

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -March 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, Noone, Norris, Valle.

Absent: Klimko and Thompson.

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

COUNCIL APPEARANCE

Lieutenant Teter, Washington Township Police Department, reported on the departments programs and training their officers go through and with recent events involving school shootings, they are being more proactive.

Lt. Teter stated that they employ a School Resource Officer (SRO) that is a retired, fit and young former police officer to be present at the area’s schools.

Lt. Teter explained through limited information what the police train and prepare for in an active shooter situation and what they need to do to eliminate the threat.

Brief discussions ensued with regard to the debate on mental health and gun control.

Lt. Teter was asked by Mayor Higgins what can the governing body do to help. Lt. Teter responded that more SRO’s should be placed in the schools.

Library Board, Rev. Bauknight, John Valentine and Tracy (last name inaudible), members of the library came before Council to discuss the 2018 Library budget with changes. Discussions of salaries and hiring more personnel ensued.

Elizabethtown Gas-Franchise Renewal, Michelle Beatty, Attorney for Elizabethtown and representatives from Elizabethtown discussed their survey and progress since the meeting of March 20th. They will be coming back out with calculations on the costs to offer to those residents who show interest in hooking up for gas service.

Mayor Higgins stated that the Borough is changing the terms from 50 years to ten years.

AUDIENCE

Bill Conforty(sp), Washing Sqr. Circle. Requested the speed limit be reduced on East Washington Avenue to 35 MPH from 40 MPH.

Julia Stalker, Pohatcong Township, addressed council on her decision on bringing her business to Washington Borough and would like Council to amend their zoning ordinance from 1980 banning certain coin operated games that will affect her business.

Attorney Parikh stated this matter will need to be referred to the Planning Board since it involves changing the zoning.

Owner of TNT Laundromat (name inaudible) stated he has moved his business to the Sherwin Williams building on Main Street.

Hearing no other audience remarks, motion made by Valle and seconded by Heinrich to close the audience portion.

Ayes: 5 Nays: 0
Motion Carried.

ORDINANCES

Motion made by Heinrich to open the public hearing for Ordinance 2018-02, motion seconded by Valle.

Ayes: 5 Nays: 0
Motion Carried.

Hearing no public comment, motion made by Heinrich and seconded by Valle to close the public hearing.

Ayes: 5 Nays: 0
Motion Carried.

Motion made by Heinrich to adopt Ordinance 2018-02, motion seconded by Valle.

ROLL CALL: Heinrich, Higgins, Noone, Norris and Valle.
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.

Motion made by Heinrich and seconded by Norris to approve on first reading Ordinance 2018-06, with the public hearing scheduled for April 17, 2018.

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

**STATE OF NEW JERSEY
COUNTY OF WARREN
BOROUGH OF WASHINGTON**

ORDINANCE 2018-06

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON GRANTING MUNICIPAL
CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
TO CONSTRUCT, MAINTAIN AND OPERATE GAS LINES FOR THE
DISTRIBUTION OF NATURAL AND MIXED GAS.**

WHEREAS, Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on January 18, 2018, filed a Petition with the Clerk of the Borough of Washington (the “Borough”) seeking renewal of the Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Borough.

WHEREAS, the Washington Gas Company, a predecessor of Elizabethtown Gas was granted Municipal Consent to serve residents within the municipality and to construct, maintain, and operate a gas line for the distribution of natural and mixed gas in the Borough, pursuant to an Ordinance adopted on November 6, 1905, and that Municipal Consent expired ninety-nine years thereafter.

WHEREAS, representatives of the Petitioner appeared before the Mayor and Council to present their request for renewal of the Consent Ordinance within the Borough; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Borough, and notices of such Petition have been posted pursuant to Statute.

WHEREAS, the Borough has determined that it is reasonable and necessary for Elizabethtown Gas, its successors and assigns, to continue to provide for construction, maintenance, and operation of a gas line for the distribution of natural and mixed gas in the entire Borough.

WHEREAS, the Borough desires to extend the municipal consent to Elizabethtown Gas under the terms set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington:

Section I. Grant of Municipal Consent.

The Borough of Washington hereby grants to Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the public roads, streets, avenues, ways, and other public places of the Borough to construct, lay, maintain, and operate for a period of ten (10) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along, in, or under the following described service area: all the public roads, streets, avenues, highways, and public places within the Borough as they now exist or may be hereinafter be laid out by the municipal authorities of the Borough or dedicated to the Borough.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Borough.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Borough wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Borough shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Borough and no obligation is to attach for the construction, operation and maintenance of the said gas distribution

system to the Borough.

Section III. Construction; Installation; Restoration.

- (a) Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Municipal Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- (b) Relocation. If at any time during the period of this Municipal consent, the Borough finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- (c) Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days' notice in writing by the representative of the Borough, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other improvements after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Borough, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Borough upon receiving notice thereof.
- (d) Preconditions to Undertaking Construction. Elizabethtown shall give to the Borough, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Borough Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Borough of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- (a) Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Borough and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of mains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by

way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.

- (b) Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Borough and subject to prior review and approval by the Borough Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Borough may require.
- (c) Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Borough as an additional insured party on a primary and non-contributory basis, and insuring and indemnifying the Township against any loss by any such claim, suite, judgment, execution or as follows:
 - 1. Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
 - 2. Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy and Automobile Insurance Policy, each with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00. There shall be an annual aggregate coverage limit of no less than \$2,000,000.00.
 - 3. Elizabethtown shall furnish to the Borough a certified copy or Certificate of Insurance of each of the Policies as set forth herein. Elizabethtown shall further furnish to the Borough a certified copy or Certificate of Insurance of each of the Policies as set forth herein for any subcontractor it may utilize prior to that subcontractor performing any work within the Borough.

Section V. Duration of Consent.

Term. The Municipal consent granted to Elizabethtown herein is for a period of ten (10) years from the effective date of this Ordinance.

Section VI. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not affect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.

DISCUSSION

Mayor Higgins named his nominations of Daniel Almond, Mark Garrison and Craig Gellar to be appointed to the Recreation Commission.

Motion made by Valle and seconded by Heinrich to approve the above appointments to the Recreation Commission.

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

RESOLUTIONS

Motion made by Heinrich and seconded by Valle to open the public hearing for the 2018 Budget Resolution 2018-34.

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

Public Comment:

Councilwoman Noone inquired about the amount the library amended, is it included in amendment? CFO, Natasha Turchan stated that that figure will be included in the amendment.

Auditor, Tom Ferry explained the process for opening the public hearing on the budget resolution, stating that the public portion will be closed and then adopt on first reading the amendment to the budget. The final adoption will be held on April 3rd after the amendment is adopted and then the budget can finally be adopted with amendment.

Hearing no further public input, motion made by Heinrich to close the public hearing of Resolution 2018-34, motion seconded by Valle.

ROLL CALL: Heinrich, Higgins, Noone, Norris and Valle.
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	-

Motion made by Noone and seconded by Valle to approve Resolution 2018-47, amendment to the 2018 Budget.

Discussion: CFO, Natasha Turchan explained the amendments being from the Library and Recreation, which doesn't change the amount to be raised by taxes, the money is coming from surplus.

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

Motion made by Noone and seconded by Valle to approve Resolution 2018-43.

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

RESOLUTION 2018-43

A RESOLUTION TO VOID CHECK

WHEREAS, check #10503 was written 03/07/18 on Washington Borough's Operating Account# 8102360230 in the amount of \$20.00 and made payable to NJ Municipal Management Association 303 George Street Suite 604 New Brunswick, NJ 08901; and

WHEREAS, the Treasurer's office was made aware that this check was issued and not needed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void the above aforementioned check.

Motion made by Noone and seconded by Valle to approve Resolutions 2018-44 and 2018-45.

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

RESOLUTION 2018-44

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 13, 2017 to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865, in the amount of \$173.15 for taxes or other municipal liens assessed for the year 2016 in the name of Gonzalez, Daniel & Julieann as supposed owners, and in said assessment and sale

were described as 71 Youmans Avenue , Block 80 Lot 27, which sale was evidenced by Certificate #17-00027; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-9-18 and before the right to redeem was cut off, as provided by law, Coastal Title Agency claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$235.15, which is the amount necessary to redeem Tax Sale Certificate #17-00027.

NOW THEREFORE BE IT RESOLVED, on this 20th day of March, 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865 in the **amount of \$335.15** (This amount consists of \$235.15 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 80 Lot 27 from the tax office records.

RESOLUTION # 2018-45

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 \$ 2,823.60 or taxes or other municipal liens assessed for the year 2015 in the name of Herndon, Christina & Daniel as supposed owners, and in said assessment and sale were described as 20 Lenape Trail, Block 101.01 Lot 27, which sale was evidenced by certificate #16-00087 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-09-18 and before the right to redeem was cut off, as provided by law, LoanCare 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 \$2,032.57 which is the amount necessary to redeem Tax Sale Certificate #16-00087.

NOW THEREFORE BE IT RESOLVED, on this 20th day of March 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 **\$3,332.57** (This consists of \$2,032.57 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 27 from the tax office records.

Motion made by Valle and seconded by Heinrich to approve Resolutions 2018-46.

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

RESOLUTION 2018-46
RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON
ENDORING A SUSTAINABLE LAND USE PLEDGE FOR
THE SUSTAINABLE JERSEY PROGRAM

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land use decisions can lead to, and increase, societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space, and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

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

The **Borough of Washington** resolves to take the following steps with regard to our municipal land use decisions with the intent of making **Washington** a truly sustainable community. It is our intent to include these principles in the next master plan revision and re-examination report. It is also our plan to update our land-use zoning, natural resource protection, and other ordinances accordingly.

REGIONAL COOPERATION - We pledge to reach out, as needed, to Washington, Franklin, and Mansfield Townships, the NJ Water Supply Authority, and the Department of Environmental Protection (DEP) for our land use decisions. We also will take into consideration regional impacts to these townships and organizations.

TRANSPORTATION CHOICES – As the Borough is approximately *two square miles*, we pledge to continue to promote safe walk-ability and more convenient access to housing, jobs, and amenities. Our goal is to reduce dependence on cars by allowing people to use other modes of transportation and reduce car trip frequency. We pledge to study the feasibility for additional walking, biking, and bus, as well as automobile travel. We will maintain borough paths to *existing trails*. We will support any opportunities to create additional paths throughout the borough. We will study the feasibility of creating a path from the proposed Shabbecong Mountain Preserve to Washington Avenue.

We will encourage residents and visitors to take advantage of our other transportation choices, such as Warren County Route 57 Shuttle services and 31 Ride. We will keep the free daytime parking spaces that

currently exist in Washington Borough. All of the above promote shared parking within the borough and reduces the need to change more land into parking area.

NATURAL RESOURCE PRESERVATION – We pledge to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future.

NATURAL RESOURCE PROTECTION – We pledge to take action to protect and avoid or lessen negative impact to the natural resources of our Borough. These resources include all of our Green Acres properties and watershed areas including, but not limited to, the Shabbecong Creek, Pohatcong Creek, the Musconetcong River, and all watersheds connected thereto. The borough, county and state have preserved more than 46.54 acres of open space in Washington from potential urban development and for protection of watershed. Our borough-appointed committees oversee preserved open space areas, thus taking full advantage of their environmental and recreational value. We will continue to link our borough's preservation and management efforts to the state's open space and land use ordinances and be in accordance with the Highlands Regulations.

MIX OF LAND USES – We pledge to continue zoning practices which will keep Washington Avenue as a mixture of retail and rental housing options. We will also encourage our businesses to locate throughout the borough, in accordance with borough zoning ordinances.

HOUSING OPTIONS – We pledge to continue to allow zoning for a diverse mix of housing types and locations, which range from 200-year-old homes to those recently built. The borough contains houses on secluded wooded lots, on streets with or without sidewalks, condominiums and apartments. These homes include single- and multi-family, for-sale and rentals, affordable to households at a range of income levels. We will strive to enable residents to be able to live in Washington Borough throughout their lives.

GREEN DESIGN – We pledge to incorporate, where economically feasible, the principles of green design and renewable energy generation for existing and planned municipal buildings. We have and will continue to explore alternative energy sources for these buildings. We will continue to repair and maintain historic facilities, as funds allow, and seek grants to support these efforts.

We pledge to continue with our weekly curbside recycling, seasonal Christmas tree and yard waste pick up, as well as, smaller recycling drives such as bulk waste. We will also continue to advise residents of these efforts via our borough newsletter and web site.

We have a Shade Tree Commission, charged by ordinance, to advise the Borough on tree-related activities. Our Planning Board reviews land use on environmentally sensitive land. For future planning, we will take into consideration environmentally-sensitive landscape features and historically important properties.

MUNICIPAL FACILITIES – We pledge, to the extent environmentally and financially feasible, to consider factors such as walk-ability, bike-ability, and open space when creating new or relocating municipal facilities.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Norris to pay the vouchers and claims in the amount of \$223,434.00 from the current fund and \$ 148,387.62 from sewer.

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

EXECUTIVE SESSION

A motion was made by Valle seconded by Norris to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter at 7:20. p.m.

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 Heinrich seconded by Norris to come out of Executive Session at 7:45 pm.

Ayes: 5; Nays: 0
Motion Carried.

Motion made by Noone and seconded by Heinrich to have Gebhardt (Borough Attorney) to send a letter withdrawing default notice to Washington Square without prejudice.

ROLL CALL: Heinrich, Higgins, Noone, Norris and Valle.

Motion carried.

Ayes: 5, Nays: 0

Motion Carried.

COMMITTEE REPORTS

Sewer, Councilman Heinrich recapped the sewer meeting that was held the previous Monday. They have more than they expected with the RFI, in which they received four. Proposals are due this Friday and the committee will review them.

Councilman Norris reported on a function he was asked to speak at for the Boy Scouts. Councilman Norris stated that a Boy Scout from the Borough became an Eagle Scout and requested a proclamation be done to congratulate and recognize him.

Mayor Higgins stated they need to discuss joining Houston Galveston Co-Op for the Fire Truck purchase.

Mayor Higgins announced that the Governor has declared a State of Emergency due to the storm and all borough schools are closed tomorrow.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Heinrich to adjourn the meeting at 8:10 pm.

Ayes: 5; Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk