

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 19, 2019**

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: Conry, Duchemin, Noone, Norris, Valle, Higgins.
Absent: Parichuk

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

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

COUNCIL APPEARANCE

Rudy Bescherer, Broad Street, appeared before council to express his concerns and lack of communication over a driveway installation at 155 South Lincoln Street.

Hearing no further comment from the public on motion made by Conry and seconded by Valle to close the audience portion.

Ayes: 6 Nays: 0
Motion Carried.

MINUTES

Motion made by Noone and seconded by Conry to approve the regular meeting minutes of January 22, 2019.

Ayes: 6 Nays: 0
Motion Carried.

NEW BUSINESS

Motion made by Noone and seconded by Conry to approve Raffle License RA-2019-04.

Ayes: 6 Nays: 0

Motion Carried.

RESOLUTIONS

Motion made by Conry and seconded by Valle to approve Resolution 2019-46.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-46

A RESOLUTION AUTHORIZING CANCELLATION OF GENERAL CAPITAL ORDINANCES BALANCES

WHEREAS, there are open balances in old capital ordinance; and

WHEREAS, the projects authorized in those ordinances are completed; and

WHEREAS, it is a good practice to cancel old outstanding ordinances; and

WHEREAS, cancelled funded amounts will be deposited in the Capital Improvement Fund for funded ordinances; and

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

The governing body hereby authorizes cancellation of the outstanding balances in the capital ordinances listed below: Ordinance # 14-02 in the amount of \$10,000.00 will be Deposited into Capital Improvement Fund and Ordinance 18-11 in the amount of \$15,000.00 will be cancelled as Unfunded portion of the ordinance

Motion made by Noone and seconded by Conry to approve Resolution 2019-47.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion carried.

**RESOLUTION # 2019-47
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		
88/14	Allejandro M. Valle 26 McKinley Ave.	Change in Use 1.5 E.D.U. to 1
E.D.U.s	Washington, NJ 07882	Effective: March
2019	Property Location: 145 Route 31 South	

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 Conry and seconded by Duchemin to approve Resolution 2019-48.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-48
RESOLUTION AMENDING RECREATION FEE FOR 2019

WHEREAS, the Recreation Director, in consultation from the Recreation Commission, have provided the Mayor and Council with a proposed fee schedule Recreation programs and activities; and

WHEREAS, in that fees were reviewed to determine whether they are fair to the public and fairly reflect the reasonable cost of public facilities, taking into account such municipal expenses as wages and benefits, insurance, utility costs, maintenance and repair costs and other unpredictable costs incurred by the Borough to operate the Borough's recreational facilities; and

WHEREAS, the Mayor and Council have reviewed the attached fee change as proposed by the Recreation Director and Recreation Commission and wish to memorialize the approval of this 2019 fee change, a copy of which is attached to herein and will be posted on the Borough website.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey as follows: The 2019 Recreation Fee Change, in the form attached to this resolution, is hereby approved.

Motion made by Noone and seconded by Conry to approve Resolution 2019-49.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-49
A RESOLUTION AUTHORIZING THE BOROUGH GREEN TEAM TO APPLY FOR A SUSTAINABLE JERSEY GRANT

WHEREAS, the Mayor and Council recognize that the protection of water resources is vital to ecological health and wellbeing of Borough residents; and

WHEREAS, the Shabbecong Creek watershed encompasses nearly 100% of the Borough land mass and the protection of this watershed is critical to the Borough's environmental integrity; and

WHEREAS, the Taylor Street School located with the Shabbecong Creek watershed is almost completely covered with impervious surfaces; and

WHEREAS, a rain garden demonstration project would provide an example of how the Borough can improve watershed protection for Shabbecong Creek; and

WHEREAS, a rain garden would provide much needed green space for the Taylor Street School and encourage educational opportunities for students; and

WHEREAS, a rain garden would improve the neighborhood's aesthetics and could inspire others to be more aware of the natural environment; and

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey; To support the Washington Borough Green Team initiative to work with the Taylor Street School officials and the non-profit organization, North Jersey Resource Conservation and Development, in constructing a rain garden demonstration project to serve as an example of how to improve the Shabbecong Creek watershed's water quality and reduce flooding; provide a green space for the Taylor Street School; encourage educational opportunities at the School and for others; and enhance the ambiance of the local neighborhood.

ORDINANCES

Motion made by Conry to approve on first reading Ordinance 2019-05 motion seconded by Valle. Public Hearing scheduled for March 19, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried

**ORDINANCE 2019-05
AN ORDINANCE OF THE BOROUGH OF WASHINGTON ADDING
CHAPTER 54 GENERAL LICENSING OF
BOROUGH CODE OF ORDINANCES
WITH RESPECT TO BINGO AND RAFFLE LICENSES**

Motion made by Conry to approve on first reading Ordinance 2019-06 motion seconded by Noone. Public Hearing scheduled for March 19, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

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

ORDINANCE 2019-06

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE COMMAND VEHICLE BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$38,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

Motion made by Noone to approve on first reading Ordinance 2019-07 motion seconded by Conry. Public Hearing scheduled for March 19, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE 2019-07

AN ORDINANCE AMENDING CHAPTER 42 ‘FIRE PREVENTION CODE’ OF THE CODE OF THE BOROUGH OF WASHINGTON

Motion made by Conry to approve on first reading Ordinance 2019-08 motion seconded by Noone. Public Hearing scheduled for March 19, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE 2019-08

ORDINANCE GRANTING AN ACCESS EASEMENT OVER A PORTION OF PROPERTY OWNED BY THE BOROUGH OF WASHINGTON IDENTIFIED AS BLOCK 26, LOT 10

Motion made by Noone to approve on first reading Ordinance 2019-09 motion seconded by Valle. Public Hearing scheduled for March 19, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE 2019-09
AN ORDINANCE OF THE BOROUGH OF WASHINGTON AUTHORIZING
THE SALE OF BLOCK 59 LOT 2 (LOCATED IN WASHINGTON TOWNSHIP)
TO SOLE CONTIGUOUS PROPERTY OWNER MR. DALE COLEMAN

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Conry to pay the vouchers and claims in the amount of \$1,257,527.89 from the current fund and \$ 93,158.38 from sewer.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried

COUNCIL REMARKS

Councilwoman Noone spoke of the grant application to have a rain garden at Taylor Street playground.

Councilwoman Duchemin thanked the DPW for doing a great job in the recent ice storm and expressed her excitement for the rain garden.

Councilwoman Valle stated it will be a cute touch for the Taylor Street playground (rain garden).

Councilman Norris thanked the police for their excellent job and the DPW for their work during the storm keeping the roads safe.

Councilwoman Conry thanked the police and DPW for their wonderful job. A senior committee meeting will be held this Friday at 7:00 pm.

Mayor Higgins stated that the BID dinner went well. A new representative from the League (NJLM) is Colleen Marr (sp). Mayor Higgins added that she can assist with anything that involves local government.

Lieutenant Kaufman gave the statistics of a recent inquiry into how many times Narcan was administered. 170 Narcan totals were administered in the county. 21 in the Township. There were three overdose deaths that occurred each in the Township and the Borough.

Mayor Higgins continued on with his comments adding that the police take a beating with opinions from the public.

Mayor Higgins reminded council of the retreat that is this Saturday at Gebhardt and Kiefer's offices.

Councilman Norris gave a summary of the committee meeting that was held with Councilwoman Valle regarding the housing authority ordinance in which Matt Lopez was also in attendance to assist.

Matthew Lopez gave a brief breakdown of intent and stated that it is similar to what Phillipsburg and Morristown have adopted in regards to a having a Housing Authority.

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 7:52 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 Conry seconded by Duchemin to come out of Executive Session at 8:12 pm.

Ayes: 6; Nays: 0
Motion Carried.

Councilman Norris brought up the discussion of giving non-union part time employees pay raises in accordance to the approved CWA contract.

Motion made by Norris and seconded by Conry to approve pay raise percentages to non-union and part-time employees.

Ayes: 6; Nays: 1 (Valle)
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Norris seconded by Conry to adjourn the meeting at 8:19 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk