

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 5, 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, Parichuk, Valle, Higgins.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Daniel Makoski, 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 administered the following proclamation to recognize March as National Nutrition Month:

National Nutrition Month® 2019

PROCLAMATION

WHEREAS food is the substance by which life is sustained; and

WHEREAS the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS there is a need for continuing nutrition education and a wide-scale effort to enhance healthy eating practices;

NOW, THEREFORE I, David Higgins, Mayor of Washington Borough, Warren County, State of New Jersey do hereby proclaim the month of March NATIONAL NUTRITION MONTH® in Washington Borough and I encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

Adopted at the Governing Body Council Meeting on this the 5th day of March, 2019.

David Higgins, Mayor

Adopted: March 5, 2019

COUNCIL APPEARANCE

Carly Sopko, ShopRite Dietitian, spoke before council thanking them for the Proclamation.

John Monteverde, BID Executive Director, announced details for the upcoming Arts, Sweets and Craft festival to be held on April 27th. Also coming up is the Farmers Market and the Kids and Farmers Festival, a cake contest, pet appreciation day and Green Fest.

Rudy Bescherer, Broad St., thanked Mayor Higgins for a response to his letter from January 27th.

William Shappel(sp), Grand Ave., requested a status update on the Grand Avenue paving project and also for West Warren Street.

John Hoffman, West Warren St., expressed his concern of the problems from the utility companies not doing the job correctly for back filling. The road on North Prospect has sunk. Mr. Hoffman suggested to having four way stop signs installed on Prospect Street for safety reasons.

Seeing no further public comment from the audience a motion made by Noone and seconded by Conry to close the audience portion.

Ayes: 7 Nays: 0
Motion Carried.

VOUCHERS AND CLAIMS

Motion made by Conry seconded by Valle to pay the vouchers and claims in the amount of \$2,076,959.44 from the current fund and \$ 18,874.37 from sewer.

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

Motion Carried.

REPORTS:

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

1. Managers' Report
2. Police
3. Court

Ayes: 7, Nays: 0
Motion Carried

RESOLUTIONS

Motion made by Noone and seconded by Conry to approve Resolutions 2019-50,51,53 and 55.

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

Ayes: 7, Nays: 0 Abstain: 1 (Higgins)
Motion carried.

RESOLUTION # 2019-50

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 Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865, in the amount of \$332.99 for taxes or other municipal liens assessed for the year 2017 in the name of Exception Capital Assets, LLC as supposed owners, and in said assessment and sale were described as 19-21 E. Johnston Street, Block 30.01 Lot 2, which sale was evidenced by Certificate #18-00010; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-20-19 and before the right to redeem was cut off, as provided by law, CTL Title Insurance 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 \$8,261.58, which is the amount necessary to redeem Tax Sale Certificate #18-00010.

NOW THEREFORE BE IT RESOLVED, on this 5th day of March, 2019 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 \$8,261.58** (This amount consists of \$8,261.58 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 30.01 Lot 2 from the tax office records.

RESOLUTION #2019-51

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 \$606.48 for taxes or other municipal liens assessed for the year 2017 in the name of Ryan, Russell supposed owner, and in said assessment and sale were described as 115 Harding Drive, Block 71 Lot 7, which sale was evidenced by Certificate #18-00017; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-21-19 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 JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,091.63 which is the amount necessary to redeem Tax Sale Certificate #18-00017.

NOW THEREFORE BE IT RESOLVED, on this 5th day of March 2019 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 \$1,191.63** (This amount consists of \$1,091.63 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 7 from the tax office records.

RESOLUTION # 2019-53

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 \$668.78 for taxes or other municipal liens assessed for the year 2017 in the name of Rowlands, William & Kristin H. as supposed owners, and in said assessment and sale were described as 78 South Lincoln Ave., Block 98 Lot 28, which sale was evidenced by certificate #18-00026 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-26-19 and before the right to redeem was cut off, as provided by law, City National Bank on behalf of Corelogic Tax Service 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 \$1,414.27 which is the amount necessary to redeem Tax Sale Certificate #18-00026.

NOW THEREFORE BE IT RESOLVED, on this 5th day of March 2019 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 **\$1,414.27** (This consists of \$1,414.27 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 28 from the tax office records.

RESOLUTION # 2019-55

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 \$575.51 for taxes or other municipal liens assessed for the year 2017 in the name of Mede, Carl as supposed owner, and in said assessment and sale were described as 52 Washington Square Circle, Block 73.02 Lot 26, which sale was evidenced by certificate #18-00020 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-1-19 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 Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,273.65 which is the amount necessary to redeem Tax Sale Certificate #18-00020.

NOW THEREFORE BE IT RESOLVED, on this 5th day of March 2019 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 **\$1,273.65** (This consists of \$1,273.65 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 73.02 Lot 26 from the tax office records.

Motion made by Noone and seconded by Conry to approve Resolution 2019-52

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

Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2019-52

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2020

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	\$ 6,247.00
Cash Match	\$ 1,874.00
In-Kind	\$ 4,685.00

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

Motion made by Noone and seconded by Conry to approve Resolution 2019-54

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

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2019-54

**RESOLUTION OF THE BOROUGH OF WASHINGTON OPPOSING
S2505/A2558 “VEGETATION MANAGEMENT ACT”**

WHEREAS, S2505/A2558 as written will prohibit the Community Forestry Council, a shade tree commission, or any entity empowered by the NJ Shade Tree and Community Forestry Assistance Act, to interfere with or restrict an Electric Public Utility’s (EPU) removal, replacement, or maintenance of dangerous vegetation in accordance with this legislation; and

WHEREAS, S2505/A2558 further exempts EPUs and cable television companies from the requirement to obtain permission of a commission to clear, move, cut, or destroy trees, shrubs, or plants for the purpose of erecting, installing, moving, removing, altering, protecting, or maintaining any structures or fixtures necessary for the supply of electric light, heat or power, communication, or cable television services upon lands which it has acquired an easement or right-of-way or upon a public right-of-way; and

WHEREAS, S2505/A2558 erodes the authority of the Mayor or a community to challenge a choice for work in their community; and

WHEREAS, changes in the language of S2505/A2558 specifically targeted to totally negate the community shade tree commissions and related agents in their role for their

communities are recommended along with a requirement that a NJ Licensed Tree Expert make on-site choices with communities;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that a copy of this resolution be forwarded to the Borough of Washington Shade Tree Commission and the New Jersey State Legislature.

ORDINANCES

Motion made by Conry to approve on first reading Ordinance 2019-10 motion seconded by Duchemin. Public Hearing scheduled for April 2, 2019.

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCE 2019-10 AN ORDINANCE OF THE BOROUGH OF WASHINGTON REPEALING AND REPLACING CHAPTER 66 – RENTAL PROPERTY OF THE CODE OF THE BOROUGH OF WASHINGTON IN ITS ENTIRETY

The purpose of this ordinance is to insure the health, safety and welfare of all tenants residing in rental properties as well as all other residents and visitors to the Borough of Washington.

Motion made by Noone to approve on first reading Ordinance 2019-11 motion seconded by Conry. Public Hearing scheduled for April 2, 2019.

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

Ayes: 7, Nays: 0
Motion Carried

**ORDINANCE 2019-11
AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE SALARY ORDINANCE FOR CERTAIN POSITIONS AND ADDING CERTAIN TITLES**

RECAP

M. Hall recapped the following:

- Have a conversation with Borough Engineer, Kevin Smith with regards to looking at four way stop signs.

COUNCIL REMARKS

Councilwoman Valle stated that the potholes are out of control. Councilwoman Valle also inquired about the property owned by Ray Rice stating that his lot looks terrible.

Councilwoman Noone stated she is looking forward to the grand opening of some new businesses in the borough and welcomes them to the borough.

Councilwoman Duchemin stated she is excited about the new businesses coming in and thanked the Manager for his call out for shoveling for the people in need.

Councilman Parichuk added that he too is excited for new businesses opening in the borough. Councilman Parichuk gave praise to the DPW for the recent snow storm, stating that roads were all clear.

Councilman Norris thanked the Police, DPW and Fire Department on how they handled the last couple of storms. Councilman Norris stated he is happy about new businesses but would like to see more new businesses coming on this side of the street.

Deputy Mayor Conry stated she would like a sign that lights up out front replacing what is there now. Ms. Conry also thanked the DPW and Police for doing a great job in town.

Mayor Higgins gave recognition also to the Police, Fire and DPW during the snow storm. Mayor Higgins also recognized the Fire Department and two DPW employees who are firemen in their part with a house fire in Oxford Township.

Mayor Higgins thanked everyone for the budget which will be introduced at the next meeting. Mayor Higgins also gave recognition to Borough Clerk, Laurie Barton for doing a great job.

EXECUTIVE SESSION

A motion was made by Conry seconded by Duchemin to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 7:29 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.);

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 Valle to come out of Executive Session at 7:45 pm.

Ayes: 7; Nays: 0
Motion Carried.

Motion made by Noone and seconded by Conry to increase the salary of the Manager by the same amount as the bargaining unit at 3%.

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

Ayes: 7, Nays: 0
Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Norris to adjourn the meeting at 7:47 pm.

Ayes: 7, Nays: 0
Motion Carried

Mayor David Higgins

Laurie A. Barton, Borough Clerk