
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

November 10, 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, Noone, Norris, Valle and Higgins.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Dan Makoski, Attorney

Absent: Duchemin

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 Express-Times Warren County Edition and posted on the borough website and Facebook page stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Hearing no public comment, motion made by Conry and seconded by Noone to close the public portion, all were in favor.

Manager Hall gave an update on behalf of Mel Thiel, BID Executive Director in her absence:

- Christmas tree at the pocket park will be decorated by the Fire Department on November 22nd
- Shop small businesses is Saturday November 28th in the borough.

Mayor Higgins stated that the BID is requesting that a resolution be adopted by Council urging Governor Murphy to impose restrictions on those communities that are considered hotspots.

Motion made by Conry and seconded by Cox to pass a resolution calling for Governor Murphy to consider stricter restrictions on hotspots in the state through a County by County case.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6 Nays: 0
Motion passes.

MINUTES

Motion made by Conry and seconded by Noone to approve the following minutes.

October 20, 2020 (Regular)
October 20, 2020 (Executive)

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6 Nays: 0
Motion passes.

NEW BUSINESS

Best Practice Inventory Survey

Borough Clerk, Laurie Barton explained the purpose of the survey questions that each year each municipality must answer. The survey has an impact on state aide the borough receives pertaining to a percentage of questions answered yes or no.

Councilwoman Noone inquired about ordinances being codified and available online and an anti-nepotism policy.

ORDINANCES 1st reading

Motion made by Conry and seconded by Noone to approve on first reading Ordinance 2020-14. Public hearing will be scheduled for December 1, 2020.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6 Nays: 0
Motion passes.

ORDINANCE 2020-14

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON,
IN THE COUNTY OF WARREN, STATE OF NEW JERSEY,
PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION OF \$155,000.00 PROVIDING FOR THE
FUNDING OF A DEFICIT IN OPERATIONS OF THE
BOROUGH DIRECTLY ATTRIBUTABLE TO COVID-19
WHICH IS ANTICIPATED TO BE EXPERIENCED BY THE
BOROUGH IN THE CURRENT FISCAL YEAR**

WHEREAS, the Governor of the State of New Jersey (the “State”) has heretofore declared a public health emergency and a state of emergency in response to the outbreak of the coronavirus disease 2019 as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China (“COVID-19”); and

WHEREAS, N.J.S.A. 40A:4-53(m) provides that a municipality may, subject to the approval of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”), adopt an ordinance providing for a special emergency appropriation for the funding of a deficit in operations of the Borough directly attributable to COVID-19; and

WHEREAS, the Chief Financial Officer of the Borough of Washington, in the County of Warren, State of New Jersey (the “Borough”) has executed a certification in the form prescribed by the Director, certifying that the deficit balance anticipated to be reported on the Borough’s “Results of Operations” schedule of the annual financial statement for the current fiscal year is \$155,000; and

WHEREAS, by resolution adopted on November 10, 2020, the Municipal Council of the Borough approved such certification, together with the Borough’s application to the Director seeking approval of the adoption of this ordinance; and

WHEREAS, the Borough has applied for financial assistance that may be available to the Borough from the federal government, the State and other sources to offset such anticipated operating deficit balance, and has obtained \$0.00 for such purpose (which amount will be utilized to offset such anticipated operating deficit balance);

WHEREAS, the Municipal Council of the Borough has determined to provide for the funding of such anticipated operating deficit balance, as offset by the amount of financial assistance received, in the net amount of \$155,000; and

WHEREAS, the Borough seeks to make a special emergency appropriation in accordance with N.J.S.A. 40A:4-53(m).

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

Section 1. Pursuant to N.J.S.A. 40A:4-53(m), the sum of \$155,000 is hereby appropriated for the funding of a deficit in operations of the Borough directly attributable to COVID-19 which is anticipated to be experienced by the Borough in the current (2020) fiscal year, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

Section 2. The portion of the authorization financed shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance beginning in the year after the year in which the resulting deferred charge appears in the Borough's unaudited financial statements, as provided in N.J.S.A. 40A:4-55.

Section 3. The Mayor and Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the special emergency appropriation not determined by this or a subsequent ordinance, all in consultation with the Borough Attorney or Bond Counsel, and the manual or facsimile signature of the Borough's Mayor or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk and any other Borough Representative, including but not limited to, Bond Counsel, the Borough Attorney, Municipal Advisor and the Auditor (collectively, the "Borough Representatives"), are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to undertake the special emergency appropriation, including but not limited to, the negotiation of any and all contracts, agreements and documents for the special

emergency appropriation, and any all such actions or inactions taken by the aforesaid Borough Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

Section 4. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 5. This ordinance shall take effect upon final passage and publication as required by law; provided that the approval of the Director has been obtained.

Introduced: November 10, 2020

RESOLUTIONS

Motion made by Conry and seconded by Cox to adopt Resolution 2020-150.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2020-150
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
73/1	Gill Petroleum Inc. 233 E. Washington Ave. Washington, NJ 07882	Change in Use (7) to (2) E.D.U.s Effective: November 2020

Motion made by Conry and seconded by Cox to adopt Resolution 2020-151

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2020-151

APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Washington Borough (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. Borough of Washington (Local Unit) hereby appoints Skylands Risk Management, Inc. its Risk Management Consultant.
2. The Borough Manager (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2021 in the form attached hereto.

Name of Entity: Borough of Washington

Motion made by Conry and seconded by Norris to adopt Resolution 2020-152.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2020-152

STATEWIDE INSURANCE FUND

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Borough of Washington (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough
of Washington (Local Unit) that Matthew Hall, Borough
Manager (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2021**; and

BE IT FURTHER RESOLVED that Natasha Turchan
 (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2021**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Borough of Washington

Motion made by Conry and seconded by Norris to adopt Resolution 2020-153.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2020-153

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 22, 2020 to Bala Partners LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$1,240.97 for taxes or other municipal liens assessed for the year 2019 in the name of Sand Castle Holdings LLC as supposed owners, and in said assessment and sale were described as 35 Belvidere Ave., Block 23 Lot 10, which sale was evidenced by Certificate #20-00004 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-4-20 and before the right to redeem was cut off, as provided by law, Closing Partner claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$6,108.86 which is the amount necessary to redeem Tax Sale Certificate #20-00004.

NOW THEREFORE BE IT RESOLVED, on this 4th day of November, 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$19,408.86** (This consists of \$6,108.86 Certificate Amount redeemed + \$13,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 23 Lot 10 from the tax office records.

Motion made by Conry and seconded by Norris to adopt Resolution 2020-154.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2020-154

APPROVING THE CERTIFICATION OF THE CHIEF FINANCIAL OFFICER AS TO THE ANTICIPATED DEFICIT IN OPERATIONS OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY DIRECTLY ATTRIBUTABLE TO COVID-19 PURSUANT TO N.J.S.A. 40A: 4-53(m), AND APPROVING THE SUBMISSION OF AN APPLICATION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES IN CONNECTION WITH THE PROPOSED FUNDING OF SUCH ANTICIPATED DEFICIT THROUGH A SPECIAL EMERGENCY APPROPRIATION OF THE BOROUGH

WHEREAS, the Governor of the State of New Jersey (the “State”) has heretofore declared a public health emergency and a state of emergency in response to the outbreak of the coronavirus disease 2019 as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China (“COVID-19”); and

WHEREAS, N.J.S.A. 40A:4-53(m) provides that a municipality may, subject to the approval of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”), adopt an ordinance providing for a special emergency appropriation for the funding of a deficit in operations of the Borough directly attributable to COVID-19; and

WHEREAS, the Chief Financial Officer of the Borough of Washington, in the County of Warren, State of New Jersey (the “Borough”) has executed a certification in the form prescribed by the Director, a copy of which has been presented to this meeting (the “Certification”), certifying that the deficit balance anticipated to be reported on the Borough’s “Results of Operations” schedule of the annual financial statement for the current fiscal year is \$155,000.00 and

WHEREAS, the Borough has applied for any financial assistance that may be available to the Borough from the federal government, the State and other sources to offset such anticipated operating deficit balance, and has obtained \$0.00 for such purpose (which amount will be utilized to offset such anticipated operating deficit balance; and

WHEREAS, the Borough has introduced, or expects to introduce, an ordinance authorizing a special emergency appropriation in the amount of \$155,000.00 to provide for the funding of such anticipated operating deficit balance, as offset by the amount of financial assistance received (the “Ordinance”); and

WHEREAS, the Municipal Council of the Borough now wishes to approve the Certification, together with the Borough's application to the Director seeking approval of the adoption of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY as follows:

SECTION 1. The Municipal Council has reviewed, and hereby approves, the Certification as executed by the Chief Financial Officer and presented to this meeting.

SECTION 2. The Municipal Council hereby approves the preparation and submission, on behalf of the Borough, of an application seeking approval of the adoption of the Ordinance and containing such other information and materials as may be required by the Director. The Borough's Business Administrator, Chief Financial Officer, Clerk and Bond Counsel, and the Township Clerk, are hereby authorized and directed to take all actions necessary or useful and convenient in connection with the preparation and submission of said application, and to represent the Borough in all matters relating thereto.

SECTION 3. A copy of this resolution as adopted shall be filed with the Director of Local Government Services in the Department of Community Affairs, State of New Jersey.

SECTION 4. This resolution shall take effect immediately.

Motion made by Norris and seconded by Cox to adopt Resolution 2020-155.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2020-155

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 22, 2020 to Christiana Trust as Custodian, GSRAN-Z LLC, P.O. Box 71276, Philadelphia, PA 19176-6276, in the amount of \$2,236.07 for taxes or other municipal liens assessed for the year 2019 in the name of Sand Castle Holdings LLC as supposed owners, and in said assessment and sale were described as 200 Rush Ave., Block 6 Lot 57.01, which sale was evidenced by Certificate #20-00002 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-4-20 and before the right to redeem was cut off, as provided by law, Closing Partner claiming to have an interest in said lands, did redeem said lands claimed by Christiana Trust as Custodian by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,292.79 which is the amount necessary to

redeem Tax Sale Certificate #20-00002.

NOW THEREFORE BE IT RESOLVED, on this 10th day of November, 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Christiana Trust as Custodian, GSRAN-Z LLC, P.O. Box 71276, Philadelphia, PA 19176-6276 in the amount of **\$23,392.79** (This consists of \$2,292.79 Certificate Amount redeemed + \$21,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 57.01 from the tax office records.

Motion made by Conry and seconded by Norris to adopt Resolution 2020-156.

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2020-156
AWARD OF CONTRACT IN THE SUM OF \$34,614.00 FOR PROPRIETARY
FACTORY TRUCK WARRANTY TO HOOVER TRUCK CENTER FLANDERS NEW
JERSEY

WHEREAS, the aforementioned warranty is specialized and proprietary and solely available from Hoover Truck Centers; and

WHEREAS, this factory warranty may be awarded under N.J.A.C. 5:34-9.1 and N.J.S.A. 40A:11-13 (d) as exemption to public bidding; and

WHEREAS, the cost of the factory warranty is \$34,614.00; and

WHEREAS, the Borough Manager and the Qualified Purchasing Agent recommend that the contract be awarded to Hoover Truck Center; and

WHEREAS, the Chief Finance Officer has certified the availability of funds for this purchase under account number 04-2019-1926-0-4-0;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Washington, County of Warren, that Hoover Truck Centers be awarded the contract for the aforementioned purchase, in the sum of \$34,614.00, and

FURTHER RESOLVED, that the Qualified Purchasing Agent issue the appropriate purchase order to the vendor.

REPORTS

Motion made by Conry and seconded by Noone to accept and file the following reports, all were in favor.

- MANAGER'S REPORT-SEPTEMBER-OCTOBER, 2020

VOUCHERS AND CLAIMS

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

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

Ayes: 6 Nays: 0

Motion passes.

COUNCIL REMARKS

Councilwoman Valle gave the following remarks:

- Inquired about a motorcycle that has been sitting on Washington Avenue for the past two months (*Mayor Higgins reported it has been moved*)
- LED lighting that some businesses have on that reflect further out than they should.
- Have the curbs painted next year where parking is established in the borough.
- Spoke with Assemblyman DiMaio regarding small businesses and how Covid has affected them.

Councilwoman Cox gave the following remarks:

- Inquired about a moving company next to Taylor School
- Sign by the pool needs to be cleaned up.
- Hopes that everything doesn't get closed down again, this is especially hard for the small businesses.

Councilwoman Noone gave the following remarks:

- Supports the resolution regarding COVID.
- Hometown Halloween was a success. People were safe and were practicing social distancing. Businesses painted their pumpkins and it was a nice time for families.

Deputy Mayor Conry gave the following remarks:

- Reported on the egging of her car and others on mischief night. Five cars were egged and the perpetrators were caught.

Mayor Higgins gave the following remarks:

- Hometown Halloween was very cool and the pumpkins decorated by the businesses were astounding.
- Asked that the Clerk Rice Notice herself for executive session regarding contract.
- Mayor Higgins recognized the 245th Anniversary of the Marine Corps that occurred yesterday November 10th.

ADJOURNMENT

Hearing no further business, a motion was made by Conry seconded by Norris to adjourn the meeting at 8:00 pm.

Ayes: 6: Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk