

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -September 19, 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, Valle.

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

Absent: Thompson

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.”

Mayor Higgins called for a moment of silence in recognition of former Police Chief Elbert Skoog.

PROCLAMATION

Mayor Higgins presented the Ladies Auxiliary with the following Proclamation for an everlasting tribute:

**PROCLAMATION HONORING MANY YEARS OF DEDICATED SERVICE TO THE
LADIES AUXILIARY OF THE WASHINGTON FIRE DEPARTMENT**

WHEREAS, The Ladies Auxiliary of the Washington Fire Department was founded in 1933 and will celebrate its 84th anniversary in October; and

WHEREAS, The mission of the Ladies Auxiliary of the Washington Fire Department is to give aid and assistance to the Washington Fire Department whenever possible by holding fundraisers throughout the year, responding to requests for assistance during fires, and other situations that require the Firemen to be on the scene for an extended length of time; and

WHEREAS, The Ladies Auxiliary wishes to recognize many years of dedicated and tireless service among its membership, which collectively totals four hundred and thirteen years; and

WHEREAS, The Ladies Auxiliary further wishes to commemorate the names and enrollment dates of those members named hereto; and

WHEREAS, the Mayor and Council of the Borough of Washington desire to honor the service of these members and to express the appreciation of the entire community to The Ladies Auxiliary of the Washington Fire Department for their dedicated years of service to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service performed by:

Ms. Gloria Hagerman: 1948
Ms. Luella Hubbard: 1950
Ms. Mary Ellen Mutchler: 1950
Ms. Shirley Wright: 1958
Ms. Gail Spiers: 1964
Ms. Janet Quigley: 1968
Ms. Joan Vasko: 1968

BE IT FURTHER PROCLAIMED that the Proclamation be duly embossed, signed by the Mayor, publicly presented to The Ladies Auxiliary of the Washington Fire Department on September 19, 2017, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to the members named herein by an appreciative and thankful community.

COUNCIL APPEARANCE

Ethel Conry, Youmans Ave., thanked Manager Hall and Councilwoman Klimko in regards to the conference call made with the County Transportation in response to her complaint of the buses. Ms. Conry commented that she is still seeing the buses come down the street at a high rate of speed.

Rev. Bauknight, Lenape Trl stated that the grass has been cut and should be cut a second time (regarding her previous complaint of high grass).

Rev Bauknight gave a report on behalf of the library; three new members are working to reform Friends of the Library, which consists of five volunteers, some staff members and two liaisons. Ms. Bauknight asked for permission to hold an event for October 27th 7-9:30 P.M. which involves alcohol. The age will be restricted to 21 years old and older. The book sale was held on Saturday.

Ethel Conry, Youmans Ave., asked what is being done about the feral cats in the Borough.

Gary White, Old Tote Rd. Mountainside, NJ appeared before council asking for a resolution to support FOP (Fibrodysplasia Ossificans Progressiva).

Mary Jo Harris, Family Guidance Center, Washington, NJ presented Council with handouts giving information on her mission of the Center to combat substance abuse within the Borough. Ms. Harris asked for a task force to be created with Council. Mayor Higgins stated that he and Manager Hall will be on the task force after polling council for volunteers.

Patricia Benton, Canton Ohio stated that input from the youths and neighborhoods should be considered as well in regards to the mission of the Guidance Center.

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

Ayes: 6 Nays: 0
Motion Carried.

REPORTS:

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

Police
Court
DPW

Ayes: 6 Nays: 0
Motion Carried.

COMMITTEE REPORTS

Senior Advisory- Councilman Heinrich reported that the bus trip is sold out.

Sewer-Councilman Heinrich reported that a meeting was held on Monday to discuss the South Prospect street project. There is a delay in the project with the pump station due to the electric needing to be brought down to 240 watts.

Green Team- Councilwoman Noone reported on the meeting that was held in which they discussed the end of the farmers market season. The last farmers market will be held during the upcoming festival. Planting will be started through the New Jersey Sustainable Grant. They will work with the DPW in planting trees and shrubs.

Next year's goal is to see more engagement within the community and have neighbors come out and talk with their neighbors.

Planning Board-Councilwoman Valle reported on the Planning Boards meeting regarding the project with Ray Rice.

Mayor Higgins added that here are some minor site plan amendments with the project. Once that is done the Engineer gets involved and another meeting to have it approved, then the project can start.

Discussions of closing out the parking lot sale with Ray Rice ensued. Manager Hall is awaiting guidance from DCA due to records not being filed properly years ago and seeking waivers.

NEW BUSINESS

ORDINANCES

Motion made by Heinrich to approve on first reading Ordinance 2017-17, motion seconded by Jones, Public Hearing scheduled for October 17, 2017.

Discussion

Klimko inquired if it pertains to all cats, inside and outside.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, and Valle.

Motion carried.

Ayes: 6, Nays: 0

Motion Carried.

ORDINANCE 2017-17

AN ORDINANCE AMENDING CHAPTER 35 LICENSING OF CATS AND DOGS

WHEREAS, as part of a comprehensive review of Borough fees, the Mayor and Council received a recommendation to increase animal licensing fees; and

WHEREAS, the Mayor and Council have reviewed and approved the recommended changes;

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

Section 35-1.A. of Chapter 35 of the Code of the Borough of Washington is amended as follows:

Section 35-4 of Chapter 35 is amended as follows:

§35-4. Licensing fees; proof of sterilization and rabies inoculation; exception; penalty for late payment.

A. The person applying for the license and registration tag shall pay a fee or fees which shall be in accordance with P.L. 1983, c. 181, also known as "A-1472," signed into law

by the Governor on May 10, 1983, and in compliance with P.L. 1983, c. 172, also known as “A-1917,” or any laws supplementary or amendatory thereto, as follows:

(1) Dog, neutered: \$15. (*current \$11.20*)

(2) Dog, unneutered: \$20. (*current 14.20*)

(3) Cat, neutered: \$10.

(4) Cat, unneutered fee: \$15.

B. Effective immediately upon adoption hereof, when applying for renewal of the dog or cat license or applying for the licensing of a new dog or cat, the owner thereof must provide proof of sterilization of the dog or cat, along with proof of valid rabies inoculation. Said proof of sterilization may be by affidavit, in lieu of certificate of a veterinarian as proof of sterilization, or by certificate of a licensed veterinarian; however, said proof of inoculation for rabies shall be provided by a certified veterinarian licensed to do business in the State of New Jersey.

C. Dogs used as guides for blind persons and commonly known as “Seeing Eye” dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

D. Licensing Term to begin each calendar year in the month of January and due by the last day of June (*current May 1st -May 31st*)

E. Any person who violates or who fails or refuses to comply with section of §35-4d of this chapter shall be liable to a late charge fee of \$5 per month per animal in addition to being required to obtain a registration tag and license for said dog or cat beginning on July 1st of each calendar year.

Section 12. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 13. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 14. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Motion made by Heinrich to approve on first reading Ordinance 2017-18, motion seconded by Jones, Public Hearing scheduled for October 17, 2017.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, and Valle.

Motion carried.

Ayes: 6, Nays: 0

Motion Carried.

ORDINANCE 2017-18

**AN ORDINANCE AMENDING SECTION 4, CHAPTER 39-3 OF
THE BOROUGH CODE TO CHANGE ESTABLISHED FEES**

WHEREAS, the Department Head, and the Borough Manager have undertaken a review of the fees established in the Borough Code for various activities and permits; and

WHEREAS, many of the fees set forth in the Borough Code have not changed in close to a decade; and

WHEREAS, the Mayor and Council have reviewed and approved the recommended changes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that the following sections of the Code of the Borough of Washington be amended as follows:

Chapter 39-3: Government Record Fees. Subsection O. of Section 39-3 entitled “Fee schedule” is amended to read as follows :

Section O. Certified copies of birth, marriage, domestic partnership, **civil union** or death certificates: \$10.

BE IT FURTHER RESOLVED All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

BE IT FURTHER RESOLVED If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Motion made by Heinrich to approve on first reading Ordinance 2017-19, motion seconded by Noone, Public Hearing scheduled for October 17, 2017.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, and Valle.

Motion carried.

Ayes: 5, Nays: 0, Abstain: 1 (Higgins)

Motion Carried.

ORDINANCE 2017-19

**AN ORDINANCE AMENDING CHAPTER 10-8 OF THE CODE OF THE BOROUGH
OF WASHINGTON TITLED OFFICERS OF DEPARTMENT**

WHEREAS, the Washington Fire Department hereby recommends amending Chapter 10-8 of the Washing Borough Code which currently states the following:

“Officers of the Department

The officers of the Department shall be the Chief, Assistant Chief, two Captains and two Lieutenants, of which one Captain and one Lieutenant shall be selected from each company, who shall be elected annually by the Department and confirmed by the Borough Manager.”; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Washington, County of Warren, State of New Jersey hereby amends Chapter 10-8 of the Code of the Borough of Washington to the following:

“Officers of the Department

The officer of the Department shall be the Chief, Assistant Chief, two Captains, and two Lieutenants. The officers shall be elected every other year by the Department and confirmed by the Borough Manager.”

RESOLUTIONS

Motion made by Heinrich and seconded by Jones to approve Resolution 2017-194.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, and Valle.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2017-194

A RESOLUTION IMPOSING A HALLOWEEN CURFEW AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT WITHIN THE BOROUGH OF WASHINGTON

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the Borough; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a **suggested curfew** to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department by abiding by the curfew; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore, needs to be regulated to provide for the safety, health, and welfare of all persons within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Washington, in the County of Warren, State of New Jersey that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 pm from Sunday, October 29, 2017 up to and including Tuesday, October 31, 2017. Curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick-or-Treat Night shall be observed within the Borough of Washington on Tuesday, October 31, 2017 from 3:00 pm to 8:00 pm.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2017-195.

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

RESOLUTION 2017-195
RESOLUTION GRANTING PERMISSION TO THE BUSINESS IMPROVEMENT
DISTRICT (BID)FOR STREET CLOSURES AND PLACEMENT OF LARGE
DUMPSTER FOR ITS ANNUAL FESTIVAL IN THE
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to the Business Improvement District (BID) to have School Street be closed to vehicular traffic from the curb on Route 57 during the hours of 7 AM to 7 PM on Saturday September 23, 2017 for approximately 30 feet to allow a tent and acoustic stage and entertainers in connection with the Festival in the Borough.

BE IT FURTHER RESOLVED, that the Borough Council has agreed to grant permission for a large dumpster in the alleyway that goes to School Street from the municipal parking lot in lieu of a concrete barricade.

Motion made by Noone and seconded by Klimko to approve Resolution 2017-196.

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

RESOLUTION 2017-196
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 Robertson, Michael & Melinda A. as supposed owners, and in said assessment and sale were described as 100 Taft Terrace, Block 71.01 Lot 8, which sale was evidenced by certificate #16-00050; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-5-17 and before the right to redeem was cut off, as provided by law, Corelogic Tax Service 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 \$707.10 which is the amount necessary to redeem Tax Sale Certificate #16-00050.

NOW THEREFORE BE IT RESOLVED, on this 19th day of September 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 **\$1,707.10** (This consists of \$707.10 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71.01 Lot 8 from the tax office records.

Best Practices Check List

Review and discussions were held in regards to the 2017 Best Practices Check List questions distributed to Mayor and Council from CFO, Natasha Turchan.

VOUCHERS AND CLAIMS

Motion made by Noone seconded by Heinrich to pay the vouchers and claims in the amount of \$211,547.76 from the current fund and \$ 11,619.28 from sewer.

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

COUNCIL REMARKS

Councilman Heinrich in absence, thanked BID Director, John Monteverde for all his efforts and hard work that he puts into the events held in the Borough. All of Council reiterated the same for Mr. Monteverde.

Councilman Jones asked how the yard sales went this past weekend.

Councilwoman Valle asked that the digital sign be turned around as coming into to town as opposed to leaving town.

Councilwoman Klimko inquired about the ramps for handicap being repaired at intersections and lights being out at the pocket park. Councilwoman Klimko suggested that next year's August meeting (first of the month) be moved to accommodate National Night Out.

Councilwoman Valle asked about having the railroad truss near the north walkway cleaned up from the bottles and beer cans strewn under it.

Mayor Higgins inquired about the status of the 150th Anniversary of the Borough celebration. Councilwoman Klimko responded that there are meetings being held but not a lot of interest and cannot do it with just six people.

Mayor Higgins asked that the Manager, Councilwoman Klimko and the BID meet to see what can be done to get more volunteers and interest.

Mayor Higgins announced that Mr. Santorella's lawyers and the Developers attorney have reached an agreement.

Mayor Higgins reiterated what Ms. Harris was saying about community involvement, that Council needs to pound the pavement and get more involved and have people come together through social media and word of mouth.

EXECUTIVE SESSION

A motion was made by Jones seconded by Noone 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 P.M. with a five-minute break.

Ayes: 6 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 purchase, 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 9:10 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Jones seconded by Heinrich to adjourn the meeting at 9:10 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk