
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

May 4, 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, Norris, and Higgins.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Richard Cushing, 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 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

Harry Cohen, Attorney for Ray Rice;- spoke on behalf of Ray Rice and issues with the color of the Taco Bell building being changed due to an error in ordering the paint. There is a minor change in color.

Motion

Motion made by Conry and seconded by Cox to approve Resolution 2021-71

Roll Call: Conry, Cox, Heinrich, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 1
Motion passes.

RESOLUTION 2021-71

RESOLUTION AUTHORIZING APPROVAL OF CHANGE IN COLORED EXTERIOR ELEVATION OF TACO BELL STRUCTURE LOCATED WITHIN THE BOROUGH'S DOWNTOWN REDEVELOPMENT AREA, BLOCK 95 LOTS 1 AND 31

WHEREAS, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq. hereinafter “LRHL”), the Borough of Washington acting by resolution, determined that the Washington Avenue Core District was an "area in need of redevelopment" in accordance with N.J.S.A. 40A:12A-6(b); and

WHEREAS, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, and

WHEREAS, the property within the Downtown Redevelopment Area designated as Block 95, Lot 1 and 31 (the Property”), is currently in the final phases of construction and will operate as a fast food establishment; and

WHEREAS, the original design schematic submitted for the project contemplated an exterior siding shade designated as “burnt smoke,” and

WHEREAS, due to a shipping error, the shade of the exterior siding delivered and erected at the Property is known as “grey smoke” and

WHEREAS, as a result of the foregoing, an application was made on behalf of the developer to the Mayor and Council of the Borough of Washington seeking an approval of a color change to the exterior of the Property; and

WHEREAS, a copy of the application on behalf of the developer, the architectural plans depicting the color originally contemplated as well as a color photograph of the siding actually erected at the Property are attached hereto as **Exhibit A**; and

WHEREAS, the Redevelopment Plan does not specify the exterior siding colors to be applied in the Downtown Redevelopment area; and

WHEREAS, the Redevelopment Plan states that “while design flexibility may be granted in terms of the use of ornamentation and colors, overall design should be complimentary with the character of the majority of the buildings within the Downtown area,” and

WHEREAS, the Mayor and Council have reviewed the matter and have determined that the color of the siding erected is very similar to the original color contemplated, is non-obtrusive and is likewise consistent with the surrounding Downtown area; and

WHEREAS, the Mayor and Council are of the opinion that given the similarities between the aforementioned siding colors, requiring the removal of the siding and additional construction would be wasteful and would unnecessarily delay the completion of the project which is in its final stages.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, New Jersey, that change in the exterior siding shade from “burnt smoke” to “grey smoke” is hereby approved for the Property located on the premises known as Block 95, Lot 1 and 31.

Charissa Buskirk, Mission Engagement Manager, Abilities-Zoning Issues; explained her situation with new window signage blocking views from outside causing a zoning issue. Ms. Buskirk added that she is willing to work with the borough to get this resolved and work with first responders for their concerns.

Mayor Higgins suggested to Manager Hall to get input from the police and fire departments and work on drafting an ordinance.

Mel Thiel, BID Executive Director; reported on the new directory downtown by the municipal parking lot. Discussed the upcoming Steam Punk fair at the pocket park for this Saturday.

Mayor Higgins discussed concerns with permits for outdoor dining and tables and chairs left outside after businesses close. Manager Hall responded that he will work with each individual business and see what their needs are with regards to the executive order.

Thomas Scarince; inquired on how Council feels on the recent cannabis legislation. Mr. Scarince officially registered his opposition to any cannabis businesses in the borough.

Cynthia Valle, stated she is excited for the beautiful weather with lots of events coming up. She is hopeful on how well the CVS is coming along. Thankful for being in business for ten years in the borough, where she grew up.

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

MINUTES

Motion made by Conry and seconded by Cox to approve the following minutes with correction.

April 20, 2021, Regular

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

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

Library Appointment:

Motion made by Noone and seconded by Conry to appoint Tristan LaFerriere to fulfill an unexpired term (expiring in 4 years), all were in favor.

ORDINANCES 2nd reading

Motion made by Noone and seconded by Conry to open the public hearing for Ordinance 2021-03 all were in favor.

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

Motion made by Conry and seconded by Cox to adopt Ordinance 2021-03

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

Ayes: 7 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 Conry and seconded by Cox to open the public hearing for Ordinance 2021-04 all were in favor.

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

Motion made by Noone and seconded by Conry to adopt Ordinance 2021-04

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

Ayes: 7 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 Conry and seconded by Cox to adopt Resolution 2021-69

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

RESOLUTION 2021-69

RESOLUTION AUTHORIZING THE RELEASE OF BALANCE IN ESCROW ACCOUNT OF ANDREW PERKINS HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Andrew Perkins noted that he is no longer intending to subdivide his property at this time and has requested the return of the balance remaining in escrow account #7763830047 in the amount of \$895.00 to be released;

WHEREAS, both the Planning Board Engineer and Attorney have advised they have no outstanding invoices and no objections to the closure of this account.

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 Municipal Treasurer is hereby authorized to issue a check to Andrew Perkins in the amount of \$895.00.

Motion made by Noone and seconded by Conry to adopt Resolution 2021-70.

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

RESOLUTION 2021-70
AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE
PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Washington Borough desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

BE IT RESOLVED, by the Governing Body, County of Warren State of New Jersey as follows:

1. Governing Body of the Washington Borough hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Washington Borough Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Washington Borough officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

VOUCHERS AND CLAIMS

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

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

Ayes: 7 Nays: 0

Motion passes.

REPORTS

Lieutenant Kaufman reviewed the monthly police report that was distributed earlier. Lt. Kaufman added that the graffiti bandits have been caught.

Public Comment:

James Jurinko, stated that Route 31 is a race track with many speeders from Boulevard up to the police station. Expressed concerns about the trucks using jake brakes. Added that more enforcement needs to be done on Route 31.

Joan Kopsco inquired about the new CVS and turning right only onto Route 31.

EXECUTIVE SESSION

Motion made by Duchemin and seconded by Conry to enter into executive session for contract negotiation, all were in favor.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss Contractual. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion made by Conry and seconded by Duchemin to return to regular session all were in favor.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Wished everyone a Happy Memorial Day coming up at end of month. Thanked Mayor and Council for making what this council is. Wished everyone to be safe.

Councilwoman Cox gave the following remarks:

- Thanked Keith and stated it was wonderful to see Lt. Kaufman.
- Town is looking good with the CVS and Taco Bell.
- Likes that everyone on council is agreeing on things for what works for the town.
- Glad to see Mayor's health is back and for everyone to remain safe.

Councilwoman Duchemin gave the following remarks:

- Wished everyone a Happy Mother's Day and hopes that the weather is nice for Saturday.

Councilwoman Noone gave the following remarks:

- Stated she is looking forward to the festival this weekend, it is the first one the borough is having this year.
- Wished everyone a Happy Mother's Day

Deputy Mayor Conry gave the following remarks:

- Thanked everyone for being unified and taking care of one another.
- Diversity committee is going well. Opening things up to the faith-based organizations and will have the police at the next meeting.
- Wished a Happy Mother's Day

Mayor Higgins gave the following remarks:

- Attended the Arbor day festivities at the municipal building and thanked them.
- Today is International Firefighters Appreciation Day.
- This week recognizes National Teacher week., thanked all the teachers and aides.
- Reminded everyone for next Tuesday's meeting for the citizens, regarding the new cannabis law.
- An engineer will look at the library building with regards to concerns of the maintenance of it.
- Reminder of the financial disclosure forms to be done.
- Indoor capacity limits changing, have a look at when council can return.

Adjourn

Hearing no further business to come before council, motion made by Norris and seconded by Cox to adjourn the meeting at 8:50 PM

Ayes: 7: Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk