

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -January 02, 2018**

The Re-Organization 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: Heinrich, Higgins, Klimko, Noone, Norris, , Valle.

Absent: Thompson

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

Police Chief Cicerelle recognized and handed out awards and certificates to the following officers for life saving efforts that occurred in the Borough: Sergeant Jerry Magyar, Sr, Patrolman Dallas Overko, Sergeant Damon Bee and Corporal Dave Burdge.

PROCLAMATIONS

Mayor Higgins issued the following proclamations:

**PROCLAMATION HONORING THE LIFE SAVING ACTIONS OF
SERGEANT JERRY MAGYAR, SR. AND PATROLMAN DALLAS OVERKO**

WHEREAS, Washington Township Police Officers Sergeant Jerry Magyar, Sr. and Patrolman Dallas Overko demonstrated quick thinking under duress, outstanding professionalism, and expert knowledge of lifesaving techniques through their successful rescue of an unconscious and unresponsive Borough resident in a Borough residence on June 18, 2017; and

WHEREAS, Sergeant Magyar and Patrolman Overko arrived on location to find the female resident unresponsive and began to administer CPR immediately upon establishing that the resident was not breathing and had no pulse; and

WHEREAS, upon reviving the female resident, Sergeant Magyar and Patrolman Overko administered additional emergency medical care; and

WHEREAS, the actions of Sergeant Magyar and Patrolman Overko were directly responsible for the survival of the resident who was successfully transported to a local hospital; and

WHEREAS, Sergeant Magyar and Patrolman Overko's heroic actions are an inspiration, and a model of professionalism, teamwork, and service for all citizens of the Borough of Washington;

NOW THEREFORE, I, David Higgins, Mayor, on behalf of the Borough Council of the Borough of Washington, County of Warren, State of New Jersey do hereby recognize with deepest respect and gratitude, Washington Township Police Officers Sergeant Jerry Magyar, Sr. and Patrolman Dallas Overko for saving the life of a Borough resident and for their courage, service and steadfast commitment to public safety.

**PROCLAMATION HONORING THE LIFE SAVING ACTIONS OF
SERGEANT DAMON BEE AND CORPORAL DAVE BURDGE**

WHEREAS, Washington Township Police Officers Sergeant Damon Bee and Corporal Dave Burdge demonstrated quick thinking under duress, outstanding professionalism, and expert knowledge of lifesaving techniques through their successful rescue of an unconscious and unresponsive Borough resident at Borough Park on November 4, 2017; and

WHEREAS, Sergeant Bee and Corporal Burdge arrived on location to find the male resident unresponsive and began to administer CPR immediately upon establishing that the resident was not breathing and continued to do so until the Washington Borough Emergency Squad arrived; and

WHEREAS, Sergeant Bee and Corporal Burdge’s efforts were directly responsible for the survival of the resident who was successfully transported to a local hospital, treated, and released; and

WHEREAS, Sergeant Bee and Corporal Burdge’s heroic actions are an inspiration, and a model of professionalism, teamwork, and service for all citizens of the Borough of Washington;

NOW THEREFORE, I, David Higgins, Mayor, on behalf of the Borough Council of the Borough of Washington, County of Warren, State of New Jersey do hereby recognize with deepest respect and gratitude, Washington Township Police Officers Sergeant Damon Bee and Corporal Dave Burdge for saving the life of a Borough resident and for their courage, service and steadfast commitment to public safety.

RESOLUTIONS

Motion made by Heinrich and seconded by Valle to approve Resolution 2018-01

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-01
Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019
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	\$ 6,497.00
Cash Match	\$ 1,949.00
In-Kind	\$ 4,873.00
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 Valle to approve Resolution 2018-02

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-02
RESOLUTION ESTABLISHING A CASH
MANAGEMENT PLAN AND NAMING OFFICIAL
CASH DEPOSITORIES**

WHEREAS, NJSA 40A: 5-14 mandates that a Governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, NJSA 40A: 5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Borough Council of the Borough of Washington, County of Warren wish to comply with the above statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, County of Warren adopts the following cash management plan, includes the official depositories for the Borough of Washington, County of Warren for the period January 1, 2018 through December 31, 2018.

CASH MANAGEMENT PLAN OF THE

**BOROUGH OF WASHINGTON,
COUNTY OF WARREN**

I. STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A: 5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Borough of Washington, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED
BY THE PLAN**

A. The plan is intended to cover all deposits and/or all investments of the funds of the Borough of Washington including but not limited to:

- Current Fund
- Payroll Trust Fund
- Agency Account
- Sewer Utility Revenue Account
- Developers’ Escrow Trust Funds
- Open Space Accounts
- General Capital Account
- Sewer Capital Account
- Regular Trust Accounts

**III. DESIGNATION OF OFFICIALS AUTHORIZED TO MAKE DEPOSITS AND
INVESTMENTS UNDER THE PLAN**

The Chief Financial Officer (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Borough of Washington are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The Chief Financial Officer is further authorized to make interfund transfers between the Borough Funds as may be necessary from time to time. The Chief Financial Officer is authorized to make such transfers and/or any and all payments by wire transfer as necessary.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

TD Bank
Sovereign Bank
Bank of America
PNC Bank
Wells Fargo
Investors Savings
The Depository Trust Company
Provident
Peapack Gladstone Bank
Money Market Investment Accounts and/or Certificates of Deposit
Unity Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

V. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Borough of Washington referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

Bank of America
TD Bank
MBIA-Class Management Unit Trust
NJ ARM Program
NJ Cash Management Fund
PNC Bank
Valley National Bank
Millington Savings Bank
Provident

The Depository Trust Company
Investors Savings
Wells Fargo
Peapack Gladstone Bank
Unity Bank

VI. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of the school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, ch. 281 (C.52: 18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) The underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) The custody of collateral is transferred to a third party;
 - (c) The maturity of the agreement is not more than 30 days;
 - (d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17: 19-41); and
 - (e) A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “governmental money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 USC sec. 80a-1 et seq., and operated in accordance with 17 CFR sec. 270.2a-7.
- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) Which has:
 - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool

An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52: 14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected at the time of interest rate adjustment, to have a market value that approximates their par value, or net asset value; and

- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C49: 3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in the U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of Washington, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Washington to assure that there is no unauthorized use of the funds or the Permitted Investments that involve Securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the Borough of Washington or by a third party custodian prior to or upon the release of the Borough of Washington’s funds.

To assure that all parties with whom the Borough of Washington deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s)

REPORTING REQUIREMENTS

At the public meeting of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Borough of Washington a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Borough of Washington as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.

- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Borough of Washington.

VIII. TERM OF THE PLAN

This plan shall be effective January 1, 2018 through December 31, 2018. The Plan may be amended from time to time as necessary.

To the extent that any amendment is adopted by the Borough Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Motion made by Valle and seconded by Klimko to approve Resolution 2018-03

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
 Ayes: 6, Nays: 0
 Motion carried.

**RESOLUTION 2018-03
 AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT
 WITH GEBHARDT & KIEFER FOR
 MUNICIPAL ATTORNEY SERVICES**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Gebhardt & Kiefer has completed and submitted a Business Entity Disclosure Certification which certifies that Gebhardt & Kiefer has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Gebhardt & Kiefer from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Gebhardt & Kiefer as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-04

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-04

RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH FERRAILOLO, WIELKOTZ, CERULLO & CUVA FOR MUNICIPAL AUDITING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Certified Municipal Auditor as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, any additional work above and beyond the base services will be charged in accordance with the hourly fee schedule provided in the above-referenced proposal only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, Ferraiolo, Wielkocz, Cerullo & Cuva has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraiolo, Wielkocz, Cerullo & Cuva has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Ferraiolo, Wielkocz, Cerullo & Cuva from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Ferraiolo, Wielkocz, Cerullo & Cuva as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Ferraiolo, Wielkotz, Cerullo & Cuva.

Motion made by Noone and seconded by Valle to approve Resolution 2018-05

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 5, Nays: 0, Abstain: 1(Klimko)
Motion carried.

RESOLUTION 2018-05
RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH
FINELLI ENGINEERS FOR GENERAL MUNICIPAL ENGINEERING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Finelli Consulting Engineers has submitted a proposal indicating they will provide the above-referenced services at the rates listed in their fee schedule for General Municipal Engineering Services; and

WHEREAS, Finelli Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Finelli Consulting Engineers from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Finelli Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers.

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-06

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-06
OPEN PUBLIC MEETINGS ACT

WHEREAS, pursuant to the Open Public Meetings Act, P.L. 1975, C.231, the Borough of Washington is required to file and post certain notices of public meetings of the Common Council of the Borough of Washington; and

WHEREAS, among the obligations imposed upon the Borough of Washington is the obligation to file the said notices with the newspaper of general circulation circulating in the Borough of Washington; and

WHEREAS, a schedule of regular meetings must be prepared, posted and filed within (7) seven days of the date of the annual reorganization meeting of the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey, that the **Star Gazette**, a newspaper published in Warren County, and circulating in the Borough of Washington and the **Express Times**, a newspaper published in the Town of Easton, be designated as the newspapers to which all notices of regular and special meetings of the Common Council shall be transmitted, pursuant to the provisions of the Open Public Meetings Act, P.L. 1975 C. 231.

BE IT FURTHER RESOLVED, by the Authority aforesaid that a copy of the attached **Schedule of Regular Meetings** be furnished to any member of the public requesting same, as required by the Open Public Meeting Act.

SCHEDULE OF 2018 REGULAR MEETINGS
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

Council Chambers - 7:00 pm

REGULAR MEETINGS:

January 2, 2018 (Reorganization Meeting)	July 10, 2018
January 16, 2018	July 24, 2018

February 6, 2018
February 20, 2018
March 6, 2018
March 20, 2018
April 3, 2018
April 17, 2018
May 1, 2018
May 15, 2018
June 7, 2018**
June 19, 2018

August 7, 2018
August 21, 2018
September 4, 2018
September 18, 2018
October 2, 2018
October 16, 2018
November 8, 2018**
November 20, 2018
December 4, 2018
December 18, 2018

January 2, 2018 (Reorganization Meeting)

Official Action May Be Taken

** Thursday Meeting

Any business that requires Council consideration and action at a particular meeting must be in the Borough Manager's or the Borough Clerk's office no later than the close of business on the Thursday preceding the meeting date.

Motion made by Noone and seconded by Klimko to approve Resolution 2018-07

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-07
PLANNING BOARD – COUNCIL MEMBER
CLASS III MEMBER

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan "E" of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint certain members of the Planning Board.

BE IT RESOLVED, that the following Council Representative, **Class III Member**, is hereby is appointed to the Planning Board with a term to expire on January 1, 2019.

Name: Cynthia Valle

Motion made by Heinrich and seconded by Valle to approve Resolution 2018-08

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-08
BUSINESS IMPROVEMENT DISTRICT
BOARD MEMBER**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint a Council member to the Business Improvement District Board with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the BID BOARD for a term ending January 1, 2019.

Name: Josephine Noone

Motion made by Noone and seconded by Valle to approve Resolution 2018-09

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-09
RESOLUTION AUTHORIZING THE TAX ASSESSOR AND LEGAL COUNSEL OF
THE BOROUGH OF WASHINGTON TO FILE AND PROSECUTE ANY AND ALL
TAX APPEALS BEFORE THE WARREN COUNTY BOARD OF TAXATION AND
THE TAX COURT OF NEW JERSEY**

WHEREAS, the County Tax Board has issued a ruling requiring a Resolution by the Mayor and Council of each and every municipality in Warren County through their Administrator, Melissa Pritchett, CTA; and

WHEREAS, said Administrator requires that the Mayor and Council of each municipality in the County of Warren adopt a Resolution to authorize the Assessor of the municipality and their legal counsel to file and prosecute any and all tax appeals before the Warren County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED, that Ryan Riccio, CTA, Assessor of the Borough of Washington, County of Warren and State of New Jersey, and Richard M. Conley, Esq., Special Counsel for the Borough of Washington, County of Warren and State of New Jersey are hereby authorized to file, prosecute, stipulate, modify, agree upon and otherwise perform the duties which are required of said Assessor and Attorney, in the process of prosecution and/or filing of said Tax Appeals, within the jurisdiction of the Warren County Board of Taxation of the Tax Court of New Jersey.

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-10

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-10

AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH SUBURBAN CONSULTING ENGINEERS FOR MUNICIPAL ENGINEERING SERVICES FOR THE WASHINGTON SQUARE DEVELOPMENT

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer specifically for the Washington Square Development as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Suburban Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Suburban Consulting Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, the services for Municipal Engineering for the Washington Square Development are strictly paid for out of escrow funds deposited by Ryan Homes and Jade Acquisition, LLC; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington enter into a contract with Suburban Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Suburban Consulting Engineers.

Motion made by Klimko and seconded by Heinrich to approve Resolution 2018-11

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-11

RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD & WOOD FOR BOND ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Bond Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Hawkins, Delafield & Wood has submitted a proposal indicating they will provide the above-referenced services at the rates listed in their fee schedule for Bond Attorney Services; and

WHEREAS, Hawkins, Delafield & Wood has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafield & Wood has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Hawkins, Delafield & Wood from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Hawkins, Delafield & Wood as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Hawkins, Delafield & Wood.

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-12

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-12
PLANNING BOARD – EMPLOYEE MEMBER
CLASS II MEMBER

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint certain members of the Planning Board.

BE IT RESOLVED, that a Borough Official, **Class II Member** hereby is appointed to serve with a term to expire on January 1, 2019.

Matthew Lopez
Fire Official

The above Declaration was an appointment made by the Mayor with Council consent.

Motion made by Heinrich and seconded by Valle to approve Resolution 2018-13

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 2 (Heinrich Higgins and Noone), Nays: 0,
Abstain: 3(Klimko, Norris and Valle)
Motion failed.

RESOLUTION 2018-13
AUTHORIZING 2017 PROFESSIONAL SERVICES CONTRACT WITH FINELLI
CONSULTING ENGINEERS FOR MUNICIPAL WASTE WATER ENGINEERING
SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Waste Water Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Finelli Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Finelli Consulting Engineers from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Finelli Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers.

Deputy Mayor Nominations

Mayor Higgins called for nominations for Deputy Mayor; Councilwoman Klimko nominated Councilman Heinrich. Hearing no other nominations for Deputy Mayor, motion made by Klimko and seconded by Valle, all were in favor.

Motion made by Klimko and seconded by Noone to approve appointment of Councilman Mike Heinrich as Deputy Mayor.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

Sub-committee appointments tabled until January 19, 2018 meeting.

COUNCIL REMARKS

Mayor and Council wished everyone a Happy New Year. Mayor Higgins congratulated the police officers for a job well done.

Mayor Higgins clarified some things that were said from the last meeting concerning the contract with the garbage company. Mayor Higgins went onto explain the bid process and what happened with the two bids received, Blue Diamond and LMR, and how the judge ruled in awarding the bid to Blue Diamond.

AUDIENCE APPEARANCE

Debbie Spinks, State Street, inquired again on the ordinance concerning parking on State Street and wants to know what criteria was used in determining no parking on half of State Street. Ms. Spinks described the area as dangerous now and a safety issue with children.

Jonathan James, DPW Supervisor, thanked the Mayor and Council and stated that he hopes to prove wrong any lack of confidence anyone might have. Mr. James also thanked specifically John Burd, former Supervisor for opening the door and giving him this opportunity.

Police Sergeant Teter, wished everyone a Happy New Year.

Motion made by Noone and seconded by Klimko to close the audience portion.

Ayes: 6 Nays: 0
Motion Carried.

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 and contract negotiations.

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 Heinrich seconded by Norris to come out of Executive Session at 8:50 pm.

Ayes: 6; Nays: 0
Motion Carried.

Resolution 2018-03

Motion made by Klimko and seconded by Heinrich to re-open Resolution 2018-03.

Ayes: 6; Nays: 0
Motion Carried.

Motion made by Norris and seconded by Klimko to approve Resolution 02018-03

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-13
AUTHORIZING 2017 PROFESSIONAL SERVICES CONTRACT WITH FINELLI
CONSULTING ENGINEERS FOR MUNICIPAL WASTE WATER ENGINEERING
SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Waste Water Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, Finelli Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Finelli Consulting Engineers from making any reportable contributions through the term of the contract, and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Finelli Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich seconded by Klimko to adjourn the meeting at 8:50 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk