

**Zoom Info**

877 853 5247  
(Toll Free) or  
888 788 0099  
(Toll Free)  
Webinar ID:  
876 7997 9916  
Participant ID:  
385777

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**AGENDA**

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**BOROUGH OF WASHINGTON, WARREN COUNTY, NJ**

**September 7, 2021  
7:00 PM**

**STATEMENT OF ADEQUATE NOTICE**

The requirements of the Open Public Meetings Law, P.L. 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 Boroughs website stating the time, place and purpose of the meeting as required by law.

**ROLL CALL** Conry, Cox, Duchemin, Heinrich, Noone, Norris, Higgins.

**AUDIENCE/COUNCIL APPEARANCE**

Remarks, petitions, statements and testimony from guests:

- **Emergency Squad-Updates**

**MINUTES**

Regular Meeting minutes:

May 11, 2021 (*Special*):

July 6, 2021

July 20, 2021 (*Special*)

August 11, 2021

August 26, 2021 (*Special*)

**NEW BUSINESS**

Block party/ribbon cutting for Blood Moon Performance -Facility Use Agreement  
Change Order Agreement-Diamond Construction

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**Agenda-Continued**

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**OLD BUSINESS**

**ORDINANCES 2<sup>nd</sup> Reading-Public Hearing**

- **ORDINANCE 2021-08**-ORDINANCE AMENDING CHAPTER 59 ENTITLED “NUISANCES, PUBLIC HEALTH”
- **ORDINANCE 2021-09** AN ORDINANCE AMENDING SECTION 3-34 OF THE CODE OF THE BOROUGH OF WASHINGTON APPOINTING A PRIMARY AND ALTERNATE RECORDS CUSTODIANS IN EACH DEPARTMENT

**RESOLUTIONS**

- **RESOLUTION 2021-101**-RETAIL CONSUMPTION LICENSE PPS Liquors
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- **RESOLUTION 2021-103**-RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,987,500 BOND ANTICIPATION NOTES
- **RESOLUTION 2021-104**-Resolution to extend August 2021 Tax Payments
- **RESOLUTION 2021-106**-RESOLUTION TO VOID CHECK
- **RESOLUTION 2021-107**-RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 & 2 FOR THE ROUTE 57 MIDBLOCK CROSSING REPLACEMENT PROJECT
- **RESOLUTION 2021-108**-RESOLUTION OF CONSENT TO EXPAND AN EXISTING CEMETERY
- **RESOLUTION 2021-109**-RESOLUTION AUTHORIZING 2021 PROFESSIONAL SERVICES CONTRACT WITH FINELLI CONSULTING ENGINEERS FOR GENERAL MUNICIPAL ENGINEERING SERVICES

**VOUCHERS**

**REPORTS**

**RECAP**

**COUNCIL REMARKS**

Remarks, Reports, Discussions

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**EXECUTIVE SESSION-if needed**

**ADJOURNMENT** \_\_\_\_\_ P.M.

BOROUGH OF WASHINGTON

WARREN COUNTY, NEW JERSEY

ORDINANCE 2021-08

ORDINANCE AMENDING

CHAPTER 59 ENTITLED "NUISANCES, PUBLIC HEALTH"

**WHEREAS**, the Mayor and Council of the Borough of Washington desires to correct a mistake in connection with a prior amendment of Chapter 59 of the Borough Code regarding nuisances; and

**WHEREAS**, doing so requires amending and supplementing the following Chapter 59 of the Code of the Borough of Washington; and

**WHEREAS**, N.J.S.A. 40:48-2 permits the Borough to pass, alter, and amend ordinances, rules, or regulations in order to preserve the public health, safety, and welfare.

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

**SECTION 1.** Chapter 59 Section 8 of the Code of the Borough of Washington entitled "Nuisances, Public Health" is hereby deleted in its entirety and amended and supplemented to read as follows:

**§ 59-8 *Additional Nuisances enumerated.***

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Borough of Washington:

A. Pollution, or the existence of a condition or conditions which cause or threaten pollution, of any waters within the Borough of Washington in such manner as to cause or threaten injury to any of the inhabitants of the Borough of Washington in their health, safety, welfare and convenience either in their person or property.

B. The escape into the open air from any stack, vent, chimney or any entrance to the open air, or from any fire into the open air, of such quantities of smoke, soot, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the

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inhabitants of the Borough of Washington or endanger their comfort, repose, health, safety or property.

C. Spitting upon any public sidewalk or upon any part of the interior of any public building or public conveyance.

D. The making by any person or the suffering, allowing or permitting of any unnecessary noises or sounds, whether by means of the human voice or by any other method, which are physically annoying to persons, and which are so harsh or so prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort, or which are injurious to the lives, health, peace and comfort of the inhabitants of the Borough of Washington, or any of them, whether such sound be made, suffered, allowed or permitted on premises owned, occupied or controlled by him, or upon any public street, alley or thoroughfare within the Borough of Washington.

E. The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.

F. The growth, existence or presence of poison ivy, poison oak or poison sumac within 20 feet of any property line.

G. The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

H. The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies or to which flies may have access or in which fly larvae or pupae may breed or exist.

I. Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves as or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.

J. Any act, matter, thing or condition which is or may become detrimental or a menace to the health of the inhabitants of the Borough of Washington or which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of the Borough of Washington.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

**ORDINANCE 2021-09**

**AN ORDINANCE AMENDING SECTION 3-34 OF THE CODE OF THE BOROUGH OF WASHINGTON APPOINTING A PRIMARY AND ALTERNATE RECORDS CUSTODIANS IN EACH DEPARTMENT**

**WHEREAS**, Section 3-34 of the Code of the Borough of Washington (the “Borough Code”) and the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1.1, designates the Municipal Clerk as the Custodian of Records for the municipality; and

**WHEREAS**, OPRA does not preclude a municipality from developing reasonable and practical measures for responding to OPRA requests which may include the designation of deputy custodians for particular types of records.

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

**SECTION 1.** Section 3-34 of the Borough Code entitled, “Custodian of Records,” is hereby deleted in its entirety and replaced with the following:

A. The Municipal Clerk shall be the primary custodian of all municipal records and the Manager shall be the deputy records custodian, acting in the absence of the Municipal Clerk, except as set forth below:

1. Police Records. The Washington Township Police Department is the custodian of all police records maintained on behalf of the Borough of Washington.
2. Tax and Sewer Collection Records. The Borough Tax Collector is the custodian of all records related to property tax and sewer collection records.
3. Tax Assessment Records. The Borough Tax Assessor is the custodian of all records related to property tax assessment.
4. Construction, Buildings, Fire, Electrical, Plumbing Records. The Borough Construction Official is the custodian of all records relating to construction, building, fire, electrical, and plumbing permits and violations.
5. Purchasing and Finance Records. The Chief Financial Officer is the custodian of all municipal records relating to purchasing and finance.
6. Personnel and Civil Service Records. The Administrative Clerk of the Finance Department is the custodian of all personnel and civil service records.
7. Animal Control Records. The Animal Control Officer is the custodian of animal control records.

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8. Department of Public Works Records. The Certified Public Works Manager is the custodian of public works records.

9. Fire Department Records. A person designated by the Washington Fire Department is the custodian of fire department records, insofar as such records are subject to disclosure under the Open Public Records Act (N.J.S.A. 47:1A-1.1, et seq.)

10. Bureau of Fire Prevention. The Fire Marshal is the custodian of Bureau of Fire Prevention Records.

11 Land Use Board Records. The Secretary to the Land Use Board is the custodian of all records related to the Land Use Board.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

### **RESOLUTION 2021-103**

#### **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,987,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.**

**BE IT RESOLVED** BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (the “Borough”), entitled: “Bond ordinance providing for the improvement of various roads in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating

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\$1,210,000 therefor and authorizing the issuance of \$1,031,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 7, 2021 (#2019-18, formerly #2018-10), bond anticipation notes of the Borough in a principal amount not exceeding \$1,031,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new fire pumper truck by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$465,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 7, 2021 (#2019-19, formerly #2018-11), bond anticipation notes of the Borough in a principal amount not exceeding \$465,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new fire command vehicle by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$38,000 therefor and authorizing the issuance of \$16,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 7, 2021 (#2019-06), bond anticipation notes of the Borough in a principal amount not exceeding \$16,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new street sweeper by the Borough of Washington, in the County of

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Warren, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 18, 2019 (#2019-14), bond anticipation notes of the Borough in a principal amount not exceeding \$237,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of new dump trucks by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,300,000 therefor and authorizing the issuance of \$1,238,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on October 1, 2019 (#2019-26), bond anticipation notes of the Borough in a principal amount not exceeding \$1,238,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or



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all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

**RESOLUTION 2021-104**

**Resolution to extend August 2021 Tax Payments**

**WHEREAS**, the 2021 tax rate for the Borough of Washington was late in being certified and therefore, the Borough was late in printing tax bills; and

**WHEREAS**, Chapter 72 of the laws of 1994 provide you must provide 25 calendar days after the bills are mailed to be able to pay without penalty.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the grace period is hereby extended for the third quarter 2021 taxes to the 15<sup>th</sup> of September 2021, after which time interest will be assessed at the rate already adopted by the Borough from the due date of August 1, 2021

**RESOLUTION 2021-101  
RETAIL CONSUMPTION LICENSE  
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 applicant due to circumstances beyond his control and after filing for relief from the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control was granted a 12:18 Special Ruling, granting relief dated December 6, 2019; and

**WHEREAS**, Licensee has received a special ruling from the Director of ABC pursuant to N.J.S.A 33:1-12.39 for 2021-2022 license term.

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

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**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, 2021 – June 30, 2022, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**RESOLUTION 2021-106**

**A RESOLUTION TO VOID CHECK**

**WHEREAS**, check #13444 was written 8/12/21 on the Washington Borough's Operating Account in the amount of \$39.93 and made payable to Harmony Sand & Gravel, Inc. PO Box 277 RD #1, Belvidere, New Jersey and

**WHEREAS**, the Treasurer's office received the above-mentioned check back in the mail and was made aware that Harmony Sand & Gravel issued an invoice to Washington Borough in error when it should have been billed to Washington Township and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void the aforementioned check.

**RESOLUTION 2021-107**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 & 2 FOR THE ROUTE 57  
MIDBLOCK CROSSING REPLACEMENT PROJECT**

**WHEREAS**, the Borough of Washington, County of Warren, State of New Jersey and DIAMOND CONSTRUCTION (Contractor) entered into a contract for the ROUTE 57 MIDBLOCK CROSSING REPLACEMENT PROJECT with an original contract amount of \$103,142.20; and

**WHEREAS**, field measurements of the various as-built construction items and supplemental construction items was made and were specifically tabulated by the Borough Engineer in project Change Order No. 1 with a net increase of \$24,511.00 and Change Order No. 2 with a net decrease of \$24,582.70, with a net adjusted contract amount of 103,070.50; and,

**WHEREAS**, the adjusted quantity of each pay item and amount due to the Contractor are tabulated by Change Order No. 1, Change Order No. 2 and Final Partial Payment No. 3; and,

**WHEREAS**, the final adjusted contract amount of \$103,070.50 is less than the original contract amount of \$103,142.50 and no increase in the project funding is required.

**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 DIAMOND CONSTRUCTION for the Route 57 Midblock Crossing Replacement Project to reduce the final total contract amount to \$103,070.50.
2. It authorizes the appropriate municipal officials to reduce the final contract amount and purchase order to \$103,070.50 and authorizes those same municipal officials to pay the adjusted amount for the various pay items in accordance with the change order amounts when the appropriate request for payment is submitted.
3. It hereby directs the Borough Clerk to transmit certified copies of this resolution to the Borough Purchasing Agent and Borough Finance Department.

### **RESOLUTION 2021-109**

#### **RESOLUTION AUTHORIZING 2021 PROFESSIONAL SERVICES CONTRACT WITH FINELLI CONSULTING ENGINEERS FOR GENERAL MUNICIPAL ENGINEERING SERVICES**

**WHEREAS**, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

**WHEREAS**, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

**WHEREAS**, Finelli Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Finelli Consulting Engineers from making any reportable contributions through the term of the contract, and

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**WHEREAS**, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Finelli Consulting Engineers

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Washington to enter into a contract with Finelli Consulting Engineers as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers