

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
February 19, 2019

The regular meeting of the Township Committee was held on this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:30 pm by Mayor Klingel.

SUNSHINE LAW COMPLIANCE – Mayor Klingel noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Star-Gazette and transmitted to the Express-Times, posted at the Municipal Building and a copy is on file in the Clerk’s office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL

Fiore, present; Kovacs, present; Rossi, present; Willan, present; Klingel, present

STAFF PRESENT

Ann Kilduff, Township Clerk; Attorney Katrina Campbell; Peter deBoer, Township Administrator; Chief Cicerelle; Andrew Hart, Assistant Superintendent of Public Works; Eileen Parks, Acting CFO; Joseph Rossi, Construction Official; Lt. James Teter; members of Washington Township Police Department

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Willan, seconded by Fiore, to approve the minutes of the regular meeting of January 15, 2019.

ROLL CALL: Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

A motion was made by Willan, seconded by Fiore, to approve the Executive Session minutes of the regular meeting of January 15, 2019.

ROLL CALL: Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

Mayor Klingel administered the Oath of Office to Patrolman Andrew Bajor, the newest member of Washington Township Police Department.

Brian Sweatt addressed the Committee regarding the Township’s Health Insurance Renewals. He previously provided them with the necessary financial information to make a decision regarding the plans.

A motion was made by Fiore, seconded by Willan, to approve the Renewal of Horizon Blue Cross/Blue Shield for the year 2019 as described.

ROLL CALL: Fiore, yes; Willan, yes; Kovacs, yes; Rossi, yes; Klingel, yes

ORDINANCES

A motion was made by Fiore, seconded by Kovacs, to open to the public Ordinance 19-01, An Ordinance Re-Authorizing the Open Space Trust Fund for the Township of Washington - **2nd Reading, Public Hearing and Adoption**

All were in favor.

Seeing no one, a motion was made by Kovacs, seconded by Fiore, to close the public portion of Ordinance 19-01. **All were in favor.** A motion was made by Rossi, seconded by Fiore, to adopt Ordinance 19-01 on second reading.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

**ORDINANCE NO. 2019-01
TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY
AN ORDINANCE RE-AUTHORIZING THE OPEN SPACE TRUST FUND
FOR THE TOWNSHIP OF WASHINGTON**

WHEREAS, the Township of Washington placed a non-binding referendum on the November 1997 general election ballot regarding the creation of an open space trust fund with a concurrent tax increase to assist in the creation of such trust fund; and

WHEREAS, by vote of 1164 in favor to 760 opposed, the voters of the Township indicated their interest in the creation of an open space trust fund and a concurrent tax increase to provide for the funding of such trust fund; and,

WHEREAS, after review of the referendum results and the parameters for the creation of such an open space trust fund and concurrent taxation source, the Washington Township Committee created an open space trust fund and concurrent funding source by the dedication of a specific tax to fund this open space trust; and,

WHEREAS, the Ordinance enabling such expired effective December 31, 2018; and,

WHEREAS, the Township Committee wishes to re-authorize the fund.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that the Washington Township Committee does hereby re-authorize the Township open space trust fund and concurrent funding source, via a separate tax, as follows:

Section 1. There is hereby created a Washington Township Open Space Trust Fund, whose purposes are set forth below.

Section 2. The purposes of the Washington Township Open Space Trust Fund are as follows:

- A. To acquire/develop lands/properties within the Township for recreation (active and/or passive) and conservation purposes;
- B. To assist in the preservation of farmland within the Township wherein there is a funding necessity, either through matching grants for farmland preservation/ acquisition or through funding for the reservation of farming privileges and/or the acquisition of development rights as established by state law or the Warren County Board of Chosen Freeholders or their designees;

- C. To preserve historic properties, either through direct acquisition or providing matching funding for grants and/or loans; and,
- D. To provide funding for the payment of debt service related to appropriations in accordance with subsections A through C above.

Section 3. The funding source for the Township Open Space Trust Fund shall be the establishment of a separate Township tax line item at an annual rate not to exceed two (\$.02) cents per one hundred (\$100.00) dollars of ratables for each and every taxable property located within the Township. The rate shall be set every year by the Township Committee, by resolution, during the existence of the Township Open Space Trust Fund, no later than the meeting at which Township budget shall be introduced. The Township Chief Financial Officer, the Township Auditor, the Tax Collector and the Township Tax Assessor shall assist the Township Committee in the annual creation and collection of this open space tax.

Section 4. The determination of how the Township Open Space Trust Fund shall be expended at anytime shall be at the sole discretion of the Township Committee and they shall be the final determiners of the allocation(s) of the Trust Fund during its existence.

Section 5. The provisions for taxation to create and fund Open Space Trust Fund and the existence of the Township Open Space Trust Fund shall cease to exist at the close of business on December 31, 2020 unless the Township Committee extends the duration of this Ordinance by the close of business on December 31, 2019.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- a. All ordinances or portions of ordinances which are inconsistent with his Ordinance shall be repealed as to their inconsistencies only.
- b. The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section of clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- c. This Ordinance shall take effect immediately upon final passage and publication as required by law.

A motion was made by Willan, seconded by Fiore, to open to the public Ordinance 19-02, An Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend and Supplement chapter 71, Section 71-3, "Fees for Use of the Township Park, Ball Fields, Tennis and Basketball Courts and Other Facilities", of the Code of the Township of Washington – 2nd Reading, Public Hearing and Adoption

All were in favor.

Seeing no one, a motion was made by Fiore, seconded by Rossi, to close the public portion of Ordinance 19-02. **All were in favor.** A motion was made by Kovacs, seconded by Rossi, to adopt Ordinance 19-02 on second reading.

ROLL CALL: Kovacs, yes; Rossi, yes; Fiore, yes; Willan, yes; Klingel, yes

ORDINANCE NO. 2019-02

**ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND
AND SUPPLEMENT CHAPTER 71,
SECTION 71-3, "FEES FOR USE OF THE TOWNSHIP PARK, BALL FIELDS, TENNIS AND BASKETBALL COURTS
AND OTHER FACILITIES," OF THE CODE OF THE TOWNSHIP OF WASHINGTON**

WHEREAS, the Township Committee of the Township of Washington, County of Warren, State of New Jersey desires to supplement and amend Chapter 71 of the Code of the Township of Washington in order to update the fees for use of the Ball Fields, Tennis and Basketball Courts.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 71 of the Code of the Township of Washington be supplemented and amended to read as follows:

Section 1

§71-3, subsection (A) shall be amended as follows:

§71-3. Fees for use of Township park, ball fields, tennis and basketball courts and other facilities.

A. The Fees for use of Township park, ballfields, tennis and basketball courts and other facilities shall be set annually and/or as needed by Resolution.

Section 2:

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

SEVERABILITY

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

RESOLUTIONS

A motion was made by Kovacs, seconded by Fiore, to approve Resolutions 19-48 through 19-57.

ROLL CALL: Kovacs, yes; Fiore, yes; Rossi, yes; Willan, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-48
RESOLUTION TO APPOINT AN
OFFICE OF EMERGENCY MANAGEMENT COORDINATOR AND
DEPUTY OFFICE OF EMERGENCY MANAGEMENT COORDINATOR**

WHEREAS, pursuant to N.J.S.A. App. A:9-33 et seq. (Chapter 251 P.L. 1942, as amended by Chapter 438, P.L. 1953) the Mayor shall appoint a Municipal Emergency Management Coordinator from among the residents of the municipality; and

WHEREAS, pursuant to N.J.S.A. App. A:9-40-3 et seq. (Chapter 251 P.L. 1942, as amended by Chapter 438, P.L. 1953) and **Directive No. 102** issued by the State Office of Emergency Management, each Emergency Management Coordinator shall appoint one, and may appoint more than one, Deputy Emergency Management Coordinator with the approval of the Mayor. Wherever possible, such Deputies shall be appointed from among the salaried officers of the municipality; and

WHEREAS, Thomas J. Cicerelle, a resident of the Township of Washington, has been duly appointed as Office of Emergency Management Coordinator by the Mayor of the Township of Washington in accordance with the foregoing; and

WHEREAS, Peter H. deBoer, Jr., a salaried officer of the municipality, has been duly appointed as Deputy Office of Emergency Management Coordinator by the Office of Emergency Management Coordinator with the advice and consent of the Mayor of the Township of Washington in accordance with the foregoing; and

WHEREAS, Thomas J. Cicerelle and Peter H. deBoer, Jr. have completed all required training in accordance with the requirements of the New Jersey State Police Office of Emergency Management, the Warren County Office of Emergency Management, and the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that Thomas J. Cicerelle and Peter H. deBoer, Jr. continue their appointments as Office of Emergency Management Coordinator and Deputy Office of Emergency Management Coordinator respectively for terms commencing January 1, 2019 and ending December 31, 2021.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-49
RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT
BETWEEN THE TOWNSHIP OF WASHINGTON AND THE POLLUTION CONTROL
FINANCING AUTHORITY OF WARREN COUNTY FOR SOLID WASTE DISPOSAL**

WHEREAS, the Township of Washington is presently engaged in an Interlocal Services Agreement with the Pollution Control Financing Authority of Warren County (PCFA) for disposal of bulky waste; and

WHEREAS, the fee for municipal solid waste shall be \$79.00 / NJDEP Recycling Tax \$3.00 per ton for the term of March 1, 2019 through February 29, 2020; and

WHEREAS, the Township Committee of the Township of Washington believes it is in the best interest of the taxpayers to continue the Interlocal Services Agreement with PCFA.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the Mayor is authorized to execute the attached Interlocal Services Agreement between the Township of Washington and the Pollution Control Financing Authority of Warren County for the term of March 1, 2019 through February 29, 2020.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION # 2019-50
2018 Recycling Tonnage Grant Application**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing Washington Township, Warren County, to apply for the **2018 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Washington Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Washington, Warren County, hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Co-Recycling Coordinator Peter deBoer, who is also a Certified Recycling Professional, and Co-Recycling Coordinator Suzanne Heerwagen to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION #2019-51

RESOLUTION CONSENTING TO THE PROPOSED AMENDMENT TO THE WASHINGTON TOWNSHIP, WARREN COUNTY WASTEWATER MANAGEMENT PLAN (WMP) FOR WASHINGTON VALLEY ESTATES, BLOCK 28, LOTS 5.01 THROUGH 5.08 AND WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Township Committee of the Township of Washington, County of Warren desires to provide for the orderly use of wastewater facilities and conveyance facilities for lands within Washington Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, the proposed WQM plan amendment publicly noticed in the New Jersey Register on December 3, 2018, for a **Proposed Amendment to the Upper Delaware Water Quality Management (WQM) Plan and Washington Township, Warren County Wastewater Management Plan (WMP) for Washington Valley Estates, Block 23, Lot(s) 5.01-5.08, Washington Township, Warren County, Program Interest No. 435437 AMD180001** by Finelli Consulting Engineers, Municipal Engineers for Washington Township, Warren County.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Washington, County of Warren hereby consents to the amendment prepared on the behalf of Washington Township for the purpose of its incorporation into the applicable WQM plan(s).

BE IT FURTHER RESOLVED that this consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION #2019-52

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR AUCTION MARKETING SERVICES BETWEEN THE TOWNSHIP OF WASHINGTON AND MAX SPANN R. E. & AUCTION COMPANY

WHEREAS, the Township Committee of the Township of Washington, County of Warren desires to enter into a Professional Service Agreement with Max Spann R. E. & Auction Company to provide auction marketing services.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, that the Mayor and the Township Clerk are hereby authorized to execute a Professional Service Agreement with Max Spann R. E. & Auction Company for the purpose of providing auction marketing services.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION 2019-53

A RESOLUTION OF GOVERNING BODY CONSENT FOR FILING OF AN NJDEP TREATMENT WORKS APPROVAL APPLICATION FOR SEWER SERVICE TO BLOCK 28, LOTS 5.01 – 5.08, KNOWN AS WASHINGTON VALLEY ESTATES AND AUTHORIZING THE SIGNATURE OF THE TOWNSHIP FOR SAID APPLICATION

WHEREAS, the Washington Township Land Use Board, by Board Resolution 2018-01, dated June 13, 2018, granted Amended Preliminary and Final Major Subdivision approval of Washington Valley Estates, and;

WHEREAS, the said approval is conditioned upon the newly created lots being served by public sewer and that an application to the NJDEP for a Treatment Works Approval (TWA) is required for sewer service, and;

WHEREAS, the Township of Washington Wastewater Management Plan is being amended to allow for public sewerage of the subject lands, and:

WHEREAS, the proposed sewer collection and conveyance system will be owned and operated by the Fairway Valley Community Association, whom shall be the TWA Applicant, and:

WHEREAS, "Consent of the Governing Body" is requested on the NJDEP-TWA application form.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Washington consents to the filing of the Treatment Works Application (TWA) and that the Mayor is authorized to endorse the Treatment Works Application (TWA), where required, on behalf of the Township.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forward to the Fairway Valley Community Association, 200 Valley Road, Suite 203, Mount Arlington, NJ, 07856.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION #2019-54

THIS RESOLUTION AUTHORIZES THE TOWNSHIP SPECIAL TAX APPEAL ATTORNEY TO WITHDRAW THE TAX APPEALS CAPTIONED WASHINGTON TOWNSHIP V. BRENDA L. ANEMA, TAX COURT OF NEW JERSEY, DOCKET NUMBER 009399-2018, WASHINGTON TOWNSHIP V. BRENDA ANEMA, TAX COURT OF NEW JERSEY, DOCKET NUMBER 009394-2018, AND WASHINGTON TOWNSHIP V. CAROL A. ANEMA, TAX COURT OF NEW JERSEY, DOCKET NUMBER 009405-2018 AND AUTHORIZES THE TOWNSHIP TAX COLLECTOR TO ACCEPT A REDUCTION OF THE 2018 TAXES ON CERTAIN PROPERTIES.

WHEREAS, the Special Tax Appeal Attorney was authorized by the Township Committee to appeal the 2018 Judgments of the Warren County Board of Taxation granting farmland assessments on the properties known and designated on the Washington Township Tax Assessment Maps as Block 48, Lot 69 and 72, and Block 79, Lots 1, 1.01 and 1.02 (the “Properties”); and

WHEREAS, the Township filed appeals of the Warren County Board of Taxation judgments on said Properties in the Tax Court of New Jersey, Docket Nos. 009394- 2018, 009399-2018 and 009405-2018 (the “Tax Appeals”); and

WHEREAS, the Township Committee of Washington Township has considered these tax appeals and the recommendations of the Township Tax Assessor, Township Tax Collector and the Township Special Tax Attorney as to a settlement of these Tax Appeals; and

WHEREAS, properties were owned by Brenda L. Anema and Carol A. Anema in 2018; and

WHEREAS, the Township Tax Assessor has inspected the Properties with respect to the farming activities for both the 2018 and 2019 tax years; and

WHEREAS, as of February 19, 2019 the total taxes due on the Properties with interest and penalties was \$68,450.58; and

WHEREAS, a settlement of the aforesaid tax appeals have been negotiated which results in the farmland assessments being denied for the Properties for the 2018 tax year, the Township accepting a reduced payment in the amount of \$50,000 in full settlement of the amounts due for taxes, interest and penalties on the Properties for the 2018 tax year, and the settlement further provides that the Township agrees not to appeal the 2019 farmland assessments granted by the Township Tax Assessor for the 2019 tax year on the Properties; and

WHEREAS, the terms of settlement are more fully set forth on the proposed Stipulation of Settlement annexed hereto, which terms are incorporated herein as if more fully set forth at length in this Resolution and these recitals, and which Stipulation of Settlement the Township Committee has reviewed and approved; and

WHEREAS, the aforesaid adjustments have no general application to other properties within the Township of Washington as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Committee will make this settlement with Brenda L. Anema and Carol A. Anema, without prejudice to its dealings with any other Washington Township taxpayer’s request for farmland assessment or adjustment; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, as follows:

1. The Township Special Tax Attorney is hereby authorized to execute, deliver and file with the Tax Court the annexed Stipulations of Settlement relative to the tax appeals filed in the following matters: WASHINGTON TOWNSHIP V. BRENDA L. ANEMA, Tax Court of New Jersey, Docket Number 009399-2018, WASHINGTON TOWNSHIP V. BRENDA ANEMA, Tax Court of New Jersey, Docket Number 009394-2018, and WASHINGTON TOWNSHIP V. CAROL A. ANEMA, Tax Court of New Jersey, Docket Number 009405-2018; the terms of which Stipulations of Settlement are hereby incorporated herein as if more fully set forth at length herein, having been reviewed by the Township Committee of Washington Township.
2. The Township Tax Collector is hereby authorized to accept a reduced payment in the amount of \$50,000 in full and final settlement of the amounts due for taxes, penalties and interest to date of payment, for the taxes billed in 2018 on Block 48, Lot 69 and 72, and Block 79, Lots 1, 1.01 and 1.02 (the "Properties").
3. The Township Tax Assessor and Collector will allocate between the Properties the \$50,000 reduced tax payment in a manner which is most beneficial to the Township.
4. The settlement outlined above shall be without prejudice to the Township's dealings with any other Township taxpayers' requests for farmland assessment.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-55
Redemption Resolution
Block 38, Lot 22 C0023**

WHEREAS, the Tax Collector was paid \$2,325.84 which is the amount necessary for the redemption of Tax Sale Certificate #2017-003 sold to US Bankcust for PC 7, Firsttrust Bank. The redemption is being done by the mortgage company.

NOW THEREFORE BE IT RESOLVED, on this 19th day of February by the Mayor and Township Committee of the Township of Washington, County of Warren that since US Bankcust for PC 7, Firsttrust Bank's identification number is already on file it will be unnecessary to make provision for back up withholding, therefore the Acting CFO is hereby authorized and directed to prepare a check made payable to US Bankcust for PC 7, Firsttrust Bank in the amount of \$2,725.84 (Redemption amount of \$2,325.84 + \$400 premium held in trust by township since tax sale.) The check is to be returned to the tax collector who will mail it once the tax sale certificate endorsed for cancellation has been received by him.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 38, Lot 22 C0023 from the tax office records.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-56
Redemption Resolution
Block 31, Lot 7**

WHEREAS, the Tax Collector was paid \$13,534.78 which is the amount necessary for the redemption of Tax Sale Certificate #2018-004 sold to USBANK Cust Tower DBVIII. The redemption is being done by the mortgage company.

NOW THEREFORE BE IT RESOLVED, on this 19th day of February by the Mayor and Township Committee of the Township of Washington, County of Warren that since USBANK Cust Tower DBVIII's identification number is already on file it will be unnecessary to make provision for back up withholding, therefore the Acting CFO is hereby authorized and directed to prepare a check made payable to USBANK Cust Tower DBVIII in the amount of \$13,534.78. The check is to be returned to the tax collector who will mail it once the tax sale certificate endorsed for cancellation has been received by him.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 31, Lot 1 from the tax office records.

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-57
Redemption Resolution
Block 38.04, Lot 1**

WHEREAS, the owner of the above property was approved effective October 16, 2018 for a tax exemption due to wartime disability which made the property tax exempt for the remainder of the year. Corelogic paid his November taxes on behalf of Penny Mac which holds the mortgage. The payment was in a bulk payment which could not be returned without making all the payments delinquent. The exemption and payment of November taxes has created an overpayment of 2018 taxes in the amount of \$2,539.50 which Corelogic is requesting be refunded so it may be returned to Penny Mac. Since the property is now tax exempt it is not possible to apply the overpayment to 2019 taxes.

NOW THEREFORE BE IT RESOLVED, on this 19th day of February by the Mayor and Township Committee of the Township of Washington, County of Warren that the request of Corelogic to refund its overpayment of 2018 taxes is approved. The Acting CFO is hereby authorized and directed to prepare a check made payable to Corelogic in the amount of \$2,539.50. The check is to be returned to the tax collector who will mail it.

A motion was made by Fiore, seconded by Rossi, to approve Resolution 19-59, Rescinding Resolution 2019-43 Entitled "Resolution to Authorize and Approve Salaries and Wages for Certain Employees".

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION # 2019-59
RESCINDING RESOLUTION 2019-43 ENTITLED "RESOLUTION TO AUTHORIZE
AND APPROVE SALARIES AND WAGES FOR CERTAIN EMPLOYEES"
CORI WINCH – POLICE RECRUIT**

WHEREAS, by the recommendation of the Chief of Police, the Township Committee hired Cori Winch as a Police Recruit with an effective date of February 1, 2019; and

WHEREAS, the Washington Township Chief of Police received notification from Mr. Winch that he no longer intended to accept the position with the Township of Washington.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Washington, County of Warren hereby rescinds Resolution 2019-43 entitled "Resolution to Authorize and Approve Salaries and Wages for Certain Employees" for Cori Winch as Police Recruit.

A motion was made by Rossi, seconded by Fiore, to approve Resolution 19-60, Resolution to Authorize and Approve Salaries and Wages for Certain Employees.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION #2019-60
RESOLUTION TO AUTHORIZE AND APPROVE
SALARIES AND WAGES FOR CERTAIN EMPLOYEES**

WHEREAS, the current annual Salary Ordinance establishes the salaries/wages and compensation for Patrolman Step 1 of the Police Department of the Township of Washington, County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren that the following named employee be compensated on an annual basis effective March 1, 2019 unless otherwise noted, in the amounts as designated below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
Valeriya Bagmut	Patrolman Step 1 (Patrolwoman)	\$59,574.91

STAFF ADMINISTRATIVE REPORTS

Mr. Rossi addressed the Committee regarding the Solar Farm project. The Committee had no questions.

Mr. Hart had previously submitted his report and had nothing further to add.

Chief Cicerelle had previously submitted a report and mentioned that he will be presenting awards at the next meeting. The Committee and Chief Cicerelle briefly discussed a few budget items.

Mr. deBoer had nothing to report.

PUBLIC QUESTIONS AND CONCERNS

Mayor Klingel opened the meeting to the public.

Mr. Frank Marascia of St. Andrews Drive provided a sample of supporting documentation of ordinances/resolutions from another municipality. He also spoke about the need for repair to the trail bridges behind WHHS and offered the Environmental Commission as a resource. Mr. Fiore said that there is a student group that is involved in that maintenance. He will pass along Mr. Marascia's phone number to the faculty in charge.

Hearing no further comments, Mayor Klingel closed the public portion of the meeting.

OLD BUSINESS

Mr. Fiore provided the Committee with information on the first (10) properties. Attorney Campbell spoke about the auction time and place as discussed with Max Spann Real Estate and Auction Company.

A motion was made by Fiore, seconded by Rossi, to approve Resolution 19-61, A Resolution of the Township of Washington, County of Warren, State of New Jersey, Authorizing the Sale of Certain Property Owned by the Township and Not Required for Public Purposes, Pursuant to N.J.S.A. 40A:12-13 et seq.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

RESOLUTION NO. 2019-61

**A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR
PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements;

WHEREAS, the Township of Washington is the owner of several property (described in Schedule A) of which are not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the properties in an effort to put it back on the active tax rolls; and

WHEREAS, there shall be no minimum bid for these properties as described in Schedule A. The Township reserves the right to set a minimum bid before the auction. Regardless of the minimum bid the Township reserves the right to reject all bids; and

WHEREAS, the Township has hired Max Spann Real Estate & Auction Co. to market and auction the property on its behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, that the property described on the attached Schedule A within the Township of Washington shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-12(a). Said public auction shall be conducted on April 17, 2019 at 10:00 am at the Washington Township Municipal Building, 211 Route 31 North, Washington, NJ 07882.

BE IT FURTHER RESOLVED that the subject property shall be offered for public bidding as set forth below and shall be sold pursuant to the further expressed conditions enumerated below:

1. The Township has hired Max Spann Real Estate & Auction Co. to market and conduct a public auction for the above referenced properties. Buyer will pay Max Spann Real Estate & Auction Co. a Buyer's Premium Commission in the amount of 10% of the bid price. Buyer's premium will be incorporated into the purchase price. The Contract price in the purchase agreement shall be 110% of the high bid.
2. The Township reserves the right to cancel the auction or remove a property from the auction list, at any time prior to the auction, for any reason. Bidders may wish to contact Max Spann Real Estate & Auction Co. the day before the auction to ensure a specific property still being offered for auction.
3. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the auction sale. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
4. The successful bidder, as indicated by the highest bid, shall be required to deposit ten (10%) percent of the total contract price (Bid amount plus commission) with the Township at the time of the auction for those bidders bidding in person. Bidders bidding online shall be required to post the deposit with the Township by the end of business the following day after the auction. This deposit shall be made by either certified check, money order or cash in an amount equal to at least ten (10%) percent of the winning bid payable to "Lavery, Selvaggi, Abromitis & Cohen Attorney Trust Account". All monies so received will be credited toward the total sale price. The deposit made by the purchaser is non-refundable. The risk of loss is on the purchaser.
5. The successful bidder, as indicated by the highest bid, shall be required to execute a Contract for Sale of Real Estate at the time of the auction. A copy of the contract for each property is on file with the Township Clerk.
6. The auction shall be conducted by Max Spann Real Estate & Auction Co. under its published terms and conditions.

7. All bidders should be aware that the property is being sold in as-is condition and the Township makes no representation regarding the condition of the property or its suitability for building or other land uses.
8. The successful bidder(s) shall be required to pay all recording fees.
9. The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be recorded on behalf of the purchaser by the Township Attorney. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.
10. The burden is on all successful bidders to obtain any and all variances and/or approvals from the Land Use and Development Ordinance of the Township of Washington from the appropriate municipal agency. Closing of title is not contingent upon the issuance of any required land use approval.
11. Title is to close within forty-five (45) calendar days of confirmation of the bid by the Township Committee at the Township Attorney's office, unless otherwise extended in the sole discretion of the Township Committee, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then title shall close on the following day. Time is of the essence.
12. All conveyances shall be by Bargain and Sale Deed from the Township of Washington to the successful bidder, to be dated on the date of closing of title.
13. The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court or in any other court of this State to challenge the assessment with respect to the subject property nor may same be used as a comparable sale to challenge assessment with regard to other properties.
14. All successful bidders are required to conduct all desired title searches at their expense prior to the date of closing. If the title to this property shall prove to be unmarketable, the liability of the Township shall be limited to the repayment to the purchaser of the amount of his or her deposit and any portion of the purchase price paid without any further cost, expense, damage or claim. Notice of any alleged defect in title or claim of unmarketability shall be given to the Township in writing no later than thirty (30) calendar days after the date of confirmation of the sale by the governing body of the Township of Washington. Failure to give such notice shall be deemed conclusive evidence that the purchaser accepts title in its then present condition.
15. All prospective purchasers are put on notice that no employee, agent or officer of the Township of Washington has authority to waive, modify or amend any of the conditions of sale.
16. If the successful bidder was the sole or part owner of the property to be sold at the time the Township acquired title by a tax foreclosure, said bidder may not reacquire the property directly or indirectly without complying with the following condition: The successful bidder of any property at this auction, by making such bid, thereby agrees to pay the Township at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties due at the time of the judgment of foreclosure was entered and the amount of the successful bid.

17. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the purchaser.
18. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Township of Washington, as a material breach of the conditions of sale whereupon the Township of Washington may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Township as its liquidated damages and it may thereafter resell the said property and/or pursue such other and further legal and/or equitable remedies as it may have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Township of Washington by reason of any such default.
19. Any descriptions of the properties published by the Township are intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Washington as to the conditions of the property, said premises are being sold in their present conditions "as is".
20. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants, restrictions and any other encumbrances of title.
21. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Washington.
22. Successful bidders agree to the following conditions:
 - a. To pay prorated property taxes for the balance of the current year as of the date of closing.
 - b. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
 - c. That the failure to close title as agreed shall forfeit to the Township of Washington any and all money deposited with the Township.
23. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

NEW BUSINESS

Mr. deBoer spoke about Drake Court street numbering as indicated on the previously distributed maps. The discussion also included street naming and numbering Hawk Pointe's townhouses.

ECONOMIC DEVELOPMENT

There was nothing to report regarding Economic Development.

REPORTS FROM OFFICIALS

Mr. Fiore updated the Committee concerning the Recreation Committee. They will have items for the next Budget Meeting. The Environmental Commission meeting was cancelled due to weather. Ralph had previously submitted the 3rd list of properties for consideration of foreclosure. The Committee agreed to move forward with those listed.

PAYMENT OF BILLS

A motion was made by Fiore, seconded by Willan, to approve the payment of the bills in the amount of \$3,120,858.47.

ROLL CALL: Fiore, yes; Willan, yes; Kovacs, yes; Rossi, yes; Klingel, yes

EXECUTIVE SESSION

A motion was made by Rossi, seconded by Fiore, to approve Resolution 19-58, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance with the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 8:30 pm.

ROLL CALL: Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

Attorney Campbell stated that the Committee would be discussing (3) personnel matters; (2) contractual matters regarding shared service; (4) attorney-client privilege matters regarding Butler Park paper roads, overlay zoning, vending contracts, and wastewater management plan; and a potential land purchase.

RESOLUTION # 2019-58

RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Governing Body of the Township of Washington, County of Warren, will be going in Executive Session; and

WHEREAS, the meeting is not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12; and

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Washington will give a brief summary of meeting upon coming out of Executive Session.

A motion was made by Willan, seconded by Rossi, to come out of Executive Session at 9:55 pm. **All were in favor.** Attorney Campbell stated the Committee discussed (3) personnel matters; (2) contractual matters regarding shared service; (4) attorney-client privilege matters regarding Butler Park paper roads, overlay zoning, vending contracts, and wastewater management plan; and a potential land purchase.

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

A motion was made by Fiore, seconded by Rossi, to approve the Fair Share Housing Agreement based upon conditions set forth by the Township Attorney.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

A motion was made by Fiore, seconded by Rossi, to place Township employees discussed in Executive Session on (6) days Administrative Leave.

ROLL CALL: Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

ADJOURNMENT

Hearing no further business to come before the Committee, a motion was made by Fiore, seconded by Willan to adjourn the meeting at 9:57 pm.

All were in favor.

Respectfully submitted,

Ann Kilduff, RMC
Township Clerk