

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -July 24, 2018**

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.

Roll Call: Heinrich, Higgins, Klimko, Noone, Norris and Valle.  
Absent: Thompson and Manager Hall

Also, Present: 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**

Pete Mulliken (sp), Carlton Ave. asked what is the update on the boroughs end of the lawsuit. Mr. Mulliken expressed his frustrations of the standstill of the pending lawsuit he has with the borough concerning damage that was done to his property from flooding.

Attorney Parikh stated that she will do her best to set up a meeting as soon as possible.

Motion made by Heinrich and seconded by Valle to close the audience portion.

Ayes: 6 Nays: 0  
Motion Carried.

**RESOLUTIONS**

Motion made by Heinrich and seconded by Valle to approve Resolution 2018-99.

Ayes: 6 Nays: 0  
Motion Carried.

**RESOLUTION 2018-99**

**AUTHORIZING THE FINANCE DEPARTMENT OF WASHINGTON BOROUGH TO  
WAIVE THE REQUIREMENT FOR CLAIMANT’S CERTIFICATION FOR THE**

**PURCHASE ORDER BELOW 15% OF THE BID THRESHOLD PURSUANT TO N.J.S.A. 40A:5-16 (c) (3),**

**WHEREAS, N.J.S.A. 40A:5-16 (c) (3) AND N.J.A.C. 5:30-9.A.3(a) (3) permits local units to pay out monies without requiring certification; and**

**WHEREAS, the Borough of Washington wishes to process vouchers under the 15% bid threshold without claimant certification; and**

**WHEREAS, the Borough of Washington appoints and retains a licensed Qualified Purchasing Agent (QPA) to oversee the purchasing operations of the Borough of Washington; and**

**WHEREAS, when purchases for items are equal to or less than 15 percent of the bid threshold or \$6,000; for the Borough, the requirement to obtain the “Claimant’s (Vendor) Certification” may be forgone so long as the Department Certification has been completed; and**

**WHEREAS, this policy will provide the Borough with efficiency and cost savings; and**

**WHEREAS, by virtue of the fact that an employee of the Borough signs the Departmental Certification they are assuming personal responsibility for the statement in the certification which states:**

**“I, having knowledge of the facts certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures”**

**NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington that the Finance Department is authorized to process voucher less of equal 15% of the bid threshold without claimant’s certification**

Motion made by Klimko and seconded by Noon to approve Resolution 2018-100.

Ayes: 6 Nays: 0

Motion Carried.

**RESOLUTION 2018-100**

**A RESOLUTION APPOINTING MARY JO HARRIS AS INTERIM MUNICIPAL ALLIANCE COORDINATOR FOR THE BOROUGH OF WASHINGTON**

**WHEREAS, the Borough of Washington’s Municipal Alliance Coordinator resigned effective June 30<sup>th</sup>, 2018; and**

**WHEREAS, the Mayor and Council of the Borough of Washington wish to fill this vacancy urgently so as to provide continuity to the program;**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that Mary Jo Harris be appointed the Municipal Alliance Coordinator retroactive to July 1, 2018 on an interim basis until such time as a permanent coordinator is appointed.

Motion made by Valle and seconded by Klimko to approve Resolution 2018-101.

Ayes: 6 Nays: 0

Motion Carried.

**RESOLUTION 2018-101**  
**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**  
**WASHINGTON BOROUGH**  
**WARREN COUNTY, STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be

fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the *Governing Body* of the *Borough of Washington* hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion made by Noone and seconded by Valle to approve Resolution 2018-102.

Ayes: 6 Nays: 0

Motion Carried.

**RESOLUTION 2018-102**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND**  
**APPROPRIATIONS NJSA 40A: 4-87**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$18,077.00 which is now available from the Warren County, DHS

**BE IT FURTHER RESOLVED**, that the like sum of \$18,077.00 is hereby appropriated under the caption of Other Expenses – Municipal Alliance.

Motion made by Noone and seconded by Valle to approve Resolution 2018-103.

Ayes: 6 Nays: 0

Motion Carried.

**RESOLUTION 2018-103**  
**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE**  
**UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**  
**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in**  
**Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the

Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Governing Body of the Borough of Washington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

#### Discussion-August Meeting

Mayor Higgins explained the circumstances for the need to change the August 7<sup>th</sup> meeting and to have one meeting in August (National Night Out and Sewer Public Hearing) per Manager Hall.

Motion made by Norris and seconded by Noone to have one meeting in August being the following Tuesday after the national night out, this year being August 14<sup>th</sup> for one meeting in the month of August.

Ayes: 6 Nays: 0  
Motion Carried.

#### **ORDINANCE**

Motion made by Heinrich and seconded by Norris to approve on first reading Ordinance 2018-17.

#### Discussions

Lengthy discussion involving fire hydrants being shoveled out from snow, false alarms and fire lanes ensued.

Attorney Parikh recommended that this ordinance be tabled until she can speak with the Fire Official to get clarity on the issues discussed.

*Deputy Heinrich took the chair as Mayor Higgins stepped out temporarily at 7:41 P.M.*

Motion made by Heinrich and second by Klimko to retract his motion and to table Ordinance 2018-17.

Ayes: 6 Nays: 0  
Motion Carried.

### **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Noone to pay the vouchers and claims in the amount of \$759,256.17 from the current fund and \$ 4,275.71 from sewer.

ROLL CALL: Heinrich, Klimko, Noone, Norris and Valle.  
Motion carried.  
Ayes: 5, Nays: 0  
Motion Carried.

*8:00 P.M. Mayor Higgins returned to meeting.*

### **DISCUSSION**

Sick Leave Policy-Attorney Parikh stated that the current policy is inconsistent and needs to be ironed out before October 29<sup>th</sup> with the bargaining unit.

Referendum Consideration- Merging two towns; Washington Township and Washington Borough. Mayor Higgins discussed the positive aspects of the Borough and Township combining into one town. Mayor Higgins asked council to gather facts and think about the proposal and having possibly for next year a non-binding referendum to voters.

It was the consensus of Council to go ahead and look into merging the two towns. Mayor Higgins stated he will direct the Manager to contact the Townships' Administrator to start discussions.

Managers' Report-June Amended-tabled to next meeting.

### **EXECUTIVE SESSION**

A motion was made by Heinrich seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:15 with a five-minute break.

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 Noone seconded by Klimko to come out of Executive Session at 9:18 pm.

Ayes: 6; Nays: 0  
Motion Carried.

### **COUNCIL REMARKS**

Councilwoman Noone discussed the farmers appreciation day at the Farmers Market over the weekend. Councilwoman Noone reported on behalf of the BID they have purchased banners that will wrap around poles that will say “Welcome to Washington 150 Years Old”.

Councilman Norris discussed equipment and pavers that have been sitting on Route 57 in the borough, and nothing is being done about removing it. Councilwoman Klimko stated she spoke with Mr. Lopez also on the issue before he left for vacation.

Discussions ensued regarding Route 57 being a state road and being able to enforce ordinances.

Councilwoman Klimko also gave praise for the Famers Market. Councilwoman Klimko also pointed out the new facade at Gibson’s Gym and how it makes it look pristine.

Mayor Higgins stated that the Warren County Farmers Fair begins on July 29<sup>th</sup>. The BID will have a booth there.

On October 17, 2018 the Washington Borough Recreation will host a NJ Champion tug-of-war competition.

Mayor Higgins gave thanks to all those who wished luck for his grandson’s procedure that was recently done.



Mayor Higgins cautioned council members on representing themselves as a member of council when approaching a business without the entire council knowing what is being discussed, as this opens the borough up to liability. Mayor Higgins referenced a recent situation he was made aware of involving a councilmember inquiring about a piece of equipment.

**ADJOURNMENT**

Hearing no further business, a motion was made by Noone seconded by Klimko to adjourn the meeting at 9:37 pm.

Ayes: 6; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk