
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

June 14, 2022

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

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

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

Absent Cox

Deputy Mayor Conry led everyone in the flag salute and moment of silence for victims of Texas and Buffalo.

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

AWARDS-Police Department

Chief Jones presented awards to members of his police force their hard work and sacrifice.

PUBLIC COMMENT

Sonia Teal Interim Admin Assistant Washington BID-representing Mel Thiel- update:

May 21st-second annual Steam Punk Fair-overview

Sustainably Green Arts Festival this Saturday

Opening Day-Farmers Market June 18th

Ribbon Cutting ceremony for brand new pavilion-Rossi Auto Group pavilion

Upgrading marketing tactics

Saturday June 18th Instagram photo contest with community and businesses

Upgraded website-new design

Planters are out and doing very well. Thank you to Fire Department in helping to fill pots with water and Green Team members in helping planting flowers.

Mathew Bruce-Jackson Valley Rd. submitted cannabis cultivation looking for status on progress haven't heard anything back. Requested to have ordinance changed-the ordinance currently is unrealistic same concept to apply to retailers. Request sometime of understanding its been a very long time doesn't get responses from emails sent.

Gerry Brown-Fusion Dev. bought property 171 E Wash Ave- Restriction of 1st floor apartments. Looking for update on when it will happen.

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

MINUTES

Motion made by Noone and seconded by Sonia to approve the following minutes. May 13, 2022

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

NEW BUSINESS

Discussion-building owners to occupy downtown store fronts:

Name inaudible, 28-30 East Wash Ave 1-16 E Wash Ave representative
Owners to take initiative to revitalize the store fronts and improving abandoned buildings. They are getting enough income from rental and not filling the store fronts. Adopt certain incentives and certain ordinances to nudge building owners to redevelop their properties according to the ordinance in place.

DISCUSSION

56 one day passes to graduating 6th class for borough pool:
Motion-to approve 56 one day passes to the 6th grade graduating class, motion made by Noone and seconded by Norris, all in favor.

ORDINANCES 1st reading

Motion to approve on first reading made by Noone and seconded by Heinrich for Ordinance 2022-05.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

ORDINANCE 2022-05

**BOROUGH OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO CREATE _____ OF THE CODE OF THE BOROUGH OF WASHINGTON TO PROHIBIT SMOKING IN PUBLIC PLACES

WHEREAS, the dangers of smoking and the effects of second hand smoke are well documented health hazards; and

WHEREAS, the Borough of Washington, through adoption of Washington Borough Municipal Code Chapter _____, will prohibit smoking activities in public places within the Borough of Washington; and

WHEREAS, the Borough Committee of the Borough of Washington, County of Warren wishes to create Chapter _____ “Smoking,” to prohibit smoking in public places.

NOW, THEREFORE, BE IT ORDAINED by the Borough Committee of the Borough of Washington, County of Warren, State of New Jersey that Chapter _____, “Smoking” of the Code of the Borough of Washington shall be created as follows:

Section 1.

Chapter _____. Smoking

§ _____-1. Definition.

As used in this chapter, the following terms shall have the meanings indicated:

PUBLIC BUILDINGS

Any Borough-owned or leased building, including but not limited to all municipal buildings, library, senior center, recreation center, etc., in which the public is invited, or the public is permitted.

SMOKING

The burning or use of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which emits a vapor or smoke.

§ _____-2. Smoking prohibited in public places; signs to be posted.

- A. Smoking in public buildings and on Borough properties as herein defined within the Borough of Washington is prohibited. Borough employees are permitted to smoke in designated smoking areas.

- B. “No Smoking” signs or the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be posted at each public building entrance and within said building, as well as at conspicuous locations on recreation properties , in a number and in a manner determined by the administrator in charge of each such building or recreation property to be sufficient to inform the public that there is no smoking allowed within the building or on any such recreation property. The signs may contain a warning that smoking within the building or on any such recreation property is subject to a fine. The failure to post any such sign shall not be a defense to a violation of this chapter.

§ _____-3. **Enforcement.**

The enforcement authority of this chapter shall be the Police Department of the Township of Washington.

§ _____-4 **Violations and penalties.**

A. Any person who violated any provision of this chapter shall be subject to the following:

- (1) A fine in the maximum amount of \$125 for the first violation.
- (2) A fine in the maximum amount of \$200 for the second violation.
- (3) A fine in the maximum amount of \$300 for each additional violation.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4. Effective Date.

This Ordinance shall take effect upon final passage and publication.

Motion to approve on first reading made by Norris and seconded by Heinrich for Ordinance 2022-07.

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

Ayes: 5 Nays: 0

Motion passes.

ORDINANCE 2022-07

APPROPRIATING \$35,000 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. \$35,000.00 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 purchase and installation of the Flag Poles, improvements to the municipal building including electronic sign and other improvements.

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.

ORDINANCES 2nd Reading:

Motion made by Noone and seconded by Norris to open the public hearing for Ordinance 2022-04 all were in favor.

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

Motion made by Noone and seconded by Ron to adopt Ordinance 2022-04

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 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.

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

J. 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.

Motion made by Norris and seconded by Ron to open the public hearing for Ordinance 2022-06 all were in favor.

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

Motion made by Heinrich and seconded by Norris to adopt Ordinance 2022-06

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

Ayes: 5 Nays: 0

Motion passes.

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
ORDINANCE # 2022-06**

**ORDINANCE AUTHORIZING A TAX ABATEMENT AND PILOT AGREEMENT WITH
JADE PARTNERS URBAN RENEWAL, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”) authorizes the Borough to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Borough Council adopted Ordinance 2009-1 on April 7, 2009 approving and adopting a redevelopment plan for the Borough of Washington Downtown Redevelopment Area (“**Redevelopment Plan**”);

WHEREAS, Jade Partners Urban Renewal, LLC (the “Redeveloper”) is the owner of property designated as Block 95, Lot 4 on the Tax Maps of the Borough of Washington (the “Property”); and

WHEREAS, the Property is located in the Downtown Redevelopment Area; and

WHEREAS, by Resolution adopted on September 16, 2014, the Borough designated the Redeveloper as redeveloper of the Property in accordance with the Redevelopment Law, and authorized the execution of a redevelopment agreement (the “Redevelopment Agreement”) with the Redeveloper; and

WHEREAS, the Redevelopment Agreement was amended by agreements dated August 16, 2016 and June 22, 2017; and

WHEREAS, the proposed project to be undertaken by the Redeveloper on the Property is the demolition of the current structures on the Property and construction of a four-story mixed use building of approximately 15,344 square feet, including fifty (50) residential rental units (40 to be market rate and 10 to be affordable units) and associated supporting facilities, amenities and parking, consistent with the Redevelopment Plan (the “**Project**”); and

WHEREAS, pursuant to and in accordance with the provisions of New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* as amended and supplemented (the

“Exemption Law”), the Borough is authorized to provide for and accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper to the Borough; and

WHEREAS, the Redeveloper submitted an application to the Borough Council, and in accordance with the Exemption Law; and

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Borough Council must adopt an ordinance authorizing the execution of a Financial Agreement with the Redeveloper setting forth the terms of the payments in lieu of taxes; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough to grant the requested tax abatement and enter into a PILOT agreement with the Redeveloper in order to provide it with a long-term tax exemption pursuant to N.J.S.A. 40A:20-1, et seq., so as to develop and maintain the Project as very-low, low- and moderate-income housing; and

WHEREAS, pursuant to N.J.S.A. 40A:20-9 the PILOT agreement shall not take effect until approved by ordinance of the municipality;

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

1. The Borough Council hereby authorizes a tax abatement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) for the Project, which Project is more fully described in a certain Redeveloper’s Agreement between the Borough and Redeveloper dated September 16, 2014 (as amended by agreements dated August 16, 2016 and June 22, 2017).

2. The Borough Council hereby further authorizes an agreement between the Redeveloper and the Borough of Washington for a payment in lieu of taxes (PILOT) agreement pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1, et seq.) in substantially the same form as attached hereto.

3. The Acting Mayor, Borough Attorney and the Borough Clerk shall be and are hereby authorized to execute the agreement and any and all documents necessary to enter into said agreement.

4. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

5. This ordinance shall become effective twenty (20) days after its final passage and publication according to law.

RESOLUTIONS

Motion made by Noone and seconded by Ron to adopt Resolution 2022-66

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-66

A RESOLUTION IN SUPPORT OF THE CONTINUED ENJOYMENT OF THE STATE'S WATERS FOR DRINKING WATER AND RECREATION WITHOUT HARM TO AGRICULTURE

WHEREAS, Washington Borough has approximately 7,300 residents, most of whom receive drinking water from underground aquifers; and

WHEREAS, Washington Borough contains more than 2 miles of streams and rivers, including the Shabbecong Creek, a headwater of Pohatcong Creek, and other waters which may be used for recreation, drinking water, agriculture, fish and wildlife habitat, and other purposes; and

WHEREAS, significant investments have been made for the acquisition of land for the public use and enjoyment, especially land with surface waters, through use of public funds by Washington Borough and governmental and non-governmental agencies; and

WHEREAS, clean water from streams, rivers, lakes, and other surface waters contribute to the municipality's scenic and aesthetic qualities, real estate and home values, and economic opportunities from recreation and tourism; and

WHEREAS, the loss of good water quality in streams, rivers, lakes, and other surface waters can result in a loss of the municipality's scenic and aesthetic qualities, real estate and home values, and economic opportunities from recreation and tourism; and

WHEREAS, recreational uses have not been incorporated by the N.J. Department of Environmental Protection into assessments for developing anti-degradation safeguards for discharges to surface waters; and

WHEREAS, the waters in streams and rivers are held in the public trust and recreation may occur on those waters, but the land underlying them may be owned privately or publicly, and trespass on private lands is prohibited; and

WHEREAS, agriculture is an important activity, and no additional restriction or undue burden should be placed on agriculture with regard to water withdrawals, which are already regulated by the Water Supply Management Act, and

WHEREAS, residents rely on underground aquifers as their drinking water source; and

WHEREAS, underground aquifers can include porous rock formations, vulnerable to the mixing of contaminated surface and ground waters, such as carbonate bedrock; and

WHEREAS the presence of pollutants in a surface water or groundwater may inadvertently put drinking water aquifers at risk; and

WHEREAS, the additional costs associated with the treatment of degraded drinking water supplies can be a burden to homeowners, industry, and drinking water suppliers; and

NOW, BE IT RESOLVED, that Washington Borough encourages:

- 1) The Department of Environmental Protection to develop methods for identifying waters already utilized for recreational purposes to ensure water quality in these areas are not degraded by new discharges; and
- 2) The Department of Environmental Protection to promote the protection of drinking water aquifers, including waters in carbonate rock areas; and
- 3) The Department of Environmental Protection to establish anti-degradation standards for small public water supply systems and waters in the Highlands Region to protect drinking water quality; and
- 4) The Department of Environmental Protection to preserve and enhance water quality by protecting headwater streams from disturbances; and
- 5) That any actions the Department of Environmental Protection may take in response to this resolution, be done so in consultation with the stakeholders, including municipalities and counties; and
- 6) That the state should provide adequate resources to ensure the public's access to state lands and waters.

Motion made by Heinrich and seconded by Noone to adopt Resolution 2022-67

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2022-67

A RESOLUTION OF THE BOROUGH OF WASHINGTON FOR THE PURPOSES OF RE-APPOINTING CRAIG BROTONS AS TAX ASSESSOR

WHEREAS, the Borough of Washington desires to re-appoint Craig Brotons to the position of Tax Assessor for the Borough of Washington in which the current term expires as of June 30, 2022.

WHEREAS, upon reappointment on 7/1/2022 Mr. Brotons will become eligible for tenure; and

WHEREAS, the Borough of Washington desires to memorialize this appointment in writing regarding the employment of a part-time Tax Assessor through the use of this Resolution; and

WHEREAS, by this appointment Craig Brotons is responsible for all of the statutory duties of the Tax Assessor including the settlement and filing of tax appeals; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Craig Brotons is hereby re-appointed with tenure as Tax Assessor for the Borough of Washington effective July 1, 2022, pursuant to **N.J.S.A. 40A:9-148**.

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-68

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-68
Former Washington Borough Theater
Letter of Support

WHEREAS, Nassian Development, LLC (the “Developer”) is the owner of property located at 165 E. Washington Ave, Washington, New Jersey and designated as Block 80, Lot 2 on the Tax Maps of the Borough of Washington, Warren County, New Jersey (the “Property”), which is the site of the former Washington Borough Theater; and

WHEREAS, the Property is designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) and is located within the Route 31 Gateway District of the Borough’s Downtown Redevelopment Area as set forth in the Borough’s Downtown Redevelopment Plan adopted on April 7, 2009 (as amended); and

WHEREAS, the Developer has proposed to redevelop the property with a mixed-use building that will contain commercial space and twenty-four (24) rental affordable housing units, as set forth in the concept plan attached hereto as Exhibit A (the “Project”); and

WHEREAS, as shown on Exhibit A, the proposed building is four stories in height with a basement that will be used for parking; and

WHEREAS, there is an alternative opportunity to redevelop the site as an 100% affordable housing development, which would require the developer to preserve and restore the existing marquis and potentially the front façade of the Theater facing Washington Avenue, demolishing the remainder of the building, and providing access to the site from either Washington Avenue or Route 31 without circumnavigating the diner on adjacent Block 80 lot 2.01; and

WHEREAS, currently, the Borough Planner is working on amendments to the redevelopment plan that would permit a four-story residential building at the intended location; and

WHEREAS, the Developer desires to apply for and obtain funds from the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program for an amount not to exceed the maximum amount allowed in accordance with N.J.A.C. 5:43-1.1 et seq. for the purpose of developing 24 affordable housing rental units in the Borough of Washington, Warren County, New Jersey; and

WHEREAS, the Borough is a municipality that meets the criteria of N.J.A.C. 5:43-1.3(a) because the Borough's affordable housing compliance plan was approved by the Superior Court pursuant to a Final Judgment of Compliance and Repose entered on November 16, 2021 in In the Matter of the Application of Borough of Washington, Docket No. WRN-L-230-15; and

WHEREAS, the Mayor and Council has determined that the housing project referenced above, will meet a portion of the Borough of Washington's very low, low, and moderate income housing obligation set forth in its Housing Element and Fair Share Plan.

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. The Mayor and Council does hereby support this application for such funds to the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program and acknowledge that the Borough of Washington is an eligible municipality in accordance with N.J.A.C. 5:43-1.3(a).
2. The Borough requires that Developer, as permitted under N.J.A.C 5:43-1.3 (a), contract only for this Project, directly with the Department of Community Affairs.
3. This Resolution shall not be construed as zoning, site plan, variance, or any other approval to construct the Project including outside agency approval such as New Jersey Department of Environmental Protection (NJDEP).
4. The Developer is required to apply for any and all necessary approvals and permits prior to beginning construction. All approvals, including but not limited to Site Plan, NJDEP, Department of Transportation (DOT), Warren County Soil Conservation District, shall be received by the Developer within 1 year to ensure that the proposed design is feasible.

5. The Developer shall further submit the completed application made to the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program to the Borough as well as any approval or additional approval issued by the Department of Community Affairs.

6. The site shall be permitted to be redesigned in a manner which preserves and restores the existing marquis sign and, potentially, the front façade of the Theater as an alternative. Access to the site shall be permitted from either Washington Avenue to the property, or via an access easement from an adjacent lot (such as Block 80 Lot 3 or Block 80 Lot 1).

7. This Resolution shall take effect immediately.

Motion made by Noone and seconded by Norris to adopt Resolution 2022-69

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-69

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 2022 in the sum of \$20,000.00 which is now available from the State of New Jersey, Resiliency Planning

BE IT FURTHER RESOLVED, that the like sum of \$20,000.00 is hereby appropriated under the caption of Other Expenses – Resiliency Planning

Motion made by Norris and seconded by Ron to adopt Resolution 2022-70

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-70

**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 New Jersey State Police \$10,000.00, and

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 2022 in the sum of \$10,000.00 which is now available from the State of New Jersey, Department of State Police

BE IT FURTHER RESOLVED, that the like sum of \$10,000.00 is hereby appropriated under the caption of Other Expenses –EMAA

Motion made by Norris and seconded by Ron to adopt Resolution 2022-71

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-71

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

CLEAN COMMUNITIES \$15,135.75

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 2022 in the sum of \$15,135.75 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$15,135.75 is hereby appropriated under the caption of Other Expenses – Clean Communities

Motion made by Norris and seconded by Ron to adopt Resolution 2022-72

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-72

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 2022 in the sum of \$6,654.00 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$6,654.00 is hereby appropriated under the caption of Other Expenses – Recycling Tonnage Grant

Motion made by Norris and seconded by Noone to adopt Resolution 2022-73

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

Ayes: 5 Nays: 0

Motion passes.

**RESOLUTION 2022-73
RETAIL DISTRIBUTION LICENSE
WARREN COUNTY DISCOUNT LIQUOR
LICENSE NUMBER #2121-44-006-002**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-44-006-002
Warren County Discount Liquor Grocery Inc
260 Washington Ave.
Washington NJ 07882

From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Norris and seconded by Heinrich to adopt Resolution 2022-74

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

**RESOLUTION 2022-74
RETAIL DISTRIBUTION LICENSE
WASHINGTON DISCOUNT LIQUOR
LICENSE NUMBER #2121-44-008-008**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-44-008-008
Washington Discount Liquors LLC
66 Route 31
Washington NJ 07882

From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Norris and seconded by Heinrich to adopt Resolution 2022-75

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2022-75
RETAIL CONSUMPTION LICENSE
PPS Liquors
LICENSE NUMBER #2121-33-003-006

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the applicant due to circumstances beyond his control and after filing for relief from the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control was granted a 12:39 Special Ruling, granting relief dated August 10, 2021; and

WHEREAS, Licensee has received a special ruling from the Director of ABC pursuant to N.J.S.A 33:1-12.39 for 2022-2023 license term.

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

License # 2121-33-003-006
PPS Liquors
90 Alvin Sloan
Washington, NJ 07882

From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Norris and seconded by Noone to adopt Resolution 2022-76

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

Ayes: 5 Nays: 0

Motion passes.

**RESOLUTION 2022-76
PLENARY RETAIL CONSUMPTION
WILLIAMS IRISH TAVERN
LICENSE NUMBER #2121-33-007-004**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

License # 2121-33-007-004
Williams Irish Tavern LLC
101 E. Washington Ave.
Washington NJ 07882

From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Norris and seconded by Noone to adopt Resolution 2022-77

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

Ayes: 5 Nays: 0

Motion passes.

**RESOLUTION 2022-77
RETAIL CONSUMPTION LICENSE
LINSKO, INC (SCOTTY'S STADIUM)
LICENSE NUMBER #2121-33-004-007**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

License # 2121-33-004-007

Linsco, Inc.
(Scottys Stadium)
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2022 – June 30, 2023, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Ron to request a report from Chief as soon as reason possible for adequate time to give license holder and have license holder notified license has not been issued will be considered at July 5th meeting and is invited to discuss with council: all in favor

Motion made by Noone and seconded by Ron to table Resolution 2022-78

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

Ayes: 5 Nays: 0

Motion passes.

Motion made by Noone and seconded by Norris to adopt Resolution 2022-79

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-79

RESOLUTION GRANTING PERMISSION FOR A FIREWORKS DISPLAY IN THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America to have a parade and fireworks display in the Borough of Washington on Monday, July 4, 2022.

BE IT FURTHER RESOLVED, that the Borough Council has agreed to name Washington Celebrates America Inc. as additional insured for the following events to be held in the Borough of Washington:

PARADE:

Monday, July 4, 2022

Line up from 2:00 P.M. Step off is at 3:00 P.M.
Location: Route 31 and Broad St to Belvidere Ave to Carlton Ave to North Prospect Street

FIREWORKS:

Monday July 4, 2022
No rain date.
Music from 6:00 - 9:30 P.M.
Fireworks BEGIN AT DARK
Location: Warren Hills Middle School, on the athletic field

BE IT RESOLVED, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required certificate of liability insurance.

Motion made by Noone and seconded by Norris to adopt Resolution 2022-80

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2022-80
RESOLUTION AFFIRMING THE BOROUGH OF WASHINGTON'S OFFICIAL
SPONSORSHIP OF THE ORANGE CRATE DERBY

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that the Borough will hereby sponsor the Orange Crate Derby races in the Borough of Washington on Monday July 4, 2022 with a rain date of Saturday July 9, 2022 as follows:

ORANGE CRATE DERBY:

Monday, July 4, 2022 with a rain date of Saturday July 9, 2022
Set up time is 7:30 A.M. Competition will begin at 8:30 A.M.
Location: Broad Street and Borough Park entrance

BE IT RESOLVED, that a true copy of this Resolution be forwarded to the Statewide Insurance Fund.

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-81

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-81

RESOLUTION GRANTING PERMISSION TO LOCATE A CERTAIN STRUCTURE IN THE RIGHT-OF-WAY

WHEREAS, Francisco and Alexandra Sarceno (“Property Owner”) owns certain property located at 42 Youmans Ave., Washington, New Jersey, which is designated on the tax maps of the Borough of Washington as Block 93, Lot 8.01 (the “Property”); and

WHEREAS, a garage on the Property extends into the Borough’s right-of-way in Lower Park Drive at the southern end of the Property as depicted in the survey attached hereto as **Exhibit A**; and

WHEREAS, the Property Owner has requested permission from the Borough for the garage to remain in a portion of the right-of-way; and

WHEREAS, the Borough Council has the authority to grant permission to place structures in the right-of-way;

WHEREAS, the approval to locate the existing garage in the right-of-way shall be subject to the following conditions:

1. Property Owner recognizes that utility companies also operate in the right-of-way and that utility improvements may require demolition or removal of any structures in the right-of-way. Therefore, Property Owner shall agree to fully cooperate with utility companies and shall not seek damages from such utility companies related to the structure in the right-of-way.
2. Property Owner shall execute an agreement in a form approved by the Borough Attorney (in substantially the same form as attached hereto as **Exhibit B**) holding the Borough and its agents harmless for any damage caused to the structure within the right-of-way by Borough snow removal or road repair vehicles and personal vehicles traveling on within the unnamed alley.
3. This approval shall only grant permission to the Property Owner to have the existing garage remain within the right-of-way and shall not grant Property Owner an easement. Therefore, if the Borough requires use of the right-of-way for public roadway purposes, Property Owner shall remove the structure upon request of the Borough.

4. The existing garage shall not be enlarged, extended, reconstructed, or structurally altered except as follows:
 - a. Normal maintenance and repair of the garage is permitted, provided that it does not extend the area or volume of space occupied by the garage.
 - b. Such garage can be restored, reconstructed, or repaired if partially damaged by fire, casualty or act of God, provided that the area of the garage shall not exceed the area which existed prior to such damage. All such repairs shall be commenced within one year after damage occurs and shall be completed within two years of such date.
 - c. If the garage is totally destroyed by fire or other casualty or an act of God, the permission to locate a garage in the right-of-way shall terminate.
5. Approval shall be subject to review and approval by the Borough Road Supervisor and Borough Engineer that the placement of a portion of the garage in the right-of-way does not impede traffic or present a dangerous condition.
6. This resolution shall be recorded in the Warren County Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that Property Owner is granted permission for the existing garage to remain in the right-of-way, subject to the above conditions.

Motion made by Norris and seconded by Ron to adopt Resolution 2022-82

Roll Call: Conry, Heinrich, Noone, Norris and Ron.
Ayes: 5 Nays: 0
Motion passes.

RESOLUTION 2022-82

**AUTHORIZING WASHINGTON BOROUGH CONTRACT WITH THE DWG, LLC
FOR THE ADMINISTRATION OF THE ARC SMALL CITIES GRANT**

WHEREAS, the Borough of Washington received an ATC Small Cities grant, and;

WHEREAS, the ARC Small Cities grant is a pass-through grant and;

WHEREAS, the DWJ, LLC is actually performing work as awarded in this grant

NOW THEREFORE, The Borough of Washington is authorized to enter into the contract with the DWJ, LLC to administer ARC Small Cities grant and reimburse DWJ for all expenses associated with the administration of this grant

Motion made by Noone and seconded by Ron to adopt Resolution 2022-83

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

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2022-83

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 2022 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 14TH OF JUNE, 2022, AS FOLLOWS:

1. The Washington Borough Tax Collector is hereby authorized and directed to prepare and issue estimated bills for the Borough for the third installment of 2022 taxes. The Tax Collector shall proceed on June 15, 2022 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 2022 is hereby set at \$18,611,844.36.
3. In accordance with law the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

VOUCHERS AND CLAIMS

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

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

Ayes: 5 Nays: 0

Motion passes.

REPORTS

Police Report-Sgt. Kaufman reviewing police activity report. Discussion of a speed sign on North Prospect Street. Manager Hall discussed noise complaint of the Alvea (sp) property. Loud noise associated with new equipment they are putting in. Supposedly being concluded in the Fall.

Public Comment-Continued

Shay Dipley (sp)-Farmers Insurance 113 E. Washington Ave.- discussion of grants for a worthy business owner looking to move in.

RECAP

Manager Hall recapped the following:

- Jump back to resolutions-items of revenue for appropriations-these are grants the borough has received that have to be inserted into the budget by resolution.
- Pool not opening on the June 18th -main pump jammed up not sure why, we have a pump repair vendor who will pick up on Thursday and repair it. Problem is it's a specialized pump, all vendors supply chain issues 3-4 months repair time. Will keep council updated.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- LED lights are we enforcing that? They are still up.
- Plans on painting the curbs where the yellow and red are-all over town.
- Lincoln and 57 intersection-a way to get State to check the light if you don't pull up into crosswalk the light doesn't change.

Councilwoman Ron gave the following remarks:

- Deputy Mayor Conry doing a great job.
- Thanked police for their service it does not go unnoticed it.
- Enjoy working here with each and everyone here.
- Public to realize the fact in Washington to move forward is because this council chose to work together in unison. Personally gone to six new business openings that is incredible. Council doesn't only just sit here we actually go out to the community we are part of that. Any concerns please reach out we are neighbors' family and friends and here to serve and hope to continue to serve.

Councilman Heinrich gave the following remarks:

- Thanked the police dept. -nice to see awards tonight. Thanked council working well together. Matt and Clerk and Deputy Mayor doing excellent job.

Councilwoman Noone gave the following remarks:

- Sustainably Arts festival this Saturday starts at 10am-5pm and opening of Farmers market. Purpose of farmers market to bring the business and BID and get people into borough, positive marketing.
- Working with Sonia and other people to organize first annual Pride Day in borough June 25th 2-5pm right after Farmers market in Veterans Park. Thanked the police dept for their support and assistance with the events and the farmer's market.

Deputy Mayor Conry gave the following remarks:

- Thanked everyone for coming out. Thanked the police department. Thanking Chief Jones for bringing police officers with the awards, they are saving lives.
- Taking a moment recognize families losing loved ones for no reason we need to pray for our nation get through each day leaving our door steps we don't know if we are getting back. Pray we all come home safely.
- Thanked those for condolences, appreciate the cards and letters.
- Businesses downtown keep the jobs going we will get more businesses. We have a lot more than we did have.
- Appreciate those businesses that stuck in there during COVID.
- Thanked the Manager for job well done and thank Ms. Barton thanked and all council members to do one job and move forward.

ADJOURN

Hearing no further business to come before Council, motion made by Norris and seconded by Ron to adjourn the meeting at 8: 35 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk