
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

April 19, 2022

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, Heinrich, Noone, Norris and Ron.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following statement into record:

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition and Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

PUBLIC COMMENT

Motion to open public comment made by Heinrich and seconded by Norris, all in favor.

Mike Franks, Nunn Ave-inquired about the following:

Gas lines replaced on street. Is the paving going to be redone at expense of gas company?
Open space tax that was started in 2016 that will expire, can that be extended?

Melanie Thiel BID Executive Director, gave the following remarks:

Pavilion is finished in Veterans Park, final inspection is tomorrow.

It will be the boroughs responsibility to maintain the structure. The BID received grant for half of it and now it's up to borough to take care of it.

One month away from Rock n Roll Steam Punk Fair.

Two months away from Arts and Crafts festival, vendor spaces are selling out quickly

Finalizing everything needed for the festival.

Proud of the fact with more sponsorship than we ever have.

Discussions of getting security cameras installed through a grant for the pavilion.

Jerry Brown Miller Street., bought a building, in Gateway District, big issues. Built to be four apartments. Project stalled since November; Land Use board has \$1900 of his money.

A big, complicated mess which it shouldn't be.

Planner, Elena Gable explained the Gateway District. Ms. Gable stated that this will need board approval for change of use to allow the first-floor apartments.

Ms. Gable recommends that the Land Use Board revises the Gateway District to allow first floor apartments, mostly residential area anyway. Will have ordinance introduced soon.

Jolly Smoke Shop-name inaudible, received two letters from Matt Hall regarding signs and outdoor lighting. Other businesses have these lights, draws customers and feels safer.

Called landlord first to make sure it was ok. Called town spoke to Matt Hall explained to him situation. Concerns of the cost to remedy the situation was discussed.

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

MINUTES

Motion made by Norris and seconded by Mike to approve the following minutes: April 5, 2022.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0 Abstain: 1 (Cox)

Motion passes.

ORDINANCES 2nd reading

Motion made by Heinrich and seconded by Norris to open the public hearing for Ordinance 2022-02 all were in favor.

Chris Caruso, good idea makes it easier for cannabis businesses to find a home in town. Thanked Council for doing this.

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

Motion made by Heinrich and seconded by Noone to adopt Ordinance 2022-02.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes.

**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 pre-school**, 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 wide.** ~~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.

ORDINANCES 1st reading

Motion made by Heinrich and seconded by Noone to approve on first reading Ordinance 2022-04.

Attorney Parikh explaining the ordinance and a minor change.

Pass on first reading, Tara or her will speak to Ray, if he doesn't agree it will be pulled. If he agrees then we will approve.

Noone stated that it needs to be clear on how many parking spaces.

Attorney Parikh; it is 10 parking spaces.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes

Ordinance 2022-04

Ordinance Amending Section 85-27.1 of the Code of the Borough of Washington, entitled "Schedule VA: Resident Off-Street Permit Parking"

WHEREAS, the Borough of Washington Land Use Board (the "Board") granted Preliminary and Final Site Plan Approval to permit the development of a fast-food restaurant on property designated as Block 95, Lots 1 and 31 on the Tax Maps of the Borough of Washington, Warren County, New Jersey (the "Property") by Resolution dated November 18, 2019 (the "Resolution"); and

WHEREAS, the Resolution requires, as a condition of approval, that ten (10) parking spaces be reserved for overnight parking for Borough residents pursuant to a permit to be issued by the Borough; and

WHEREAS, Borough Council desires to amend its ordinances to allow for the issuance of overnight resident parking permits for the parking lot located on the Property; and

Section 1. Section 85-27.1 of the Code of the Borough of Washington, entitled “Schedule VA: Resident Off-Street Permit Parking” shall be amended as follows (deletions noted with strikethrough ~~thus~~ and additions noted in bold italic **thus**):

Schedule VA: Resident ~~Off-Street~~ Permit Parking.

A. No vehicle, except as duly licensed pursuant to subsection ~~7-12A.2~~ **(E)** hereof, or exempt as hereafter set forth, shall be parked between the hours specified, on the days specified, upon any of the street or parts of streets described.

Name of Street	Side	Hours	Days	Location
South Lincoln Avenue	East	All	Monday through Sunday	From Monroe Street to Willow Avenue

B. Public overnight parking shall be permitted in the following private parking lots without the need for issuance of a permit. Vehicles shall not be parked for longer than 48 hours. No commercial vehicles shall be permitted to park in the public parking spaces designated below.

Whenever a snow emergency exists pursuant to Article IX of the Borough Code no vehicle shall be parked in the public parking spaces designated below. The above parking prohibition shall remain in effect until after the snow has ceased and the designated parking spaces have been plowed and/or treated sufficiently.

The owner of the property on which the public parking spaces are located is permitted to remove or have removed all vehicles parked in violations of the restrictions set forth above in subsection (B) hereof, including removing any vehicle parked after snow has fallen and the accumulation is such that it covers the street.

Location of Lot	Location of Spaces within Lot	Restrictions
41 West Washington Avenue (corner of West Washington Avenue and South Lincoln Avenue)	Ten (10) spaces as delineated by signs and / or pavement markings.	No commercial vehicles shall be permitted to park in the ten (10) spaced delineated for public parking.

CB. The following vehicles shall be exempt **from the requirements of subsection (A) hereof**: contractors', service and delivery vehicles bearing the name and address of a commercial business during the time they are rendering service to a residence on any of the restricted streets; public utility vehicles bearing the name and address of the utility during the time they are rendering service; and police, fire and medical emergency vehicles while parking in the line of duty.

DC. In addition to all other fines and penalties, a vehicle parked in violation of this section shall be subject to towing, the cost of which to be paid for by the owner or operator of the vehicle before such vehicles shall be released.

ED. Only vehicles without available off-street public parking shall be eligible for parking permits. "Available off-street public parking" is defined as having reasonable access to a Borough-owned parking lot within 200 feet of a residence.

FE. A permit providing for **on-street parking pursuant to Subsection (A)** ~~on-street resident parking as required by Subsection D~~ may be obtained by application to the Borough Clerk by any resident of the streets restricted thereby. There shall be no fee for such **permit** vehicle. Such application must be accompanied by proof of residence. Property owner permits shall be issued for a period of no greater than three years, tenant permits shall be issued for a period of no greater than one year, and all permits shall expire on December 31 of the appropriate year or upon termination of residence.

A permit is not required for off-street parking pursuant to Subsection (B).

GF. Residents shall be entitled to receive one resident permit per household for a vehicle that is principally garaged or parked at the residence address, which fact shall be certified to by the resident at the time of application.

HG. Resident permits shall be affixed to the vehicle to which they are issued, so as to be clearly visible and unobscured at the location hereafter set forth. Visitor permits shall be displayed in such location but need not be affixed to the visitor vehicle. On vehicles with a rear window, the permit shall be placed on the inside surface at the lower left corner of the rear window. On vehicles without a rear window, the permit shall be placed on the inside surface of the rearmost left-hand side window at the lower right-hand corner of same.

IH. All persons parking pursuant to permit shall comply with all applicable parking and traffic rules and regulations.

JA. It shall be a violation of this section to photocopy, otherwise reproduce, or in any way create a facsimile or counterfeit permit. It shall be a violation hereof to display or otherwise use a permit known to be counterfeit. It shall be a violation hereof to furnish false information or fraudulent documents in connection with an application for a permit. It shall be a violation to use or allow anyone to use a valid permit in violation of this section. Any person violating the provisions hereof shall be subject to a fine not to exceed \$300 and/or imprisonment for not more than 10 days.

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.

Introduced: April 19, 2022

Public Hearing/Adoption: May 17, 2022

RESOLUTIONS

Motion made by Noone and seconded by Ron to open Resolution 2022-55 Public hearing:
All ok
CFO, Natasha Turchan explaining zero tax increase.

Motion made by Heinrich to close public hearing, motion seconded by Norris all in favor.

Motion made by Norris and seconded by Noone to approve on first reading Resolution 2022-63 Budget Amendment.

Pub hearing will be May 3rd

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes.

<u>BOROUGH OF WASHINGTON</u>				
2022-63				
<u>RESOLUTION TO AMEND BUDGET</u>				
	0.00	0.00		
WHEREAS, the local municipal budget for the year 2022 was introduced and approved on the 15TH of March, 2022 and				
WHEREAS, the public hearing on said budget has been held as advertised, and				
WHEREAS, it is desired to amend said approved budget, now				
THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, that the following amendments to the approved budget of 2022 be made:				
<u>RECORDED VOTE</u>	(Ayes	(Nays	(Abstained	(
(INSERT LAST NAMES)	(((Absent	(
	((((
		<u>FROM</u>	<u>TO</u>	
3. Miscellaneous Revenues - Section D: Special Items of Revenue Anticipated With Prior Written Consent of the Director of Local Government Services-Intercal Agreements				
Animal Control Services	100,000.00	110,000.00	10,000.00	
Total Section D Intercal Agreements	216,666.00	226,666.00	10,000.00	
Summary of Revenues:				
1. Surplus Anticipated	0.00	0.00	0.00	0.00
3. Miscellaneous Revenues				
Total Section A: Local Revenues	0.00	0.00	0.00	
Total Section B: State Aid without Offsetting Appropriations	0.00	0.00	0.00	
Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations	0.00	0.00	0.00	
Total Section D: Intercal Agreements	216,666.00	226,666.00	10,000.00	
Total Section F: Public and Private Revenues	0.00	0.00	0.00	
Total Section G: Special Items of General Revenue	0.00	0.00	0.00	
Total Miscellaneous Revenues	2,322,477.02	2,332,477.02	10,000.00	10,000.00
Subtotal General Revenues	3,312,477.02	3,322,477.02	10,000.00	10,000.00
6. Amount to Be Raised By Taxes	0.00	0.00	0.00	
7. Total General Revenues	8,595,220.20	8,605,220.20	10,000.00	10,000.00
Intercal Municipal Service Agreements:				
Animal Control Services	100,000.00	110,000.00	10,000.00	
	0.00	0.00	0.00	
			0.00	
Total Intercal Municipal Service Agreements	3,352,666.68	3,362,666.68	10,000.00	10,000.00
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	4,844,992.09	4,854,992.09	0.00	10,000.00
(O) Total General Appropriations-Excluded From "CAPS"	4,844,992.09	4,854,992.09	10,000.00	10,000.00
(L) Subtotal General Appropriations (Items (h-1) and (o))	7,795,220.20	7,805,220.20	10,000.00	10,000.00
(M) Reserve for Uncollected Taxes	0.00	0.00	0.00	0.00
9. TOTAL GENERAL APPROPRIATIONS	8,605,220.20	8,605,220.20	0.00	10,000.00
SEWER UTILITY				
10. Dedicated Revenues From Sewer Utility				
Operating Surplus Anticipated	550,000.00	553,488.00	3,488.00	
Sewer Use Charges	0.00	0.00	0.00	
Total Sewer Utility Revenues	2,740,712.00	2,744,200.00	3,488.00	3,488.00
11. Appropriations For Sewer Utility				
DEBT SERVICE	0.00	0.00	0.00	
Interest on Notes	0.00	0.00	0.00	
NJEIF Principal	56,512.00	60,000.00	3,488.00	
Deficit in Operations in Prior Years	0.00	0.00	0.00	
Total Sewer Utility Appropriations	2,740,712.00	2,744,200.00	3,488.00	3,488.00
SOLID WASTE UTILITY				
Operating Expenses				
Salaries and Wages	238,479.00	220,000.00	(18,479.00)	
Statutory Expenses				
Social Security	0.00	15,803.00	15,803.00	
Debt Services				
NJETF Principal	3,965.00	6,641.00	2,676.00	
Total Solid Waste Utility Appropriation	765,000.00	765,000.00	0.00	0.00

Motion made by Heinrich and seconded by Norris to approve Resolution 2022-58.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes

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

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- 2121 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.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

Motion made by Noone and seconded by Norris to approve Resolution 2022-60.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes

RESOLUTION 2022-60
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
83/1	Baker, Kristina and Nicholas 88-90 Park Avenue Washington, NJ 07882 Property Location: Same	Billing error 3.0 E.D.U. to 2 E.D.U. Effective: January 2022

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Motion made by Norris and seconded by Cox to approve Resolution 2022-61.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.
Ayes: 6 Nays: 0
Motion passes

RESOLUTION 2022-61
A RESOLUTION TO REFUND OVERPAYMENT
ON 2022 SEWER BALANCE

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$347.40 on the 2022 sewer bill for the property located at 26 McKinley Avenue, also known as Block 46 Lot 14, and in the name of Valle, Alejandro; and

WHEREAS, the Tax Collector has received a written request from the property owner that the overpayment be refunded to them.

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 \$347.40 payable to:

Alejandro Valle
26 McKinley Ave
Washington, NJ 07882

Motion made by Heinrich and seconded by Noone to approve Resolution 2022-62.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.
Ayes: 6 Nays: 0
Motion passes

RESOLUTION NO. 2022-62

RESOLUTION URGING THE SWIFT PASSAGE OF S-330/A3804, WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Motion made by Noone and seconded by Heinrich to approve Resolution 2022-64.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.
Ayes: 6 Nays: 0
Motion passes

RESOLUTION 2022-64

BOROUGH OF WASHINGTON

WARREN COUNTY, NEW JERSEY

RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY WITHIN THE BOROUGH OF WASHINGTON

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“CREAMMA”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, Dank Poet Dispensary, LLC (the " Applicant") is registered to do business in the State of New Jersey, intends to apply to the Cannabis Regulatory Commission (CRC) for a Class 5 Retail License to operate an adult-use cannabis retail facility within the Borough of Washington (the “Borough”);

WHEREAS, the Applicant has indicated a desire to open such cannabis retail location at property located at 245 E. Washington Avenue (Block 73, Lot 3) in the Borough (the “Property”); and

WHEREAS, pursuant to Ordinance 2021-07 adopted on August 9, 2021 (as amended by Ordinance 2022-02 adopted on April 19, 2022) (collectively, the “Ordinance”), the Borough has authorized the operation of cannabis retailers in the B-1 and B-2 Zoning District subject to certain standards; and

WHEREAS, in accordance with the regulations established by the Act, N.J.A.C. 17:30-5.1, an applicant for an annual cannabis business license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body; and

WHEREAS, Applicant appeared before the Borough Council at its regular meetings on April 5, 2022 and April 19, 2022 to request the required proof of “local support;” and

WHEREAS, the Property is owned by Daniel D. Galloway, who provided consent to Applicant to request the proof of local support; and

WHEREAS, at such meetings, Applicant provided information concerning the proposed cannabis retail operations and the Property’s suitability for a cannabis retail in compliance with the Ordinance; and

WHEREAS, the proposed location is within the Borough’s B-1 Zoning District; and

WHEREAS, pursuant to the Ordinance, cannabis retailers are permitted as conditional uses in the B-1 Zoning District; and

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

1. A representative of Dank Poet Dispensary, LLC made a presentation before the Mayor and Council regarding its proposed cannabis retail business, including its intended location at 245 E. Washington Avenue.
2. Ordinance 2021-07 (as amended by Ordinance 2022-02) permits the operation of a cannabis retailer as a conditional use in the B-1 Zoning District, subject to certain conditions, including site plan approval by the Borough Land Use Board.
3. This resolution may be used by Dank Poet Dispensary, LLC as proof of local support required by the Cannabis Regulatory Commission pursuant to applicable law and regulations.
4. This Resolution shall take effect immediately.

New Business

Diversity Report-Noone sent everyone the diversity report and survey summary. Noone gave a quick explanation of report.

Vigil for Ukraine

Councilwoman Noone explained that a member of Honor Yoga asked if council would support a vigil for peace for Ukraine. Suggested to have it Sunday May 1st at 7pm at Veterans Park. A gathering of people.

Motion

Motion made by Noone that Council would sponsor an event of Washington Borough a Vigil for Peace on May 1st at 7pm. Heinrich seconded motion, all were in favor.

VOUCHERS AND CLAIMS

Motion made by Norris seconded by Heinrich to pay vouchers and claims.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes.

RECAP

Manager Hall recapped the following:

- Will follow up regarding the lighting issue with area businesses.

REPORTS

Lt. Kaufman gave the March police activity report.

Jolly Smoke Shop-lighting discussions on the business lighting issue brought forth again.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Stigma free passed a couple of years ago. Received emails from Josh Lafargue regarding this. Asked if borough is going to do anything about stigma free?

Councilwoman Ron gave the following remarks:

- Having a Pride event on June 25th, flyers going out.
- Ron explained what Stigma Free is and its ongoing in the borough and they are working towards making that happen.

Councilwoman Cox gave the following remarks:

- Thought stigma was more mental issues appreciated Ron explaining what it is.
- Emails over OPRA a crazy thing people complain about other people. Whole thing out of control at more of a length. Has nothing to do with her as a person but as a council it does.
- Stated that she wants nothing but good things for the town some things we are not able to fix, parking etc.

Councilman Heinrich gave the following remarks:

- Senior advisory has a planned trip to Longwood Gardens for June 11th. Cost is \$68 for 55 and older senior citizens, leaving Borough Hall at 9am

Councilwoman Noone gave the following remarks:

- Vigil for peace May 1st for Ukraine, will advertise on social media.

Deputy Mayor Conry gave the following remarks:

- Thanked everyone who came out today with suggestions and bringing to council with their problems.
- Reminded that if anyone has problems to please bring it to Matt, but put it in writing.

EXECUTIVE SESSION

Motion made by Noone and seconded by Norris to enter into executive session for personnel all were in favor.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

Motion made by Heinrich and seconded by Ron to return to regular session at 9:08 p.m.

Ayes: 6: Nays: 0

Motion Carried.

ADJOURN

Hearing no further business to come before Council, motion made by Noone and seconded by Ron to adjourn the meeting at 9:08 PM, all were in favor.

Laurie A. Barton, RMC, Borough Clerk