

---

*BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY*

*WASHINGTON BOROUGH COUNCIL MINUTES*

*July 21, 2020*

---

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Also Present: Matthew Hall, Manager  
Laurie A. Barton, Borough Clerk  
Tara St. James, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into 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, borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

### **PUBLIC COMMENT**

Mel Thiel, BID Executive Director, gave the following update:

- Submitted paperwork for a grant application concerning electric car charging station to be put at the municipal parking lot.
- Tomorrow starts a three-week series for story time in pocket park.
- BID going forward with the festival in September-it will be scaled down.

Linda (last name inaudible, 28 South Lincoln Ave., brought to councils attention of speeding on South Lincoln. Inquired about spraying for insects in her area. Requested that no spraying in her area due to organic gardens in place.

Ajay Williams, Williams Irish Tavern, Requested to extend hours for outdoor dining later than what is in place now which is 10:00 p.m. Mr. Williams sites that the hours restricted to 10 pm is hurting business.

Phil Blanch, Philberts Pub, also requested that the outdoor dining be extended.

Scotty, Scottys Stadium, reiterated what the other bar owners have stated tonight requesting extended hours.

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

### **MINUTES**

Motion made by Noone and seconded by Duchemin to approve the minutes of June 10<sup>th</sup> 16<sup>th</sup> and 30<sup>th</sup>.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 5 Nays: 0 Abstain: Cox (June 16<sup>th</sup>), Valle (June 10<sup>th</sup> & 30<sup>th</sup>) and Duchemin (June 30<sup>th</sup>)

Motion passes.

### **NEW BUSINESS**

Mayor and Council discussed the request from owners of area establishments to extend outdoor dining past the 10:00 curfew.

#### **Motion**

Motion made by Noone and seconded by Conry authorizing an extension of outdoor bar and dining with the hours being extended to 12:30 am weekdays through Thursday and 2:00 am Friday through Saturday.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes.

### **ORDINANCES 2<sup>nd</sup> reading**

Motion made by Conry and seconded by Noon to open the public hearing for Ordinance 2020-07 all were in favor.

Councilman Norris inquired on which roads and sidewalks will the work be done.

Hearing no further public comment, motion made by Coney and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Norris and seconded by Conry to adopt Ordinance 2020-07.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0  
Motion passes.

**ORDINANCE 2020-07**  
**ORDINANCE APPROPRIATING \$120,000.00 FROM THE**  
**CAPITAL IMPROVEMENT FUND TO FUND VARIOUS CAPITAL**  
**IMPROVEMENTS BY THE BOROUGH OF WASHINGTON, IN**  
**THE COUNTY OF WARREN, NEW JERSEY**

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY AS FOLLOWS:

Section 1. \$120,000.00 is hereby appropriated from the Capital Improvement Fund of the Borough of Washington, in the County of Warren, New Jersey (the “Borough”) to fund various capital municipal projects including road and sidewalk improvements, and improvements to the municipal building, and further including all related costs and expenditures incidental thereto.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Motion made by Conry and seconded by Norris to open the public hearing for Ordinance 2020-08 all were in favor with the exception of Councilwoman Valle abstaining.

Councilwoman Cox asked where the property is located.

Hearing no further public comment, motion made by Norris and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Norris and seconded by Valle to adopt Ordinance 2020-08.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.  
Ayes: 7 Nays: 0  
Motion passes.

**BOROUGH OF WASHINGTON**  
**ORDINANCE NO. 2020-08**  
**AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED**  
**FOR PUBLIC USE**

**WHEREAS**, the Borough of Washington is the record owner of certain real property known as Block 46, Lot 9.01;

**WHEREAS**, the lot in question is vacant and without capital improvements; and

**WHEREAS**, the Borough is desirous to sell the land in order to correct title to this property and that of Block 46 Lot 9.01 and is authorized to do so pursuant to N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, the Borough Mayor and Council (“Municipal Council”) hereby determines that the Property constitutes real property with less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any Borough owned improvements thereon; and

**WHEREAS**, there is only one property owner with real property contiguous to the property; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally-owned property which is less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any Borough-owned capital improvement thereon, to the only owner having contiguous real property to the property being sold; and

**WHEREAS**, the Mayor and Council of the Borough of Washington have determined that this property is not needed for public use; and

**WHEREAS**, the Borough Council is desirous of selling the property to the only owner of contiguous real property;

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of Tax Lot 9.01, Block 46, is authorized to the only owner of contiguous real property. This property will be sold for \$1.00 One Dollar and Zero Cents.
2. The sale is contingent and conditioned upon the purchaser consolidating the “property” with Lot 9, Block 46 within 180 days following the date of the deed.
3. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes, regulations and ordinances of the Borough of

Washington or federal, state or county governments. No representations of any kind are made by the Borough as to the condition of the lands, and the property is being

4. The Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).
5. A copy of this Ordinance shall be sent by the Clerk to the contiguous property owner.
6. The Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this property.

Motion made by Duchemin and seconded by Conry to open the public hearing for Ordinance 2020-09 all were in favor.

Attorney St. James and Planner Elena Gable explained what the ordinance entails. Motion made by Valle and seconded by Noone to continue the public hearing until the next meeting on August 4, 2020 and any input from the Land Use Board.

Motion made by Duchemin and seconded by Conry to open the public hearing for Ordinance 2020-10 all were in favor.

Planner Elena Gable explained what the ordinance entails.

Motion made by Conry and seconded by Duchemin to continue the public hearing until the next meeting on August 4, 2020 and any input from the Land Use Board.

## **RESOLUTIONS**

Motion made by Noone and seconded by Valle to adopt Resolution 2020-102.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.  
Ayes: 7 Nays: 0  
Motion passes.

### **RESOLUTION 2020-102**

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

#### **CLEAN COMMUNITIES \$14,221.09**

**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 2020 in the sum of \$14,221.09 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$14,221.09 is hereby appropriated under the caption of Other Expenses – Clean Communities

Motion made by Conry and seconded by Noone to adopt Resolution 2020-103.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-103**  
**AUTHORIZING CHANGE ORDER NO. 1 & 2 INCREASING THE CONTRACT**  
**AMOUNT FROM \$87,786.00 TO \$117,656.91, WHICH IS AN INCREASE OF 34% OR**  
**\$29,870.91 FROM THE CONTRACT AMOUNT FOR THE WASHINGTON BOROUGH**  
**SCHOOL SAFETY IMPROVEMENTS PROJECT**

**WHEREAS**, the Borough of Washington, County of Warren, State of New Jersey and NAVA CONSTRUCTION, LLC. entered into a contract for the WASHINGTON BOROUGH SCHOOL SAFETY IMPROVEMENTS project, an NJDOT Local Aid Project; and

**WHEREAS**, there was an increase in the contract price from \$87,786.00 to \$117,656.91, an increase of (\$29,870.91) or a 34% increase to the contract amount based on an adjustment for as-constructed items and an adjustment in the total hours required for police traffic directors all as further detailed and recommended for payment in a report from the Borough Engineer to the Borough Manager and CFO dated June 10, 2020; and

**WHEREAS**, the CFO certifies that additional funds are available for the project from the following account 04-2020-2007-0-4-0.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. It authorizes and accepts Change Order No 1 & 2 to the contract with NAVA CONSTRUCTION, LLC for the Washington Borough School Safety Improvements Project to increase the total contract amount to \$117,656.91.
2. It authorizes the appropriate municipal officials to increase the amount of the contract by \$29,870.91 and authorizes those same municipal officials to pay said change order amount when the appropriate request for payment is submitted and approved by the purchasing agent.
3. It hereby directs the Borough Clerk to transmit certified copies of this resolution to the Borough Purchasing Agent, and the Finance Department.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-104.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-104**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$557.61 for taxes or other municipal liens assessed for the year 2017 in the name of Didio, Christopher E. & Amber L. as supposed owners, and in said assessment and sale were described as 1 Heather Hill Road, Block 44 Lot 34.01, which sale was evidenced by Certificate #18-00012; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-12-20 and before the right to redeem was cut off, as provided by law, Loancare, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,159.85 which is the amount necessary to redeem Tax Sale Certificate #18-00012.

**NOW THEREFORE BE IT RESOLVED**, on this 21st day of July 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$2,159.85** (This amount consists of \$2,159.85 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 34.01 from the tax office records.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-105.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-105**

**REDUCE TAX**

**WARREN LUMBER**

WHEREAS, Warren Lumber Inc. a real property tax payer has appealed their 2013 & 2014 taxes and;

WHEREAS, the Tax Collector has received favorable appeal granted by the State Board of Taxation in accordance with N.J.S. 54:3-21 et al;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington County of Warren, State of New Jersey, that the Tax Collector is hereby authorized to reduce said taxes for the following properties and give the appropriate refund.

Motion made by Conry and seconded by Duchemin to adopt Resolution 2020-106.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-106**

**A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL**

**WHEREAS**, a County Tax Court Judgment has been favorably awarded to Empire TFI Jersey Holding LLC, Block 35, Lot 14 aka 256 Belvidere Avenue, for the tax year 2014; and,

**WHEREAS**, such judgment has resulted in an overpayment of 2014 property taxes in the amount of \$49,174.17

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$49,174.17 for said overpayment to Michael I. Schneck, Trustee for Empire TFI Jersey Holding LLC, 301 So. Livingston Avenue, Suite 105, Livingston, NJ 07039.

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-107.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-107**

**A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL**

**WHEREAS**, a County Tax Court Judgment has been favorably awarded to Warren Lumber Inc. c/o Warren Millwork, Block 35, Lot 14 aka 256 Belvidere Avenue, for the tax year 2013; and,



**WHEREAS**, such judgment has resulted in an overpayment of 2013 property taxes in the amount of \$52,045.44

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Chief Financial Officer be hereby authorized to issue a check in the amount of \$52,045.44 for said overpayment to Michael I. Schneck, Trustee for Warren Lumber Inc. c/o Warren Millwork, 301 So. Livingston Avenue, Suite 105, Livingston, NJ 07039.

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer and property owner.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-109.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-109  
STATEWIDE INSURANCE FUND**

**RESOLUTION TO JOIN (RENEW) THE FUND**

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

**WHEREAS**, Washington Borough has complied with relevant law with regard to the acquisition of insurance; and

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

**WHEREAS**, the Governing Body has determined that membership in the FUND is in the best interest of the Washington Borough.

**WHEREAS**, the Governing Body agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2021** terminating on **January 1, 2024** at 12:01 a.m. standard time; and

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

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

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

**BE IT FURTHER RESOLVED** that Washington Borough will be afforded the following coverage(s) :

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

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

Motion made by Valle and seconded by Conry to adopt Resolution 2020-110.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-110**  
**RETAIL DISTRIBUTION LICENSE**  
**WARREN COUNTY DISCOUNT LIQUOR**  
**LICENSE NUMBER #2121-44-006-002**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-44-006-002**  
Warren County Discount Liquor Grocery Inc  
260 Washington Ave.  
Washington NJ 07882

From July 1, 2020 – June 30, 2021, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-111

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-111**  
**RETAIL DISTRIBUTION LICENSE**  
**WASHINGTON DISCOUNT LIQUOR**  
**LICENSE NUMBER #2121-44-008-008**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

**License # 2121-44-008-008**  
Washington Discount Liquors LLC  
66 Route 31  
Washington NJ 07882

From July 1, 2020 – June 30, 2021, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Valle and seconded by Conry to adopt Resolution 2020-112

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-112**

**RESOLUTION TO REFUND OVERPAID TAXES**

WHEREAS, several property tax payers have overpaid their property taxes and;

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners;

THEREFORE BE IT RESOLVED, by the Borough Council, of the Borough of Washington, County of Warren, State of New Jersey, that the Tax Collector and Finance officer are hereby authorized to refund in the amount of \$1923.86 to the property owner, Miguel & Mercedes of 12 Oak Ridge Road, Washington, NJ 07882

Motion made by Valle and seconded by Conry to adopt Resolution 2020-113

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

**RESOLUTION 2020-113**

**Resolution to grant a Totally Disabled Veteran Exemption**

WHEREAS, the following individuals have filed application for a Totally Disabled Veteran Exemption and;

WHEREAS, the Tax Collector has approved said applications for the 2020 tax year in accordance with N.J.S. 54:4-3.30;

NOW, THEREFORE BE IT RESOLVED, that the Borough Council, of the Borough of Washington, County of Warren, State of New Jersey, is hereby authorized to cancel the below listed amounts.

Block	Lot	Name of Owner	Year	Amount
44.01	6	Lopez, M & M	2020	\$3800.54

Motion made by Valle and seconded by Conry to adopt Resolution 2020-114

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

### **RESOLUTION 2020-114**

#### **RESOLUTION**

#### **INCREASING BID THRESHOLD PURSUANT TO N.J.S.A. 40A:11-3A FROM \$40,000 TO \$44,000 AND CONTINUE THE APPOINTMENT OF ROSE WITT AS THE BOROUGH OF WASHINGTON QUALIFIED PURCHASING AGENT**

**WHEREAS**, Governor Murphy has approved an adjustment to the Local Public Contracts Law giving local contracting unit the ability to increase their bid threshold to \$44,000.00 provided the Qualified Purchasing Agent has been appointed;

**WHEREAS**, Rose Witt was appointed Qualified Purchasing Agent on June 23, 2017 by resolution 2017-157; and

**WHEREAS**, the Borough desires to take advantage of the increased bid threshold which was enacted to increase bid threshold which was enacted to increase efficiency and adjust for changes in purchasing and business dynamics; and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Washington. In the County of Warren, in the State of New Jersey hereby increases its bid threshold top \$44,000.00; and

**BE IT FURTHER RESOLVED** that the governing body hereby continues the appointment of Rose Witt as the Qualified Purchasing Agent to exercise the duties of the purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with the specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

**BE IT FURTHER RESOLVED** that in accordance with N.J.A.C. 5:34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services

Motion made by Valle and seconded by Conry to adopt Resolution 2020-115

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7 Nays: 0

Motion passes

### **RESOLUTION 2020-115**

**RESOLUTION AUTHORIZING SYSTEM MODIFICATION TO THE BOROUGH'S  
WASTEWATER TREATMENT PLANT BY VEOLIA WATER NORTH AMERICA –  
NORTHEAST, LLC**

**WHEREAS**, on October 9, 2018, Veolia Water North America – Northeast, LLC, was awarded a contract for the operations and maintenance of the Borough's Waste Water Treatment Plant; and

**WHEREAS**, according to Article V, Section 6.5(A) of the Agreement, the Borough may authorize modifications to the Waste Water Treatment System; and

**WHEREAS**, negotiations have occurred to the satisfaction of both parties in order to make certain modifications to the Borough's Waste Water Treatment System; and

**WHEREAS**, the Mayor and Council have decided that authorizing such modifications would be in the best interest of the Borough.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Washington, authorize certain modifications to the Waste Water Treatment System in accordance with the attached Amendment.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Borough Manager, Chief Financial Officer, and Veolia Water North America – Northeast, LLC.

**REPORTS**

Motion made by Valle and seconded by Norris to accept and file the Police monthly report, all were in favor.

**OLD BUSINESS**

Mayor Higgins made the following appointments to the Library Board:  
Jaymie DeWitt and Frank May to four-year terms.

Motion made by Conry and seconded by Noone to accept Mayor Higgins library board appointments.

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 5, Nays: 0 Abstain: Cox and Duchemin  
Motion Carried.

Motion made by Conry and seconded by Noone to open the baseball fields for Little League and the soccer fields.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.  
Ayes: 7 Nays: 0  
Motion passes

## **VOUCHERS AND CLAIMS**

Motion made by Conry seconded by Duchemin to pay vouchers and claims.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 1 (Cox)  
Motion Carried.

## **RECAP**

Manager Hall recapped the following:

- Follow up directly with the licenses established owners along with Enzo's concerning outdoor dining extension.
- Follow up with the Land Use Board to consider the ordinances that will be up for adoption on August 4<sup>th</sup>.
- Have a conversation with the Chief of Police regarding outdoor dining.

## **COUNCIL REMARKS**

Councilman Norris gave the following remarks:

- Inquired about any updates to the proposed Taco Bell. Stated for everyone to stay hydrated and safe.

Councilwoman Valle gave the following remarks:

- Glad to see restaurants and bars to stay open later and wished everyone to be safe.

Councilwoman Cox gave the following remarks:

- Stated that the roll call gets boring in alphabetic order.

Councilwoman Duchemin gave the following remarks:

- Stated that she has been sitting in on the schools re-opening school meetings. Asked to keep teachers in thoughts and prayers be supportive of them all and all the work they are doing.

Councilwoman Noone gave the following remarks:

- Thanked those who come to the farmers market and thanking everyone for following the rules and regulations for safety purposes.

Mayor Higgins gave the following remarks:

- Instructed the Clerk to have Matt Hall Riced Noticed for next meeting.

**EXECUTIVE SESSION**

Motion made by Noone and seconded by Conry to enter into executive session for contract negotiations and potential shared service all were in favor.

**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 ensure 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 Duchemin seconded by Valle to come out of Executive Session, all were in favor.

Motion made by Cox and seconded by Noone to have Manager Hall move forward with a shared service agreement., all were in favor.

Motion made by Noon and seconded by Conry to authorize Attorney St. James to draft a letter of agreement with the mayors signature extending the agreement with Ray Rice one year, with no COAH progress payments until all taxes paid and tax sale certificates redeemed.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 1 (Cox)  
Motion Carried.

## **ADJOURNMENT**

Hearing no further business, a motion was made by Valle seconded by Conry to adjourn the meeting at 9:30 pm.

Ayes: 7: Nays: 0  
Motion Carried.

---

Mayor David Higgins

---

Laurie A. Barton, Borough Clerk