
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

September 5, 2023

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

Roll Call: Brown, Cox, France, Gorshkov, Infinito Musick and Conry

Also Present: Laurie A. Courter, Interim Manager/Borough Clerk
Brian Bond, Borough 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 to open public portion made by Cox and seconded by Gorshkov, all were in favor.

Mel Thiel-BID Exec Director, -thanked the council members that came out to the vintage baseball game. Turned out great, along with classic cars, vendors, it was a free event that was open to the public. It was successful and will try and do it next year.

Festival update: one week from Saturday is the festival. The vendor spaces are sold out.

As long as its not raining we will get a minimum of 10,000 in town just that one day. This is a great business maker for businesses. Vendors open at 10am music goes until 10pm.

Josephine Noone- National Wildlife Federation Community Wildlife Habitat Program

Mrs. Noone represents the Green Team, and stated that she has been trying to put an advertisement in the Messenger. One of the members is Michael Franks-has been doing trail preservation, trying to build a trail at end of Nunn Avenue. On September 23rd will be leading some trail development and clearing the trail. Oct 21^s at 10 am will lead a hike so people can see where trail is.

Thanked Council for the budget for the Green Team.

Mrs. Noone reported on the Warren County Environment Advisory Commission, with regards to the Community Wildlife Habitat program and eligibility. We have a Sustainable Jersey certification in which we will get 10 points for doing this.

Mrs. Noone requested a resolution to approve the registration for the Borough as a Community Wildlife Habitat.

Motion

Motion made by Cox and seconded by Infinito to approve resolution to allow Josephine to register the borough as a Community Wildlife Habitat.

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

Ayes: 7 Nays: 0

Motion passes.

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

MINUTES

Motion to approve the following minutes made by Brown and seconded by Cox, all were in favor with the exception of Musick abstaining on the August 15, 2023 minutes.

July 18, 2023

August 15, 2023

REPORTS

Committee Reports:

Recreation-Mayor Conry stated that she had a meeting with superintendent of schools who wants to know about recreation programs. Mayor Conry stated that she will forward Councilman Frances's information to the superintendent.

Councilman France reported on a woman falling down the steps from the stadium; part where steps come down-she tumbled. Asked if it can be looked into.

Ordinance-Councilwoman Gorshkov stated a fun fact in code book, under street ordinance Fisher Avenue opened in 1882. Inquired about council meetings starting at 8pm in section 3-9 Administration of Government section of the code.

Councilwoman Gorshkov stated that in section 64-05 Recreation-fees, there were swim lessons at one point. Asked for next summer to think about the swim lessons because constituents are asking about swim lessons and to possibly bring it back next year.

Inquired why Chapter 71 Sex Offenders-February 21 3-2006 was repealed with ordinance 10-2009 7-21-2009.

VOUCHERS-Approval of Claims

Motion made by Cox and seconded by Musick to approve the vouchers and claims.

Discussions:

Cox-page 11-what is improvement to real estate property tax renovation-buyer remediation Gardeners Court apartment ?

Same page solid waste-garbage truck #3 motor failure. Manager Bond stated that one is an 18-year-old truck that was refurbished.

Bond-explaining the type of motor-failure of motor-o rings failure.

Gorshkov asked about boot allowance-how often the allowance. Bond stated that they get \$500 for the year.

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

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

ORDINANCE 2nd Reading:

Motion made by Brown and seconded by Gorshkov to open the public hearing for Ordinance 2023-16.

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

Ayes: 7 Nays: 0

Motion passes.

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

Motion made by Cox and seconded by Gorshkov to adopt Ordinance 2023-16.

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

Ayes: 7 Nays: 0

Motion passes.

ORDINANCE 2023-16

AN ORDINANCE AUTHORIZING AS A GENERAL IMPROVEMENT THE TAX MAPS FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$20,000.00 THEREFORE FROM THE "CAPITAL FUND BALANCE" OF SAID BOROUGH

BE IT ORDAINED by the Borough Council of the Borough of Washington in Warren County,

New Jersey as follows:

Section 1. The Borough of Washington in Warren County (hereinafter referred to as

“Municipality”) is hereby authorized the following Capital Improvements for the Borough of Washington:

1. Updates to the Borough of Washington Tax Maps.

Section 2. The work and acquisitions, authorized by Section 1 of this Ordinance shall be undertaken as

a general improvement, the entire cost of which shall be contributed and borne by the municipality as a general

expense, and no part of said cost shall be specially assessed against any property. The estimated cost noted

of such project shall not exceed \$20,000.00 unless this Ordinance is amended.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid projects (hereinafter

referred to as “purpose”) is not a current expense of the municipality; and that the total estimated cost of said

purpose is \$20,000.00, the estimated cost for the projects having been noted in Section 1 above.

Section 4. The sum of \$20,000.00 is hereby appropriated for said purpose from the “Capital Fund Balance” of the municipality for said purpose as required by law and now available therefore under a

budget or budgets of the municipality previously adopted.

Section 5. The Capital budget of the municipality is hereby amended to conform with the provisions of

this Ordinance to the extent of any inconsistency herewith.

Section 6. This Ordinance shall take effect upon its passage and publication as provided by law.

RESOLUTIONS

Motion made by Cox and seconded by Musick to adopt Resolution 2023-109

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-109
STATEWIDE INSURANCE FUND

RESOLUTION TO RENEW THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Washington Borough (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2024** terminating on **January 1, 2027** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that Washington Borough does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s)
:

Workers' Compensation & Employer's Liability	_____
Comprehensive General Liability	_____
Automobile Liability and Physical Damage	_____
Public Officials and Employment Practices Liability	_____
Property	_____
Inland Marine Boiler and Machinery	_____
Crime-Faithful Performance and Fidelity	_____
Pollution Liability	_____
Cyber Liability	_____
Non Owned Aircraft	_____

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Motion made by Brown and seconded by Cox to adopt Resolution 2023-110

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
 Ayes: 6 Nays: 1 (Gorshkov)
 Motion passes.

RESOLUTION 2023-110

AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,530,795

BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE

COUNTY OF WARREN, NEW JERSEY.

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY,
AS FOLLOWS:**

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (the “Borough”), entitled: “Bond ordinance providing for the improvement of various roads in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,210,000 therefor and authorizing the issuance of \$1,031,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 5, 2023 (#2019-18, formerly #2018-10), bond anticipation notes of the Borough in a principal amount not exceeding \$921,736.84 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new fire pumper truck by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$465,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 5, 2023 (#2019-19, formerly #2018-11), bond anticipation notes of the Borough in a principal amount not exceeding \$415,526 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “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”, finally adopted on September 5, 2023 (#2019-06), bond anticipation notes of the Borough in a principal amount not exceeding \$12,422.16 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new street sweeper by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 18, 2019 (#2019-14), bond anticipation notes of the Borough in a principal amount not exceeding \$229,310 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of new dump trucks by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,300,000 therefor and authorizing the issuance of \$1,238,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on October 1, 2019 (#2019-26), bond anticipation notes of the Borough in a principal amount not exceeding \$1,238,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial

officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii)

preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

Upon motion of Brown seconded by Cox the foregoing resolution was adopted by the following vote:

AYES: Brown, Conry, Cox, France, Infinito and Musick

NAYS: Gorshkov

Motion made by Cox and seconded by Brown to adopt Resolution 2023-111

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTION 2023-111

Governor's Council on Alcoholism and Drug Abuse

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 Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$5,660.00
Cash Match	\$1,415.00
In-Kind	\$4,245.00

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 Musick and seconded by Gorshkov to adopt Resolution 2023-112

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-112

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$6,133.08 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED that the like sum of \$6,133.08 is hereby appropriated under the caption of Other Expenses – Recycling Tonnage Grant

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2023-113

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-113

**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 December 7, 2022 to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101, in the amount of \$980.50 for taxes or other municipal liens assessed for the year 2021 in the name of MRC NATIONAL REAL ESTATE LLC as supposed

owners, and in said assessment and sale were described as 177 E WASHINGTON AVE, Block 80 Lot 6, which sale was evidenced by Certificate #22-00044 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8/8/2023 and before the right to redeem was cut off, as provided by law, LERETA claiming to have an interest in said lands, did redeem said lands claimed by FIG 20, LLC FBO SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,217.48 which is the amount necessary to redeem Tax Sale Certificate #22-00044.

NOW THEREFORE BE IT RESOLVED, on this 5th day of September, 2023 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101 in the amount of **\$4,717.48** (This consists of \$2,217.48 Certificate Amount redeemed + \$2,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 80 Lot 6 from the tax office records.

Motion made by Cox and seconded by Musick to adopt Resolution 2023-114

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

**RESOLUTION 2023-114
RESOLUTION IMPOSING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT
WITHIN THE BOROUGH OF WASHINGTON**

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the Borough ; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a **suggested curfew** to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Township Borough Police Department by abiding by the curfew; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore, needs to be regulated to provide for the safety, health, and welfare of all persons within the community.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington, County of Warren has established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 pm Friday, October 27, 2023 until 6:00 am Wednesday, November 1, 2023. The curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED that Trick-or-Treat Night shall be observed within the Borough of Washington on Tuesday, October 31, 2023 from 3:00 pm to 7:00 pm.

Motion made by Brown and seconded by Infinito to adopt Resolution 2023-115

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

Ayes: 7 Nays: 0

Motion passes.

BOROUGH OF WASHINGTON
County of Warren

RESOLUTION 2023-115

WHEREAS, as compensation for their loyal service and devotion to their duties as employees of the Borough of Washington; and

WHEREAS, to recognize their service;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the following salaries and wages are established effective January 1, 2023 unless otherwise noted:

BE IT FURTHER RESOLVED, that employees hired after January 1, 2023 or no longer employed as of the date of this resolution shall not receive the increase.

<u>POSITION</u>	<u>2023 SALARY</u>
Chief Financial Officer	\$45,132.81
Tax Assessor	\$34,608.58
Tax Collector	\$74,520.00
Confidential Assistant to the CFO	\$68,310.00
Qualified Purchasing Agent	\$ 7,825.59

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2023-116

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

Ayes: 6 Nays: 0 Abstain 1(Conry)

Motion passes.

RESOLUTION 2023-116

**ORDER FOR THE DEMOLITION OF THE GARAGE AT
BLOCK 20.03 LOT 2, 181-183 BELVIDERE AVENUE**

WHEREAS, on August 29, 2023, the Mayor and all council members held a public hearing on the fitness and habitability of a garage located on the property with a street address of 181-183 Belvidere Avenue and on the Borough tax records as Block 20.03 Lot 2 with the record owner of the property being Maria V. Malaret;

WHEREAS, testimony, under oath, was taken from Joseph Rossi, the Borough's Construction Code official, who testified to the following facts:

1. 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. Mr. Rossi testified that in his opinion, the garage would collapse within six (6) months or could collapse tomorrow;
7. 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;
8. 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;

9. 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.

WHEREAS, testimony, under oath, was taken from Kevin Smith the Borough's Engineer who testified to the following facts:

1. Mr. Smith testified that he is a New Jersey Licensed Professional Engineer in good standing with municipal, land development and structural engineering experience;
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

WHEREAS, at the hearing, the owner of the garage was represented by her daughter Niddia Copasso and the owner's son Cesar Malaret. Both Ms. Copasso and Mr. Malaret stated they have power of attorney for the owner.

WHEREAS, Both Ms. Copasso and Mr. Malaret were given an opportunity to cross examine the Borough's witnesses, present their own witnesses and to make a statement to the Council;

WHEREAS, Niddia Copasso only wanted to make a statement. She stated that she wanted to have the garage demolished and had contacted Mr. Rossi to obtain information and was contacting contractors to perform the demolition.

WHEREAS, Ceasar Malaret only wanted to make a statement to the council. He stated that while he would like to save the garage, he understood that it needs to be taken down. Mr. Malaret requested that there be flexibility in the ninety (90) day period.

NOW THEREFORE, BE IT RESOLVED, the Borough Council having heard the testimony of Joseph Rossi and Kevin Smith and the statements on behalf of the owner of the garage by Nidia Copasso and Ceasar Malaret resolve and ORDER:

1. The garage at 181-183 Belvidere Avenue, Borough of Washington, Warren County, New Jersey Tax Block 20.03 Lot 2 is unfit for habitation;
2. That the owner has ninety (90) days to demolish the garage and that the demolition will comply with all legal requirements.
3. Mr. Rossi shall devise a progress schedule for the ninety (90) day period for the demolition of the garage and provide same to owner;
4. If the owner does not meet the progress schedule, Mr. Rossi shall notify the owner that the demolition is not in compliance with the Council's Order and provide a reasonable amount of time, at his discretion, to bring the demolition into compliance.
5. In no event shall the owner be permitted any extensions which would cause the total time of the demolition of the garage to take more than one hundred twenty (120) days from the date of this Resolution.
6. If the owner fails to bring the demolition into compliance or the demolition is not completed in one hundred twenty (120) days of the date of this Resolution, the Borough shall then take over the demolition of the garage.
7. If the Borough takes over the demolition or the owner's demolition causes the Borough to incur any cost or expense, in accordance with Borough Ordinance Chapter 31, the owner shall be liable to the Borough for all costs and expenses incurred by the Borough;
8. If after thirty (30) days from the date the Borough serves demand for payment on the owner for the costs and expenses incurred by the Borough for the demolition of the garage, the owner has not reimbursed the Borough for the Borough's costs and expenses, the Borough shall, in accordance with Ordinance Chapter 31, file a lien against the owner's property and commence foreclosure to collect all amounts legally due and owing the Borough.

COUNCIL REMARKS

Councilman Brown gave the following remarks:

- Nice that things went smoothly like clockwork. Hoping future council sessions go this good.

Councilwoman Cox gave the following remarks:

- Meeting was good, nice to see we are on same page.
- Thanked Josephine for a good presentation. Would love to get involved.
- Mel on top of her game with things happening in the borough and stated that she is looking forward to the festival on the 16th.

Councilman France gave the following remarks:

- Thanked Josephine for coming out. Helps a lot. Spoke with Manager Bond about the foreclosure on Lincoln Avenue by Taco Bell; building has been abandoned for many years. Bond explaining the foreclosure with bank. Attorney added about fast track of foreclosure. Will look up the time frame.
- Mayor Conry says she wants to see a Veteran get this house if it can happen to get it fixed up for a veteran here in borough.
- France mentioned stigma free environment -a week ago a couple of young teenagers picking on some people in community-did it one day and another-he told them to chill out-they were getting mustered in which he called the police and added that they were very obnoxious.

Councilman Infinito gave the following remarks:

- Thanked Josephine for speaking. A great program. Offered help to be involved.
- Health Insurance: all the towns will be reached out to soon about the regional health plan the county wants to get. County needs a certain amount of buy in from the towns in Warren County.

Councilwoman Gorshkov gave the following statements:

- Quickest meeting ever.
- Thanked everyone for coming out and Josephine for talking about the program and thinking of probably registering.

Councilwoman Musick gave the following remarks:

- Thanked Josephine for coming out and also thanked Mel.
- Stated that everything went great tonight very smoothly.

Mayor Conry gave the following remarks:

- Thanked everyone for coming out and thanked everyone for a productive meeting.
- Reiterate our children are our future we must focus attention on the children.
- Safety is most important thing too.
- Thanked Josephine for coming out to give us the information.

Manager Bond reminded everyone of the early start for the next meeting, it starts at 6pm.

ADJOURN

Hearing no further business to come before Council, motion made by Cox and seconded by Gorshkov to adjourn the meeting at 8 :05 PM, all were in favor.

Laurie A. Courter, RMC
Borough Clerk