

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -February 20, 2018**

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, Klimko, Noone and Thompson.
Absent: Norris and Valle.

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

Mayor Higgins led everyone in the flag salute. A moment of silence was taken for the tragedy that occurred at the Marjory Stoneman Douglas High School in Parkland, Florida.

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.”

COUNCIL APPEARANCE

John Monteverde, BID, distributed packets to everyone of information with upcoming events including a sponsorship application. Mr. Monteverde thanked those who helped at the recognition event.

Daniel (last name inaudible), Attorney with Local Government Services, stated he was here on behalf of the Washington Square Homeowners Association. Discussion of the borough not defaulting on the bond ensued. It was asked that the borough not withdraw so that pressure is on the developer to complete the work.

Michelle Beatty, Attorney representing Elizabethtown Gas, stated she is working with Attorney Parikh on some details concerning the franchise ordinance that is due for a public hearing at the March 6th meeting.

Rachel Smyogi(sp) Carlton Avenue, discussed a power line wire that was ripped down by a tree that needs to be trimmed. A call was placed to the Shade Tree Committee to get the tree trimmed that hangs half way across the road. Ms. Smyogi stated she had to pay an electrician for two hours of work to restore the power.

Debbie Spink, State St., thanked the Street committee for meeting with her and asked for any updates that can be shared. Lengthy discussions ensued regarding the ordinance and re-assessing the no parking ordinance citing that the street was mis-measured originally and is wider than what was stated in the original Engineers report.

Motion made by Heinrich to amend the original ordinance to that street (State Street). Motion seconded by Noone.

Discussion

Attorney Parikh explained that it will only affect that portion of the ordinance to take away the no parking.

Roll call: Heinrich, Higgins, Klimko, Noone and Thompson.

Ayes: 3 Nays: 2 (Klimko and Thompson)
Motion carried.

Ethel Conry, stated that a letter from a teacher received from the high school where the tragedy took place is asking all communities to send a letter to the school to support the kids when they come back into session. Mayor Higgins stated he will write the letter once he receives the information from Ms. Conry.

Hearing no other public comment, motion made by Heinrich and seconded by Klimko to close the audience portion.

Ayes: 5 Nays: 0
Motion Carried.

EXECUTIVE SESSION

A motion was made by Noone seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations at 7:20 p.m. with a five-minute break.

Ayes: 5 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 Noone to come out of Executive Session at 8:06 pm.

Ayes: 5; Nays: 0
Motion Carried.

NEW BUSINESS

Codebook Update

Manager Hall explained the process in which to get the borough's codebook updated. The whole code book is currently online but has not been updated since 2012. Manager Hall stated that before they can go forward in adopting new legislation the codebook needs to be updated first. The ordinances from 2012 to present will be scanned and sent to General Code and they will gather all the information and give a quote on how much it will cost to update everything.

ORDINANCES

Motion made by Heinrich to approve on first reading Ordinance 2018-02 motion seconded by Noone. Public Hearing scheduled for March 20, 2018.

ROLL CALL: Heinrich, Higgins, Klimko, Noone and Thompson.
Motion carried.
Ayes: 5, Nays: 0
Motion Carried

**ORDINANCE 2018-02
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 1 % increase in the budget for said year, amounting to \$31,765.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 111,180.79, and that the CY 2018 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTIONS

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-32

ROLL CALL: Heinrich, Higgins, Klimko, Noone and Thompson.
Motion carried.
Ayes: 5, Nays: 0
Motion Carried.

RESOLUTION 2018-32
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 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$ 2,823.60 or taxes or other municipal liens assessed for the year 2014 in the name of RB Properties, LLC as supposed owners, and in said assessment and sale were described as 9 Heather Hill Road, Block 44 Lot 34.05, which sale was evidenced by certificate #15-00024; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-13-18 and before the right to redeem was cut off, as provided by law, Angel Title & Abstract, Inc. 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 \$11,736.79 which is the amount necessary to redeem Tax Sale Certificate #15-00024.

NOW THEREFORE BE IT RESOLVED, on this 20th day of February 2018 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 **\$15,736.79** (This consists of \$11,736.79 Certificate Amount redeemed + \$4,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 34.05 from the tax office records.

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-33

ROLL CALL: Heinrich, Higgins, Klimko, Noone and Thompson.
Motion carried.
Ayes: 5, Nays: 0
Motion Carried.

RESOLUTION 2018-33
RESOLUTION AWARDING CONTRACT TO BLUE DIAMOND DISPOSAL
FOR BULK TRASH COLLECTION

WHEREAS, the Borough of Washington solicited bids for regular garbage pickup as well as bulk trash pickup; and

WHEREAS, bids were received from Blue Diamond Disposal as well as LMR Disposal for both regular garbage pickup and bulk trash pickup; and

WHEREAS, at the time of the bid opening Blue Diamond Disposal was not the apparent lowest bidder; and

WHEREAS, after litigation a Superior Court judge ruled upon defects in the apparent low bidder's bid package and Blue Diamond Disposal was awarded the base bid; and

WHEREAS, after careful consideration the Borough of Washington desires to award Blue Diamond Disposal bulk trash collection for the contract term 2018-2020 based upon the original bid submitted; and

WHEREAS, Blue Diamond Disposal has agreed to absorb 50% of the cost of tonnage fees normally borne by the Borough for bulk trash collection only; and

WHEREAS, the CFO has certified that the funds will be available upon adoption of the 2018 budget from line item 01-2018-26-305-2-28;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington authorizes that Blue Diamond Disposal be awarded the 2018-2020 contract for bulk trash collection and;

BE IT FURTHER RESOLVED, that the Qualified Purchasing Agent issue the appropriate purchase order in the amount of \$36,000 for 2018.

Motion made by Heinrich and seconded by Noone to approve Resolution 2018-34

ROLL CALL: Heinrich, Higgins, Klimko, Noone and Thompson.
Motion carried.
Ayes: 5, Nays: 0
Motion Carried.

RESOLUTION 2018-34

2018 Municipal Budget

of the Borough of Washington, County of Warren for the fiscal year 2018
Revenues and Appropriations Summaries

| Summary of Revenues | Anticipated | |
|-----------------------------------------------------------|-----------------|-----------------|
| | 2018 | 2017 |
| 1. Surplus | \$ 650,000.00 | \$ 912,500.00 |
| 2. Total Miscellaneous Revenues | \$ 1,468,576.00 | \$ 1,381,974.11 |
| 3. Receipts from Delinquent Taxes | \$ 400,000.00 | \$ 400,000.00 |
| 4. a) Local Tax for Municipal Purposes | \$ 5,410,409.05 | \$ 5,265,539.87 |
| b) Addition to Local District School Tax | | |
| c) Minimum Library Tax | \$ 154,309.03 | \$ 151,634.88 |
| Total Amount to be Raised for Support of Municipal Budget | \$ 5,564,718.08 | \$ 5,417,174.75 |
| Total General Revenues | \$ 8,083,294.08 | \$ 8,111,648.86 |

| | | |
|------------------|-----------------|-----------------|
| 4. Miscellaneous | \$ 29,365.74 | \$ 48,000.00 |
| Total Revenue | \$ 2,229,365.74 | \$ 2,486,972.14 |

| Summary of Appropriations | | 2018 | 2017 |
|--------------------------------------------|--------------------|-----------------|-----------------|
| 1. Operating Expenses: | Salaries and Wages | \$ 126,000.00 | \$ 126,000.00 |
| | Other Expenses | \$ 1,300,000.00 | \$ 1,113,900.00 |
| 2. Capital Improvements | | \$ - | \$ - |
| 3. Debt Service | | \$ 293,365.74 | \$ 877,433.14 |
| 4. Deferred Charges & Other Appropriations | | \$ 10,000.00 | \$ 9,639.00 |
| 5. Surplus (General Budget) | | \$ 500,000.00 | \$ 360,000.00 |
| Total General Revenues | | \$ 2,229,365.74 | \$ 2,486,972.14 |

| Balance of Outstanding Debt | | | |
|-----------------------------|-----------------|---------------|-----------------|
| | General | Sewer Utility | Utility - Other |
| Interest | \$ 679,863.33 | \$ 44,255.00 | |
| Principal | \$ 5,901,081.64 | \$ 526,549.24 | |
| Outstanding | \$ 6,580,944.97 | \$ 570,804.24 | \$ - |

| Summary of Appropriations | | 2018 Budget | Final 2017 Budget |
|--------------------------------------------|------------------------------|-----------------|-------------------|
| 1. Operating Expenses: | Salaries and Wages | \$ 1,076,925.00 | \$ 1,013,681.78 |
| | Other Expenses | \$ 4,771,233.00 | \$ 4,799,322.11 |
| 2. Deferred Charges & Other Appropriations | | \$ 231,500.00 | \$ 219,497.00 |
| 3. Capital Improvements | | \$ 325,000.00 | \$ 473,000.00 |
| 4. Debt Service (Included for School) | | \$ 997,257.00 | \$ 1,007,412.00 |
| 5. Reserve for Uncollected Taxes | | \$ 681,379.08 | \$ 598,735.97 |
| | Total General Appropriations | \$ 8,083,294.08 | \$ 8,111,648.86 |
| Total Number of Employees | | F/T 13 & P/T 23 | F/T 11 & P/T 23 |

| 2018 Dedicated Sewer Utility Budget | | |
|-------------------------------------|-----------------|-----------------|
| Summary of Revenues | 2018 | 2017 |
| 1. Surplus | \$ - | \$ 238,972.14 |
| 2. Rents | \$ 2,200,000.00 | \$ 2,200,000.00 |
| 3. Miscellaneous Rents | | |

Notice is hereby given that the budget and tax resolution was approved by the Mayor and Council of the Borough of Washington, County of Warren, on, February 20 2018.

A hearing on the budget and tax resolution will be held at the Borough Hall on March 20, 2018 at 7:00 o'clock p.m. at which time and place objections to the Budget and Tax Resolutions for the year 2018 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the Office of the Clerk at Borough Hall 100 Belvidere Avenue, Washington, New Jersey, (908) 689-3600 during the hours of 8:30 a.m. to 4:30 p.m.

Motion made by Heinrich and seconded by Noone to approve Resolution 2018-35

ROLL CALL: Heinrich, Higgins, Klimko, Noone and Thompson.
Motion carried.
Ayes: 5, Nays: 0
Motion Carried.

RESOLUTION 2018-35
SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Washington* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Washington* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-36

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

Motion carried.

Ayes: 5, Nays: 0

Motion Carried.

RESOLUTION 2018-36

RESOLUTION CLARIFYING HOURS OF WORK RULES FOR UNCLASSIFIED AND EXEMPT EMPLOYEES GOVERNED BY THE FAIR LABOR STANDARDS ACT

WHEREAS, the Borough of Washington employs unclassified personnel governed by the Fair Labor Standards Act (FLSA) who are classified as exempt employees and as such, are not entitled to compensatory time or overtime regardless of hours worked; and

WHEREAS, pursuant to §213 of the FLSA it is permissible to require these employees to track their hours worked via a time and labor system; and

WHEREAS, the Borough of Washington, for reasons of greater efficiency in time and labor recordkeeping as well as accountability, has elected to utilize an electronic time and labor system for all employees which incorporates biometric time clocks; and

WHEREAS, the Borough's time and labor system and time clocks, as programmed, are unable to accurately account for the working hours of unclassified and exempt personnel; and

WHEREAS, it is the Borough's desire that the Borough's time and labor system and time clocks be programmed so as to account for the working hours of unclassified and exempt employees as set forth in the policy attached hereto.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Washington authorize the policy on hours of work for unclassified and exempt employees which is set forth in in the memorandum of understanding attached hereto, and that the policy be forwarded to Primepoint in order for the Borough's time and labor system and time clocks to be updated accordingly;

BE IT FURTHER RESOLVED, that the Borough Clerk will forward a copy of same along with a certified copy of this resolution to the Administrative Clerk and direct the Administrative Clerk to implement the work rules promulgated therein in the time and labor system.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Thompson to pay the vouchers and claims in the amount of \$1,447,829.88 from the current fund and \$ 21,550.36 from sewer.

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

Motion carried.

Ayes: 5, Nays: 0

Motion Carried.

COMMITTEE REPORTS

Ordinance: Councilwoman Noone reported on a meeting with the committee on February 5th. Ordinances looked at for proposal were the animal, foul, engine breaking and possible brewery. An ordinance to combine the Planning and Board of Adjustment boards is also being drafted.

Green Team: A grant carried over from last year will be used to start planting which will be on a proposed date of April 21st.

COUNCIL REMARKS

Councilman Heinrich thanked Councilwoman Noone for all her work with the farmers market.

Councilman Thompson wished everyone a good evening.

Mayor Higgins inquired about trouble with the email server. There are two buildings downtown being under renovation. Jan Riga spoke with the manager about alternate funding routes for municipal infrastructure. Mayor Higgins stated they will be looking into how they can use it for Washington.

Mayor Higgins reported that the he was contacted by Senator Doherty's office; the Borough received a \$90,000 grant for Safe Routes to School.

RECAP

M. Hall recapped the following:

- Meet with engineer about comments on the street ordinance.
- Look into tree limbs with the Shade Tree
- Continue work on State Street no parking concerns
- Follow up with Ethel Conry on letter from Mayor to high school in Parkland.
- Look into the mail server

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich seconded by Thompson to adjourn the meeting at 8:50 pm.

Ayes: 5; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk