
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

October 19, 2021

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in councils' chambers and 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
Tara St. Angelo, 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

Dirk Higgins, Fire Department, gave the details on this year's pumpkin drop. It will be held this upcoming Saturday from 11am-10pm. A request to close off portion of Belvidere Ave was requested.

Motion made by Noone to close Belvidere Avenue on Saturday October 23rd, Norris seconded motion, all were in favor with the exception of Mayor Higgins abstaining.

Mel Thiel, BID Executive Director, reminded everyone of the upcoming festivities and celebrations (Day of the Dead October 28th & Hometown Halloween October 30th). Thanked Fire Chief Higgins for the use of fire truck at the bon fire and thanked Gibson's for use of their pavilion.

Operation Toy Train is back this year as well as Operation Jersey Cares. Donations of snack foods and toiletries for the troops is being sought.

A new store opened in town, Swirl and Cone that is owned by Kids R People 2. It is an old-fashioned ice cream store next to Lost Ladies.

Ribbon cutting for Swirl and Cone and Blood Moon Automotive will be held on the 30th.

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

MINUTES

Motion made by Conry and seconded by Norris to approve the October 5, 2021 regular and executive session minutes.

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

Ayes: 6 Nays: 0 Abstain: 1 (Duchemin)

Motion passes.

NEW BUSINESS

Corrective Action plan in regards to the 2020 Audit that was submitted by the CFO was reviewed.

OLD BUSINESS

Initiative Petitions-Certification-Clerk

Borough Clerk Laurie Barton discussed the petitions that were submitted and that the Manager ordinance petition was rejected due to a deficiency while the Solid Waste ordinance petition will, on the advice of the Attorney, proceed forward. A public hearing will be held on November 9th for second reading.

ORDINANCES 1st reading

Motion made by Noone and seconded by Cox to approve on first reading for Ordinance 2020-06 all were in favor. Public hearing will be held on November 9, 2021

ORDINANCE 2021-06 BOROUGH OF WASHINGTON ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR THE PLANNING AREA

Section 1 Purpose

The Borough of Washington is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Washington establishes that

the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution 2019-44 adopted by the Governing Body on February 5, 2019, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2021-07, adopted on February 18, 2021. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, Borough of Washington, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on October 26, 2020, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On February 21, 2021, the Highlands Council adopted Resolution No. 2021-07 approving Washington Borough's Petition for Plan Conformance. The approval was conditioned upon the Borough of Washington's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of Washington Borough, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a

different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

The Borough of Washington hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2021-07, adopted on February 18, 2021.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Washington may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2021-07, will not be binding upon the Borough of Washington. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

Section 7 Planning Grants and Technical Assistance

Upon application of Washington Borough, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Washington Borough for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands

Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Washington Borough retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

Section 8 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

RESOLUTIONS

Motion made by Noone and seconded by Conry to adopt Resolution 2021-119

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

RESOLUTION 2021-119 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 2020 has been filed by a Registered Municipal Accountant with the Borough 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.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON October 19th, 2021.

Motion made by Cox and seconded by Conry to adopt Resolution 2021-120 and 2021-121

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

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2021-120
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 7, 2021 to FN VI, LLC, P.O. Box 676927, Dallas, TX, 75267, in the amount of \$8,878.56 for taxes or other municipal liens assessed for the year 2020 in the name of Dunlap, Diana A & Donna A, as supposed owners, and in said assessment and sale were described as 6 Miller Avenue, Block 2 Lot 10, which sale was evidenced by Certificate #21-00001 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-8-21 and before the right to redeem was cut off, as provided by law, Diana Weidner claiming to have an interest in said lands, did redeem said lands claimed by FNA VI, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$8,878.56 which is the amount necessary to redeem Tax Sale Certificate #20-00001.

NOW THEREFORE BE IT RESOLVED, on this 19th day of October, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FNA VI, LLC, P.O. Box 676927, Dallas, TX 75267 in the amount of **\$54,578.56** (This consists of \$8,878.56 Certificate Amount redeemed + \$45,700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2 Lot 10 from the tax office records.

RESOLUTION # 2021-121__
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 7, 2021 to FN VI, LLC, P.O. Box 676927, Dallas, TX, 75267, in the amount of \$5,064.96 for taxes or other municipal liens assessed for the year 2020 in the name of Stanneck, Melissa as supposed owner, and in said assessment and sale were described as 64 West Warren St., Block 16.01 Lot 7, which sale was evidenced by Certificate #21-00011 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-8-21 and before the right to redeem was cut off, as provided by law, Melissa Stanneck claiming to have an interest in said lands, did redeem said lands claimed by FNA VI, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$5,064.96 which is the amount necessary to redeem Tax Sale Certificate #20-00011.

NOW THEREFORE BE IT RESOLVED, on this 19th day of October, 2021 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FNA VI, LLC, P.O. Box 676927, Dallas, TX 75267 in the amount of **\$56,864.96** (This consists of \$5,064.96 Certificate Amount redeemed + \$51,800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 16.01 Lot 7 from the tax office records.

VOUCHERS AND CLAIMS

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

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

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Inquired about the following:
Building that collapsed downtown
Parking on Taylor Street
- Stated that the borough is getting new businesses and Council, Fire Department, DPW and Police are all doing a good job.

Councilwoman Cox gave the following remarks:

- Nice to see people out and about around town. Nice to see stores open and everything running smoothly.

Councilwoman Duchemin gave the following remarks:

- Looking forward to the fall festivities.

Councilwoman Noone gave the following remarks:

- Expressed concerns once again with getting a full-time library director.

- Looking forward to the fall festivities in the borough.
- A senior event is being held on November 20th from 9-Noon at borough hall. Speakers include, Matt Lopez, Fire Official, Warren County Sheriffs office for senior ID cards and other good information for those 55 and older. Free breakfast and lunch will be available. Flu and Covid vaccines will also be offered.
- The Warren County Tourism task force is bannng together with municipalities and farms to promote tourism in the County.

Deputy Mayor Conry gave the following statements:

- Reiterated on what Councilwoman Noone reported on.
- The new ice cream shop is a fantastic place.

Mayor Higgins gave the following remarks:

- Warren County was included in the disaster area due to hurricane Ida and anyone with damage is urged to contact FEMA.
- Discussion on the theatre.
- Inquired about an update on the ACO.
- There is one meeting for November which is November 9th.
- November is also family court month.
- Everyone be more aware with COVID it is nondiscriminatory and referenced the recent passing of Colin Powell.

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EXECUTIVE SESSION

Motion made by Cox and seconded by Noone to enter into executive session for Personnel 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 Personnel. 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 Heinrich and seconded by Cox to return to regular session at 8:30 p.m., all ere in favor.

ADJOURN

Hearing no further business to come before Council, motion made by Heinrich and seconded by Cox to adjourn the meeting at 8:30 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk