

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -September 18, 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: Fulloon, Klimko, Noone, Norris, Valle and Higgins.
Absent: 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.”

PROCLAMATION

Mayor Higgins presented the following proclamation:

Knock Out Opioid Abuse Day
October 6, 2018

Proclamation
Knock Out Opioid Abuse Day
October 6, 2018

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and
WHEREAS, the Partnership for a Drug-Free New Jersey has designated October 6, 2018 as Knock Out Opioid Abuse Day – an initiative with a dual purpose: to educate families of the addictive qualities of opioid pain medicines and their link to heroin abuse rates in New Jersey, and communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and
WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and

WHEREAS, Freedom House, Inc. supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;
THEREFORE, BE IT RESOLVED, that October 6, 2018 be recognized as Knock Out Opioid Abuse Day in The Borough of Washington.

COUNCIL APPEARANCE

John Monteverde, BID Executive Director, reminded everyone of the upcoming festival in the borough. Mr. Monteverde also thanked all of those who helped and contributed to this year's festival.

Candance Joseph, Alvin Sloan Ave., expressed her concerns to the governing body over the cross walks at Memorial School. Cars are not stopping for the stop sign. Ms. Joseph stated she is concerned for the safety of the children walking in that area.

Coco (last name inaudible), owner of Laundry Mat, asked council to look into getting more parking spaces for her business or to sell her three spaces next to her business. Discussions of the process of bidding to highest bidder of any borough owned property ensued.

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

Ayes: 6 Nays: 0
Motion Carried.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Noone to pay the vouchers and claims in the amount of \$221,732.40 from the current fund and \$ 79,472.52 from sewer.

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

REPORTS:

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

1. Cemetery
2. Warren County Health
3. Recreation-August Revenue

Ayes: 6 Nays: 0
Motion Carried.

Discussion

Manager Hall explained in further detail his report on the cemetery.

Councilwoman Klimko inquired why the diner and Rail Road apartments keep coming up on the County Health report.

NEW BUSINESS

ORDINANCES

Motion made by Norris to approve on first reading Ordinance 2018-19 motion seconded by Noone Public Hearing scheduled for October 16, 2018.

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

ORDINANCE 2018-19

ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND APPROPRIATING \$112,785 THEREFORE FROM MONEYS IN THE CAPITAL IMPROVEMENT FUND AND THE CAPITAL OUTLAY OF THE BOROUGH.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefor the sum of \$112,785 from moneys available, to the extent of \$101,785, in the Capital Improvement Fund of the Borough and, to the extent of \$11,000, in the Capital Outlay of the Borough.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance include the upgrade and rehabilitation of sewer lines, pipes and manholes, the reconstruction or resurfacing of streets and locations in the Borough including Taft Terrace, McKinley Street, South Prospect Street and Gardners Court and other improvements for the sewer utility and system of the Borough, together with for all the aforesaid all equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

RESOLUTIONS

Motion made by Klimko and seconded by Valle to approve Resolution 2018-117.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION 2018-117

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 \$173.80 for taxes or other municipal liens assessed for the year 2016 in the name of Elkashef, Akram & Ilham as supposed owners, and in said assessment and sale were described as 41 Lambert Street , Block 2.11 Lot 29, which sale was evidenced by Certificate #17-00001; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-31-18 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service 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 \$884.89, which is the amount necessary to redeem Tax Sale Certificate #17-00001.

NOW THEREFORE BE IT RESOLVED, on this 18th day of September, 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 \$1,384.89** (This amount consists of \$884.89 Certificate Amount redeemed + \$500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.11 Lot 29 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolution 2018-118.

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

RESOLUTION #2018-118
A RESOLUTION TO REFUND A MISAPPLIED PAYMENT
ON 2017 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is a misapplied payment of \$9,177.22 on 2018 3rd Quarter Regular Taxes paid on property located at 233 East Washington Ave., also known as Block 73 Lot 1, and in the name of Petro Realty, LLC; and

WHEREAS, Dovenmuehle Mortgage sent a 3rd Quarter 2018 tax payment for a property in the wrong municipality but same block and lot number. The check was submitted through the Corelogic Tax Service multiple payment tax file. Corelogic payments are downloaded through an email and distributed to multiple properties; and

WHEREAS, the Tax Collector has been resolving the matter of misapplied tax payments and has received a written request from Corelogic Tax Service that the payment error be refunded to them so it can be redirected to the appropriate municipality.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$9,177.22 payable to:

Corelogic Tax Services
P.O. Box 9202
Coppell, TX 75019-9238
Attn: Refund Department

Motion made by Noone and seconded by Klimko to approve Resolution 2018-119.

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

RESOLUTION 2018-119

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
OF THE BOROUGH OF WASHINGTON**

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

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

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

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at <http://www.govdeals.com> and also available from the Borough of Washington.
- (2) The sale will be conducted online October 8th, 2018 to October 15th, 2018. The address of the auction site is www.govdeals.com/WashingtonBoro
- (3) The sale is being conducted pursuant to Resolution 2018-119
- (4) A list of the surplus property to be sold is as follows:

1986 Ford 555B 4WD Backhoe
VIN #C777334
- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Washington reserves the right to accept or reject any bid submitted.

Motion made by Norris and seconded by Noone to approve Resolution 2018-120.

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

RESOLUTION 2018-120

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Washington, in the County of Warren, State of New Jersey that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 pm from Tuesday, October 30, 2018 up to and including Wednesday, October 31, 2018. Curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick-or-Treat Night shall be observed within the Borough of Washington on Wednesday, October 31, 2018 from 3:00 pm to 7:00 pm.

Motion made by Noone and seconded by Valle to approve Resolution 2018-121.

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

**RESOLUTION 2018-121
A RESOLUTION TO REFUND OVERPAYMENT
ON REAL ESTATE TAXES**

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayments be refunded to them.

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/</u>	<u>YEAR</u>	
80	5	Michael & Denise Haas	3QTR 2018	\$ 1,423.72
51	1.01	Scott Dubiel	3QTR 2018	\$ 1,951.38
16.01	18	Michele Wilson	3QTR 2017	\$ 2,180.60
71	14	Charles McDade	4QTR 2017	\$ 1,965.63
2.03	2	Michael Kunka	3QTR 2017	\$ 2,199.20
			TOTAL	\$ 9,720.53

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector to refund the amount of \$9,720.53 payable to:

Corelogic Tax Service
PO Box 9202
Coppell, TX 75019-9238
Attn: Refund Department

Motion made by Noone and seconded by Valle to approve Resolution 2018-122.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.
Ayes: 5, Nays: 1 (Higgins)
Motion Carried.

RESOLUTION 2018-122
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

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 following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
24/30	Qin Associates LLC 18-22 E. Washington Ave. Washington, NJ 07882	Change in Use (1) to (18) E.D.U. s Effective: October 2018

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in

Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Motion made by Noone and seconded by Norris to approve Resolution 2018-123.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION 2018-123
APPOINTING OEM COORDINATOR JOE FOX, SR. AS A CLASS III MEMBER OF
THE LAND USE BOARD FILLING AN UNEXPIRED TERM.

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

WHEREAS, the Borough of Washington, Warren County, New Jersey has enacted a Land Use Board pursuant to N.J.S.A. 40:55D-25c(1) by passage of **Ordinance 2018-15** “AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND ARTICLE IV, CHAPTER 94 ENTITLED “ZONING AND LAND DEVELOPMENT” KNOWN AS THE “BOROUGH OF WASHINGTON DEVELOPMENT REGULATIONS ORDINANCE” TO PROVIDE FOR THE PLANNING BOARD TO ASSUME ALL OF THE POWERS, DUTIES AND FUNCTIONS OF THE ZONING BOARD OF ADJUSTMENT IN ORDER TO ACT AS A JOINT LAND USE BOARD”; and

WHEREAS, under this plan the Borough Council is directed and authorized to appoint a Class III member of the Land Use Board; and

WHEREAS, there exists a vacancy in the Class III membership of the Land Use Board with a term expiring January 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Land Use Board for the balance of the Class III term ending **January 1, 2019**;

Joseph Fox, Sr.
Office of Emergency Management Coordinator
Borough of Washington

COUNCIL REMARKS

Councilman Norris inquired if the Shade Tree Commission was a necessity. Councilman Fulloon added that trees need to be trimmed downtown so that businesses can be seen.

Councilwoman Noone stated that the farmers market last weekend was last week and thanked all those who support it and thanked the customers.

Councilwoman Valle stated a lot of residents are asking about the Grand Avenue project. Councilwoman Valle also asked if the crosswalks pads will be replaced as some of them are worn out.

Councilwoman Klimko thanked Councilwoman Noone for her participation in the Farmers Market and added that this year was stellar. Councilwoman Klimko thanked John Monteverde for the upcoming festival. Councilwoman Klimko added that this year's town wide yard sales was a flop and suggested to do more advertising of it next year.

Mayor Higgins recapped his meeting with Highlands regarding conformity and added that there are a lot of grants for studies the Borough can take advantage of.

Mayor Higgins stated that they (Highlands) would like to present before Council and show what they can offer and what the benefits are for being in the plan.

Mayor Higgins stated that the League Conference is November 13th through the 15th.

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 8:35 P.M. with a five-minute break.

Ayes: 6 Nays: 0

Motion Carried.

RESOLUTION

AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the 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;

X 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.);

X 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 Noone seconded by Klimko to come out of Executive Session at 9:48 pm.

Ayes: 6; Nays: 0
Motion Carried.

Motion made by Noone and seconded by Norris to approve the Borough Clerk contract employment agreement with Laurie Barton.

Ayes: 5; Nays: 1(Fulloon)
Motion Carried.

Motion made by Noone and seconded by Klimko to approve the Mangers hotel stay for the League of Municipalities conference with expenses not to exceed \$500 and to allow two members from Council to attend.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Norris to adjourn the meeting at 9:50 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk