AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

April 5, 2022 7:00 PM

STATEMENT OF ADEQUATE NOTICE

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

FLAG SALUTE

ROLL CALL Conry, Cox, Heinrich, Noone, Norris and Ron

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests:

• Mark Van Deursen, Chief, Washington Emergency Squad

MINUTES

Regular: January 25, 2022

February 1, 2022 March 1, 2022 March 15, 2022

Executive: January 25, 2022

February 01, 2022 February 15, 2022 March 01, 2022 March 15, 2022

Agenda-Continued

ORDINANCES 2nd Reading

• ORDINANCE 2022-01

AN ORDINANCE AMENDING THE TERM OF OFFICE FOR DEPUTY MAYOR

• ORDINANCE 2022-02

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS RETAIL ESTABLISHMENTS OF THE BOROUGH CODE Public hearing will be continued and carried to the April 19th meeting

• ORDINANCE 2022-03

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

RESOLUTIONS

RESOLUTION 2022-56

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON ENDORSING A SUSTAINABLE LAND USE PLEDGE FOR THE SUSTAINABLE JERSEY PROGRAM

• RESOLUTION 2022-57

 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO BARTLETT TREE EXPERTS, OF LEBANON, NEW JERSEY TREE FOR TREE INVENTORY AND MANAGEMENT PLAN UNDER THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SAGE GRANT PROGRAM

RESOLUTION 2022-58

 RESOLUTION AUTHORIZING WASHINGTON BOROUGH TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2021 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

NEW BUSINESS

Robert Mitchell, Firemen's Application -motion to approve

Land Use Board Appointments:

Scott McDonald (regular appointment) Term:? Susan Henderson Angela Bridygham-Alternate Term:?

Library Board Appointments:

Kevin Noone -5-year Term

OLD BUSINESS

VOUCHERS

REPORTS

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-if needed

ADJOURNMENT P.M.

ORDINANCE 2022-01

BOROUGH OF WASHINGTON WARREN COUNTY STATE OF NEW JERSEY

AN ORDINANCE AMENDING THE TERM OF OFFICE FOR DEPUTY MAYOR

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey is governed by the Council-Manager Plan of government pursuant to <u>N.J.S.A.</u> 40:69A-1 <u>et seq.</u>; and,

WHEREAS, N.J.S.A. 40A:60-3(b) governs Boroughs and permits a Borough to elect a Council president:

At its annual meeting, the council shall, by the vote of a majority of its number, elect a president of the council, who shall preside at all its meetings when the mayor does not preside. The president of the council shall hold office for one year and until the next annual meeting. He shall have the right to debate and vote on all questions before council;

and

WHEREAS, Section 3-7 of the Borough's Ordinances, entitled "Election of Mayor and Deputy Mayor," currently reads:

- A. Mayor shall be elected directly by majority vote of the voters of the municipality, and the Mayor shall serve for a period of four years beginning on January 1 next following his or her election.
- B. A Deputy Mayor shall be elected as provided by law and shall serve for a term of two years until his successor is elected and qualifies. A Deputy Mayor may not serve two consecutive terms as Deputy Mayor.

and

WHEREAS, a "Deputy Mayor" is consistent with and carries the same responsibilities as "council president," and is therefore an appropriate appointment to be made by the members of the Council from among their own number; and

WHEREAS, the two-year term of office for the Deputy Mayor in Borough Ordinance 3-7 appears to conflict with N.J.S.A. 40A:60-3(b) regarding the term of office which is noted to be one year; and

WHEREAS, the Governing Body of the Borough of Washington is now desirous to amend Section 3-7 of the Borough Ordinances to reflect the term of office for Deputy Mayor to be one year.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Washington, the County of Warren, as follows:

SECTION 1. Section 3-7 of the Code of the Borough of Washington entitled "Election of Mayor and Deputy Mayor" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through thus);

- A. Mayor shall be elected directly by majority vote of the voters of the municipality, and the Mayor shall serve for a period of four years beginning on January 1 next following his or her election.
- B. A Deputy Mayor shall be elected as provided by law and shall serve for a term of two years one year until his a successor is elected and qualifies. A Deputy Mayor may not serve two consecutive terms as Deputy Mayor

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. 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 4. This Ordinance shall take effect upon final passage and publication according to law.

BOROUGH OF WASHINGTON COUNTY OF WARREN, NEW JERSEY ORDINANCE 2022-02

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS
RETAIL ESTABLISHMENTS OF THE BOROUGH CODE

WHEREAS, the Borough Council permitted cannabis operations via Ordinance 2021-07; and

WHEREAS, in reviewing Ordinance 2021-07, the Borough Council realized that the setback requirements from school, religious, and residential uses were too stringent and effectively prohibit cannabis retailers from locating within the Borough; and

WHEREAS, the Borough's Planner further recommended that additional provisions be added in order to ensure adequate space for parking and delivery and provide for adequate traffic circulation; and

WHEREAS, after consultation with the Borough Planner, the Borough Council wishes to amend the standards associated with Cannabis Retailers and delivery services; and

WHEREAS, the Borough Planner also recommended that cannabis retailers be required to provide for stormwater management onsite; and

NOW, THEREFORE, BE IT ORDAINED, by the Deputy 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 94-86.3 F entitled "Cannabis Retailers" of the Borough Code is hereby amended as follows (additions noted in bold italics *thus* and deletions noted with strikethrough thus:

- F. Cannabis Retailers are permitted in the B-1 and B-2 Districts, subject to the following conditions:
 - (1) Proof that the operator maintains all valid State of New Jersey licenses and approvals, and that all such licenses and/or approvals remain in good standing pursuant to the CREAMMA.
 - (2) Compliance with the height, setback and other applicable requirements of the zone district in which they are located.
 - (3) Issuance of zoning permit and site plan approval by the Land Use Board. The application for site plan approval shall include a traffic impact assessment prepared by a New Jersey licensed professional engineer having appropriate experience and education. The traffic impact assessment shall provide a description of the impact and effect of the proposed Cannabis Retailer upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
 - (a) Existing conditions in the vicinity of the proposed project including: the roadway network, representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months), traffic accident statistics, availability of public transportation, level of service of adjacent roadways.
 - (b) Traffic generated by the proposed development including, trip generation, trip distribution, modal split, level of service under proposed conditions.
 - (c) Traffic impacts caused by the proposed development.
 - (d) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
 - (e) Any other information requested by the Land Use Board reasonably required to make an informed assessment of potential traffic impacts.
 - (4) Limitation of Number of Cannabis Retailers within the Borough.
 - (a) A maximum of two (2) Cannabis Retailers shall be permitted within the Borough. This limitation is inclusive of Medical Cannabis Dispensaries and Alternative Treatment Centers.
 - (b) In the event multiple land use applications for Cannabis Retailers are submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Planner or Zoning Officer.
 - (5) Location of Cannabis Retailers.

- (a) No Cannabis Retailer shall be located within 1,500 feet from any other Cannabis Retailer, excluding Alternative Treatment Centers and Medical Cannabis Dispensaries only selling Medical Cannabis, which shall be generally measured from the subject property line to property line.
- (a) Cannabis Retailers shall not be located within a Drug Free School Zone (i.e. within 1,000 feet of adjacent to school property used for school purposes which is owned by or leased to any public or private elementary or secondary school or school board.
- (b) Cannabis Retailers *located adjacent to properties currently used for residential purposes* (regardless of zoning district) or residential zones (i.e. the R-1, R-2, R-3, R-4, R-6, and AR-7 Districts), shall be required to provide a minimum landscaped buffer in accordance with §94-40 Buffers. A solid fence not to exceed 6-feet in height may be incorporated into the buffer, provided the fence is located interior to the required buffer. In no event shall a buffer be less than 20 feet. not be located within 500 feet of property used for residential purposes at the time of application or property zoned primarily for single family residential use (i.e. the R-1, R-2, R-3, R-4, R-6, and AR-7 Districts).
- (a) Cannabis Retailers shall not be located within 500 feet of a church or house of worship.
- (b) In the event land use applications for Cannabis Retailers that are within 1,500 feet of one another are submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Planner or Zoning Officer.
- (6) **Hours of Operation.** Limit their hours of operation from 9:00 a.m. to 9:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.
- (7) **Security.** Secured in accordance with all applicable provisions as defined in the Act and outlined in Section 94-86.3(H)(3).
- (8) Storage of Product. The storage or possession of cannabis or cannabis paraphernalia within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Cannabis plants, products, accessories, and associated paraphernalia contained in any Cannabis Establishment shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.
- (9) Signage. External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf, cannabis paraphernalia, and / or outward glorification of cannabis consumption. All other Borough sign regulations must be complied with.

- (10) Cannabis Consumption Areas. Use or consumption of marijuana or cannabis in any manner shall not be permitted within the Cannabis Retailer's facility, whether in the building or on its grounds or parking lots. Cannabis Consumption Areas are not permitted.
- (11)Drive-thru facilities are not permitted.

(12) Parking and Circulation.

- (a) Off-street parking shall be provided consistent with the zone in which the Cannabis Retailer is located and Borough Code Section 94-53. Parking for Cannabis Retailers shall be provided for as retail stores. Parking spaces may be reserved for the exclusive use of delivery vehicles.
- (b) Parking areas shall be setback a minimum of 20 feet from all lot lines, unless adjacent to parking areas where adjoining properties have access easements.
- (c) Ingress and egress to the cannabis retailer shall be provided by Route 31 or Washington Avenue. In no event shall side streets be permitted to provide access. This condition shall not apply to access required for emergency vehicles.
- (d) A minimum of one loading and unloading space shall be provided on site for the purpose of receiving wholesale deliveries.
- (e) Additional parking spaces (over and above the required parking for the use in the applicable zoning district) for delivery vehicles may be reserved and provided.
- (13) Additional Standards for Cannabis Retailers
 - (a) Stormwater management shall be provided utilizing NJDEP's best management practices.
 - (b) In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.
 - (c) Unusual odors, smells, fragrance, or other olfactory stimulants shall be prohibited.

 Odor mitigation filtration systems must be installed and maintained in perfect working order.
- **SECTION 2**. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.
- **SECTION 3.** 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 4.** The Borough is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Warren County Planning Board as required by N.J.S.A. 40:55D-16.
- **SECTION 5**. This Ordinance shall take effect upon final passage, publication, and filing with the Warren County Planning Board, all in accordance with the law.

ORDINANCE 2022-03 CALENDAR YEAR 2022

MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Governing Body of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 1.0 % increase in the budget for said year, amounting to \$27,628.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 96,701.33, and that the CY 2022 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

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

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

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

RESOLUTION 2022-56

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON ENDORSING A SUSTAINABLE LAND USE PLEDGE FOR THE SUSTAINABLE JERSEY PROGRAM

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land use decisions can lead to, and increase, societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space, and the degradation of natural resources; and

WHEREAS, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

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

The **Borough of Washington** resolves to take the following steps with regard to our municipal land use decisions with the intent of making **Washington** a truly sustainable community. It is our intent to include these principles in the next master plan revision and re-examination report. It is also our plan to update our land-use zoning, natural resource protection, and other ordinances accordingly.

REGIONAL COOPERATION - We pledge to reach out, as needed, to Washington, Franklin, and Mansfield Townships, the NJ Water Supply Authority, and the Department of Environmental Protection (DEP) for our land use decisions. We also will take into consideration regional impacts to these townships and organizations.

TRANSPORTATION CHOICES – As the Borough is approximately *two square miles*, we pledge to continue to promote safe walk-ability and more convenient access to housing, jobs, and amenities. Our goal is to reduce dependence on cars by allowing people to use other modes of transportation and reduce car trip frequency. We pledge to study the feasibility for additional walking, biking, and bus, as well as automobile travel. We will maintain borough paths to *existing trails*. We will support any opportunities to create additional paths throughout the borough. We will study the feasibility of creating a path from the proposed Shabbecong Mountain Preserve to Washington Avenue.

We will encourage residents and visitors to take advantage of our other transportation choices, such as Warren County Route 57 Shuttle services and 31 Ride. We will keep the free daytime parking spaces that currently exist in Washington Borough. All of the above promote shared parking within the borough and reduces the need to change more land into parking area.

NATURAL RESOURCE PRESERVATION – We pledge to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future.

NATURAL RESOURCE PROTECTION – We pledge to take action to protect and avoid or lessen negative impact to the natural resources of our Borough. These resources include all of our Green Acres properties and watershed areas including, but not limited to, the Shabbecong Creek, Pohatcong Creek, the Musconetcong River, and all watersheds connected thereto. The borough, county and state have preserved more than 46.54 acres of open space in Washington from potential urban development and for

protection of watershed. Our borough-appointed committees oversee preserved open space areas, thus taking full advantage of their environmental and recreational value. We will continue to link our borough's preservation and management efforts to the state's open space and land use ordinances and be in accordance with the Highlands Regulations.

MIX OF LAND USES – We pledge to continue zoning practices which will keep Washington Avenue as a mixture of retail and rental housing options. We will also encourage our businesses to locate throughout the borough, in accordance with borough zoning ordinances.

HOUSING OPTIONS – We pledge to continue to allow zoning for a diverse mix of housing types and locations, which range from 200-year-old homes to those recently built. The borough contains houses on secluded wooded lots, on streets with or without sidewalks, condominiums and apartments. These homes include single- and multi-family, for-sale and rentals, affordable to households at a range of income levels. We will strive to enable residents to be able to live in Washington Borough throughout their lives.

GREEN DESIGN – We pledge to incorporate, where economically feasible, the principles of green design and renewable energy generation for existing and planned municipal buildings. We have, and will continue to explore alternative energy sources for these buildings. We will continue to repair and maintain historic facilities, as funds allow, and seek grants to support these efforts.

We pledge to continue with our weekly curbside recycling, seasonal Christmas tree and yard waste pick up, as well as, smaller recycling drives such as bulk waste. We will also continue to advise residents of these efforts via our borough newsletter and web site.

We have a Shade Tree Commission, charged by ordinance, to advise the Borough on tree-related activities. Our Planning Board reviews land use on environmentally sensitive land. For future planning, we will take into consideration environmentally-sensitive landscape features and historically important properties.

MUNICIPAL FACILITIES – We pledge, to the extent environmentally and financially feasible, to consider factors such as walk-ability, bike-ability, and open space when creating new or relocating municipal facilities.

RESOLUTION 2022-57

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO BARTLETT TREE EXPERTS, OF LEBANON, NEW JERSEY TREE FOR TREE INVENTORY AND MANAGEMENT PLAN UNDER THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SAGE GRANT PROGRAM

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services through the SAGE grant program and;

WHEREAS, Shade Tree was approved for the SAGE Grant in 2021 resolution 2021-143 and;

WHEREAS, Bartlett Tree Experts have submitted a quote in the amount of \$22,516.00 and;

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds and:

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington that Bartlett Tree Experts is hereby awarded the contract and;

BE IT FURTHER RESOLVED that Rose Witt, the Borough Qualified Purchasing Agent issue the appropriate purchase order in the amount of \$22,516.00.

Washington Borough COUNTY OF Warren

RESOLUTION 2022-59

RESOLUTION AUTHORIZING WASHINGTON BOROUGH TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2021 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

WHEREAS, the (Washington Borough) Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY21-EMPG-EMAA-XXXX from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the (Washington Borough) will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2021 to June 30, 2022; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the (Washington Borough) Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the (Washington Borough), in the County of (Warren), State of New Jersey:

- 1. That the Council accepts the award of the FFY21 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
- 2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.

of and