

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -October 17, 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.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Tara St. Angelo, Attorney

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.”

PROCLAMATION

Mayor Higgins presented the Warren Hills Community Coalition of Warren County, Liz Montalvo with the following Proclamation; Red Ribbon Week-October 23-31.

PROCLAMATION

RED RIBBON WEEK

OCTOBER 23-31 2017

WHEREAS, Alcohol and other drug abuse in this nation has reached epidemic stages; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The National Family Partnership is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during “Red Ribbon Week”, October 23-31; and

WHEREAS, Business, government, parents, law enforcements, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week-long campaign; and

WHEREAS, The Borough of Washington, County of Warren, State of New Jersey further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW THEREFORE BE IT RESOLVED, that the Borough of Washington does hereby proclaim October 23-31, 2017, as RED RIBBON WEEK and encourages citizens to participate in drug prevention education activities making a visible statement that we are strongly committed to a drug-free state.

COUNCIL APPEARANCE

Neil Santorello, Washington Square HOA, reiterated what he has been saying at previous meetings, and brought residents of the Washington Square association to voice their concerns of safety within their development. Mr. Santorello stated that the responsibility falls on the borough to go after the bond company that bonded Jade Construction.

Mr. Santorello went through the timeline of emails, meetings and discussions regarding the concerns of the HOA.

Jeff (last name inaudible), Washington Square, stated he and the others here tonight are looking for help to resolve the situation. Discussions of safety, people falling on the sidewalks, lighting and getting in touch with NBC news and the Star Ledger ensued.

Motion was made by Councilman Jones and seconded by Klimko giving Ray Rice seven days from today (October 24th), if there is no signed agreement with the HOA, then the borough will start the process with the surety bond company.

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

Ayes: 7, Nays: 0

Motion carried.

Carol Hempser(sp) and Debbie Kaynack (sp) Railroad Ave., expressed their concerns with the conditions of the building and lack of maintenance with the Railroad apartments.

Ethel Conry, Youmans Ave., stated that they are selling drugs out of an apartment there on Railroad Avenue. Ms. Conry also indicated a lot of drug activity at the Quick Chek here on Belvidere Avenue.

David Evans, Wilbur Ave., Phillipsburg, inquired about a hearing for his solicitor's application that was denied by the Police Chief.

Hearing no further comments, motion made by Heinrich and seconded by Jones to close the audience portion.

Ayes: 7 Nays: 0

Motion Carried.

RESOLUTION

Mayor Higgins stated he will at this time deviate from the agenda to discuss Resolution 2017-202.

Motion made by Heinrich and seconded by Valle to approve Resolution 2017-202.

RESOLUTION 2017-202

CONVENTION OF STATES (COS)

SUPPORT

WHEREAS, it is a fundamental precept of American government that the best governance is that which is closest, most accessible, and most accountable to the people; and

WHEREAS, it is for this reason that our Constitution strictly limits and defines the powers of the federal government, and explicitly reserves all remaining government functions to the states and the people; and

WHEREAS, in recent decades, the jurisdiction, authority, and resources of the state and local governments have been radically diminished by an ever-growing usurpation of jurisdiction and power by all three branches of the federal government, which has corresponded with an increasing confiscation of tax dollars that could otherwise remain in the states and localities; and

WHEREAS, the realities of human nature and institutional momentum make it a virtual certainty that federal officials will not individually, nor as institutions, ever undertake reforms that would halt or reverse the exponential growth of their own power, and

WHEREAS, unsurprisingly, the decisions, policies, laws, regulations, and actions of our federal officials and institutions in Washington, DC, are unresponsive to the unique needs and situations of individual states and localities, and

WHEREAS, neither state and local leaders nor individual citizens have any meaningful way to impact or influence the decision-making of the federal officials and institutions which are now dictating many of the policies that govern them, and

WHEREAS, it is the duty of state and local leaders to uphold and defend the Constitution, and to use their positions of public trust in the best interest of the people, and

WHEREAS, the needs and interests of the people of our state and local communities can only be adequately served through a restoration of the authority and resources originally reserved to the state and local levels of government, and

WHEREAS, because systematic overreaching by all three branches of the federal government has gone unchecked at the federal level and resulted in de facto revisions of our Constitution to expand federal power and jurisdiction, the only proper, effective recourse is through the proposal and ratification of constitutional amendments that reject the perversions of constitutional language, reinstate the needed limitations on federal power and jurisdiction, and restore the authority of the state and local governments which are most responsive to the people, and

WHEREAS, Article V of the Constitution provides for the proposal of constitutional amendments on specific topics through a meeting (convention) of the states, and for the subsequent ratification of such amendments by three-fourths (38) of the states;

NOW THEREFORE, be it resolved that the Governing Body of the Borough of Washington, County of Warren, State of New Jersey, hereby calls upon the New Jersey State Legislature, to advance and adopt with all possible speed SCR42 and ACR84, legislative resolutions adding New Jersey to the roll of the many other states which have adopted resolutions to trigger an Article V convention of the States.

Discussion:

Liza Thompson, Liberty Township, Volunteer for COS (*Convention of States*) gave a brief synopsis and purpose for Resolution 2017-202.

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

Ayes: 1 (Higgins), Nays: 6
Motion failed.

COMMITTEE REPORTS

Planning Board, Councilwoman Valle briefed Council on the recent meeting, which the applicant wants to subdivide the property. There are drainage issues with the property and a lighting test will be done to address those concerns.

Green Team, Councilwoman Noone stated that Gary Poherly, organized with the high schools the SAVE program. A stream cleanup will be done on November 5th starting at the old Shoprite.

Recreation, Councilwoman Klimko reported on the 5K run that was held this past weekend. It was a good turnout and had no problems.

Discussions of paving and paying for the repairs due to poor drainage on Belvidere Avenue ensued.

Streets, Councilwoman Klimko stating nothing to address only waiting for Mid-Block Crossing to finish up.

Councilwoman Klimko discussed the paving project from the State for Route 57 for next year.

Councilwoman Klimko addressed the tar and chipping project she would like to pursue this year.

NEW BUSINESS

Mayor Higgins took comments from Council regarding concerns he received from citizens who got their first tickets regarding garbage and how they can resolve the residents from having to appear in court. Discussions of issuing warnings and putting it into the code book ensued.

Changing the calendar regarding garbage was suggested to make it more user friendly.

ORDINANCES

Motion made by Heinrich to open the public hearing for Ordinance 2017-17, motion seconded by Jones.

Ayes: 7 Nays: 0
Motion Carried.

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

Ayes: 7 Nays: 0
Motion Carried.

Motion to approve Ordinance 2017-17 made by Noone and seconded Klimko.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle.
Ayes: 7, 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.
 - (2) Dog, unneutered: \$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
- 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 open the public hearing for Ordinance 2017-18, motion seconded by Noone

Ayes: 7 Nays: 0
Motion Carried.

Hearing no public comment, motion made to close public portion by Jones and seconded by Klimko.

Ayes: 7 Nays: 0
Motion Carried.

Motion to approve Ordinance 2017-18 made by Heinrich and seconded Klimko.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle.
Ayes: 7, 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 Valle to open the public hearing for Ordinance 2017-19, motion seconded by Klimko.

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

Hearing no public comment, motion made to close public portion by Noone and seconded by Klimko.

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

Motion to approve Ordinance 2017-19 made by Noone and seconded Jones.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle.
Ayes: 6 Nays: 0
Abstain: Thompson
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 Jones and seconded by Klimko to approve Resolution 2017-201.

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

RESOLUTION 2017-201

A RESOLUTION AUTHORIZING THE RELEASE OF ALL REMAINING RYAN HOMES ESCROW FUNDS AND ALL RYAN HOMES BONDS IN BOTH THE GRADING AND DRIVEWAY PAVING ACCOUNTS HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Mary Provdo, Production Administrator of Ryan Homes Inc. has requested the return of all unexpended monies and the closure of the following three Ryan Homes developers escrow accounts:

#7760883202 Ryan Homes (Site Plan): approx. \$4,351.89
#7760883368 Ryan Homes Driveway Paving Bond: approx. \$79.69
#7760883376 Ryan Homes S.E. Winter Grading Bond: approx. \$313.46

WHEREAS, Dorina Fainis, Senior Designer of Suburban Consulting Engineers, Inc. submitted confirmation that all work performed by Ryan Homes at Washington Square (as part of their plot plans, including grading, driveways and SESC) has been satisfactorily completed; and

WHEREAS, Suburban Consulting Engineers recommends that, related to Washington Square, all Ryan Homes remaining escrow funds and all Ryan Homes cash bonds be released.

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 the Municipal Treasurer is hereby authorized to issue a check(s) to Ryan Homes for balances in the above-captioned three Ryan Homes developers escrow accounts plus accrued interest to date of closure.

Motion made by Noone and seconded by Valle to approve Resolution 2017-203.

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

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2017-203

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Borough of Washington (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Borough of Washington (Local Unit) hereby appoints Skyland’s Risk Management, Inc. its Risk Management Consultant.

2. The Borough Manager (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2018 in the form attached hereto.

Name of Entity: Borough of Washington

Motion made by Jones and seconded by Heinrich to approve Resolution 2017-204 & 205.

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

RESOLUTION 2017-204

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 \$1,728.95 for taxes or other municipal liens assessed for the year 2015 in the name of DeVoe, Mark & Susan K. supposed owners, and in said assessment and sale were described as 136 West Washington Ave., Block 11.01 Lot 2, which sale was evidenced by Certificate #16-00018; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-10-17 and before the right to redeem was cut off, as provided by law, Nationstar Mortgage on behalf of CoreLogic Tax Service 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 \$4,816.28 which is the amount necessary to redeem Tax Sale Certificate #16-00018.

NOW THEREFORE BE IT RESOLVED, on this 17th day of October 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 \$7,416.28** (This amount consists of \$4,816.28 Certificate Amount + \$2,600.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 11.01 Lot 2 from the tax office records.

RESOLUTION 2017-205

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 Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of

\$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Fletcher, Thomas & Toni as supposed owners, and in said assessment and sale were described as 31 North Pickel Ave., Block 39 Lot 1, which sale was evidenced by Certificate #16-00038; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-10-17 and before the right to redeem was cut off, as provided by law, Wells Fargo claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,358.76 which is the amount necessary to redeem Tax Sale Certificate #16-00038.

NOW THEREFORE BE IT RESOLVED, on this 17th day of October 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 Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,258.76** (This amount consists of \$1,358.76 Certificate Amount redeemed + \$900.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 39 Lot 1 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolution 2017-206.

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

RESOLUTION 2017-206
RESOLUTION GRANTING PERMISSION TO ALLIE'S CUPCAKERY AND CAFÉ TO
UTILIZE THE BROAD STREET MUNICIPAL PARKING LOT FOR A FUNDRAISING
EVENT SUNDAY, OCTOBER 29, 2017

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Allie's Cupcakery to have the Broad Street Municipal Parking Lot be closed to all vehicles other than those authorized by Allie's during the hours of 6:00 a.m. to 6:00 p.m. on Sunday, October 29, 2017.

BE IT FURTHER RESOLVED, that the use of the Broad Street Municipal Lot for this event is contingent upon Allie's Cupcakery providing completed facility use agreement form with an attached certificate of insurance which provides a minimum of \$1 million combined single limit (CSL), with wording specified in the aforesaid agreement.

Motion made by Noone and seconded by Valle to approve Resolution 2017-207.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle
Ayes: 6, Nays: 0
Abstain: 1 (Thompson)
Motion carried.

RESOLUTION 2017-207

RESOLUTION AUTHORIZING THE CREATION OF A HANDICAPPED PARKING SPACE ALONG BELVIDERE AVENUE

WHEREAS, the Borough of Washington (“Borough”) has received a request from Mr. Richard Thompson regarding the establishment of a handicapped parking space in the vicinity of her residence; and

WHEREAS, pursuant to N.J.S.A. **39:4-197.7**, which "permit[s] municipalities, by ordinance, to establish restricted parking zones in residential areas for use by handicapped persons[.]"; and

WHEREAS, Mr. Thompson has provided the Borough with a copy of a valid New Jersey Motor Vehicle Commission handicapped parking placard as well as a note from his personal physician certifying his need for handicapped parking;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following area be designated as a *Handicapped Parking Space*:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Belvidere Avenue	West	Beginning at a point 154 feet southeast of the southwestern corner of New Street and Belvidere Avenue and extending to a point 22 southeasterly therefrom

Motion made by Noone and seconded by Heinrich to approve Resolution 2017-208.

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

**RESOLUTION 2017-208
RESOLUTION AUTHORIZING
ASSIGNMENT OF CERTAIN RIGHTS UNDER A REDEVELOPER’S AGREEMENT AND CONTRACT
OF SALE**

WHEREAS, the Borough has identified Block 95, Lots 3 and 4, which have been merged in a single Lot 4 (the “Property”), located in the Washington Avenue Core District of the Borough Redevelopment Plan and owned by Jade Partners Washington, LLC (the “Redeveloper”) as a suitable site on which to provide for affordable housing; and

WHEREAS, the Redeveloper entered into a Redeveloper’s Agreement with the Borough dated September 16, 2014, which was amended on August 16, 2016 by Borough Council Resolution #127-16 and again on April 18, 2017 by Borough Council Resolution #2017-108, setting forth the rights, duties and obligations of the parties in connection with the Approval and approved Plans (collectively, “Redeveloper’s Agreement”); and

WHEREAS, pursuant to Ordinance #5-2013, Resolution #198-2013, a Contract of Sale dated December 19, 2013, and the Redeveloper's Agreements, the Borough agreed to sell to Redeveloper a certain parking lot deemed to be surplus property and designated as Block 95, Lot 31 ("Parking Lot"); and

WHEREAS, the Redeveloper has determined to take title to such parking lot in the name of Jade Washington, LLC; and

WHEREAS, the Borough and Redeveloper wish to assign the right to purchase such parking lot under the Contract of Sale and the Redeveloper's Agreement to Jade Washington, LLC; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Borough Council authorizes the assignment of the right to purchase the above-referenced parking lot from Jade Partners Washington, LLC to Jade Washington, LLC; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council authorizes the Borough Attorney to prepare the necessary documents and that the Mayor and Clerk be authorized to execute same.

Motion made by Jones and seconded by Heinrich to approve Resolution 2017-209.

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

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2017-209

RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WASHINGTON BOROUGH SCHOOL SAFETY IMPROVEMENTS PROJECT

WHEREAS, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

NOW, THEREFORE, BE IT RESOLVED that THE Governing Body of the Borough of Washington formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Washington Borough School Safety Improvements-00668** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Motion made by Noone and seconded by Valle to approve Resolution 2017-210.

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

**RESOLUTION 2017-210
RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION
AND EXECUTE A GRANT AGREEMENT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE RESURFACING OF BROAD STREET PROJECT**

WHEREAS, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Washington formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2018-Resurfacing of Broad Street-00669** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

VOUCHERS AND CLAIMS

Motion made by Thompson seconded by Noone to pay the vouchers and claims in the amount of 601,108.96 from the current fund and \$ 144,315.32 from sewer.

Discussion

Councilman Jones inquired about the two charges that are similar for the sweeper.

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:

- Work on 7-day ultimatum with Ray Rice.
- Follow up with resident regarding Railroad Avenue and talk with Chief about possible illegal activity on Railroad Avenue.
- Work on solicitors permit appeal.
- Issue letter to Warren Lumber.
- Reach out to Senator Doherty's office regarding code enforcement tickets.
- Amend the garbage calendar.
- Look into DPW charges for sweeper if they are duplicate.
- Inquire with GovPilot for animal licensing paying online.

COUNCIL REMARKS

Councilwoman Noone reiterated that the 5K went very well and thanked the Police.

Councilwoman Valle stated she is happy about the downtown getting done.

Councilman Thompson asked about a report from the Animal Control Officer that was requested a couple of months ago.

Councilwoman Noon stated she went through all the minutes from 2011 through 2017 and all ordinances have been passed on final reading and published. Councilwoman Noone added that at this point, they should move forward with General Code (*for codification.*)

Councilwoman Klimko stated that the pocket park should have doggie clean up bags and containers for the feces.

Mayor Higgins personally thanked Councilman Jones, being that this is his last meeting before the election and thanked him for his due diligence, knowledge and attitude at every meeting.

Councilman Jones thanked everyone for allowing him to be there and stated it has been a pleasure and privilege and might be back next year.

Moving on, Mayor Higgins continued on with his remarks and added that a meeting is scheduled for Monday, October 30th with John Monteverde to start recruitment and retention for Borough businesses.

The League of Municipalities conference begins November 14th and Mayor Higgins added that if anyone can go down for at least a day, there is a lot of information at the conference.

EXECUTIVE SESSION

A motion was made by Noone seconded by Valle to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:55 with a five-minute break.

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.);

XMatters 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 Jones seconded by Thompson to come out of Executive Session at 9:35 pm.

Ayes: 7; Nays: 0
Motion Carried.

Motion made by Heinrich to pay \$5,000.00 to settle the Wolosky lawsuit, motion seconded by Jones.

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

Mayor Higgins discussed a new approach to meetings and added that he and the manager talked about having a working meeting per month and one business meeting per month instead of having two regular meetings. Mayor Higgins added this can be considered for next year or try sooner this year as a dry run.

Manager Hall added that one meeting would consist of regular business such as passing ordinances and resolutions and having the attorney present. The other would be to pay bills and still have a public session at both meetings.

ADJOURNMENT

Hearing no further business, a motion was made by Jones seconded by Thompson to adjourn the meeting at 9:40 pm.

Ayes: 7; Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk