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*BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY*

*WASHINGTON BOROUGH COUNCIL MINUTES*

*DATE: March 5, 2024*

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The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in councils chambers at 7:00 P.M.

Roll Call: Brown, Cox, France, Gorshkov, Infinito Musick and Conry.

Also Present: Erik Peterson Attorney  
Borough Manager, Brian Bond  
Laurie A. Courter, Borough Clerk

Mayor Conry led everyone in the flag salute.

Mayor Conry read the following statement into record:

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 Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

### **PUBLIC COMMENT**

Motion made by Cox and seconded by Gorshkov to open the public hearing, all were in favor.

Mel Thiel, Executive Director for the BID, gave the following update:

There were three grand openings this past Saturday. All are doing well. Thanked those who came out to the ribbon cuttings. Gearing up for the season of events. Steam Punk Fair is May 4<sup>th</sup>., Tonight was the networking meeting which was well attended.

Dan Rossi, owner of Get a Grip, stated that he has spoken with the Manager and was allowed to put the display vehicle out as long as it complies, and he would like to get a letter listing those stipulations. Mr. Rossi added that there is nothing in the ordinance with regards to displays and wants to make everyone is on the same page.

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

### **MINUTES**

Motion to approve the following minutes made by Cox and seconded by Gorshkov , all were in favor.

- February 20, 2024.

### **REPORTS**

Committee Reports:

Recreation-Infinito stated he had a meeting with Kat and Brian and an organization called Blue for swim lessons guards and concessions. Will be working on getting the numbers. There will be a meeting this Friday with Brian and Kat and Jonathan internally to go over pool situation for upcoming summer.

Sewer-this Thursday Brian will meet with Kevin from the sewer plant and Moonshot an organization we met a few weeks ago for funding opportunities.

Cannabis-Brown reported that the grand opening for Dank Poet was this past Saturday and it was a packed house, and which this will produce some revenue for our town.

### **VOUCHERS-Approval of Claims**

Motion made by Cox and seconded by Gorshkov to approve the vouchers and claims.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

### **NEW BUSINESS**

David Butler-Shade Tree appointment-5-year term Expiring 12/31/28.

Motion made by Infinito and seconded by Brown to approve the appointment of David Butler, all were in favor.

Budget Workshops dates to be discussed: March 20<sup>th</sup>, March 21<sup>st</sup> and March 30<sup>th</sup>.

It was the consensus of council to hold the budget meeting on March 30<sup>th</sup> starting at 9am with Manager Bond stating that it will take place in the fire hall instead of council chambers.

### **ORDINANCE-2<sup>nd</sup> Reading:**

Motion made by Cox and seconded by Gorshkov to open the public hearing for Ordinance 2024-01.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

Motion made by Cox and seconded by Gorshkov to close the public hearing, all were in favor.

Motion made by Gorshkov and seconded by Musick to adopt Ordinance 2024-01.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

Motion to reopen the public hearing on ordinance 2024-01, motion seconded by France, all were in favor.

Pub Hearing:

Dan Rossi-inquired about temporary signs and asked why only four signs a year and what is the limit on how many to have. Asked how feather signs are allowed to be out. Manager Bond explaining situation on how to anchor the feather signs with weighted bases.

Motion to close public hearing portion made by Cox and seconded by Gorshkov, all were in favor.

#### ORDINANCE 2024-01

##### **An Ordinance of the Borough of Washington Amending Section 94-62 entitled, "Signs," and the Downtown Redevelopment Plan Regarding Freestanding Signs on Sidewalks in Certain Zones**

**WHEREAS**, the Mayor and Borough Council seek to revise the regulations concerning freestanding signs on public sidewalks within the commercial zoning districts (B-1, B-2, and Downtown Redevelopment Area) in Washington Borough.

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

**Section 1.** Section 94-62(C)(7) of the Code of the Borough of Washington is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

In addition to the foregoing provisions, the following requirements shall apply to signs in the ***B-1 Highway Business District and*** B-2 Central Business District. Where there is a conflict between the provisions of Subsection C(1) to (6) above and the provisions of this Subsection C(7), the provisions of this subsection shall apply.

**Section 2.** Section 94-62(C)(7)(d)(1) of the Borough Code regarding freestanding signs certain zones is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

(1) ***Frees***Standing signs. ~~*S*~~***Freestanding*** signs, that is, moveable "A-frame" or easel ~~*other signs designed for and*~~ generally placed along a sidewalk or other area intended for the view of pedestrians, shall be permitted, provided that any such sign, ***except for "feather signs"***, shall not exceed six square feet in total size per side. ***Feather signs may not exceed 12 feet in height and 2.5 feet in width.*** ~~The maximum width of such signs shall be 24 inches and the maximum height of such signs shall be 36~~

inches. The overall height of the sign, including a support frame, shall not exceed 42 inches. The following **additional** limitations shall apply:

[a] Only A-frame, ~~feather or easel frame~~ **and other signs which are designed for, and generally used on sidewalks,** signs are permitted.

[b] No more than one **freestanding** sign shall be permitted for each business and only first-floor businesses may use such signs.

[c] **Freestanding signs** may be displayed only during the hours when the business is open.

[d] **Freestanding signs shall be constructed of weather resistant materials** ~~(no paper, fiberboard, foamcore board, corrugated paper or unfinished wood materials shall be permitted)~~. Signs may be constructed of painted wood, metal or plastic with professional quality painted messages, chalkboards, dry-erase boards or boards with changeable letters. No other construction materials are permitted. **Freestanding signs shall be constructed and/or weighted so as to be impervious to the effects of strong winds. Freestanding signs shall be maintained at all times in good repair and shall not be permitted to weather, fade, peel, crack or otherwise deteriorate.**

[e] **Freestanding signs** may be located only adjacent to the building within the side property lines as extended, in an entrance alcove.. **The placement of freestanding signs must allow for at least a 5-foot wide unobstructed pathway.**

[f] No **freestanding** sign shall block pedestrian movement, access to benches, access to parking meters, **fire hydrants**, or access to motor vehicles. The Building or Zoning Officer may direct that any **freestanding** sign which violates this chapter or creates a safety hazard be removed, modified or relocated.

[g] **Only businesses registered with the Borough in accordance with Section 54 of the Borough Code may display a freestanding sign.**

[h] **The business must provide the Borough with proof of insurance with a minimum liability coverage of one million dollars (\$1,000,000.00) and must specifically provide coverage for the sidewalk area the freestanding sign will be displayed and the Borough must be a named insured on the policy.**

[g] **Notwithstanding anything contained in this ordinance to the contrary, the Zoning Officer, Fire Marshal, and/or Chief of Police shall have the right to prohibit or further restrict the location of any freestanding sign which, in their sole discretion, they deem by virtue of the freestanding sign's construction or location, to constitute a safety hazard to the public.**

**Section 3.** The Page 40, Signage” of the Downtown Redevelopment Plan is hereby amended to add the following:

Freestanding signs shall be permitted on the public sidewalks in compliance with Borough Code Section 94-62(C)(7)(d)(1)

**Section 4.** All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

**Section 5.** 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 6.** This Ordinance shall take effect upon final passage and publication according to law.

Motion made by Cox and seconded by Musick to open the public hearing for Ordinance 2024-02.  
Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.  
Ayes: 7 Nays: 0  
Motion passes.

#### Pub Hearing

Attorney Peterson explained the purpose of a CAP ordinance.  
Dan Rossi-inquired about increasing the budget and percentages. Asked how many years you can bank the amounts.

Motion made by Cox and seconded by Musick to close the public hearing, all were in favor.

Motion made by Brown and seconded by Infinito to adopt Ordinance 2024-02.

#### Discussions:

France-if we do not move this forward we have zero? Bond responded no, we have last years. Cox asked what happens if we don't adopt this tonight and something should arise and we need the money, do we have any money. Brian responded that it depends on what it would be. This years cap would be for the 2025 or 2026 (years). \$218, 264.00 total if passed tonight. It would drop down \$109,132 if not passed. Lengthy discussions ensued regarding the purpose to adopt the ordinance.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.  
Ayes: 3(Brown, Infinito and Conry) Nays: 4 (Cox, France, Gorshkov and Musick)  
Motion fails.

### **RESOLUTIONS**

Motion made by Cox and seconded by Musick to adopt Resolution 2024-56

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.  
Ayes: 7 Nays: 0  
Motion passes.

### **RESOLUTION 2024-56**

**RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING MEMBERS TO THE LOCAL EMERGENCY PLANNING COUNCIL (LEPC)**

**WHEREAS**, pursuant to N.J.S.A. App. A:9-33 et seq. (Chapter 251 P.L. 1942, as amended by Chapter 438, P.L. 1953) each municipality shall appoint a Local Emergency Planning Council (LEPC); and

**WHEREAS**, the local Office of Emergency Management Coordinator shall serve as Chairman of the aforesaid Council; and

**BE IT RESOLVED** by the Borough Council of the Borough of Washington that the following individuals are hereby appointed to the Local Emergency Planning Council for the year 2024:

- Joe Fox, Sr., Borough of Washington Deputy OEM Coordinator (Chair)
- Chris Jones, Washington Township Chief of Police
- Jonathan James, Borough of Washington Department of Public Works Supervisor
- Kevin Shoudt, Borough of Washington Wastewater Treatment Plant Project Manager
- Ron Hartrum, Borough of Washington OEM Coordinator
- Ron Hartrum Borough of Washington Fire Chief
- Matthew Lopez, Borough of Washington Fire Official

**BE IT FURTHER RESOLVED** that the Local Emergency Planning Council meetings will coincide with regular quarterly staff meetings of the Borough of Washington.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-57

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2024-57**

**RESOLUTION AUTHORIZING OUT OF PAY FOR OUT OF TITLE WORK**

**WHEREAS**, the Borough Recreation Secretary performed out of title work from January 8, 2024 through February 3, 2024; and.

**WHEREAS**, the recreation secretary performed the work of Accounting Clerk a total of 108 hours during this time; and

**WHEREAS**, there is a pay differential of \$5.42 per hour with said differential totaling \$585.36.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Washington Mayor and Council that the recreation secretary be paid \$585.40 for performing out of title work.

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2024-58

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.  
Ayes: 7 Nays: 0  
Motion passes.

**R E S O L U T I O N 2024-58**

**RESOLUTION AUTHORIZING CP ENGINEERS PROPOSAL FOR PROFESSIONAL SERVICES REQUIRED FOR TIER A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.**

**WHEREAS**, the Borough of Washington requires Professional Engineering Services for its Municipal Separate Stormwater Sewer System (MS4) Permit and Compliance; and

**WHEREAS**, CP Engineers is the Borough Engineer for updating the Municipal Stormwater Management Plan (MSWMP) for permit compliance including outfall pipe mapping and Geographic Information System (GIS) database and Watershed Improvement Plan (Phase 1) for compliance with NJDEP Tier A MS4 current permit cycle in an amount not to exceed \$52,000.00; and

**WHEREAS**, the Borough of Washington will be required to extend services for the next permit cycle commencing on January 1, 2025 for compliance with new requirements that are to be adopted by NJDEP for Tier A MS4 Permit renewal; and

**WHEREAS**, sufficient funds exist for this work via grant funding; and

**WHEREAS**, the Borough Council concurs in the foregoing.

**WHEREAS**, the CFO has confirmed the certification of funds are available from the account 01-2024-20-130-2-11.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Washington that the Borough be and hereby authorized to enter into a Professional Services Contract with CP Engineers to provide professional services for updating the Municipal Stormwater Management Plan (MSWMP), outfall pipe mapping and Watershed Improvement Plan (Phase 1) for compliance with NJDEP Tier A MS4 current permit cycle for a fee not to exceed \$52,000.00 in accordance with their proposal dated October 13, 2023.

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2024-59

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2024-59**  
**A RESOLUTION TO VOID AND STOP PAYMENT**

**WHEREAS**, check # 15540 was written December 12, 2023 on the Washington Borough's Operating Account in the amount of \$115.00; and

**WHEREAS**, check was made payable to NJLM at the address of 222 West State Street, Trenton, NJ and

**WHEREAS**, the Treasurer's office has noticed an open balance on the accounts the check was to be applied to; and

**WHEREAS**, the above-mentioned check has not been cashed nor received; and

**WHEREAS**, stop payment for this check should be issued; 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 and stop payment on the aforementioned checks.

**RECAP**

Borough Manager Bond recapped the following:

Stated that this was a good meeting with the communication being better. Was able to reduce the CPM Engineering original quote that \$74,900 and he was able to get it down to \$52,000. Its looking good and hopeful to find good money and not borrow. Working on finding better and cheaper health insurance than the current state plan. Thanked everyone for coming.

**COUNCIL REMARKS**

Councilman Brown gave the following remarks:

- Thanked everyone for coming out. Stated that it is important to have a backup plan and was sad that the cap bank ordinance was voted down. With regards to the sign ordinance, Brown stated he thinks this council is business unfriendly. The odds are against you in town. This council shouldn't make rules overly restricted. Added that he hopes the next council reverses these ordinances and he will continue to stomp for the businesses in town.

Councilwoman Cox gave the following remarks:

- Thanked everyone for coming out. There were some tough questions with the Cap. The taxpayers do need to have input as to when raising taxes. Cox added that she can't see why we can't work within the money we have and get through regular taxes. School taxes are disgustingly high and ridiculous. A lot of elderly that don't have children and they are still paying. People that live here in town should have input and a say on that. With regards to the sewer problems those managing it should be telling us the things that are going wrong. In past department heads were told not to speak with council. We are paying millions of dollars to run our plant. We as council, do on behalf of residents not the renters but the tax paying people that take brunt of everything. Thanked everyone for coming and added safe travels in getting home.

Councilman France gave the following remarks:

- Reiterated the statements made regarding the budget and taxes. Money being used from sewer to balance the budget, he is not comfortable with. Need to tell them (taxpayers) the truth. Look forward to budget meeting and working hard and doing the right thing for the people of this town.

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Councilman Infinito gave the following remarks:

- Thanked everyone for coming out. This past weekend he went to grand openings for new businesses in town.

Councilwoman Gorshkov gave the following remarks:

- Thanked everyone for coming out and getting home safe. Addressed Mayor Conry in regard to respecting discussions and not cutting people off. People have the first amendment right they have the right to curse if they want. Attorney Peterson opined and cited that the Supreme Court ruled that cursing is not protected under the first amendment and a decorum can be set up by the body, vulgarity is not protected.

## **ADJOURN**

Hearing no further business to come before Council, motion made by Cox and seconded by Gorshkov to adjourn the meeting at 8:05 PM, all were in favor.

Laurie A. Courter, RMC  
Borough Clerk