

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -December 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, Parichuk, 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.”

**PROCLAMATION**

Mayor Higgins presented the following proclamation:

**PROCLAMATION**

Washington School Choice Week

WHEREAS all children in Washington should have access to the highest-quality education possible; and,

WHEREAS Washington recognizes the important role that an effective education plays in preparing all students in Washington to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Washington; and,

WHEREAS Washington is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS Washington has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, do hereby recognize January 20-26, 2019 as Washington School Choice Week, and I call this observance to the attention of all of our citizens.

### **COUNCIL APPEARANCE**

NJDOT Community Relations Representative Debbie Hirt appeared before the governing body to hear issues concerning recent accidents involving pedestrians crossing Route 31. Discussions regarding traffic signals, crosswalks, installing sidewalks and residents' concerns ensued.

Penelope Griffin, Eagle Ct., stated she lives in the township but part of the property borders the borough and lives close to where these accidents are occurring and added that maybe a traffic light be installed by the Dairy Queen.

Name inaudible, McKinley Ave., stated he has been here for four days, he is a new resident and stated that he feels the lighting needs to be extended from Dunkin Donuts to the railroad overhead.

Magda Brown, stated she has a business in town and has lived here for ten years and asked if there was any study done to see how many people moved to the borough. Ms. Brown suggested doing a study on walkers.

Jerry Brown, Washington Ave., inquired about having law enforcement hover in the areas.

Lt Kaufman, Washington Township Police Department briefed the council and public members on their statistics of handing out tickets and warnings. Lengthy discussion of parking and having parking signs installed ensued.

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

Ayes: 7 Nays: 0  
Motion Carried.

### **MINUTES**

Motion made by Noone and seconded by Klimko to approve the regular meeting minutes of October 16, 2018 and November 8, 2018.

Ayes: 7 Nays: 0  
Motion Carried.

## **ORDINANCES**

Motion made by Noone and seconded by Fulloon to open the public hearing for Ordinance 2018-25, all were in favor.

Hearing no public comment, motion made by Noone and seconded by Klimko to close the public hearing, all were in favor.

Motion made by Noone and seconded by Klimko to approve Ordinance 2018-25.

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

Ayes: 6 Nays: 1  
Motion Carried.

## **ORDINANCE 2018-25**

### **AN ORDINANCE AMENDING CHAPTER 35 LICENSING OF CATS AND DOGS**

**WHEREAS**, as part of a comprehensive review of Borough fees, the Mayor and Council received a recommendation to increase animal licensing fees; and

**WHEREAS**, the Mayor and Council have reviewed and approved the recommended changes;

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

Section 35-1.A. of Chapter 35 of the Code of the Borough of Washington is amended as follows:

Section 35-4 of Chapter 35 is amended as follows:

#### **§35-4. Licensing fees; proof of sterilization and rabies inoculation; exception; penalty for late payment.**

A. The person applying for the license and registration tag shall pay a fee or fees which shall be in accordance with P.L. 1983, c. 181, also known as "A-1472," signed into law by the Governor on May 10, 1983, and in compliance with P.L. 1983, c. 172, also known as "A-1917," or any laws supplementary or amendatory thereto, as follows:

- (1) Dog, neutered: \$15.
- (2) Dog, unneutered: \$20

- (3) Cat, neutered: \$10.
- (4) Cat, unneutered fee: \$15.
- B. Effective immediately upon adoption hereof, when applying for renewal of the dog or cat license or applying for the licensing of a new dog or cat, the owner thereof must provide proof of sterilization of the dog or cat, along with proof of valid rabies inoculation. Said proof of sterilization may be by affidavit, in lieu of certificate of a veterinarian as proof of sterilization, or by certificate of a licensed veterinarian; however, said proof of inoculation for rabies shall be provided by a certified veterinarian licensed to do business in the State of New Jersey.
- C. Dogs used as guides for blind persons and commonly known as “Seeing Eye” dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.
- D. Licensing Term to begin each calendar year in the month of January and due by the last day of June
- E. License Renewal Term: January 1<sup>st</sup>-January 31<sup>st</sup> each calendar year. Any person who violates or who fails or refuses to comply with section of §35-4d of this chapter shall be liable to a late charge fee of \$5 per month per animal in addition to being required to obtain a registration tag and license for said dog or cat beginning on February 1<sup>st</sup> of each calendar year.

Section 12. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 13.** If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

**Section 14.** In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

## **RESOLUTIONS**

Motion made by Noone and seconded by Valle to approve Resolution 2018-162

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle and Higgins.  
Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2018-162**  
**RESOLUTION AUTHORIZING TILCON TO PAVE BOROUGH ROADS**

**WHEREAS**, various roadways in the Borough of Washington are in need of repaving; and

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Borough of Washington is a member of the Morris County Cooperative Purchasing Council (MCCPC) which awarded Contract # 6: Road Resurfacing to Tilcon New York, Inc.;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, County of Warren that Tilcon New York, Inc. is authorized to mill and pave the following roadways listed herein:

Adams Street (Full length)  
McKinley Avenue (Prosper to end)  
Taft Terrace  
Harding Drive  
Wilson Terrace  
Gardners Court  
North Prospect Street (NJ-57/West Washington Avenue to Carlton Avenue)

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, Natasha Turchan, CFO, hereby certifies that funds are available to award this contract and will be charged as follows:

04-2018-1810-0-4-0 \$174,488.52 and 06-2018-1819-0-4-0 \$77,732.50 total amount of the award is \$252,221.02.

Motion made by Noone and seconded by Norris to approve Resolution 2018-163

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle and Higgins.  
Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION 2018-163**  
**AUTHORIZING BUDGET TRANSFERS**  
**FOR FISCAL YEAR 2018 APPROPRIATIONS IN THE AMOUNT OF \$28,200.00**  
**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 \$28,200.00 in the Current Fund as follows:

Other Expenses		700.00
General Government		
Engineering		
Other Expenses		5,000.00
Administration		
Other Expenses		5,000.00
Municipal Clerk		
Other Expenses		1,500.00
Tax Assessment		
Other Expenses		4,000.00
Audit		
Other Expenses		12,000.00
Group Insurance		
Other Expenses		
	<u>28,200.00</u>	
	\$ 28,200.00	\$ 28,200.00

Motion made by Noone and seconded by Valle to approve Resolution 2018-164

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle and Higgins.  
 Ayes: 2, Nays: 5  
 Motion Failed.

Motion made by Noone and seconded by Fulloon to approve Resolution 2018-165

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle and Higgins.  
 Ayes: 7, Nays: 0  
 Motion carried.

**RESOLUTION 2018-165**  
**Governor’s Council on Alcoholism and Drug Abuse**  
**Fiscal Grant Cycle July 2014-June 2019**  
**FORM 1B**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Washington, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Washington, County of Warren, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Franklin/Mansfield/Washington Borough Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 6,497.00
Cash Match	\$ 1,949.00
In-Kind	\$ 4,873.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

### **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Klimko to pay the vouchers and claims in the amount of \$446,293.21 from the current fund and \$ 79,401.92 from sewer.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Parichuk, Valle and Higgins.  
Ayes: 7, Nays: 0  
Motion carried.

### **COUNCIL REMARKS**

Nominations were taken by Council regarding the Christmas Decoration contest that was held. The winner announced was Warren Hills Funeral Home with five votes.

Mayor and Council wished everyone Happy Holidays and a prosperous New year.

### **EXECUTIVE SESSION**

A motion was made by Norris seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:31 PM with a five-minute break.

Ayes: 7 Nays: 0  
Motion Carried.

**RESOLUTION**  
**AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

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

(Provision relied upon: \_\_\_\_\_);

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

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ The public disclosure of such information at this time would have a potentially negative impact on the



municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is:\_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

XMatters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Klimko seconded by Norris to come out of Executive Session at 9:12 pm.

Ayes: 7; Nays: 0  
Motion Carried.

Motion made by Klimko and seconded by Norris to approve Resolution 2018-166.

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

Ayes: 7, Nays: 0  
Motion carried.

**RESOLUTION      2018-166**  
**AUTHORIZING EXECUTION OF A RIDER TO THE SETTLEMENT AGREEMENT**  
**WITH WASHINGTON STATION VENTURE, LP AND**  
**WASHINGTON VENTURE INVESTMENT, LTD.**  
**(WASHINGTON VENTURE ENTITIES”)**

**WHEREAS**, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

**WHEREAS**, pursuant to a Consent Order filed on or about November 6, 2015, the Washington Venture Entities are defendant-intervenors in the above-referenced Declaratory Judgment Action; and

**WHEREAS**, the Washington Venture Entities are the owners of certain property designated as Block 97, Lots 2, 3 and 4 and Block 97.01, Lot 1 on the Tax Maps of the Borough of Washington and consisting of approximately 126 acres (the “Property”); and

**WHEREAS**, the Property is currently zoned for M-3 (Mountain District) with a minimum lot size of 3 acres; and

**WHEREAS**, Washington and the Washington Venture Entities have engaged in extensive settlement discussions; and

**WHEREAS**, Washington entered into a Settlement Agreement with the Washington Venture Entities pursuant to Borough Council Resolution 2018-98 adopted on July 10, 2018 (the “Settlement Agreement”); and

**WHEREAS**, Paragraph 4 of the Settlement Agreement contemplates purchase of certain property for open space purposes by Washington from the Washington Venture Entities utilizing a combination of Borough funding and grant funding from the State of New Jersey Green Acres Program (“Green Acres”) and Warren County; and

**WHEREAS**, since the execution of the Settlement Agreement, Washington has executed a Project Agreement with the New Jersey Department of Environmental Protection (“NJDEP”) concerning the Green Acres funding, obtained approval of funding from Warren County, and obtained two appraisals on the property sought to be acquired as open space; and

**WHEREAS**, the parties wish to amend the Settlement Agreement to reflect the grant funding obtained and Washington’s commitment to provide certain funding for the purchase of the open space parcel; and

**WHEREAS**, attached hereto is the final draft of such rider to the settlement agreement.

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

1. The Mayor and Clerk are authorized and directed to execute the Rider to the Settlement Agreement in substantially the same form as attached hereto.

2. This Resolution shall take effect immediately.

**ADJOURNMENT**

Hearing no further business, a motion was made by Klimko seconded by Valle to adjourn the meeting at 9:13 pm.

Ayes: 7; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk