
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

August 29, 2023(SPECIAL)

The special meeting of the Borough Council of Washington, Warren County, New Jersey was held in councils chambers at 7:00 P.M.

Roll Call: Brown, Conry, Cox, France (arrived at 7:15 pm), Gorshkov, Infinito and Musick.

Also Present: Laurie A. Courter, Borough Clerk
Brian Bond, Manager
Erik Peterson, Attorney

Absent:

Mayor Conry led everyone in the flag salute.

Mayor Conry read the following statement into record:

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition and Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

PUBLIC COMMENT

Motion made by Cox and seconded by Gorshkov to open the public portion, all were in favor.

Pat Roman, stated that she does not live here her son lives here, at 178 right next door to the property. Been documenting and taking pictures from April 14th. Stated that she and her son came here but no one knew anything about it. Asked if it is a garage or two-story building.

Ms. Roman went on to comment about a fine her son received from the borough.

Attorney Peterson stated we are here tonight for a hearing and will be taking testimony on this and then Council will make a determination on what they will do.

Hearing no further public comment, motion made by Cox and seconded by Musick to close the public portion, all were in favor.

Hearing:

Fitness of buildings 181-183 Belvidere Ave, Washington NJ

Mayor Conry turned the meeting over to Deputy Mayor Cox due to conflict.

Attorney Peterson asked if anyone is here on behalf of the property owner. Asked if they will participate or listen to what transpires. Attorney Peterson will take testimony.

Attorney Peterson put together a summary of the hearing process of how and why the council is able to do this, what the council's role is.

Councilman France entered meeting at 7:15 pm.

Attorney Peterson called and sworn in Joseph Rossi, Washington Township, construction official for the borough and the Township as well as Oxford.

Mr. Rossi gave the following facts of his experience and certifications:

NJ licensed in construction sub-code and building sub code. Mr. Rossi stated that you have to take courses at a credited college which he did and took tests in each discipline and must receive continuing education credits which are 34 credits for every three years. Mr. Rossi stated he has been doing this job for 18 years. College courses taken dealt with structures and defects. Had to take a test and pass that dealt with unsafe structures and stop orders.

Mr. Rossi gave the following sworn statements to events that has brought it to this point:

On or about July 27, 2021, Mr. Rossi inspected the garage determining that it was unfit for habitation and issued a Notice of Unsafe Structure giving the owner ninety (90) days to repair the garage because it was "falling apart". The ninety (90) day period was ultimately extended to March 1, 2022;

On March 1, 2022, Mr. Rossi issued a Notice from Construction issuing a Summons to appear in Municipal Court on March 22, 2022 because the owner did not perform any work to repair the garage. On March 22, 2022, the Court fined the property owner and ordered the owner to repair the garage within ninety (90) days;

During his inspection on July 27, 2021 Mr. Rossi took photographs of the garage. The photographs depict a garage with no roof, missing windows and other defects. Mr. Rossi testified that the garage was in "relatively good shape" needing a roof, windows and some other work;

Mr. Rossi testified that he inspected the garage again in July of 2023 and took photos which depicted the second floor of the garage "bowing out" of the side wall of the garage and windows "blown out".

Mr. Rossi testified that the "bowing out" of the side of the garage and the "blown out" windows indicated that the framing of the building is starting to implode with an imminent danger of collapse;

During an inspection of the garage on August 28, 2023, photos taken by Mr. Rossi showed that the second floor of the garage had collapsed and second floor siding was no longer attached to the structure, the rafters were gone, and the main beam falling down completely;

Mr. Rossi testified that in his opinion, the garage would collapse within six (6) months or could collapse tomorrow;

Mr. Rossi testified that the garage was a danger to life because, despite police installing saw horses, people, including children, were often in close proximity to the garage and that if it collapsed, it could land on anyone near it causing injury or even death. Additionally, Mr. Rossi stated there was concern that curious kids would enter the unstable garage and cause it collapse while inside;

Mr. Rossi stated that if the garage collapsed, due to its close proximity to the adjoining property owner's garage, the collapse would cause damage to the neighbor's garage;

Mr. Rossi recommended that the Council issue an Order requiring the owner to either demolish the garage or file plans, prepared by a structural engineer, for the repair of the garage and that the demolition or repairs be completed within ninety (90) days. Further, Mr. Rossi recommended the owner demonstrate diligent progress every thirty (30) days in the demolition or repair of the garage or if sufficient progress is not made the Borough would demolish the garage.

The following persons with power of attorney regarding property involved gave the following statements:

Niddia Copasso, stated she lives in North Carolina and added that her and her siblings take turns taking care of their mom.

Ms. Copasso stated that they have a company that tomorrow its going to start but added that the people who live on other side have a wood pile that's theirs but its best if they move that for when they come in to remove pieces from top nothing-they don't want to destroy it. Agreed that there should be some form of safety and asked if there are school kids walking by assuming its for school?

Cesar Malaret thanked for all the time given, he lives at the property and is taking care of his mother. Thanked Joe Rossi who has been more than fair and honest, stated that he has to keep taking care of his mother who is bed ridden. Stated that he is going, like his sister said as long as we can go on property next door to put a machine to do everything from the other side.

Attorney Peterson called and sworn in Kevin Smith, Borough Engineer.

Mr. Smith testified that he is a New Jersey Licensed Professional Engineer in good standing with municipal, land development and structural engineering experience.

Mr. Smith testified that he inspected the garage on or about February 16, 2023, and took a photo of the garage. He testified that the photo shows exposed rafters, no roofing and bowing out on the second-floor siding. Mr. Smith explained the bowing out of the siding was due to the rafters and ceiling joists becoming disconnected.

On August 28, 2023, Mr. Smith inspected the garage and took photos. Mr. Smith testified that the photos depicted that the second-floor walls had fallen off and rafters missing, the bowing out of the first floor walls resulting in the floor joist to lose support and partial failure of the floor of the second floor.

Mr. Smith testified, that due to the balloon framing of the garage, if nothing is done, the other three walls will fail and collapse outward into the alley and into the adjoining neighbor's garage.

Mr. Smith testified that during his August 28, 2023 inspection, he looked into the window and observed the interior framing of the garage and that the interior framing was weathered and rotted due to a lack of a roof to protect the framing from the weather.

Mr. Smith testified that in his opinion, it would be unlikely that a structural engineer would, due to the instability of the garage, enter the garage to perform an inspection necessary to determine if the garage was salvageable.

Mr. Smith opined that due to the extent of deterioration of the garage, the only way to restore it would be to demolish the garage and rebuild on the foundation.

Mr. Smith stated that the garage was within a foot or so of the alley and that anyone near the garage when it collapses would be injured.

Mr. Smith further testified that the collapse of the garage would, due to the garage's proximity to the adjoining property owner's garage, cause property damage to the adjoining neighbor's garage.

Mr. Smith testified that he concurred with Mr. Rossi that ninety (90) days to demolish the garage was reasonable so long as the owner showed progress in permitting, contracting a contractor and removal of the garage.

Attorney Peterson stated that it's now up to council, everyone heard about property condition, first thing we need to do, make a determination whether property is unfit for habitation.

Second step what your decision to do under list that was handed out.

ROLL CALL ON CONDITIONS:

Attorney Peterson asked for a roll call vote deeming if it's unfit or not.

Roll call deeming it unfit:

Roll call: Brown, Cox, France, Gorshkov, Infinito, and Musick.

Ayes: 6 Nays: 0

Motion passes.

Attorney Peterson asked for a roll call vote for the remedy to be demolition.

Roll call for demolition:

Roll call: Brown, Cox, France, Gorshkov, Infinito, and Musick.

Ayes: 6 Nays: 0

Motion passes.

Attorney Peterson stated that there will be a 90-day progress to get it demolished, otherwise the town will come in to perform the demolition with the agreeable recommendations Mr. Rossi made. Attorney Peterson added that Mr. Rossi will have discretion to allow additional time but not to exceed 30 days after the initial 90 days. Asked for a roll call vote approving these conditions.

Roll call: Brown, Cox, France, Gorshkov, Infinito, and Musick.

Ayes: 6 Nays: 0

Motion passes.

Attorney Peterson stated that at our next meeting he will have a formal resolution putting the facts and lay it all out and have a vote on it.

ADJOURN

Hearing no further business to come before Council, motion made by Gorshkov and seconded by Infinito to adjourn the meeting at 8:27 PM, all were in favor.

Laurie A. Courter, RMC
Borough Clerk