

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 01, 2015**

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.

Mayor McDonald 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.”

Mayor McDonald led everyone in the flag salute.

Roll Call: McDonald, Klimko, Conry, Noone, Heinrich

Absent: Higgins, Thompson

Also Present: Kristine Blanchard, RMC Borough Manager/Clerk

PROCLAMATION:

Mayor McDonald read the following into the record:

***PROCLAMATION IN RECOGNITION OF THE
KAREN NASH MEMORIAL BUTTERFLY GARDEN***

WHEREAS, the Borough of Washington Governing Body would like to recognize the 1st Place Award in the National Garden Club President’s Project, “A Garden, Making a World of Difference”; and

WHEREAS, this quarter-acre, schoolyard wildlife habitat garden won the 2015 First Place award in the National Garden Club President’s Project, a Garden, “Making a World of Difference – Choices Matter” in the Resources Wildlife category; and

WHEREAS, in addition, the KNMBG Junior Gardeners of Memorial School from grades 3 through 6 have been recognized by the Garden Club of NJ as the 2015 “Top Junior Garden Club of the Year.

NOW, THEREFORE, BE IT PROCLAIMED by Scott McDonald, Mayor of the Borough of Washington and the Governing Body of the Borough of Washington, in the County of Warren, State of New Jersey, that we express our sincere congratulations to the Karen Nash Memorial Butterfly Garden, and to the KNMBG Junior Gardeners of Memorial School for achieving this high honor.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, and presented to the Karen Nash Memorial Butterfly Garden Junior Gardeners of Memorial School and recorded in the official records of the Borough of Washington, as a tribute by an appreciative and thankful Governing Body.

Presented on this 1st Day of September, 2015.

MINUTES:

Regular Meeting – August 05, 2015

Motion made by Conry, seconded by Klimko to approve the Regular Meeting minutes of August 05, 2015

Ayes: 5 Nays: 0
Motion Carried

CORRESPONDENCE:

A motion was made by Heinrich, seconded by Conry to receive and file the correspondence.

Ayes: 5, Nays: 0
Motion Carried

Washington Borough BID – Street Closure for Festival in the Borough

A motion was made by Conry, seconded by Heinrich to approve the request from the Washington Boro BID for the Street Closure for the Festival in the Borough on Saturday, September 26th.

Ayes: 5, Nays: 0
Motion Carried

Warren County Planning Department – Letter of Support for Update

A motion was made by Conry, seconded by Heinrich to approve the request for the Letter of Support from the Warren County Planning Department.

Ayes: 5, Nays: 0
Motion Carried

AUDIENCE:

Mayor McDonald opened up the audience portion for remarks, petitions, statements, and testimony from guests.

Harold Warne – 107 Youmans Avenue

Mr. Warne read the following into the record:

“I am here seeking clarification of code enforcement procedures. Last year I reported violations of local code Chapter 91, weeds and obnoxious growth; as well as local code 55-12&13, litter on private property to the Borough Manager who in turn alerted the Code Enforcement Officer. Unfortunately, the Code Enforcement Officer apparently decides if and when to enforce code violations despite clear evidence of the violations. There was partial resolution of some of the issues while others were completely ignored. I had difficulty understanding why all the problems I encountered trying to resolve what I perceived as simple problems. However, since the same violations exist now on the same properties owned by Rossi, the Jewish Center of North West Jersey and the Railroad Avenue apartments, I wanted to make the Council aware of what I perceive as a serious problem in code enforcement resulting in our town looking like it is dying with weeds and garbage scattered throughout. Last year I resorted to the County Health Department to have the garbage/weeds removed from the Jewish Center property. The Health Department became involved because the garbage was attracting rodents, thereby, creating a health hazard. Had the local codes been enforced, involving the County would not have been necessary.

I would think that when legitimate code violations are reported, the code enforcement officer would be obligated to enforce the same. Youmans Avenue East has become a depressed area resembling abandoned urban properties. 106 Youmans Avenue was recently abandoned leaving garbage behind and a rotting dresser on the sidewalk while 104 was recently sold for \$31,000 less than a third of the assessed of \$88,300.00. I would think that you will become inundated with tax appeals since the few properties that are selling well below their assessed values.

My question to the Council is how do these issues get resolved?

I have photos of the existing violations if you would like to see them.”

Mayor McDonald replied that in general all similar incidents would be reported to the Borough Manager or the Code Enforcement Officer. Manager Blanchard replied that she will certainly discuss these issues with Code Enforcement Officer Bescherer. Mr. Warne added that the Jewish Center of North West Jersey is a huge issue and they are the owners of that land.

John Montaverde – Executive Director, Washington Borough BID

Mr. Montaverde stated that the BID has been working hard to try to get more foot traffic into the Farmer’s Festival. Mr. Montaverde added that this week the BID is advertising bring your dog to the Farmer’s Festival and you will receive discount coupons for Misty’s Grooming & Boutique and plans to include Lost Ladies Café giving ten percent off the regular price of hot dogs. Mr. Montaverde also plans on advertising if you bring your husband to the Farmer’s Festival with an ugly shirt you will receive a discount on a short sleeved shirt at Frantoni’s. In addition, Mr. Montaverde expressed his appreciation in regards to Council approving the request from the BID to block off School Street for the Festival in the Borough on Saturday, September 26th which kicks off the Friday night before. Mr. Montaverde also stated that there is someone interested in purchasing the Washington Theatre and wants to renovate the building and turn it into a venue for concerts and possibly a dinner theatre with plans to attend the October 6th Council Meeting.

Stan Prater – Area Representative, Jersey Central Power & Light

Mr. Prater stated that in August, JCP&L performed thermal imaging of some of the circuits that serve the Washington area to see if there are any hot spots or glowing areas which could cause power outages. Mr. Prater proudly stated that the process is complete and only found one or two spots which have been remediated. Mr. Prater also stated that earlier this year, JCP&L performed routine tree trimming in the area because trees are a big issue in terms of power outages. Mr. Prater added that JCP&L is also linking a connection between the Washington Substation to the Furnace Brook Substation which will benefit both areas in case of an outage. Mr. Prater invited Council Members to JCP&L’s Distribution Control Center in Morristown on Thursday, September 17th for a tour which will give Council a better understanding of what JCP&L does when there is an outage.

Reverend Bauknight – Mt. Pisgah AME Church

Reverend Bauknight stated that she is happy that North Lincoln Avenue is getting paved on Thursday but asked where the residents and members of Mt. Pisgah AME Church are supposed to park during the three day period. Manager Blanchard replied that the

residents and members of the church can park on any side street. Code Enforcement Officer Bescherer added that during the period of construction only the residents can park on their lawns if it is easier for them rather than walking to a nearby side street.

Dave DeSantos – 66 Cemetery Hill Road

Mr. DeSantos asked if the Technical Review Committee from the Planning Board has met with the Washington Cemetery Representatives. Mayor McDonald replied that yes, they have met approximately two weeks ago. Mr. DeSantos asked what statute the Technical Review Committee falls under and how it benefits the community. Manager Blanchard will look up the statute and provide that to Mr. DeSantos. Mayor McDonald added that the real benefit of the Technical Review Committee is that it is an opportunity to work out the definitions before an application is made to the Planning Board and to shorten the process.

Peter Quelly – 4 Cleveland Street

Mr. Quelly stated that Cleveland Street is no parking on either side of the street from East Stewart Street until the other end of the street. Mr. Quelly added that there is one “no parking” sign in front of his house and no other signs for the rest of the block and now residents have begun to park there which turns Cleveland Street into a half lane roadway. Manager Blanchard replied that she will take a look into Cleveland Street and order an additional “no parking” sign. Mr. Quelly also inquired about the use of chiminea or open fire pits when in close proximity to another home or other structure. Mr. Quelly would like to see something added to the nuisance ordinance that in order to use a chiminea or fire pit a certain sized yard or a certain distance away from other homes would be a requirement since the smoke is a nuisance. Councilwoman Noone replied that there may be ordinance already written that Council can take a look at.

Hearing no further comments from the audience a motion was made by Conry, seconded by Klimko to close the audience portion of the meeting.

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Streets Committee

Manager Blanchard stated that the paving will begin North Lincoln Avenue, Filmore Street and Jefferson Street beginning this Thursday, September 3rd and Friday, September 4th. Manager Blanchard added that the D.P.W. did some last minute tree trimming, street sweeping and repairs to manholes in preparation of the paving.

Sewer Committee

Manager Blanchard stated that the Quick Check located in Washington Township completed their sewer connection which now the Borough can begin billing them for their E.D.U.'s and there is a formula that Manager Blanchard will provide to Council in her next Manager's Report. Manager Blanchard added that there needs to be another Streets and Sewer Committee meeting and would like to hold the Streets Meeting on Tuesday, September 8, 2015 at 5:00 p.m. and the Sewer Meeting at 4:30 p.m.

ORDINANCES:

Ordinance 6-2015 An Ordinance Amending and Supplementing Chapter 85 Vehicles and Traffic of the Borough of Washington, County of Warren, State of New Jersey in Order to Establish a New Section Prohibiting the Practice Known as "Engine Braking" and Providing for Penalties Therefore (Public Hearing/Adoption)

Motion made by Heinrich, seconded by Conry to introduce Ordinance 6 – 2015 on final passage and have clerk read by title and publication statement.

Roll Call: Noone, Klimko, McDonald, Conry, Heinrich,
Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance 6-2015 An Ordinance Amending and Supplementing Chapter 85 Vehicles and Traffic of the Borough of Washington, County of Warren, State of New Jersey in Order to Establish a New Section Prohibiting the Practice Known as "Engine Braking" and Providing for Penalties Therefore

ORDINANCE #6-2015

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 85 VEHICLES AND TRAFFIC OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, NEW JERSEY IN ORDER TO ESTABLISH A NEW SECTION PROHIBITING THE PRACTICE KNOWN AS "ENGINE BRAKING" AND PROVIDING FOR PENALTIES THEREFORE

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

1. That Chapter 85, entitled “Vehicles and Traffic” of the Ordinances of the Borough of Washington, New Jersey is hereby amended and supplemented in order to establish a Section thereof to be entitled “Prohibition of Engine Braking”, as follows.

Section IX. PROHIBITION OF “ENGINE BREAKING”

1. Definitions.
 - a. “Engine-braking” shall mean the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.
2. Prohibition.
 - a. It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Borough of Washington, any mechanical exhaust or decompression device which results in the practice known as “engine-braking”.
3. Exceptions
 - a. The provisions of this Chapter shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression brakes otherwise known as “engine-braking”, which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of this Chapter. Sounds created by emergency equipment purposes are also exempt.
4. Posting of Signs.
 - a. The Borough of Washington is hereby authorized to post at reasonable locations within the Borough of Washington signs indicating the prohibition of “engine-braking”.
5. Violations and Penalties
 - a. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars

(\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

6. Severability

- a. Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter, or its application to a specific person or set of circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter, or its application to any other person or set of circumstances.

7. Effective Date

- a. This Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the Commissioner, Department of Transportation.
 1. That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.
 2. This Ordinance shall take effect upon adoption and publication according to law.

Public Hearing:

Hearing no comments from the public, a motion was made by Noone, seconded by Klimko to close the public hearing of Ordinance #6-2015.

Ayes: 5, Nays: 0
Motion Carried

Hearing no further comments, a motion was made by Conry, seconded by Noone to adopt Ordinance #6-2015 on final passage.

Roll Call: Klimko, McDonald, Conry, Heinrich, Noone
Ayes: 5, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #147-2015 Insertion of Special Item of Revenue 2015 Municipal Alliance

RESOLUTION # 147-2015

**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN
THE 2015 BUDGET PURSUANT TO N.J.S.A. 40A:4-87
(CHAPTER 159, P.L. 1948)
Municipal Alliance -2015-\$18,077.00**

WHEREAS, NJSA 40A:-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any country 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, and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren, 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 2015 in the sum of \$18,077.00, which is now available from the Warren County;

BE IT FURTHER RESOLVED, that the like sum of \$18,077.00 is hereby appropriated under the caption 2015 Municipal Alliance “Other Expenses”

Resolution #147-2015 was moved on a motion made by Conry, seconded by Heinrich and approved.

Roll Call: Klimko, McDonald, Conry, Noone, Heinrich
Ayes: 5 Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,200,625.68

Motion made by Conry, seconded by Noone to approve the vouchers.

Council Discussion:

Councilwoman Klimko asked about the charges to the Recreation Trust for the softball netting, materials and poles. Councilwoman Conry replied that Recreation replaced the old netting which was torn to pieces and is installing a new netting system. Manager Blanchard added that the netting used to be connected to trees and the trees were taken down so new poles were needed. Mayor McDonald commented that the new system make it much easier to put the netting up and down without the assistance of the Washington Borough Fire Department. Councilwoman Conry asked if the charge for the replacement of a damaged computer tower should have been covered under an insurance claim. Manager Blanchard replied that the cost of the tower was under the insurance threshold amount and it needed to be replaced.

Roll Call: Conry, Klimko, McDonald, Noone, Heinrich
Ayes: 5, Nays: 0
Motion Carried

RECAP:

Manager Blanchard will look into fire pit ordinances that may possibly be added to the nuisance ordinance which her and former Councilwoman Gleba are working on. Manager Blanchard will also discuss the issues brought up by Mr. Warne with Code Enforcement Officer Bescherer and will provide the statute for the Technical Review Committee which operates under the Municipal Land Use Law. Manager Blanchard will take care of adding an additional “No Parking” sign on Cleveland Street.

COUNCIL REMARKS:

Councilwoman Klimko asked about the street signs that still need to be put up. Manager Blanchard replied that the D.P.W. had to shift gears to get North Lincoln Avenue ready for paving. Councilwoman Klimko also asked about the status of the time clocks. Manager Blanchard replied that she is working on the issues and is hopeful to move forward by the end of the month. Councilwoman Klimko also noted that the Borough’s website was not updated with the Senior Advisory Committee’s information and meeting

schedule. Manager Blanchard replied that any requests for amendments to the website should be sent to her and she will forward on to the web master. Councilwoman Klimko would also like to see the website updated more often with current calendar events. Councilwoman Klimko added that the Senior Advisory Committee meets the last Thursday of the month at 7:00 p.m. at Borough Hall in the conference room on the first floor. Councilwoman Klimko also brought up the fact that the winter season will be approaching and how there were many issues clearing the snow from the roadways with residents not moving their cars off the streets. Councilwoman Klimko suggested possibly having no parking on the Borough streets from the end of October until the beginning of April which would ensure that the Borough's streets are free from snow during the winter months. Mayor McDonald agreed that there are issues with residents not moving their cars off the streets during periods of snow however the proposed solution may add more problems to the situation. Councilwoman Klimko added that it may cause unnecessary hardship for the law abiding citizens of the Borough who do not have anywhere else but the streets to park their vehicles and feels the Borough should work harder to enforce the snow ordinance that is in place and make sure residents understand the importance of moving their vehicles when the streets are snow covered.

Councilwoman Noone commented that the D.P.W. as well as the Washington Borough BID did a lot of cleaning up around town and that Council should keep an eye on the way that the town appears. Councilwoman Noone added that it is difficult to enforce codes and ordinances when the Borough doesn't even know who owns the property but unfortunately it affects the property values and the way people perceive the Borough. Code Enforcement Officer Bescherer replied that he does not know who owns approximately sixty percent of the abandoned homes in the Borough which is a large part of the problem.

Councilwoman Conry asked Manager Blanchard if she contacted Mr. Gary Lawrence in regards to the garbage and debris. Manager Blanchard replied that she did reach out to Mr. Lawrence and has not heard a response back. Councilwoman Conry also noted that on the corner of Park Avenue and Railroad Avenue there is also a lot of garbage that needs to be dealt with.

Mayor McDonald stated that the old Agway building has been sold and a gentleman selling granite and stone countertops will have a workshop in the back and a retail store for those products in the front along with the possibility of other retail stores in the front as well. Mayor McDonald also added that it is time for the Borough to check up on Mr. Dunn from Paramount Properties and ask for a status report on the downtown properties.

ADJOURNMENT:

Hearing no further business, a motion was made by Noone, seconded by Conry to adjourn the meeting at 8:00 p.m.

Ayes: 5, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk