
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

October 20, 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 (*arrived at 7:15 p.m.*).

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor 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

Joe Groff, Deputy Chief, Washington Emergency Squad, Summarized the departments activities so far this year:

- They received 932 calls so far this year and anticipate to reach approximately 1500 calls for the year.
- There are 80 staff members and 30 volunteer members. They have enough PPE to answer calls. The land that the squad owns on Kinnemon Avenue will be put up for sale , as it is no longer needed.

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

- An email went out to Mayor and Council and Matt Hall for a gathering next Wednesday the 28th at the new CVS that is being built.

- Hometown Halloween will be on Saturday October 31st from 3pm-5pm for trick or treaters. Businesses will be handing out bagged candy. Pumpkins were delivered to those businesses who will participate in the pumpkin carving contest.

MINUTES

Motion made by Valle and seconded by Norris to approve the following minutes.

October 6, 2020.

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

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

Mayor Higgins stated that he will be in and out of tonight's meeting due to work obligations.

RESOLUTIONS

Motion made by Noone and seconded by Cox to adopt Resolution 2020-145.

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2020-145

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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 2019 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 Cox to adopt Resolution 2020-146.

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2020-146
RETAIL CONSUMPTION LICENSE RENEWAL
PPS Liquors
LICENSE NUMBER #2121-33-003-005

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption 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**.

WHEREAS, Licensee has received a special ruling from the Director of ABC pursuant to N.J.S.A 33:1-12.39 for 2019-2020 license term.

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

License # 2121-33-003-005

PPS Liquors
3 Winchester Ave
Hackettstown, NJ

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 Cox to adopt Resolution 2020-147.

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2020-147

BOROUGH OF WASHINGTON RESOLUTION AUTHORIZING APPLICATION FOR A LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT

WHEREAS, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

WHEREAS, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

WHEREAS, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

WHEREAS, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

WHEREAS, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

WHEREAS, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

WHEREAS, LGEF Grants exist to support costs incurred as part of a local unit's response to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey will apply for a LGEF Grant in the amount of \$66,611.00

Motion made by Noone and seconded by Norris to adopt Resolution 2020-148.

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

RESOLUTION 2020-148
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,

WHEREAS, the entire award from the New Jersey State Police \$10,000.00, and

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 \$10,000.00 which is now available from the State of New Jersey, Department of State Police

BE IT FURTHER RESOLVED, that the like sum of \$10,000.00 is hereby appropriated under the caption of Other Expenses –EMAA

Motion made by Norris and seconded by Noone to adopt Resolution 2020-149.

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

Ayes: 6 Nays: 0 Abstain 1 (Duchemin)

Motion passes.

RESOLUTION 2020-149
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87

SMALL CITIES \$400,000.00

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 \$400,000.00 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$400,000.00 is hereby appropriated under the caption of Other Expenses – Small Cities

COUNCIL APPEARANCE

Robert Boyle, Planet Network, explained his correspondence that was sent to the Borough concerning approval of a resolution needed for installation of a fiber network. The installation of a fiber network will provide Washington Borough with faster internet speeds.

Attorney Parikh will review the resolution from Planet Network and to possibly have it on an upcoming agenda.

PUBLIC COMMENT

Motion made by Noon and seconded by Norris to re-open public comment, all were in favor.

Hearing no public comment, motion to close public comment was made by Noone and seconded by Norris, all were in favor.

REPORTS

Motion made by Noone and seconded by Norris to accept and file the Washington Township Police report, all were in favor.

VOUCHERS AND CLAIMS

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

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

Ayes:7, Nays: 0
Motion Carried.

RECAP

Manager Hall recapped the following:

- Review Planet Network resolution with the Attorney and have it a subsequent meeting.

EXECUTIVE SESSION

Motion made by Conry and seconded by Norris to enter into executive session for personnel 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.);

X 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 Conry seconded by Norris to come out of Executive Session, all were in favor.

ADJOURNMENT

Hearing no further business, a motion was made by Valle seconded by Conry to adjourn the meeting at 9:05 pm.

Ayes: 7: Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk