
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

April 6, 2021

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, Heinrich, Noone and Norris.

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

Absent: Mayor Higgins

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry 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 stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Mel Thiel, BID Executive Director, reported on the business recognition dinner held last week and gave a brief update on upcoming events.

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

MINUTES

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

March 16, 2021

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

NEW BUSINESS

ORDINANCES 1st reading

Motion made by Noone and seconded by Duchemin to approve on first reading Ordinance 2021-03.

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

**CALENDAR YEAR 2021
ORDINANCE 2021-03
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 2.5 % increase in the budget for said year, amounting to \$ 71,690.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 100,366.81, and that the CY 2021 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was duly introduced on April 6, 2021 at the regular meeting of Washington Borough and is scheduled for adoption after a public hearing on May 4, 2021.

Motion made by Heinrich and seconded by Noone to approve on first reading Ordinance 2021-04.

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

ORDINANCE 2021-04

**AN ORDINANCE AMENDING CHAPTER 76 OF THE CODE OF THE BOROUGH OF WASHINGTON ENTITLED
"SHADE TREE COMMISSION"**

WHEREAS, The Borough Council of the Borough of Washington has determined upon consultation with the Shade Tree Commission that it would be advantageous to increase the number of Commissioners from five (5) to seven (7) pursuant to **N.J.S.A. 40:64-1**;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey that **§ 76-3** of the Borough Code be amended in its entirety as follows:

There shall be a Commission consisting of seven (7) residents of this municipality, which Commission shall be known as the "Shade Tree Commission of Washington Borough, New Jersey." The seven (7) persons shall be appointed by the Mayor and shall serve without compensation. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. The terms of office of said Commission shall be in accordance with **N.J.S.A. 40:64-2**.

RESOLUTIONS

Motion made by Cox and seconded by Norris to adopt Resolution 2021-57

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

RESOLUTION 2021-57

**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 December 6, 2019 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$1,028.01 for taxes or other municipal liens assessed for the year 2018 in the name of Abreu, Jr., Nelson & Meghan-Amiee as supposed owners, and in said assessment and sale were described as 35 West Stewart St. Block 22 Lot 2, which sale was evidenced by Certificate #19-00012; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-15-21 and before the right to redeem was cut off, as provided by law, Nelson Abreu, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$20,272.13 which is the amount necessary to redeem Tax Sale Certificate #19-00012.

NOW THEREFORE BE IT RESOLVED, on this 6th day of April 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$20,372.13** (This amount consists of \$20,272.13 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 22 Lot 2 from the tax office records.

Motion made by Cox and seconded by Norris to adopt Resolution 2021-58

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-58

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

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

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

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

Motion made by Cox and seconded by Norris to adopt Resolution 2021-59

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-59

RESOLUTION TO ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Borough of Washington, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3 year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021;

<u>Revenue Category</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Average</u>
Fees and Permits	149,000.00	197,192.02	80,983.00	142,391.67

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Washington in the County of Warren, State of New Jersey that the above referenced revenues be anticipated using the 3 year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74

Motion made by Cox and seconded by Norris to adopt Resolution 2021-60

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

RESOLUTION 2021-60

2021 Municipal Budget

of the Borough of Washington, County of Warren for the fiscal year 2021

Revenues and Appropriations Summaries

Summary of Revenues	Anticipated	
	2021	2020
1. Surplus	\$ 600,000.00	\$ 602,560.19
2. Total Miscellaneous Revenues	\$ 1,882,042.68	\$ 2,640,561.34
3. Receipts from Delinquent Taxes	\$ 400,000.00	\$ 408,000.00
4. a) Local Tax for Municipal Purposes	\$ 5,049,709.06	\$ 5,413,680.88
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$ 149,734.12	\$ 148,383.92
Total Amount to be Raised for Support of Municipal Budget	\$ 5,199,443.18	\$ 5,562,064.80
Total General Revenues	\$ 8,081,485.86	\$ 9,213,186.33

Summary of Appropriations	2021 Budget	Final 2020 Budget
1. Operating Expenses: Salaries and Wages	\$ 1,230,501.68	\$ 1,273,132.57
Other Expenses	\$ 4,588,360.18	\$ 5,750,584.58
2. Deferred Charges & Other Appropriations	\$ 266,510.00	\$ 268,049.18
3. Capital Improvements	\$ 144,000.00	\$ 60,000.00
4. Debt Service (Included for School)	\$ 1,103,562.00	\$ 1,141,462.00
5. Reserve for Uncollected Taxes	\$ 748,552.00	\$ 719,958.00
Total General Appropriations	\$ 8,081,485.86	\$ 9,213,186.33
Total Number of Employees	F/T 20 & P/T 14	F/T 16 & P/T 14

2021 Dedicated Sewer Utility Budget''

Summary of Revenues	2021	2020
1. Surplus	\$ 596,196.00	\$ 709,129.00
2. Rents	\$ 2,100,000.00	\$ 2,250,000.00
3. Miscellaneous Rents		
4. Miscellaneous		\$ 25,000.00
Total Revenue	\$ 2,696,196.00	\$ 2,984,129.00

Summary of Appropriations	2021	Final 2020 Budget
1. Operating Expenses: Salaries and Wages	\$ 185,000.00	\$ 185,000.00
Other Expenses	\$ 1,500,000.00	\$ 1,791,215.00
2. Capital Improvements	\$ 100,000.00	\$ 100,000.00
3. Debt Service	\$ 100,196.00	\$ 96,914.00
4. Deferred Charges & Other Appropriations	\$ 11,000.00	\$ 11,000.00
5. Surplus (General Budget)	\$ 800,000.00	\$ 800,000.00
Total General Revenues	\$ 2,696,196.00	\$ 2,984,129.00

2021 Dedicated Solid Waste Budget''

Summary of Revenues	2021	2020
1. Surplus		
2. Rents	\$ 650,168.00	
3. Miscellaneous Rents		
4. Miscellaneous		
Total Revenue	\$ 650,168.00	

Summary of Appropriations	2021	Final 2020 Budget
1. Operating Expenses: Salaries and Wages	\$ 181,000.00	\$ 185,000.00
Other Expenses	\$ 335,323.00	\$ 1,791,215.00
2. Capital Improvements		\$ 100,000.00
3. Debt Service	\$ 120,000.00	\$ 96,914.00
4. Deferred Charges & Other Appropriations	\$ 13,845.00	\$ 11,000.00
5. Surplus (General Budget)		\$ 800,000.00
Total General Revenues	\$ 650,168.00	\$ 2,984,129.00

April 6, 2021

Balance of Outstanding Debt

	General	Sewer Utility	Solid Waste Utility
Interest	\$ 207,618.27	\$ 8,700.00	

Motion made by Cox and seconded by Norris to adopt Resolution 2021-61

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

**RESOLUTION 2021-61
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
89/4	Bridget Maguire 210 Broad Street Washington, NJ 07882	New Billing (2) E.D.U.'s Effective: April 2021

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 Borough Treasurer is authorized to adjust sewer balance on the above property location.

Motion made by Cox and seconded by Norris to adopt Resolution 2021-62

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-62
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
94/3	Crestwood Holdings, LLC 55-59 East Washington Ave. Washington, NJ 07882	Change in Use (4) to (1) E.D.U. Effective: April 2021

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 Borough Treasurer is authorized to adjust sewer balance on the above property location.

Motion made by Cox and seconded by Norris to adopt Resolution 2021-63

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2021-63
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
94/1	Crestwood Holdings, LLC 41-47 East Washington Ave. Washington, NJ 07882	Change in Use (3.5) to (2) E.D.U.s Effective: April 2021

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 Borough Treasurer is authorized to adjust sewer balance on the above property location.

VOUCHERS AND CLAIMS

Motion made by Cox seconded by Noone to pay vouchers and claims.

Roll Call: Conry, Cox, Duchemin, Heinrich, Noone and Norris.

Ayes: 6 Nays: 0

Motion passes.

COUNCIL REMARKS

Councilman Heinrich gave the following remarks:

- Discussed face to face council meetings in chambers.

Councilman Norris gave the following remarks:

- Inquired about update on receiving reports from Code Enforcement
- Stated that with all the negativity, he would like to state that Police, Fire, Melanie, Matt, Laurie and Council are all doing a great job.
- Hopes that everyone is staying safe.

- Appreciates the efforts that everyone is doing to get in these meetings.

Councilwoman Cox gave the following remarks:

- Glad to see the BID directors' comments on upcoming events.
- Hoping that everyone stays safe.

Councilwoman Duchemin gave the following remarks:

- Stated that hopefully it's not a rush to get back into chambers. There are a ton of new variants and case numbers are scary.
- Stated that she hoped everyone had a nice Easter weekend.

Councilwoman Noone gave the following remarks:

- Thanked the BID for the recognition dinner and it was a nice event. Thanked Mel Thiel on behalf of the Green Team for the recognition.
- Looking forward to the Farmers Market and the festival.
- A lot of things are happening downtown for the better.
- Houses are being sold within the week of being for sale.

Deputy Mayor Conry gave the following remarks:

- Thanked the BID for the celebration dinner. Thanked Chief Cicerrell for assisting with her husband who fell ill on the roadway and immediately got an ambulance for him. Reported that her husband is fine.
- Reported that three uncles have died from Covid and this is no joke and for everyone to take this seriously.
- Thanked the DPW, Matt, Laurie and everyone on Council who are doing a great job and staying safe.
- Offered condolences to the Klimko family.

Manager Hall reported the following:

- CVS to open by summer.
- Everyone seems to be happy with garbage pick-up services.

EXECUTIVE SESSION

Motion to go into executive session made by Cox and seconded by Duchemin, all were in favor.

Motion to return to regular session by Noone and seconded by Heinrich, all were in favor.

Motion made by Norris and seconded by Duchemin to adjourn meeting at 8:06 P.M.

Ayes: 6: Nays: 0

Motion Carried.

Laurie Barton
Borough Clerk