

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -November 8, 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, Higgins.

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.”

A moment of silence was taken in memory of Councilman Richard Thompson.

**PROCLAMATION**

Mayor Higgins presented the following proclamation in recognizing November as National Adoption Month:

**PROCLAMATION**

**November is National Adoption Month**

WHEREAS, we have a responsibility as individuals, neighbors, community members and citizens of Washington Borough to recognize that all children need love, support, security and a place to call home; and

WHEREAS, for children who are born into families unable to meet their ongoing needs, adoption offers healthy and safe family environments, which help produce confident and successful adults; and

WHEREAS, families who choose the life-changing path of adoption make a meaningful and lasting difference in the lives of some of the most vulnerable young people in our society; and

WHEREAS, adoptive parents and families require and deserve community and public agency respect and support; and

WHEREAS, during National Adoption Month, we celebrate all those who have invited a child in need into their hearts and into their homes, and express our profound appreciation for all who help make adoptions possible.

WHEREAS, Court Appointed Special Advocates (CASA) programs and volunteers in Washington Borough help to ensure that children in foster care or other out-of-home placements are adopted into safe, loving homes when their own families are unable to meet their needs, and

NOW, THEREFORE, I Dave Higgins, Mayor, do hereby proclaim November 2018 as National Adoption Month in Washington Borough and I urge all citizens to support organizations such as CASA, and engage in activities that strengthen families and communities to provide the optimal environment for children to learn, grow and thrive so that all children have the benefit of happy, healthy and safe homes.

### **MINUTES**

Motion made by Noone and seconded by Klimko to approve the meeting minutes of regular meetings; September 18, 2018.

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

Ayes: 6, Nays: 0  
Motion carried.

### **REPORTS:**

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

1. Warren County Health Report
2. Police
3. Court
4. Manager

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

Ayes: 6, Nays: 0  
Motion carried.

## **NEW BUSINESS**

Motion made by Noone and seconded by Klimko to approve the Raffle License RA-2018-6&7 for the Emergency Squad to be held on November 10<sup>th</sup>.

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

Ayes: 6, Nays: 0  
Motion carried.

## **COUNCIL APPEARANCE**

The Washington Borough Shade Tree Commission members appeared before council in conjunction of a public presentation lead by Kevin Smith, Borough Engineer. Mr. Smith explained the technical aspects on the plans and updates on the project for the reconstruction of Grand Avenue. Residents of Grand Avenue were also invited to attend.

Kathy Halpin, Chair of the Shade Tree discussed the trees that will be taken out and replaced, and stated that 22 trees will be taken down.

There were some concerns from residents on the sidewalks, curbing and the trees that are being taken down with regard to losing shade trees.

### *Five-minute break*

Motion made by Valle and seconded by Klimko to take a five-minute break, all were in favor.

Motion was made to return to regular session by Klimko and seconded by Noone, all were in favor.

## **PUBLIC COMMENT**

Ethel Conry, Alvin Sloan, congratulated the candidates that won the election and wished everyone well going forward.

Chris Vitalis, congratulated the candidates who won the election and wished them well.

John Monteverde, BID, discussed the hometown tree lighting that will take place on December 7<sup>th</sup> at the pocket park.

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

Ayes: 6 Nays: 0  
Motion Carried.

**ORDINANCES**

Motion made by Noone and seconded by Norris to open the public hearing for Ordinance 2018-20.

Ayes: 6 Nays: 0  
Motion Carried.

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

Ayes: 6 Nays: 0  
Motion Carried.

Motion made by Noone and seconded by Valle to adopt Ordinance 2018-20.

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

Ayes: 6, Nays: 0  
Motion carried.

**ORDINANCE # 2018-20**

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BOROUGH OWNED REAL ESTATE MORE COMMONLY REFERRED TO AS BLOCK 100, LOT 52 PURSUANT TO N.J.S.A. 40A:12-13**

**WHEREAS**, Lot 52 of Block 100 (the Property); which consists of 12.16 acres, was acquired by the Borough of Washington through tax foreclosure and is not needed for public purposes; and

**WHEREAS**, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

**WHEREAS**, the Borough proposes to sell such land by Open Public Sale to the highest bidder as authorized by N.J.S.A. 40A:12-13(a).

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

The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

1. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the Borough of Washington, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Borough Council

reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall give at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Borough of Washington

2. Pursuant to N.J.S.A. 40A:12-13(a), each bidder shall be required to submit one bid under each Option A and Option B below.
  - i) **Option A** - shall be for the real property subject to the following restrictions on the use to be made of such property, which shall be conditions or restrictions imposed, or interest or state retained, which the Borough proposes to retain or impose:
    - a. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an easement permitting and allowing the Borough of Washington, The Borough of Washington Municipal Sewer Utility (BOWMSU) and its authorized designee, to utilize an existing roadway on the Property for access to the Borough's Sewer system as the system's main trunk runs beneath said Property, along its northern boundary and parallel to the Shabbecong Creek. The said roadway shall not be open to the general public.
    - b. The Property shall not be utilized for any purpose which is tax exempt from municipal property taxes unless the owner thereof shall pay an equivalent amount to the Borough which it would otherwise pay as municipal property taxes if the said use of the property was not tax exempt (municipal, school, county, fire district, etc. taxes). This payment in lieu of taxes shall be paid wholly to the Borough and shall be a condition upon the sale and a restriction as to the use of the property which shall run with the land.
    - c. This property shall not be subject to further subdivision.
    - d. Such other restrictions, easements, rules and regulations as are contained in the above, referred to in deeds, the information to bidders and related documentation in connection with this sale.
    - e. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.

- f. The Clerk shall make known the specific restrictions set forth in this section in the advertisement and invitation to bid and shall comply with the statute's direction to receive bids under "Option A and Option B" as provided in N.J.S.A. 40A:12- 13.
  - ii) **Option B** – shall be for the real property to be sold free of all such restrictions, conditions, interests or estates on the part of the Borough. (Note: Option B is listed solely in compliance with N.J.S.A. 40A: 12-13(a)(2). The Borough does not intend to accept any bids under Option B).
3. The Borough may accept or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the Borough following the sale, and, if the Borough of Washington shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without re-advertising.
4. The Borough makes no warranty concerning the marketability or the insurability of title to the said parcel. In the event title of the said parcel, or portion thereof, is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough of Washington.
5. At least fifteen (15) days prior to the date of settlement, the successful bidder will provide the Borough Attorney with the following: a) Preliminary report of title with legal description; and b) Current survey.
6. At least ten (10 %) percent of the minimum sales price shall accompany the bid which may be by personal check. The balance of the bid price or purchase price shall be cash, certified or official bank check, payable at the time of transfer of title, but in no event later than thirty (30) days after the date of the land sale, except, in the event that the Borough Attorney certifies that questions of title exist, in which event payment shall be made within ninety (90) days after the date of land sale, unless further extended by resolution of the Borough Council.
7. In the event the successful bidder shall fail to pay the balance as herein provided, the payment made at the time of sale shall be retained by the Borough as liquidated damages for the non-performance of said bidder. The Borough shall be entitled to rescind the prior bid approval and terminate any and all rights of the designated bidder in said property.
8. All sales and conveyances shall be subject to all covenants, conditions, encumbrances, easements, and restrictions, whether of record or not, as well as subject to all presently

existing municipal rules, regulations and ordinances and amendments thereto of the Borough of Washington. The sale of any parcel shall in no way bind the Borough to provide access or to improve presently existing accesses.

**NOW, BE IT FURTHER RESOLVED** that the Mayor, Clerk and Borough Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property in accordance with the terms of this resolution and other applicable requirements of law.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

Motion made by Noone and seconded by Klimko to open the public hearing for Ordinance 2018-21.

Ayes: 6 Nays: 0  
Motion Carried.

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

Ayes: 6 Nays: 0  
Motion Carried.

Motion made by Klimko and seconded by Valle to adopt Ordinance 2018-21.

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

Ayes: 6, Nays: 0  
Motion carried.

**ORDINANCE # 2018-21**

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON PROVIDING FOR THE VACATION OF A CERTAIN PAPER STREET LOCATED RUNNING FROM MOZART AVENUE NORTHERLY TO ITS INTERSECTION WITH LOT 13 BLOCK 88**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Borough Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Borough, whether or not the same, or any part, has been actually opened or improved

**WHEREAS**, the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in an unimproved paper street located on the northerly side of Mozart Ave, west of the intersection with

New Jersey Route 31 as shown on the Borough of Washington Tax Map. The unnamed street is bounded by Lots 11, 20 and 9, Block 88 to the west; Lots 15, 16, 17 and 18 Block 88 to the east; and Lot 13 Block 88 to the north, all located in the Borough of Washington, Warren County, New Jersey; and

**WHEREAS**, the Borough Council has received a request from the adjoining property owner, Dale Coleman, requesting the vacation of the aforementioned property, which vacation would be implemented by the Borough; and

**WHEREAS**, the aforementioned property owner is aware that upon successful adoption of the vacation ordinance, one half of the area to be vacated will be thereby conveyed to each of the adjoining property owners; and

**WHEREAS**, the aforementioned property owner, has agreed to reimburse the Borough for all reasonable professional fees expended with regard to the vacation of the aforementioned right-of-way and/or paper street.

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

**SECTION 1.** Any existing public rights and interests are hereby vacated with respect to a certain right-of-way and/or paper street, which is more specifically described above as well as in a letter with attachments dated April 24, 2018, by Cortes and Hay, Inc., to Dale Coleman which is attached hereto as **Exhibit A**

**SECTION 2.** Be it further ordained that all the rights of any and all public utilities and/or cable television companies are hereby expressly reserved and excepted from this vacation.

**SECTION 3.** It is the intent of the Borough Council of the Borough of Washington to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its “as is” condition, to the adjoining property owners for no further consideration.

**SECTION 4:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 6:** This ordinance shall take effect after second reading and publication as required by Law.

Ordinance 2018-22 was tabled due to change in street honoring Richard Thompson.

Motion made by Noone and seconded by Norris to approve Ordinance 2018-23 on first reading.

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

Ayes: 5, Nays: 0 Abstain: 1(Higgins)  
Motion carried.

**ORDINANCE 2018-23**



**AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING CHAPTER 10  
OF THE CODE OF THE BOROUGH OF WASHINGTON AND PROVIDING FOR  
ASSOCIATE MEMBERSHIP IN THE WASHINGTON FIRE DEPARTMENT**

**WHEREAS**, the Trustees of the Washington Fire Department have determined that there is a need for the creation of an associate membership in the Washington Fire Department; and

**WHEREAS**, the Chief of the Washington Fire Department has recommended to the Borough Manager that the following rules regarding associate membership as provided for by the Trustees of the Washington Fire Department be presented to the Council of the Borough of Washington;

**NOW THEREFORE BE IT RESOLVED**, that Chapter 10 of the code of the Borough of Washington be amended as follows:

**§ 10-27.2 ASSOCIATE MEMBERS**

**SECTION 1** – Responding Associate Membership shall be defined as:

A current or former active member who moves out of Washington Borough or Washington Township and resides within a six (6) mile radius of the fire station or is still employed with in the same area; Or a trained active member of another fire department who resides or is employed with in Washington Borough or Washington Township and does not have to be a regular active member of more than one fire department; Or is a trained member of another department who is willing to commit to no less than 16 hours a month to the Washington Borough Fire Department.

**SECTION 2** – Responding Members shall be required to attend a minimum of six (6) drills a year with the Washington Borough Fire Department. Those who are active members of another department shall attend a minimum of three (3) drills a year with the Washington Borough Fire Department and a minimum of three (3) drills per year with the fire department in which they maintain active membership. All refresher training required by the State of New Jersey shall be completed by Responding Associate Members. If some of this training is completed at another fire department, the responding member shall provide a letter to the Chief of the Washington Borough Fire Department from the other department’s Chief or training officer stating that it has been completed, as well as the member’s attendance at other training drills. Copies of any certificates gained shall be forwarded to the Chief as well.

**SECTION 3** – Contributing Associate Membership shall be defined as:

A current resident of Washington Borough or Township or former resident of Washington Borough who volunteers to assist the Washington Borough Fire Department in ways other than responding to incidents; Examples of how the member may contribute include but are not limited to fund raising, vehicle, equipment & building maintenance, and assisting with fire prevention & public fire education events; Membership status will be reviewed on an annual basis with in the first quarter of each year by the Line Officers.

**SECTION 4** – Responding Associate and Contributing Associate Members will not be eligible for a Line Officer position.

**SECTION 5** – Yearly Clothing Allowance will be given out at the discretion of the Line Officers

**SECTION 6** – Uniforms will be given out at the discretion of the Chief and Head Trustee

Motion made by Noone and seconded by Norris to approve Ordinance 2018-24 on first reading.

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

Ayes: 4, Nays: 2 (Klimko & Valle)

Motion carried.

**ORDINANCE NO. 2018-24**

**AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT PLAN OF THE BOROUGH OF WASHINGTON TO ADD “FAST FOOD” AS A PERMITTED USE**

**WHEREAS**, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the “Council”) has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

**WHEREAS**, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. 1-2009 and

**WHEREAS**, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

**WHEREAS**, fast-food restaurants and drive-thru’s are not permitted uses set forth in the Downtown Redevelopment Plan; and

**WHEREAS**, the Section 94-5 of the Borough’s Code defines fast food restaurants as:

A commercial establishment where food and drink prepared for immediate consumption are purchased at a counter and either eaten on the premises, in the purchaser's automobile or off the premises. Those restaurants where food is consumed only at tables on the premises and served by waiters and waitresses shall not be deemed fast-food restaurants. Fast-food restaurants shall also not include those retail stores where food is primarily sold for preparation and consumption elsewhere, although, as a secondary use of the premises, prepared food may also be sold over the counter for immediate consumption, such as a delicatessen.

**WHEREAS**, several businesses currently operating in the Downtown Redevelopment Area meet the definition of fast food; and

**WHEREAS**, according to the Borough’s Zoning Officer, some of the existing fast food restaurants were issued zoning permits after the adoption of the Borough’s Downtown Redevelopment Plan;

**WHEREAS**, the Borough believes that a prohibition on fast food uses may burden these existing uses by designating them as pre-existing, non-conforming uses requiring variances in order to expand or alter their business; and

**WHEREAS**, the Borough additionally believes that prohibiting fast food uses in the Redevelopment Area may be limiting or prohibiting revitalization of the Borough’s downtown area; and

**WHEREAS**, drive-thru’s are often customary accessory uses to fast food restaurants; and

**WHEREAS**, there is at least one bank with a drive-thru operating in the Downtown Redevelopment Area; and

**WHEREAS**, the Borough believes that the Washington Avenue Core District and Route 31 Gateway District are uniquely suited to fast-food restaurants with drive-thrus because of their location along a highway where such uses can capture pass-by traffic; and

**WHEREAS**, one goal of the Borough’s Downtown Redevelopment Plan is to enhance “pedestrian comfort;” and

**WHEREAS**, the Redevelopment Plan also states, “The Redevelopment Area will be friendly to the needs of pedestrians while providing convenient access to those who take advantage of public transportation, bicycles, and motor vehicles;” and

**WHEREAS**, in order to protect pedestrian safety, the Borough’s Planner has recommended that drive-thru’s only be permitted as accessory uses to fast food restaurants subject to certain conditions; and

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough’s Downtown Redevelopment Plan be amended to now read as follows:

**SECTION 1.** The following revisions are made to the Borough’s Downtown Redevelopment Plan:

Page 32, “Allowable Uses” in the Washington Avenue Core District shall be amended to include: restaurant, fast-food with drive-thru (as defined in the Borough’s Code Section 94-5).

Page 32, “Permitted Secondary Uses” shall be amended to include the following language: “Drive-thru’s as accessory to restaurant, fast food uses subject to the following conditions:

1. Minimum Lot Size - 30,000 sq. ft.
2. Corner lots which front on Washington Avenue

3. Only one curb cut shall be permitted per street, unless there are existing curb cuts approved by the New Jersey Department of Transportation (NJDOT).

4. Where there are existing and NJDOT-approved curb cuts, those curb cuts may be utilized to provide access. However, each existing curb cut shall be limited to one-way traffic and a maximum driveway width of 12 feet.

5. On the secondary street, one two-way curb cut shall be permitted.

6. There shall be no parking or drive aisle between the building and the Washington Avenue right-of-way.

7. The drive-thru shall be designed to stack a minimum of 8 cars and shall be designed to not interfere with parking and on-site vehicle circulation.

8. Where an outdoor dining area is proposed, the building may be set back a maximum of 25 feet. Where an outdoor dining area is not proposed, a maximum building setback of 15 feet shall be required.”

Page 34, “Allowable Uses in the Route 31 Gateway District shall be amended to include: “Allowable Uses” in the Washington Avenue Core District shall be amended to include: restaurant, fast-food with drive-thru (as defined in the Borough’s Code Section 94-5).

Page 34, “Permitted Secondary Uses” shall be amended to include the following language: “Drive-thru’s as accessory to restaurant, fast food uses subject to the following conditions:

1. Minimum Lot Size - 30,000 sq. ft.

2. Corner lots which front on Washington Avenue

3. Only one curb cut shall be permitted per street, unless there are existing curb cuts approved by the New Jersey Department of Transportation (NJDOT).

4. Where there are existing and NJDOT-approved curb cuts, those curb cuts may be utilized to provide access. However, each existing curb cut shall be limited to one-way traffic and a maximum driveway width of 12 feet.

5. On the secondary street, one two-way curb cut shall be permitted.

6. There shall be no parking or drive aisle between the building and the Washington Avenue right-of-way.

7. The drive-thru shall be designed to stack a minimum of 8 cars and shall be designed to not interfere with parking and on-site vehicle circulation.

8. Where an outdoor dining area is proposed, the building may be set back a maximum of 25 feet. Where an outdoor dining area is not proposed, a maximum building setback of 15 feet shall be required.”

**SECTION 2.** The Mayor, Clerk, Planner, Engineer, and such other Township Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance. The Township Planner and Engineer are hereby authorized to amend the Borough’s Downtown Redevelopment Plan in accordance with the provisions of this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

**SECTION 5.** Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of forty-five (45) days after referral to report on the proposed Ordinance.

## **RESOLUTIONS**

Motion made by Klimko and seconded by Valle to approve Resolutions 2018-136,137 and 138.

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

Ayes: 6, Nays: 0  
Motion carried.

### **RESOLUTION 2018-136**

#### **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 Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$5,084.48 for taxes or other municipal liens assessed for the year 2016 in the name of Markle, Mitchell A. Sr. & Linda as supposed owners, and in said assessment and sale were described as 20 Sunrise Terrace, Block 44 Lot 50, which sale was evidenced by certificate #17-00017 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-16-18 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$23,027.04 which is the amount necessary to redeem

Tax Sale Certificate #17-00017.

**NOW THEREFORE BE IT RESOLVED**, on this 8th day of November 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$23,027.04** (This consists of \$23,027.04 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 50 from the tax office records.

**RESOLUTION 2018-137**

**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 Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021, in the amount of \$498.09 or taxes or other municipal liens assessed for the year 2016 in the name of Wells Fargo Bank NA as supposed owner, and in said assessment and sale were described as 170 Boulevard, Block 67 Lot 3, which sale was evidenced by certificate #17-00020 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-16-18 and before the right to redeem was cut off, as provided by law, Novad Management Consulting claiming to have an interest in said lands, did redeem said lands claimed by Christiana T C/F CE1/Firsttrust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$17,664.78 which is the amount necessary to redeem Tax Sale Certificate #17-00020.

**NOW THEREFORE BE IT RESOLVED**, on this 8th day of November 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021 in the amount of **\$17,664.78** (This consists of \$17,664.78 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 67 Lot 3 from the tax office records.

**RESOLUTION 2018-138**

**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 19, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$500.88 for taxes or other municipal liens assessed for the year 2017 in the name of Fonseca, Jose as supposed owner, and in said assessment and sale were described as 109 Harding Drive, Block 71 Lot 4, which sale was evidenced by certificate #18-00016 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-24-18 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 Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$527.66 which is the amount necessary to redeem Tax Sale Certificate #18-00016.

**NOW THEREFORE BE IT RESOLVED**, on this 8th day of November 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$527.66** (This consists of \$527.66 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 4 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolutions 2018-139.

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-139**  
**AWARD OF CONTRACT PROFESSIONAL SERVICE CONTRACT NON-FAIR AND OPEN AND AWARD OF EMERGENCY CONTRACT WITH CDM SMITH OF EDISON, NEW JERSEY**

**WHEREAS**, CDW Smith will determine the cause of the leakage from South Pleasant Street Pumping Station; and

**WHEREAS**, such award of the contract shall be made as a non- fair and open contract pursuant to the provisions of N.J.S.A 19:44-20.5; and

**WHEREAS**, this could affect the immediate health, safety and welfare of the public under Emergency N.J.S.A. 40A:11-6; and

**WHEREAS**, the Borough of Washington will enter into a contract with CDM Smith not to exceed \$30,000.00; and

**WHEREAS**. CMD Smith has completed and submitted to the Borough the necessary documents in accordance with the New Jersey Local Unit "Pay to Play " Laws (N.J.S.A. 19:44A-20.4 et.seq); and

**WHEREAS**, the Borough Manager, Mathew Hall recommend the award of this contract pursuant to the provision as N.J.S.A 40A:11-6.1 et seq; and

**WHEREAS**, the availability of funds has been certified by Natasha Turchan that the sufficient funds are available; and

**NOW, THEREFORE BE RESOLVED**, by the Borough of Washington of Warren County enter into the contract with CDM Smith of Edison New Jersey in the amount of \$30,000

Motion made by Noone and seconded by Valle to approve Resolutions 2018-140.

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-140**  
**RESOLUTION AUTHORIZING APPLICATION TO 2018 SUSTAINABLE JERSEY/  
GARDINIER ENVIRONMENTAL FUND GRANTS PROGRAM FOR ENERGY  
INITIATIVES**

**WHEREAS**, the Borough of Washington owns the Borough of Washington Municipal Sewer Utility which is operated by Veolia Water North America; and

**WHEREAS**, Veolia Water North America has proposed an energy savings project at the Borough of Washington Wastewater Treatment Plant which is projected to save \$15,000 per year in electricity costs; and

**WHEREAS**, the Borough wishes to apply for grant funds to pay for the required upgrades to variable frequency drives and motors;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, in the County of Warren, New Jersey, that the Borough Manager in conjunction with the Green Tream to submit an application to the 2018 Sustainable Jersey/ Gardinier Environmental Fund grants program for energy initiatives.

Motion made by Noone and seconded by Klimko to approve Resolutions 2018-141.

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-141**  
**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 19, 2018 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$655.73 for taxes or other municipal liens assessed for the year 2017 in the name of Koller, Roland & Denise supposed owners, and in said assessment and sale were described as 21 Lenape Trail, Block 101 Lot 13.14, which sale was evidenced by Certificate #18-00027; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-30-18 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 JU Solo 401K Trust by paying the Collector of Taxes of said



taxing district of Washington Borough the amount of \$687.07 which is the amount necessary to redeem Tax Sale Certificate #18-00027.

**NOW THEREFORE BE IT RESOLVED**, on this 8th day of November 2018 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 \$687.07** (This amount consists of \$687.07 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 13.14 from the tax office records.

Motion made by Noone and seconded by Norris to approve Resolutions 2018-142.

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-142**

**A RESOLUTION AUTHORIZING THE RELEASE OF THE PERMIT BOND AND UNEXPENDED INSPECTION FEES FROM THE STREET OPENING ACCOUNT TO KENNETH DREHER HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Kenneth Dreher has requested the return of the Permit Bond No. 1191958 issued on his behalf by Selective Insurance Company of America and the return of any remaining inspection fees in the Street Openings escrow account #7200020864 deposited for sidewalk replacement at 136 Sunrise Terrace; and

WHEREAS, Kevin Smith, Municipal Engineer, has performed the final inspection and has authorized the release of the maintenance Permit Bond and concurs that the remaining escrow inspection fee balance is \$106.25 for Permit #2017-21 and approves the return of the Permit Bond and these funds.

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 to Kenneth Dreher, 136 Sunrise Terrace, Washington, N.J. in the amount of \$106.25 to refund the remaining inspection escrow from the Street Openings Account #7200020864.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Clerk is hereby authorized to return the Permit Bond No. B1191958 to Mr. Kenneth Dreher.

Motion made by Valle and seconded by Fulloon to approve Resolutions 2018-143.

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-143**

**AUTHORIZING BUDGET TRANSFERS  
FOR FISCAL YEAR 2018 APPROPRIATIONS IN THE AMOUNT  
OF \$11,850.00 IN THE CURRENT FUND**

|  |  |              |              |
|--|--|--------------|--------------|
| WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation. |  |              |              |
| NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2018 Budget in the amount of \$11,850.00 in the Current Fund as follows:  |  |              |              |
|  |  | <b>FROM</b>  | <b>TO</b>    |
| General Government   |  |              |              |
| General Administration   |  |              |              |
| Salaries and Wages   |  | 5,000.00     |              |
| Other Expenses   |  |              | 5,000.00     |
| Mayor and Council  |  |              |              |
| Salaries and Wages   |  |              | 50.00        |
| Other Expenses   |  |              | 1,000.00     |
| Municipal Clerk  |  |              |              |
| Other Expenses   |  |              | 1,000.00     |
| Financial Administration   |  |              |              |
| Salaries and Wages   |  |              | 2,300.00     |
| Tax Assessment   |  |              |              |
| Salaries and Wages   |  | 5,000.00     |              |
| Public Works   |  |              |              |
| Building and Ground  |  |              |              |
| Salaries and Wages   |  |              | 500.00       |
| Condominium Reimbursements   |  |              |              |
| Other Expenses   |  |              | 2,000.00     |
| Unclassified   |  |              |              |
| Salary Adjustments   |  | 1,850.00     |              |
|  |  | \$ 11,850.00 | \$ 11,850.00 |

Motion made by Valle and seconded by Noone to approve Resolutions 2018-144.

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

Ayes: 5, Nays: 0 Abstain: 1 (Higgins)  
Motion carried.

#### **RESOLUTION 2018-144**

### **AUTHORIZING A CHANGE ORDER INCREASING THE CONTRACT WITH PIERCE MANUFACTURING COMPANY FROM \$474,571.42 TO 482,436.42 AN INCREASE OF \$7,865.00 UTILIZING THE HOUSTON GALVESTON COOPERATIVE PURCHASING AGREEMENT**

**WHEREAS**, the Borough of Washington wishes to increase the purchase order for additional equipment; and

**WHEREAS**, Pierce Manufacturing has been awarded the Houston Galveston Cooperative Contract; and

**WHEREAS**, the change order to increase the amount of the contract to \$482,436.42

**WHEREAS**, the Chief Finance Officer will certify the availability of the funds; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Washington of Warren County authorized the increase of the purchase order by \$7,865.00 for additional equipment

**FURTHER RESOLVED**, that the total authorized amount authorized under Resolution 2018-72 shall be amended to \$482,436.42

#### **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Noone to pay the vouchers and claims in the amount of \$2,548,360.85 from the current fund and \$ 80,568.83 from sewer.

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

Ayes: 6, Nays: 0  
Motion carried.

#### **RECAP**

M. Hall recapped the following:

- Compare notes regarding Grand Avenue
- Re-introduce street ordinance to reflect street name change (Thompson)

#### **COUNCIL REMARKS**

Mayor Higgins stated that he received today three names from the Republican County Chair for the replacement of Rich Thompsons seat. Mayor Higgins stated he will invite all three to the next meeting to meet and interview them.

Councilman Fulloon congratulated all three candidates for their win in the election. Mr. Fulloon stated it has been an honor to serve and humbled by working together.

Councilman Norris congratulated all those who won the election and added he misses Rich and wished everyone good luck.

Councilwoman Noone thanked everyone and thought the whole election process was positive and professional. Councilwoman Noone added she looks forward to next year working with everyone.

Councilwoman Valle discussed the construction sign next to the Methodist church and stated it has been there since Halloween. Councilwoman Valle congratulated everyone who won the election.

Councilwoman Klimko congratulated everyone on the election. Councilwoman Klimko stated it was hard to come here tonight and that it breaks her heart about Rich (Thompson). Councilwoman Klimko added that he will be missed by a lot of people as he had his heart and soul in the community.

Mayor Higgins reviewed correspondences received through his office regarding the Annual Patient Courage Award and NJSLOM. Saturday November 10<sup>th</sup> doors will be open at the firehall for a Tricky Tray. Doors open at 6:00 PM.

Mayor Higgins addressed the current political environment that is being fed upon through social media webpages on the internet. Mayor Higgins stated that the back and forth banter needs to stop and that hate has no home here. Mayor Higgins stressed that it is time everyone work together including the County and if that doesn't happen then everyone is in deep trouble.

Mayor Higgins thanked Councilwoman Klimko and Councilman Fulloon on their service to the Borough.

Mayor Higgins gave a warm heartfelt tribute honoring Rich Thompson.

### **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 9:24 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;

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 Valle seconded by Klimko to come out of Executive Session at 9:40 pm.

Ayes: 6; Nays: 0  
Motion Carried.

### **ADJOURNMENT**

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

Ayes: 6; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk