
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

June 16, 2020

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, Noone, Norris, Valle and Higgins.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, 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 Star Gazette and posted on the bulletin board, borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

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

- Banners are up around town stating that Washington Borough is open
- A news article of the borough regarding outdoor dining was written up on lehighhvalley.com and nj.com.
- New garbage cans are being ordered.
- Saturday is the opening day of the Farmers Market.
- Monday hair salons and barbers get to open. The Mayor will be touring the those businesses. Five of the salons will be open and three at a later date.

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

MINUTES

Motion made by Noone and seconded by Norris to approve the minutes of May 19, 2020.

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

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

SEWER RATE PROPOSAL PRESENTATIONS
WAIVER OF RENTAL INSPECTION FEE DISCUSSION

Manager Hall stated this is the time for anyone on Council who was going to do a proposal to do so. Mayor Higgins asked if any council member wanted to make their proposal on sewer rates. No comments or discussion followed.

Councilwoman Valle inquired about rental registration fees. Manager Hall stated he would like to propose waiving the registration fee, although they will still be required to register, he would like to see the fee waived due to the borough not doing the inspections this year.

Motion

Motion made by Noone and seconded by Conry to waive the 2020 rental registration fee (Borough fee).

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

Ayes: 7 Nays: 0

Motion passes.

ORDINANCES 1st Reading

Motion made by Noone and seconded by Conry to approve on first reading Ordinance 2020-07, with the public hearing scheduled for July 21, 2020.

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

Ayes: 7 Nays: 0

Motion passes.

ORDINANCE 2020-07

**ORDINANCE APPROPRIATING \$120,000.00 FROM THE
CAPITAL IMPROVEMENT FUND TO FUND VARIOUS**

**CAPITAL IMPROVEMENTS BY THE BOROUGH OF
WASHINGTON, IN THE COUNTY OF WARREN, NEW
JERSEY**

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY AS FOLLOWS:

Section 1. \$120,000.00 is hereby appropriated from the Capital Improvement Fund of the Borough of Washington, in the County of Warren, New Jersey (the "Borough") to fund various capital municipal projects including road and sidewalk improvements, and improvements to the municipal building, and further including all related costs and expenditures incidental thereto.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Motion made by Valle and seconded by Conry to approve on first reading Ordinance 2020-08, with the public hearing scheduled for July 21, 2020.

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

Ayes: 7 Nays: 0

Motion passes.

**BOROUGH OF WASHINGTON
ORDINANCE NO. 2020-08
AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED
FOR PUBLIC USE**

WHEREAS, the Borough of Washington is the record owner of certain real property known as Block 46, Lot 9.01;

WHEREAS, the lot in question is vacant and without capital improvements; and

WHEREAS, the Borough is desirous to sell the land in order to correct title to this property and that of Block 46 Lot 9.01 and is authorized to do so pursuant to N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Borough Mayor and Council (“Municipal Council”) hereby determines that the Property constitutes real property with less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any Borough owned improvements thereon; and

WHEREAS, there is only one property owner with real property contiguous to the property; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes the sale of municipally-owned property which is less than an eighth of the minimum size required for development under the Municipal Land Use Ordinance, and is without any Borough-owned capital improvement thereon, to the only owner having contiguous real property to the property being sold; and

WHEREAS, the Mayor and Council of the Borough of Washington have determined that this property is not needed for public use; and

WHEREAS, the Borough Council is desirous of selling the property to the only owner of contiguous real property;

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

1. Pursuant to N.J.S.A. 40A:12-13(b)(5), the sale of Tax Lot 9.01, Block 46, is authorized to the only owner of contiguous real property. This property will be sold for \$1.00 One Dollar and Zero Cents.

2. The sale is contingent and conditioned upon the purchaser consolidating the “property” with Lot 9, Block 46 within 180 days following the date of the deed.
3. This sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, leaseholds, rights of persons in possession, codes, regulations and ordinances of the Borough of Washington or federal, state or county governments. No representations of any kind are made by the Borough as to the condition of the lands, and the property is being
4. The Clerk shall post and advertise copies of the ordinance as required by N.J.S.A. 40A:12-13(b)(5).
5. A copy of this Ordinance shall be sent by the Clerk to the contiguous property owner.
6. The Mayor and Clerk are authorized to execute a deed and all other necessary documents to convey this property.

Motion made by Noone and seconded by Conry to approve on first reading Ordinance 2020-09, with the public hearing scheduled for July 21, 2020.

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

Ayes: 6 Nays: 1(Cox)

Motion passes.

**BOROUGH OF WASHINGTON
ORDINANCE 2020-09
AN ORDINANCE CREATING THE MOUNTAIN RESIDENCE OVERLAY ZONING
DISTRICT**

WHEREAS, the Borough of Washington filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Washington Station Venture, LP and Washington Venture Investment, Ltd. (collectively, the “Washington Venture Entities” are the owners of Block 97, Lots 1, 3, and 4 and

Block 97.01, Lot 1, which will be the subject of a subdivision application creating 3 lots: the Open Space Lot, the Residential Lot, and the Cemetery Lot; and

WHEREAS, pursuant to a Consent Order filed on or about November 3, 2015, the Washington Venture Entities are defendant-intervenors in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Borough of Washington (the “Borough”) entered into Settlement Agreements with Fair Share Housing Center on December 10, 2018 and with the Washington Venture Entities on October 9, 2018 (as amended on December 18, 2018) (collectively hereinafter the “Settlement Agreements”) that determine the Borough’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreements contemplate the sale of one lot consisting of approximately 80 acres to the Borough as dedicated open space (the “Open Space Lot”), the development of approximately 35 acres as a residential development (the “Residential Lot”); the expansion of the existing cemetery on approximately 10 acres (the “Cemetery Lot”); and the development of a portion of either the Cemetery Lot or a 10,000 square foot independent lot for lease to construct a cell tower; and

WHEREAS, by Resolution dated September 9, 2019, the Borough Land Use Board subdivided the aforementioned parcels of land into the Open Space Lot, which is now designated as Block 97, Lot 1.03, and the Remainder Lot, which is now designated as Block 97, Lot 1.04. The Remainder Lot will subsequently be subdivided into the Residential Lot and the Cemetery Lot, as depicted on the attached Exhibit “A”.

WHEREAS, the zoning amendments herein are intended to implement the development of the Residential Lot as a 50-unit residential development consistent with the Settlement

Agreements encompassing an area of approximately 35 acres in the event that public sewer service can be extended to the Residential Lot; and

WHEREAS, the revisions to the zoning map, and creation of the M-3 Mountain Residence Overlay Zoning District, are intended to follow the property lines of the newly created Residential Lot as depicted on **Exhibit A** attached hereto; and

WHEREAS, the Borough shall include the Residential Lot within the Town Center Designation and for purposes of Plan Conformance with the New Jersey Highlands Master Plan; and

WHEREAS, the Borough's Land Use Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Borough in a manner consistent with all applicable affordable housing statutes and regulations.

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

Section 1. Section 94-5 of the Code of the Borough of Washington (the "Code") entitled "Definitions" is amended to add the following definitions:

BASEMENT- A half-story space partly underground but having not more than 1/2 of its floor-to-ceiling height above the average grade as defined in Building Height. A basement shall be counted as a story if its ceiling is four or more feet above the average grade as defined in Building Height.

STORY - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof above, excluding spaces defined as "Half Story."

STORY, HALF – For an attic space, a habitable space that has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet above the attic floor is not more than

one-third the area of the next floor below. A half story shall also include a basement that is accessible from grade. A half story shall be counted as a full story if it does not meet the definition of half story as defined herein. A single-family dwelling may have a habitable attic or a half-story basement, but not both.

Section 2. Section 94-70 of the Code entitled “Enumeration of Districts” is amended and supplemented to add the MO-3 Mountain Overlay Residence District.

Section 3. Section 94-71 entitled “Zoning Map, schedules and performance standards” is amended such that the boundary of the Mountain Overlay Residence District (MO-3) District shall be applied to the parcel of land depicted as the Residential Lot on Exhibit “A,” which is a portion of what is now known as Block 97, Lot 1.04.

Section 4. Section 94-74.1 is hereby added as follows:

§94-74.1 MO-3 Mountain Overlay Residence District.

A. Purpose. The Mountain Overlay Residence District is created to provide for small-lot residential uses connected to public water and sewer to comply with the requirements and terms of Settlement Agreements with Fair Share Housing Center on December 10, 2018 and with the Washington Venture Entities on October 9, 2018 (as amended on December 18, 2018 and on June ___, 2020) (collectively hereinafter the “Settlement Agreements”). The ordinance creates design and bulk standards to ensure that single-family housing in this zone is developed in a manner that is sensitive to the character of the surrounding area and environment.

B. Principal Permitted uses.

(1) Single-family detached dwellings

(3)

C. Accessory Uses

(1) Home offices and instruction for musical instruments on one-to-one basis not entailing more than one student at any one time for one teacher in a residence.

(2) Accessory uses, buildings, and structures customarily incidental to the principal permitted use

D. Maximum Number of Lots. There shall be no more than 50 single-family lots permitted on the Residential Lot.

E. Tract Area. The entire Residential Lot shall be approximately 35 acres, consistent with the Settlement Agreements and all amendments thereto.

F. Common Open Space.

(1) A minimum of 25% of the Residential Lot shall be designated as common open space. Common open space may include stormwater management facilities and other non-buildable areas such as wetlands or stream buffer areas.

(2) Open space not dedicated to the Borough shall be assigned for ownership and maintenance to an organization provided for this purpose by the developer. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization which is conceived and established to own and maintain the open space for the benefit of such development and which thereafter shall not be dissolved or disposed of any of its open space without first offering to dedicate the same to the Borough. The developer shall be responsible for the maintenance of any such open space until such time as the organization established for its ownership and maintenance shall be formed and functioning and shall be required to furnish a performance guaranty for such maintenance for a period of two years after the final certificate of occupancy is issued.

All documents pertaining to any organization established to own and maintain common open space shall be subject to review and approval of the Borough Attorney, who shall require that all portions thereof be recorded as covenants running with the land.

(3) Failure to maintain open space. In the event that the organization shall fail to maintain the open space in reasonable order and condition, the Zoning Officer shall serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization or the owner has failed to maintain the open space in reasonable condition and demanding that such deficiencies be cured within 35 calendar days. This notice shall also state the date and place of a hearing thereon, which shall be held within 15 days of the date of the notice. At such hearing, the board which granted approval of the development may modify the terms of the original notice as to deficiencies and may give an extension of time not to exceed 65 days within which they shall be remedied. If the deficiencies set forth in the original notice or in the modification thereof shall not be remedied within 35 days of the date of the notice or within the period of any extension granted, the Borough, in order to preserve the open space and maintain the same for a period of one year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners and is accepted by the Borough.

G. Area yard and bulk requirements (principal permitted uses).

| Use Type | Minimum Lot Area | Minimum Lot Width (feet) | Minimum Front Yard (feet) | Minimum Side Yard (feet) | Minimum Rear Yard (feet) | Maximum Building Height (feet) ¹ | Maximum Lot Coverage (percent) | Maximum Building Coverage (principal building) |
|---------------------------------|------------------|--------------------------|---------------------------|--|---|---|--------------------------------|--|
| Detached single-family dwelling | 7,000 sq. feet | 60 | 25 | 10; 20 feet combined or 30% of the lot width, whichever is greater | 30 feet if the rear yard is backs up to a residential lot; 25 feet if the rear yard backs up to common open space or publicly preserved open space. | 2 ½ stories or 35 feet. | 50% | 30% |

¹ In no event shall the building height exceed 35 feet/2.5 stories along any façade facing a road. Basement garages shall be permitted provided the garage doors are located along the building’s side or rear facade. Walkout basements shall be permitted provided it meets the definition of half-story and basement.

.H. Accessory Uses and Structures area yard and bulk requirements

(1) The minimum distance of any accessory building or structure, other than an uncovered deck or patio, constructed of any material attached to a principal building is part of the principal building and shall adhere to the yard setback requirements for the principal building.

(2) The minimum distance of any accessory building or structure, other than an uncovered deck or patio, to a property line or to a building on the same lot shall be five feet.

(3) The minimum distance of an uncovered deck or patio less than 18 inches above grade in height to a property line shall be eight feet.

(4) The minimum distance of any uncovered deck or patio more than 18 inches above grade in height to a property line shall be ten feet.

(5) Height and area. Accessory buildings or structures shall not exceed 15 feet in height and may not occupy an area totaling more than 25% of a required rear yard.

(6) Location. An accessory building or structure may be erected in the side or rear yard only. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building.

.I. Additional Requirements

(1) As part of any subdivision and / or site plan application, an environmental impact report shall be submitted and considered by the Land Use Board in compliance with Code Section 94-46, however, an environmental impact statement shall not be required for the initial Minor Subdivision to create the Open Space Parcel. Environmental elements relating to soil

erosion, preservation of trees, topography, soil and animal life shall be considered, and the design of the plan shall minimize any adverse impact on these elements.

(2) Each exterior face of a single-family dwelling shall include windows and the windows shall not be less than 4% of the building face.

(3) Connections to public water and sanitary sewer are required.

J. If the proposed residential units will be served by individual septic systems, the bulk standards set forth herein shall not apply and the underlying Mountain District (M-3) Zoning without the cluster option shall apply. In no event shall a package treatment plant be permitted.

K. The residential development shall be required to make a financial contribution equal to 1.5% of equalized assessed value to be used for affordable housing pursuant to the Borough's development fee ordinance, set forth at Article IX Development Fees of the Borough Code §94-94 through §94-100.

I. L. Access to the Residential Lot shall only be permitted via Nunn Avenue. Emergency access only can be provided via the adjacent Cemetery Lot pursuant to an access easement, which restriction shall be a condition of any subdivision or site plan approval. In the event the adjacent cemetery does not purchase the Cemetery Lot, and/or the proposed cell tower cannot be accessed through the Cemetery Lot, access to the cell tower may be provided through the Residential Lot, but such access shall not serve the existing or proposed cemetery.

M. Streets and Sidewalks. All roads within the residential development in the MO-3 Zone shall be private and comply with Residential Site Improvement Standards (RSIS), unless waivers have been granted by the Borough Land Use Board.

N. Compliance with Borough Ordinances. All existing Borough ordinances, including but not limited to Chapter 57 Stormwater Management, Chapter 61 Numbering of Buildings,

Chapter 73 Soil Removal, Chapter 83 Trees, Chapter 47 Garbage, Rubbish, and Refuse, and Chapter 75 Streets and Sidewalks shall apply. However, Chapter 75, Article VII entitled “Street Construction Standards” does not apply to private roads. Additionally, Chapter 83, entitled “Trees” only applies to trees located within the public right-of-way, a public highway, or public place.

Section 5. Section 94-74 M-3 Mountain District is hereby amended as follows:

§94-74E entitled “Cluster Option” is deleted in its entirety.

§94-74F entitled “Area and yard bulk requirements for cluster option (principal permitted use) is deleted in its entirety.

§94-74G Area and yard bulk requirements (accessory uses) is deleted in its entirety.

§94-74H entitled “Affordable Housing” is deleted in its entirety.

Section 6. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 8. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Washington for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with

the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 9. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Warren County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 10. This Ordinance shall take effect upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing thereof with the Warren County Planning Board pursuant to N.J.S.A. 40:55D-16.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a 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.

Motion made by Noone and seconded by Norris to approve on first reading Ordinance 2020-10, with the public hearing scheduled for July 21, 2020.

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

**BOROUGH OF WASHINGTON
ORDINANCE 2020-10**

AN ORDINANCE CREATING THE CEMETERY ZONING DISTRICT

WHEREAS, the Borough of Washington filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Washington Station Venture, LP and Washington Venture Investment, Ltd. (collectively, the “Washington Venture Entities” are the owners of Block 97, Lots 1, 3, and 4 and Block 97.01, Lot 1, which will be the subject of a subdivision application creating 3 lots: the Open Space Lot, the Residential Lot, and the Cemetery Lot;

WHEREAS, pursuant to a Consent Order filed on or about November 3, 2015, the Washington Venture Entities are defendant-intervenors in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Borough of Washington (the “Borough”) entered into Settlement Agreements with Fair Share Housing Center on December 10, 2018 and with the Washington Venture Entities on October 9, 2018 (as amended on December 18, 2018) (collectively hereinafter the “Settlement Agreements”) that determine the Borough’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreements contemplate the sale of one lot consisting of approximately 80 acres to the Borough as dedicated open space (the “Open Space Lot”), the development of approximately 35 acres as a residential development (the “Residential Lot”); the expansion of the existing cemetery on approximately 10 acres (the “Cemetery Lot”); and the

development of a portion of either the Cemetery Lot or a 10,000 square foot independent lot for lease to construct a cell tower; and

WHEREAS, by Resolution dated September 9, 2019, the Borough Land Use Board subdivided the aforementioned parcels of land into the Open Space Lot, which is now designated as Block 97, Lot 1.03, and the Remainder Lot, which is now designated as Block 97, Lot 1.04. The Remainder Lot will subsequently be subdivided into the Residential Lot and the Cemetery Lot, as depicted on the attached Exhibit “A”.

WHEREAS, the zoning amendments herein implement the development of the Cemetery Lot as an expansion of the existing Washington Cemetery in compliance with the Settlement Agreements encompassing an area of not more than 10 acres; and

WHEREAS, the Washington Cemetery has operated within the Borough for many years; however, cemeteries are not a permitted use in any zoning district within the Borough; and

WHEREAS, the revisions to the zoning map, and creation of the Cemetery Zoning District, are intended to follow the property lines of the newly Cemetery Lot as depicted on **Exhibit A**.

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

Section 1. Section 94-70 of the Code of the Borough of Washington (the “Code”) entitled “Enumeration of Districts” is amended and supplemented to add the Cemetery District.

Section 2. Section 94-71 entitled “Zoning Map, schedules and performance standards” is amended such that the boundary of the Cemetery District shall be applied to the parcel of land

depicted as the Cemetery Lot on Exhibit “A,” which is a portion of what is now known as Block 97, Lot 1.04.

Section 3. Section 94-87 is hereby added as follows:

§94-87 C-3 Cemetery District

A. Purpose. The Cemetery District is created to provide for cemetery use of a not more than 10 acre tract of land within the Borough in accordance with the requirements and terms of Settlement Agreements entered into on October 9, 2018 (amended on December 18, 2018 and on June ____, 2020) between the Borough and Washington Station Venture, LP and Washington Venture Investment, Ltd. and a Settlement Agreement entered into on December 10, 2018 with Fair Share Housing Center (collectively, the “Settlement Agreements”). The ordinance creates design and bulk standards to ensure that the cemetery expansion in this zone is developed in a manner that is sensitive to the character of the surrounding area and environment.

B. Principal Permitted uses.

- (1) Cemeteries.
- (2) Cell towers.
- (3)

C. Accessory Uses

- (1) Mausoleums
- (2) Buildings for the sole purpose of cemetery administration and maintenance
- (3) Accessory uses customarily incidental to the above permitted uses

D. Cemeteries shall be licensed by the New Jersey Division of Consumer Affairs.

E. Cemetery Design Standards.

(1) Site plan approval of the cemetery shall be required identifying the locations of the burial site areas and proposed structures.

(3) Drainage shall not create erosion or flooding of adjacent lands and shall conform to stormwater management requirements found in Chapter 57 of the Revised General Ordinances of the Borough of Washington as well as Stormwater Management Regulations set forth by the State of New Jersey.

(4) Lighting. Since the cemetery is only open from dawn until dusk, no lighting shall be permitted.F. Impervious Coverage (Cemetery Use Only). The maximum impervious coverage associated with access/circulation drives, mausoleums, and maintenance sheds shall not exceed 25%. Grave monuments, markers and headstones shall not be included in the calculation of total impervious cover in determining conformance with this ordinance standard.

G. Perimeter Buffering (Cemetery use only). A minimum perimeter buffer shall be 50 feet except where adjacent to public open space. Existing vegetation within this buffer area shall be preserved and supplemented with evergreen plantings and native plants as needed to effectively screen improvements on the cemetery property. Conservation easements shall be provided for the buffer areas. There shall be no access drives permitted within the buffer area, other than to cross the buffer area to provide access to the Cemetery Lot.

H. Area yard and bulk requirements (principal and accessory permitted uses and structures).

(1) Cemeteries.

(a) Maximum Lot Area. 10 acres

(b) Maximum Building Height. 25 feet.

(c) Setback. 50 feet. No principal or accessory structures shall be constructed

within a perimeter buffer area.

(2) Cell Towers.

(a) Maximum Lot Area. 10,000 square feet. In the event the cell tower is not located on a separate lot, cell towers shall only occupy up to 10,000 square feet in area, consistent with the Settlement Agreements.

(b) Maximum Height of Tower. If there are two carriers located on the tower, 125 feet. If there are three or more carriers located on the tower, 150 feet, measured from the proposed elevation at the base of the tower including any structures or antennae supported by the tower.

(c) Equipment cabinets and other structures within the compound enclosure that are installed by the various carriers occupying the tower shall not exceed a height of 15 feet. Equipment storage buildings or cabinets shall comply with all building codes applicable to the use.

(d) The tower compound shall be enclosed by security fencing not less than six (6) feet nor more than eight (8) feet in height. Barbed wire fencing is prohibited. It is recommended the fencing be decorative. Proposed enclosure fencing shall incorporate appropriate anti climbing features unless waived by the Land Use Board as part of the Site Plan review process.

(e) Proposed development plans for tower facilities shall incorporate a 10 - foot wide landscape buffer that provides an effective screen of the compound area from adjacent residential properties. Landscaping shall be installed on the outside of the fence and consist of existing vegetation and shall be enhanced by evergreen plantings. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible to enhance the proposed buffer.

(g) Provisions for co-location for additional antennae or equipment for other wireless providers is required.

I. Access to a separate lot created for cell tower use shall be permitted through the adjacent Residential Lot, only with a showing that access cannot reasonably be provided through the Cemetery Lot. Access to any Property currently or intended to be used as a cemetery shall only be permitted via extension of existing driveways servicing the cemetery and shall not be permitted through the adjacent Residential Lot. In no event shall access to an existing or proposed cemetery be permitted through the Residential Lot. A minimum driveway width of fifteen (15) feet shall be provided for driveways servicing either a cell tower or cemetery use, subject to review and approval by emergency personnel.

J. Cemetery Operation.

(1) The hours of operation of the cemetery shall be limited to dawn until dusk.

(2) If the facility seeks an open burning of any materials within the cemetery it shall apply to the Fire Official for a Type 1 Open Burn Permit in compliance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.7 et seq.

(3) The facility shall be permitted to perform traditional and customary religious practices to the extent permitted by Federal, State, County and local law and regulations.

(4) The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, or welfare 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, or welfare 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 serious annoyance to the inhabitants of the Borough of Washington or endanger their comfort, repose, health, safety or property.

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

(d) The existence or presence of any accumulation of garbage, refuse, 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.

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

(f) 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.

Section 4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the Ordinance to the Land Use Board of the Borough of Washington for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Warren County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Borough Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 8. This Ordinance shall take effect upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing thereof with the Warren County Planning Board pursuant to N.J.S.A. 40:55D-16.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a 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.

RESOLUTIONS

Motion made by Noone and seconded by Conry to approve Resolution 2020-81.

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

**RESOLUTION 2020-81
OF THE COUNCIL OF THE
BOROUGH OF WASHINGTON, COUNTY OF WARREN
STATE OF NEW JERSEY
APPOINTING HEYER GRUEL & ASSOCIATES AS THE ADMINISTRATIVE
AGENT FOR THE BOROUGH OF WASHINGTON**

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Washington is implementing a program to provide affordable housing units to very low, low- and moderate-income households within the Borough; and

WHEREAS, the Borough’s Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Borough of Washington has selected Heyer Gruel & Associates to be the administrative agent for the purposes of providing affordability control services for all affordable housing within the Borough.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington in the County of Warren, and the State of New Jersey that Heyer Gruel & Associates is hereby appointed by the Borough Council of Washington as the Administrative Agent for the administration of the affordability controls of the Borough’s housing program pending receipt of all certifications required by applicable Affordable Housing Rules and Regulations.

Motion made by Noone and seconded by Conry to approve Resolution 2020-82.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 1 (Cox)
Motion Carried.

**RESOLUTION 2020-82
OF THE COUNCIL OF THE
BOROUGH OF WASHINGTON, COUNTY OF WARREN
STATE OF NEW JERSEY
TO APPROPRIATE FUNDS OR BOND IN THE EVENT
OF A SHORTFALL IN FUNDING FOR THE
BOROUGH'S AFFORDABLE HOUSING PROGRAMS**

WHEREAS, the Borough of Washington filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the "Declaratory Judgment Action"), in furtherance of the Supreme Court's March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, the Borough simultaneously pursued, and ultimately secured, a protective order providing Washington Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Borough adopted a Housing Element and Fair Share Plan on or about July 8, 2019; and

WHEREAS, the Borough has prepared a Spending Plan consistent with P.L.2008, c.46 COAH regulations; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Borough's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Washington in the County of Warren, and the State of New Jersey that to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, the Borough agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Borough may repay debt through future collections of development fees, as such funds become available.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-83.

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 5, Nays: 0 Abstain; 2 (Valle and Duchemin)
Motion Carried.

RESOLUTION #2020-83

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 \$339.07 for taxes or other municipal liens assessed for the year 2018 in the name of Bridygham, Jamie & Frye, Angela as supposed owners, and in said assessment and sale were described as 239 Belvidere Ave. Block 18.01 Lot 5, which sale was evidenced by Certificate #19-00011; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-20-20 and before the right to redeem was cut off, as provided by law, EastWest Bank, on behalf of Lereta Tax Service 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 \$1,078.42 which is the amount necessary to redeem Tax Sale Certificate #19-00011.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June 2020 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 **\$1,078.42** (This amount consists of \$1,078.42 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 18.01 Lot 5 from the tax office records.

Motion made by Duchemin and seconded by Conry to approve Resolution 2020-84.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION #2020-84

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2020 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,783.63 on 2020 2nd Quarter Regular Taxes paid on property located at 39 Kinnaman Ave., also known as Block 6 Lot 5, and in the name of Zatika, Francis Sr.; and

WHEREAS, Simplicity Title, LLC and Corelogic Tax Service had both paid the 2nd Quarter 2020 property taxes, resulting in the overpayment when the property changed ownership; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Simplicity Title, LLC that the overpayment be refunded to them in order to forward the funds to Francis Zatika Sr.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,783.63 payable to:

Simplicity Title, LLC
70 Grove Street
Somerville, NJ 08876

Motion made by Noone and seconded by Conry to approve Resolution 2020-85.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

**BOROUGH OF WASHINGTON
COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION 2020-85**

**RESOLUTION REQUESTING GOVERNOR MUPRHY RELEASE DISCRETIONARY FUNDS FOR THE RELIEF OF
COVID-19 EXPENSES IN WARREN COUNTY AND THEIR MUNICIPALITIES**

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress with overwhelming, bipartisan support and was signed into law by the President on March 27th, 2020; and

WHEREAS, the CARES Act provided payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak in the following amounts to counties in NJ:

| | |
|-----------|---------------|
| Bergen | \$162,000,000 |
| Camden | \$88,000,000 |
| Essex | \$139,000,000 |
| Hudson | \$117,000,000 |
| Middlesex | \$143,000,000 |
| Monmouth | \$107,000,000 |
| Ocean | \$105,000,000 |
| Passaic | \$87,000,000 |
| Union | \$97,000,000 |

WHEREAS, On April 24, 2020, the President signed into law a second federal package of funding intended to provide relief from COVID expenses, known as the “COVID-19 3.5” relief package, which provided the following funds to NJ counties:

| | |
|------------|-------------|
| Atlantic | \$704,535 |
| Bergen | \$8,310,445 |
| Burlington | \$876,000 |
| Camden | \$2,186,348 |
| Essex | \$4,792,503 |
| Gloucester | \$804,857 |
| Hudson | \$1,874,303 |
| Mercer | \$TBD |
| Middlesex | \$1,739,905 |
| Monmouth | \$2,348,328 |
| Morris | \$2,182,700 |
| Ocean | \$820,000 |
| Passaic | \$537,434 |
| Somerset | \$646,398 |
| Union | \$4,139,331 |

WHEREAS, Warren County and their respective municipalities have not yet received any federal funding despite being located in the so-called “hot” region of the COVID-19 outbreak and despite having case counts of Covid higher than many counties that were awarded funds through antiquated and pre-determined formulas; and

WHEREAS, as part of the CARES Act, the State of NJ received certain non-entitlement funding through the CDGB (\$4 million) and ESG (more than \$11 million) that could be used for discretionary needs throughout the state; and

WHEREAS, on April 4, 2020, Congressman Josh Gottheimer and Senator Steven Oroho wrote to Governor Murphy requesting that these discretionary funds be allocated to Warren and Sussex Counties and their respective municipalities; and

WHEREAS, to date plans for those discretionary funds have not been announced; and

WHEREAS, to date Warren County has spent \$919, 849 on operations of a COVID-19 testing facility for New Jersey residents; and

WHEREAS, as part of the plan to re-open the state, the Governor has asked for increased COVID-19 testing, but Warren County's testing site must cease operations at the end of May due to the total lack of federal or state funding.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of Washington Borough, Warren County, hereby requests that Governor Murphy allocate discretionary funds to the County of Warren for the reimbursement of expenses related to its significant number of Covid-19 cases and to aid with the Governor's goal of continuing and increasing testing required for the re-opening of the state.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Warren County's federal delegation with a request for their support and advocacy for New Jersey residents who reside here.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-86.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

Resolution 2020-86
Resolution Authorizing The Tax Collector To Hold An Electronic Tax Sale
For Unpaid 2019 Taxes And Other Municipal Charges Through NJ Tax Lien
Investors/Realauuction.Com

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic sales; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, based on the recommendation of the Qualified Purchasing Agent and the Tax Collector, the Borough of Washington wishes to hold an electronic tax sale for unpaid 2019 taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Washington, County of Warren, State of New Jersey authorizing the Tax Collector to hold an

electronic tax sale for unpaid 2019 taxes and other municipal charges through NJ Tax Lien Investors/RealAuction.com on October 22, 2020.

Motion made by Conry and seconded by Valle to approve Resolution 2020-87.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 2020-87

RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72

WHEREAS, the Warren County Board of Taxation has not adopted the Warren County Budget for 2020, and the Borough of Washington Tax Collector will be unable to mail the Borough's 2020 tax bills on a timely basis,

WHEREAS, the Borough of Washington Tax Collector/Chief Finance Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax range and the range of permitted estimated tax levies:

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, AND STATE OF NEW JERSEY ON THE 15th OF APRIL, 2020, AS FOLLOWS:

1. The Washington Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2020 taxes. The Tax Collector shall proceed on April 16, 2020 and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire regular estimated tax levy for 2020 is hereby set at \$19,156,685.98.
3. In accordance with law the third installment of 2020 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Motion made by Valle and seconded by Noone to approve Resolutions 2020-88, 89 and 90.

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7 (89 & 90), Nays: 0 Abstain 2 (Conry and Duchemin for Resolution 2020-88)
Motion Carried

RESOLUTION 2020-88

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 19, 2018 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$1,039.95 for taxes or other municipal liens assessed for the year 2017 in the name of Read, Amanda supposed owner, and in said assessment and sale were described as 8-10 Youmans Ave., Block 92 Lot 2, which sale was evidenced by Certificate #18-00022; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-2-20 and before the right to redeem was cut off, as provided by law, Huntington National Bank, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$4,256.93 which is the amount necessary to redeem Tax Sale Certificate #18-00022.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$4,256.93** (This amount consists of \$4,256.93 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 92 Lot 2 from the tax office records.

RESOLUTION # 2020-89

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 Bala Partners LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$1,862.00 for taxes or other municipal liens assessed for the year 2018 in the name of Gay, Joan Marie as supposed owner, and in said assessment and sale were described as 15 Youmans Ave., Block 94 Lot 40, which sale was evidenced by certificate #19-00034 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-2-20 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$11,889.34 which is the amount necessary to redeem Tax Sale

Certificate #19-00034.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June, 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$25,889.34** (This consists of \$11,889.34 Certificate Amount redeemed + \$14,0000 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 40 from the tax office records.

RESOLUTION 2020-90_

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 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$203.38 for taxes or other municipal liens assessed for the year 2015 in the name of Aversa, Michael & Rebecca supposed owners, and in said assessment and sale were described as 82 Grand Ave - Rear, Block 15.01 Lot 6, which sale was evidenced by Certificate #16-00021; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-3-20 and before the right to redeem was cut off, as provided by law, Green Hill Title, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,334.30 which is the amount necessary to redeem Tax Sale Certificate #16-00021.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$1,334.30** (This amount consists of \$1,334.30 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 15.01 Lot 6 from the tax office records.

Motion made by Noone and seconded by Conry to approve Resolution 2020-96.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 2020-96

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$75,000.00 which is now available from the State of New Jersey, Department of Transpiration

BE IT FURTHER RESOLVED, that the like sum of \$75,000.00 is hereby appropriated under the caption of Other Expenses – Municipal Aid (Broad Street)

Motion made by Conry and seconded by Valle to approve Resolution 2020-97.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 2020-97

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

WHEREAS, the entire award from the Department of Transportation is \$84,000, and

WHEREAS, \$69,000 was appropriated in 2020 budget

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$15,000.00 which is now available from the State of New Jersey, Department of Transpiration

BE IT FURTHER RESOLVED, that the like sum of \$15,000.00 is hereby appropriated under the caption of Other Expenses – Municipal Aid (South Lincoln)

Motion made by Conry and seconded by Valle to approve Resolution 2020-98.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 2020-98

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$2,499.00 which is now available from the Statewide Insurance Fund

BE IT FURTHER RESOLVED, that the like sum of \$2,499.00 is hereby appropriated under the caption of Other Expenses – Safety Grant

Motion made by Noone and seconded by Conry to approve Resolution 2020-99.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

**RESOLUTION 2020-99
BOROUGH COUNCIL – BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION ADOPTING THE ‘AFFIRMATIVE MARKETING PLAN’

FOR THE BOROUGH OF WASHINGTON

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Washington is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Washington, are affirmatively marketed to low- and moderate-income households within Housing Region 2, the COAH Housing Region encompassing the Borough of Washington.

BE IT RESOLVED, that the Borough Council of the Borough of Washington in the County of Warren, and the State of New Jersey does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Washington shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the Borough's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Washington. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Washington, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Posting of an advertisement on the Borough of Washington's official municipal website.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. Pursuant to N.J.S.A. 40:37A-114.1, preference for affordable housing within a housing project may be provided to homeless veterans, disabled veterans, and family members who are the primary residential caregivers to disabled veterans residing with them. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Washington is located in COAH Housing Region 2, consisting of Essex, Morris, Union, and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger*, *Star Gazette*, and *Express Times*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;

- d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
4. The developer must provide satisfactory proof of public dissemination. See “Attachment A” COAH’s *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution).
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Borough Hall of Washington Borough
 2. Washington Borough Web Site
 3. Morris County Administration Building
 4. Essex County Administration Building
 5. Union County Administration Building
 6. Warren County Administration Building
 7. Morris County Library.
 8. Essex County Library
 9. Union County Library
 10. Warren County Library

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer’s sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy,

Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Morris County Board of Realtors
Essex County Board of Realtors
Union County Board of Realtors
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Warren County Division of Temporary Assistance and Social Services
New Jersey Rental Assistance Program
New Jersey Division of Aging Services
Warren County Division of Aging and Disability Services
Warren Housing Authority

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.

4. In addition, specific notification of the availability of affordable housing units in Washington (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of

the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center (600 First Avenue, Suite 3, Raritan, NJ 08869).

- I. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (N.J.S.A.52:27D-311), a preference for very low, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Motion made by Noone and seconded by Conry to approve Resolution 2020-100.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

BOROUGH OF WASHINGTON, WARREN COUNTY

RESOLUTION 2020-100

**AUTHORIZING EXECUTION OF THE SECOND AMENDMENT TO THE
SETTLEMENT AGREEMENT
WITH WASHINGTON STATION VENTURE, LP AND
WASHINGTON VENTURE INVESTMENT, LTD.
(WASHINGTON VENTURE ENTITIES”)**

WHEREAS, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, pursuant to a Consent Order filed on or about November 6, 2015, the Washington Venture Entities are defendant-intervenors in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Washington Venture Entities are the owners of certain property designated as Block 97, Lots 2, 3 and 4 and Block 97.01, Lot 1 on the Tax Maps of the Borough of Washington and consisting of approximately 126 acres (the “Property”); and

WHEREAS, the Property is currently zoned for M-3 (Mountain District) with a minimum lot size of 3 acres; and

WHEREAS, Washington and the Washington Venture Entities have engaged in extensive settlement discussions; and

WHEREAS, Washington entered into a Settlement Agreement with the Washington Venture Entities pursuant to Borough Council Resolution 2018-98 adopted on July 10, 2018 (the “Settlement Agreement”); and

WHEREAS, on or about December 18, 2020, pursuant to Resolution 2018-166, Washington and the Washington Venture Entities entered into a Rider and Amendment

to Settlement Agreement (the “Rider”) concerning the sale and acquisition of the Open Space Parcel, which is defined below; and

WHEREAS, by Resolution dated September 9, 2019, the Borough of Washington Land Use Board of Washington (the “Land Use Board”) memorialized its approval of an application for a minor subdivision to create the following lots: Block 97, Lot 1.03 (which is the “Open Space Parcel”), Block 97, Lot 1.04 (the “Remainder Lot” which will subsequently be subdivided into the “Residential Lot” and the “Cemetery Lot”), and such subdivision was perfected by Subdivision Deed dated December 27, 2019, which is about to be recorded at the Warren County Clerk’s Office.

WHEREAS, on or about March 4, 2020, Washington acquired title to the Open Space Parcel, as set forth in the Settlement Agreement and Rider, and such lot will be deed-restricted and preserved as public open space in accordance with regulations of the New Jersey Department of Environmental Protection’s (“NJDEP”) Green Acres Program; and

WHEREAS, the Settlement Agreement, specifically Paragraph 1, provides that the Residential Lot, which is approximately 35 acres, can be developed with up to fifty (50) single-family homes pursuant to zoning standards that were to be developed by the parties; and

WHEREAS, the Settlement Agreement provides that the Cemetery Lot can be developed as a Cemetery and contain a cell tower; and

WHEREAS, the Parties have spent considerable time discussing the zoning standards that should govern the development of the Residential Lot if public sanitary sewer service is provided to the Residential Lot, and if the Residential Lot is developed with on-site individual septic systems to dispose wastewater; and

WHEREAS, pursuant to Resolution 2019-44, adopted by the Borough Council on February 5, 2019; Washington intends to revise its planning documents and ordinances to conform with the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1, et seq., the applicable Highlands Council regulations, N.J.A.C. 7:38, and the Regional Master Plan of the Highlands Water Protection and Planning Council (collectively, the “Highlands Rules”); and

WHEREAS, the entirety of the Borough is included in a Town Center with certain undeveloped portions designated as part of the Highlands Environmental Resource Zone (“HERZ”), which denotes sensitive resources that may require additional protections; and

WHEREAS, the Residential Lot will not be included in the HERZ; and

WHEREAS, based upon a review of the applicable regulations and guidelines and conversations with representatives of the Highlands Council, Washington represents that it will not be able to obtain plan conformance with applicable Highlands Rules, regulations, and guidelines if the existing permitted residential septic density of

the Residential Lot is increased and the proposed fifty (50) single-family homes are developed with individual septic systems to dispose of the wastewater; and

WHEREAS, as a result, the Parties desire to have the Residential Lot developed with sanitary sewers consistent with the original executed Settlement Agreement; and

WHEREAS, the Residential Lot is not currently located within a Sanitary Sewer Service Area according to the applicable Wastewater Management Plan (“WMP”), and, among other approvals needed, a site-specific amendment must be made to the WMP to allow the Residential Lot to be developed with sanitary sewer service; and

WHEREAS, the Parties have amicably resolved the form of the Ordinances and enter into this Second Amendment to the Settlement Agreement to reflect their understanding concerning the obligations of the Parties regarding the provision of sanitary sewerage service for the Residential Lot, to set forth mutually agreeable zoning standards to govern the development of the Residential Lot and Cemetery Lot, and

WHEREAS, attached hereto is the final draft of such amendment to the settlement agreement.

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

1. The Mayor and Clerk are authorized and directed to execute the Second Amendment to the Settlement Agreement in substantially the same form as attached hereto.
2. This Resolution shall take effect immediately.

Motion made by Noone and seconded by Conry to approve Resolution 2020-101.

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 2020-101

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, TO CONDITIONALLY ACCEPT AND TREAT ADDITIONAL WASTEWATER FLOW FROM THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey (the Borough) owns and operates the Washington Borough Wastewater Treatment Facility (WBWWTF) which is currently permitted by the N.J. Department of Environmental Protection (NJDEP) to discharge up to 1.15 Million Gallons per Day (MGD) to Pohatcong Creek; and

WHEREAS, although the WBWWTF primarily serves the wastewater treatment needs of the Borough, there are a limited number of properties in the surrounding Township of Washington connected to the public sewer system as documented on the Borough's "Future Wastewater Sewer Service Area Map", dated October 2013; and

WHEREAS, the Borough is currently preparing the necessary documents to increase the WBWWTF capacity to 1.5 MGD to match the original design capacity of the WBWWTF, thereby increasing the excess treatment capacity of the facility; and

WHEREAS, the Borough is currently planning an Infiltration & Inflow study and mitigation project for portions of the Borough which is expected to reduce the pass through of extraneous non-sanitary sewer flows to the WBWWTF, which will be a cost benefit to the Borough residents and would have the potential additional benefit of increasing the excess treatment capacity of the facility; and

WHEREAS, the surrounding Township of Washington (Township) has expressed interest in utilizing a portion of the excess treatment capacity of the WBWWTF by connecting various existing residential and commercial properties and for the planning for future developments, including a mix of residential and commercially zoned lands; and

WHEREAS, the allocation of excess wastewater treatment capacity beyond that necessary to serve the needs of the Borough, and the connection of new users to the WBWWTF would be an efficient use of this public asset and a cost benefit to the residents of the Borough; and

WHEREAS, an increased residential population in the Township in the vicinity of the Borough has the potential benefit of a greater customer base for the Borough commercial district; and an increased commercial capacity in the Township has the potential benefit of providing additional employment opportunities for Borough residents; and

WHEREAS, in their efforts to proceed with the planning of future development and redevelopment, the Township of Washington requests a statement of commitment, from the Borough, to make available wastewater treatment capacity of the WBWWTF to the Township in excess of the Borough's current and future needs (with an anticipated minimum capacity need of 300,000 gpd).

WHEREAS, Borough and Township staff and professionals have convened meetings with NJDEP and the N.J. Highlands Council to determine the regulatory actions necessary to facilitate the expansion of the WBWWTF's sewer service area to include additional properties within the Township;

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

1. The Borough recognizes that the utilization of the Washington Borough Wastewater Treatment Facility (WBWWTF) to its maximum safe operational limit is an efficient use of this Borough asset and a benefit to residents of the Borough and to the environment.
2. The wastewater treatment capacity provided by the Washington Borough Wastewater Treatment Facility (WBWWTF) is for the primary use of the Borough and other facilities currently connected to the wastewater conveyance system, and all existing and future needs of the Borough shall take precedence over any or all other potential new connections outside of the Borough.
3. The Borough is committed to pursue an increase in available excess wastewater treatment capacity at the WBWWTF by making application with NJDEP to increase the rating of the plant and by performing an infiltration and inflow investigation and implementing mitigations where warranted.
4. The Borough is committed to make available wastewater treatment capacity, in excess of the Borough's needs, available for allocation to lands outside of the Borough with a minimum allocation of 300,000 gpd for connections within the adjacent Township of Washington, conditioned upon sufficient available WBWWTF capacity to support this allocation, the acquisition of all necessary permits and approvals from NJDEP and the N.J. Highlands Council by the Borough and Township, and the negotiation of a suitable inter-local agreement with the Township to facilitate these actions, with terms acceptable to the Borough.

OLD BUSINESS

Councilwoman Noone asked if the borough closed on the 80 acre Open pace property. Manager Hall responded that yes it closed but wasn't sure of the documents have been recorded with County Clerk yet.

VOUCHERS AND CLAIMS

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

ROLL CALL: : Conry, Cox, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried.

RECAP

Manager Hall stated letters will be going out to rental property owners still requiring to register. Ordinances 2020-09 and 2020-10 ill be sent to the LUB for review after the LUB they will come back if they have any recommendations or changes.

Councilwoman Cox inquired about high grass behind CVS and who is responsible for maintaining it.

PUBLIC COMMENT

A motion made by Coney and seconded by Valle to re-pen the public portion of the meeting for public comment, all were in favor.

COUNCIL REMARKS

Moey Hussein(sp), 109-111 West Washington Avenue, stated his concerns of Philberts Bar encroaching on his property in the rear of the property. He stated he spoke with the Manger today and wanted to voice his concern allowing outdoor dining. Mr. Hussein questioned the guidelines and stated he believes his rights are being violated.

Attorney Parikh offered to speak to Mr. Hussein on his concerns as stated. Mayor Higgins requested Manager Hall go out to Philberts and see what is set up , if there are any violations and request that they put up some sort of fencing.

Joseph Krafesky (sp), 35 South Lincoln Ave., inquired about his religious event to be held at the borough fire hall considering the current pandemic situation. Mr. Krafesky stated this was reserved a year ago and asked if it will still be able to proceed and added they will follow all safety protocols. Manger Hall replied that he and the attorney will reach out to the Governors office to interpret the executive order for religious gatherings.

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

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Stated that he hopes everyone is being safe and glad to see businesses opening. He is sad to see Celestines close. Hopes that the farmers market does good.

Councilwoman Valle gave the following remarks:

- Stated that she believes the borough is really going to pull ahead this summer and make Washington a great destination.
- Always make social distancing at all times when gathering

Councilwoman Cox gave the following remarks:

- Everything looks good not happy with bars drinking outside and stated she hopes it all works out and no one gets lax on social distancing.

Councilwoman Duchemin gave the following remarks:

- Really impressed with how resilient and able everyone is to adapt.

- Wished everyone ongoing successes over the summer and beyond.
- Applauded the young people of the borough of recent protest exercising their first amendment rights peacefully and proud to see it happening here.
- Continuing to speak about racism is important.
- Thanked the police for their support and great job and participation.
- Looks forward to farmers market.

Councilwoman Noone gave the following remarks:

- Echoed the statements made by Councilwoman Duchemin
- Looking forward to the famers market there will be special guidelines due to the corona virus.

Deputy Mayor Conry gave the following statements:

- Thanked all those who came out on June 4th and the young people.
- Would like to encourage everyone to continue to watch how the actions in the young people how they will carry the torch.
- Encouraged those to speak their voice.
- Thanked the police for their involvement in the vigil, it was peaceful.

Mayor Higgins gave the following remarks:

- Reported on the procession of fallen firefighter Brian Heinrich and stated there were more pieces of fire apparatus than they ever had in any parade.
- Wished the fathers a Happy Father’s Day.
- Reported on the peaceful rally this past Sunday.
- Recommended that a committee be formed with members of council, police, clergy, teachers and business owners to discuss issues and get ahead of them before they start. Deputy Mayor Conry will schedule a meeting.

ADJOURNMENT

Hearing no further business, a motion was made by Valle seconded by Conry to adjourn the meeting at 8:45 pm.

Ayes: 7: Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk