes: 7, Nays: 0
Motion Carried

NEW BUSINESS

Motion made by Heinrich and seconded by Jones to approve Resolution 2017-172.

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

**RESOLUTION 2017-172
RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
OF THE BOROUGH OF WASHINGTON**

WHEREAS, the Borough of Washington is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Borough of Washington is desirous of selling said surplus property pursuant to N.J.S.A. 40A:11-36 in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Borough of Washington as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at <http://www.govdeals.com> and also available from the Borough of Washington.
- (2) The sale will be conducted online September 11th, 2017 to September 18th, 2017. The address of the auction site is www.govdeals.com/WashingtonBoro

- (3) The sale is being conducted pursuant to Resolution 2017-172
- (4) A list of the surplus property to be sold is as follows:
 - 1950s Era Oliver Tractor Converted to Road Roller
VIN # Unknown
 - 1960s Era Champion Concrete Saw
Model # SC-1056
- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Washington reserves the right to accept or reject any bid submitted.

Motion made by Noone and seconded by Heinrich to approve Resolution 2017-173.

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

RESOLUTION 2017-173
RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 INCREASING THE PRICE FROM \$69,600.00 TO \$74,095, WHICH IS AN INCREASE OF 6% OR (\$4,495.00) FROM THE ORIGINAL CONTRACT AMOUNT FOR THE ACQUISITION AND INSTALLATION OF A NEW EMERGENCY STAND-BY GENERATOR

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey and Innovative Electrical Contracting, Inc. entered into a contract for the acquisition and installation of a new emergency stand-by generator; and

WHEREAS, there was an increase in the contract price from \$69,600.00 to \$74,095, an increase of (\$4,495.00) or 6% increase to the contract amount based on an adjustment of estimated engineering costs; and

WHEREAS, the aforesaid modification necessitates a change order to reflect the actual contract amount, which change order is permissible under the Local Public Contracts Law and the Local Government Services regulations with respect to the same; and

WHEREAS, the Borough Manager recommends authorizing the Change Order, Accepting the Project, and;

WHEREAS, the CFO certifies that additional funds are available for the project from the following account 04-2017-1704-0-4-0,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. It authorizes and accepts Change order No 1 to the contract with Innovative Electrical Contracting, Inc. for the emergency Standby generator project to increase the total contract price to the amount of \$74,095.00.
2. It authorizes the appropriate municipal officials to increase the amount of the contract by \$4,495.00 and authorizes those same municipal officials to pay said change order amount when the appropriate request for payment is submitted and approved by the purchasing agent.
3. It hereby directs the Borough Clerk to transmit certified copies of this resolution to the Borough Purchasing Department, and the Finance Department.

Motion made by Noone and seconded by Valle to approve Resolution 2017-174.

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

RESOLUTION 2017-174
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, ASSIGNING A LABOR LIEN TO BLOCK 19.01 LOT 7

WHEREAS, Section 91-2 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 55-15(a)1 of the Code provides that the storage of debris and waste materials is a public nuisance; and

WHEREAS, high grass, weeds, vegetable growths, and waste materials and debris contribute create a habitat for vermin, mosquitos, and generally detract from the appearance of the neighborhood; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 16 West Warren Street, identified on the tax maps of the Borough as Block 19.01 Lot 7 was in violation of Sections 91-2 and 55-15(a)1 of the Code so that it was necessary for the Borough to take action to cut the grass and remove debris and waste materials; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$533.40 to correct the violations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that under the provisions of Section 75-70 et seq. the Tax Collector is hereby authorized and directed to place a lien in the amount of \$533.40 on the property at 16 West Warren Street, identified on the tax maps of the Borough as Block 19.01 Lot 7.

Motion made by Noone and seconded by Valle to approve Resolutions 2017-175 and 2017-176.

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

RESOLUTION 2017-175
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$174.06 for taxes or other municipal liens assessed for the year 2015 in the name of Hackett, Robert G. Theresa A. Est supposed owners, and in said assessment and sale were described as 149 S. Lincoln Ave. , Block 97.03 Lot 12, which sale was evidenced by Certificate #16-00073; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-1-17 and before the right to redeem was cut off, as provided by law, Cyprexx Services, LLC claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,026.47 which is the amount necessary to redeem Tax Sale Certificate #16-00073.

NOW THEREFORE BE IT RESOLVED, on this 15th day of August, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$1,126.47** (This amount consists of \$1,026.47 Certificate Amount + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 97.03 Lot 12 from the tax office records.

RESOLUTION 2017-176
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Said, Zahra & Nyamweya, Joshua as supposed owners, and in said assessment and sale were described as 32 Presidential Dr., Block 71 Lot 8, which sale was evidenced by certificate #16-00049; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-1-17 and before the right to redeem was cut off, as provided by law, Nationstar Mortgage claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,195.18 which is the amount necessary to redeem Tax Sale Certificate #16-00049.

NOW THEREFORE BE IT RESOLVED, on this 15th day of August, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,595.18** (This consists of \$1,195.18 Certificate Amount redeemed + \$1,400.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 8 from the tax office records.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2017-177.

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

RESOLUTION 2017-177
A RESOLUTION TO REFUND OVERPAYMENT
ON 2017 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,776.83 on 2017 2nd Quarter Regular Taxes paid on property located at 21 Flower Avenue, also known as Block 72 Lot 21, and in the name of Federal National Mortgage Association; and

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

WHEREAS, the property has changed 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 \$1,776.83 payable to:

Corelogic
P.O. Box 9202
Coppell, TX 75019-9978
Attn: Refund Department

Motion made by Klimko and seconded by Noone to approve Resolution 2017-178.

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

2017-178

A RESOLUTION WAIVING THE BOROUGH OF WASHINGTON'S YARD SALE FEES FOR THE TOWN WIDE YARD SALE

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey will be holding the annual town wide yard sale for all Borough residents; and

WHEREAS, residents of the Borough of Washington will be exempt from any yard sale fees for the town wide yard sale to be held on September 16th and 17th, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey supports this exemption for all residents participating in the town wide yard sale in the Borough of Washington of Warren County.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey have stated that all residents of the Borough of Washington will be exempt from all yard sale in connection with participation in the town wide yard sale September 16th and 17th, 2017.

Motion made by Jones and seconded by Heinrich to approve Resolution 2017-179.

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

RESOLUTION 2017-179
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for BV001 Trust, 50 South 16th St. Suite 2050, Philadelphia, PA 19102-2513, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Dietz, Rebecca as supposed owner, and in said assessment and sale were described as 24 Lenape Trail , Block 101.01 Lot 25, which sale was evidenced by Certificate #16-00086; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-9-17 and before the right to redeem was cut off, as provided by law, Rebecca Dietz claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for BV001 Trust, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$7,921.17 which is the amount necessary to redeem Tax Sale Certificate #16-00086.

NOW THEREFORE BE IT RESOLVED, on this 15th day of August, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for BV001 Trust, 50 South 16th St. Suite 2050, Philadelphia, PA 19102-2513, in the amount of **\$11,021.17** (This amount consists of \$7,921.17 Certificate Amount redeemed + \$3,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 25 from the tax office records.

Motion made by Noone and seconded by Jones to approve Resolution 2017-180.

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

RESOLUTION 2017-180
RESOLUTION AUTHORIZING ACCEPTANCE OF SURPLUS PROPERTY BY
THE BOROUGH OF WASHINGTON FROM THE TOWNSHIP OF WASHINGTON
FOR NOMINAL CONSIDERATION

WHEREAS, N.J.S.A. 40A:11-36(2) permits a municipality by resolution to sell property no longer needed for public use to another contracting unit without advertisement or auction; and

WHEREAS, the Township of Washington desires to sell a 2006 Ford Explorer which is no longer needed by the township for nominal consideration to the Borough of Washington; and

WHEREAS, the Borough of Washington desires to acquire aforesaid vehicle for use by the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren that:

Ownership of the vehicle listed below is hereby accepted by the Borough of Washington for \$1.00:

2006 Ford Explorer
VIN# 1FMEU72E46UB61802

Motion made by Jones and seconded by Valle to approve Resolution 2017-181.

ROLL CALL: Heinrich, Higgins, Jones, Klimko and Noone.
Ayes: 5, Nays: 2 (Thompson and Valle)
Motion carried.

RESOLUTION 2017-181
RESOLUTION AUTHORIZING VEHICLE USE AGREEMENT BY AND
BETWEEN THE BOROUGH OF WASHINGTON AND THE BOROUGH MANAGER

WHEREAS, the Borough of Washington has agreed to accept a 2006 Ford Explorer which is no longer needed by the Township of Washington for nominal consideration; and

WHEREAS, the Borough of Washington desires to enter into a written agreement governing the use of same by the Borough Manager;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren that the Mayor and Municipal Clerk are hereby authorized to execute a vehicle use agreement dated August 15, 2017, with Matthew Hall, Borough Manager, on behalf of the Borough of Washington, with aforesaid agreement being attached hereto.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Thompson to pay the vouchers and claims in the amount of \$1,971,150.70 from the current fund and \$ 90,710.37 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

M. Hall recapped the following:

- Obtain report from ACO
- Work with Matt Lopez to attend meetings
- Follow up on the property on the corner of Ramapo and Lenape
- Work with the Borough Attorney and Mr. Santorello's Attorney

COUNCIL REMARKS

Mayor Higgins stated that the executive session for the Manager will be postponed until next meeting to give everyone a chance for an evaluation of Manager Hall.

Councilwoman Klimko asked what will be done about the high grass and weeds downtown and the lights being repaired at the pocket park.

Councilwoman Valle discussed a complaint she received regarding dog feces in the pocket park and believes a lot of the garbage is coming from people that come in on the weekends.

Discussions of obtaining a container for pet waste ensued.

Councilwoman Valle thanked the Manager for having the DPW cut the grass behind her house that was overgrown.

Councilwoman Valle asked for an update on the Welcome to Washington sign, that seems to be delayed by the vendor.

Councilman Thompson stated that the signs near the Duryea building need to be replaced.

Councilwoman Noone agreed with statements regarding the maintenance of downtown with the weeds and grass. The Green Team has been weeding the front of the pocket park where the flowers are. The first meeting is scheduled tomorrow at 5:30 PM.

Councilman Heinrich agreed with everyone's comments, the aesthetics of the town are important. Heinrich commented on the terrible way the library is and stated its embarrassing that it looks like that and wants to see changes.

Mayor Higgins asked for a motion for the following resolutions appointing members to the Green Team and Recreation:

Motion made by Heinrich and seconded by Thompson to approve Resolution 2017-182.

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

RESOLUTION 2017-182

RESOLUTION APPOINTING MEMBERS TO THE GREEN TEAM

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan "E" of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Green Team for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following persons as his appointee:

Josephine Noone

Suzanne Marr

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above-named person is appointed to the Green Team.

NOW, THEREFORE, BE IT RESOLVED, that the above-named persons is appointed to the Green Team for a term ending **06/01/2019**.

Motion made by Jones and seconded by Noone to approve Resolution 2017-182.

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

RESOLUTION 2017-183
RESOLUTION APPOINTING A MEMBER TO THE
RECREATION COMMISSION

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Recreation Commission for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

William Lyons

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above-named person is appointed to the Recreation Commission for a term ending **12/31/2020**.

Mayor Higgins asked Manager Hall for an update on the time clocks. Manager Hall explained that the system will be installed at the end of the month and should be online by September 11th.

The system consists of hand scanners that are biometric clocks.

Mayor Higgins reiterated the issue of aesthetics of the Borough and stated he requested a schedule from the DPW which has not been received yet. Mayor Higgins stated he would like to see a report consist of what is planned for the month and what was completed from the previous month.

Manager Hall was asked to update Council on the following:

Mid-Block Crosswalk; Diamond Construction is delaying the process and is scheduling a meeting with them to discuss why the delay and get a schedule implemented.

South Prospect Pump Station; mark outs were done on Monday and construction should be starting soon and should last about two months or less.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Jones, to adjourn the meeting at 7:00 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk