
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

August 16, 2022

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in Councils Chambers at 100 Belvidere Ave, Washington NJ 07882

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

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Tara St. Angelo 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 Cox and seconded by Heinrich all in favor.

Mel Thiel, BID Exec Dir., gave the following report:

Festival in Borough is September 17th .

Vendor space almost sold out.

Some updates with issues Mrs. Thiel is looking for :

Flagpole for Veterans Park.

Plaques in branches of armed forces on the pavilion that the BID erected.

Improving look of downtown and business district -anyway for vacant storefronts have signs from previous occupants removed. Is there anyway to get building owners to remove the signs for businesses no longer in business, ask the business owners to take those signs down. Can a letter be sent from borough to have the signs removed?

Request: when someone applies for business license, let the BID office know.

Betti Singh, Washington Republican Committee Chair, discussed new law of July of this year Supreme Court decision. Three names to be chosen for filling of vacancy for Mayor caused by resignation of Dave Higgins. Asking for council to choose one of the three names. Expect this person to be sworn in this evening and serve as Mayor immediately.

Tara explaining her advice-its councils' decision.

Doug Steinhardt, County Republic chairman and attorney. Address some things.

History of vacancy and new ruling (Linden)

Michelle Norris, W. State Street stated to have this discussion tonight not at a special meeting. It was supposed to be done in January. Why do we have to keep postponing.

Cox made a motion to hear tonight (vote on mayor vacancy), Norris, seconded

Roll Call:

Ayes: 3

Nays: 3

Motion fails

Motion made by Noone and seconded by Ron to table meeting for special meeting for Tuesday August 23 at 7 pm here in councils' chambers to consider list from republican committee to fill mayor vacancy, all in favor

Rose Marie Rosatti, President of Library, gave library updates and introduced new Director, Heidi Kaiven.

Erin Anderson, 30 E Washington Ave., with husband Dave co-owner of brewery. In support 2022-99 opposing unlicensed brewery establishments. Appreciate the borough showing support for its local brewery happy to be here. Regulations hurting local breweries around the state.

Matthew Brewst(sp) Jackson Valley, thanked Council for the amendments he sees regarding the ordinance. Asked if there would be a time for him to speak later. Inquired about his submitted application.

Marco Meteo, Rail Road Ave- requested to be appointed to Recreation Commission along with others. Stated that he has joined the Township Washington Historical society, need help in sharing of towns history and what was here. Mr. Meto read a prepared statement. Requests Historical Preservation Commission be created. Mr. Meteo also stated there needs to be a graffiti ordinance.

Jerry Brown, Miller Ave., property still in limbo, looking for update.

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

PRESENTATION

Stover Building Owners: Offsite parking. Luke Pontier, representing 1Wwest Washington Ave and concept parking on 17 Broad Street. Formally request an amendment to the downtown redevelopment plan. Minor Site plan distributed to governing body.

Elena Gable, Borough Planner, explained and reviewed the version of amended redevelopment plan.

MINUTES

Motion made by Cox and seconded by Heinrich to approve the following minutes:
June 14, 2022.

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

Ayes: 6 Nays: 0

Motion passes.

NEW BUSINESS

Discussion: Upgrading of municipal building-Deputy Mayor Conry stated that it was brought to her attention by BID the outside of building cosmetics. Need to get ideas of getting building upgraded, front of building façade

Heinrich suggested to start procuring costs. Is there something imperative or aesthetics. Manager Hall advised to look at all the options. It's a 50-year-old building, underutilized. Look at renovation, a possible new building.

Town Wide Yard Sale Date set: Motion to set town wide sales for September 24th & 25th made by Noone and seconded by Cox, all were in favor.

Sewer Fees discussion-a rate reduction if warranted, consider into the 2023 budget for next year. Heinrich-we had committees with liaisons dedicated to areas, start to reassign those. Speak to Veolia see what's in contract; large improvements coming down the road. Need discussions what streets are being paved I&I. Would like to see a reduction too. Need to assess if we reduce that what to do, we have coming with large expenditures with the Plant and infrastructure.

ORDINANCE 1st Reading

Motion made by Cox and seconded by Noone to approve on first reading Ordinance 2022-09

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

Ayes: 6 Nays: 0

Motion passes.

BOROUGH OF WASHINGTON
COUNTY OF WARREN, NEW JERSEY
ORDINANCE 2022-09

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS 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 cultivators, manufacturers, wholesalers, and distributors from locating within the Borough; and

WHEREAS, after consultation with the Borough Planner, the Borough Council wishes to amend the standards associated with Cannabis establishments; 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 94-5 of the Borough Code entitled “Definitions” is amended to add the following definition:

CANNABIS VERTICAL INTEGRATION

The co-location or combination of the following activities related to the production of usable cannabis products within a single corporate entity: cannabis cultivators and manufacturers or cannabis retailers and cannabis delivery services.

SECTION 2. Section 94-83 of the Borough Code entitled, “Industrial District”, subsection C entitled “Conditional Uses” is hereby amended as follows:

C. Conditional Uses

- (1) Cannabis Cultivators. Cannabis Cultivators are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (2) Cannabis Manufacturers. Cannabis Manufacturers are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (3) Cannabis Wholesalers. Cannabis Wholesalers are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (4) Cannabis Distributors. Cannabis Distributors are permitted as a conditional use, provided that the conditions set forth in Section 94-86.3 are met.
- (5) Cannabis Vertical Integration of cannabis cultivation and manufacturing subject to meeting the conditional use criteria set forth in §94-86.3 and is in full compliance with the requirements of the Act.

SECTION 3. Section 94-86.3 of the Borough Code entitled, “Conditional Uses, Cannabis Establishments” is hereby repealed in its entirety and replaced with the following:

§94-86.3 Conditional Uses, Cannabis Establishments

- A. **Cannabis Establishments as Conditional Uses.** Cannabis Establishments shall be prohibited in all zoning districts within the Borough unless specifically permitted herein. Cannabis Establishments as set forth below shall be permitted as conditional uses in certain zones. The purpose of this section is to set forth the requirements and procedures applicable to permitting certain Cannabis Establishments as conditional uses, in accordance with N.J.S.A. 40:55D-67. Such uses may be permitted when authorized as a conditional use by the Land Use Board, including site plan approval and (if necessary) a conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3). Cannabis Establishments shall comply with additional requirements set forth in Section 94-86.3(H). Nothing herein shall prohibit the Borough from adopting a redevelopment plan permitting any type of Cannabis Establishment in a designated redevelopment area.
- B. **Standards Associated with Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers, and Cannabis Distributors.** The following standards shall apply to Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors.
- (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) Site Plan Approval and Conditional Use Approval by the Land Use Board, with notice of any public hearing provided in accordance with N.J.S.A. 40:55D-12. 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 Manufacturer 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.

- (3) In compliance with Section 37(b) of the NJ CREAMMA, Cannabis Facilities are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).
- (4) **Location of Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors.**
- (a) Compliance with the height, setback and other applicable requirements of the I Industrial zone district unless adjacent to residential properties or zones.
 - (b) When adjacent to a residential property or zone, a 50-foot-wide landscaped buffer consisting of both deciduous and evergreen trees and shrubs shall be installed along the property line(s) adjacent to residential uses or zones. It is strongly recommended that existing vegetation be enhanced where feasible. 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 any site improvement, with the exception of an access driveway, be located within the required buffer.
 - (c) For properties in Industrial Zones that do not have direct access to Route 31, the following shall be required:
 - [1] In order to mitigate the impact of vehicles on local roads servicing established residential neighborhoods, no more than six (6) commercial vehicle trips shall be permitted daily.
 - [2] Commercial vehicles shall be limited to cargo vans and box trucks that shall not exceed the dimensions of 8 feet in width by 24 feet in length. In no event shall tractor trailers be permitted to access the facility.
 - [3] When a property has access to more than one street, primary access shall be provided from the roadway with the highest roadway classification (ie. arterial, collector, local).
 - (d) Cannabis cultivators, manufacturers, wholesalers and/or distributors shall not be located adjacent to property used for school purposes which is owned by or leased to any public or private elementary or secondary school or school board, or to any existing preschool.
- (5) **Security.** Secured in accordance with all applicable provisions as defined in the Act and outlined in Section 94-86.3(E)(3).
- (6) **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.

- (7) **Signage.** No signage other than directional or discrete building identification shall be permitted. The sign 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. Signage shall remain innocuous and part of the general directional signage typically found in industrial facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet. Except as modified herein, all other Borough sign regulations must be complied with.

(8) Parking and Circulation

- (a) Off-street parking shall be provided in accordance with Section 94-53 of the Borough Code. Parking for Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors shall be provided for as industrial uses.
- (b) In no event shall parking areas be located within the required 50-foot-wide buffer from adjacent residential properties and/or zones.
- (c) A minimum of one loading space shall be provided on site. Additional loading spaces shall be added based upon the recommendation of the Land Use Board Professionals.
- (d) The location of any loading docks, loading ramps, and/or loading bays shall be located on a façade that is not facing a residential property or zone.

(9) Noise, Odors, and Light.

- (a) Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Cannabis Distributors shall provide detailed information on odor control and shall provide documentation that the odor will not be perceptible at the property line. This shall include air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property and/or within public rights of way, and/or at the property line, and/or within any other unit in the same building if the use occupies a portion of a building. Air treatment/odor mitigation systems are required to be installed and maintained in perfect working order. The Cannabis Operation is required to provide a report a minimum of once per year or at the discretion of the Borough, that ensures that the odor mitigation filtration system is maintained in perfect working order. Failure to manage odor control shall result in revocation of local approvals.
- (b) Light pollution, glare or brightness resulting from site lighting must be 0.5 candle or less at the property line. In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.
- (c) Cannabis establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations,

loading and other noise generating equipment or machinery. All licensed facilities shall operate within applicable decibel levels permitted by Borough noise ordinances and within applicable state decibel requirements.

(10) **Vertical Integration.**

- (a) Only Cannabis Cultivation and Cannabis Manufacturing shall be permitted to the vertically integrated within the I Industrial Zone. In no event shall any other class of cannabis be permitted to be integrated.
- (b) Vertically integrated facilities shall comply with the criteria for each Cannabis Class.

(11) **Standards Specific to Cannabis Cultivation**

- (a) The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.
- (b) A water reclamation plan for Class 1 Cannabis Cultivation establishments shall be submitted to the Borough for review and approval by the Borough's Professionals.

C. 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) Cannabis Retailers shall not be located adjacent to property used for school purposes which is owned by or leased to any public or private elementary or secondary school or school board, or to any existing preschool.
- (b) Cannabis Retailers located adjacent to residential properties or zones 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. When a residential property or zone is located across a street, the minimum buffer shall apply, unless that roadway is Route 31 or Washington Avenue, then the required buffer along the frontage of Route 31 or Washington Avenue shall not apply.

(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(E)(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 at the Cannabis Retailer's facility, in the building, 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. Additional 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 existing non-residential properties.

(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 space shall be provided on site.

(13) **Additional Standards for Cannabis Retailers**

(a) In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.

(b) Unusual odors, smells, fragrance, or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order. The Cannabis Retailer is required to provide a report a minimum of once per year or at the discretion of the Borough, that ensures that the odor mitigation filtration system is maintained in perfect working order.

D. **Medical Cannabis Dispensary and Alternative Treatment Centers.** Medical Cannabis Dispensaries and Alternative Treatment Centers are permitted in the B-1 and B-2 Districts subject to the same conditions as Cannabis Retailers set forth in subsection (C) above.

E. **Additional Requirements for All Cannabis Establishments.**

(1) **Sale of Product.**

(a) Cannabis Retailers may only sell useable cannabis products to persons over 21 years of age.

- (b) Cannabis Retailers may sell "cannabis paraphernalia" as that term is defined in the Borough Code and the CREAMMA to persons over 21 years of age and registered qualifying patients only.
- (2) Samples of cannabis products offered for sale in cannabis retail establishments may be displayed on shelves, counters and display cases. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the Washington Township Police Department and allowable under Permitting Authority regulations and state legislation.
- (3) **Security and Reporting.**
 - (a) Surveillance System.
 - (i) All Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.
 - (ii) The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the Washington Township Police Department with access to this real-time camera footage in case of an emergency.
 - (b) The recordings shall be maintained at the Cannabis Establishment for a period of not less than thirty (30) days and shall be provided to the Township Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
 - (c) **Lighting.** Outside areas of the premises and the perimeter shall be well lit with dark-sky compliant lighting (i.e., downcast and full cutoff so as to not cause glare or light pollution of the night sky). All doors shall be equipped with motion-sensor lights.
 - (d) The Washington Township Police Department shall be provided the name and phone number of a staff person to notify during suspicious activity during or after operating hours.
 - (e) Security staff is required on the premises during all hours of operation.
 - (f) The premises must only be accessed by authorized personnel and be free of loitering.

- (g) **Storage of currency.** All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of cannabis, securely fastened to a wall or floor, as approved by the Washington Township Police Department.
 - (h) Cannabis Establishments shall comply with all security requirements as established by state law and regulations, as they may be updated from time to time.
- (4) **No beer or alcohol on premises.** No fermented malt beverages and no alcoholic beverages shall be kept, served or consumed on the premises of a Cannabis Establishment.
 - (5) **No harm to public health, safety or welfare.** The premises of a Cannabis Establishment, and any adjacent grounds thereto, shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.
 - (6) **Compliance with other codes.** Any cannabis establishment and the adjacent grounds of the cannabis establishment shall comply with all zoning, health, building, fire, and other codes and ordinances of the Borough as shown by completed inspections and approvals by the Borough Planner, Construction Division, Fire Safety Division, and the Borough Health Department, if applicable.
 - (7) In the event of a conflict between the Borough bulk standards and the Act or the Permitting Authority's regulations, the Borough shall consider the pertinent statute or regulation as justification of any variance and/or design waiver.
 - (8) **Generators.** All cannabis operations shall have a back up generator which shall be sufficient in output to maintain all operating and electronic security systems in the event of a power failure. Generators shall comply with the bulk setback requirements and buffering standards for the zone and shall be shown on the Site Plan to ensure compliance.
 - (9) **Additional requirements.** At the time a site plan approval is granted, amended, or a major change to a Cannabis Establishment is approved, the Borough may impose on the applicant any condition related to the proposed use that is reasonably necessary to protect the public health, safety or welfare, not inconsistent with the Permitting authority requirements, including but not limited to the following:
 - (a) Additional security requirements;
 - (b) Limits and requirements on parking and traffic flows;
 - (c) Requirements for walls, doors, windows, locks and fences on the premises and adjacent grounds;
 - (d) Limits on cannabis products that may be sold;
 - (e) Requirements and limits on ventilation and lighting;
 - (f) Limits on noise inside the licensed premises or on the adjacent grounds;
 - (g) Prohibitions on certain conduct in the cannabis business;
 - (h) Limits on hours of operation.

- F. **Penalty for violation.** Any violation of the provisions of this subsection or the conditions of the zoning permit granted by a Cannabis establishment shall be punishable by a civil fine of up to \$1,000. Each day that a violation is committed, exists or continues shall be deemed a separate and distinct offense. In addition, any violation of the provisions of this subsection, or any conditions imposed by the zoning permit or Land Use Board approval may result in the revocation of the zoning permit.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. The Borough is hereby directed, upon adoption of this ordinance after public hearing, to public 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 7. This Ordinance shall take effect upon final passage, publication, and filing with the Warren County Planning Board, all in accordance with the law.

Motion made by Norris and seconded by Noone to approve on first reading Ordinance 2022-10

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

Ayes: 6 Nays: 0

Motion passes

ORDINANCE NO. 2022-10

AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT PLAN OF THE BOROUGH OF WASHINGTON

WHEREAS, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the "Council") has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. 1-2009; and

WHEREAS, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

NOW THEREFORE BE IN ORDAINED, by the Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough's Downtown Redevelopment Plan be amended to now read as follows:

Section 1. The Borough's Downtown Redevelopment Plan is hereby amended and replaced the document attached hereto as **Exhibit A**, which is dated August 2022 (version 2) and prepared by the Borough Planner, Heyer, Gruel & Associates

Section 2. The Mayor, Clerk, Engineer, Planner, and such other Borough Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Borough Clerk is further directed to refer this Ordinance to the Borough Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Land Use Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan or designed to effectuate same.

ORDINANCES 2nd reading

Motion made by Noone and seconded by Ron to open the public hearing for Ordinance 2022-07 all were in favor.

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

Motion made by Ron and seconded by Cox to adopt Ordinance 2022-07

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

Ayes: 6 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.

Motion made by Heinrich and seconded by Cox to open the public hearing for Ordinance 2022-08 all were in favor.

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

Motion made by Norris and seconded by Noone to adopt Ordinance 2022-08.

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

**Borough of Washington
Warren County, New Jersey**

ORDINANCE NO. 2022-08

**AMENDING CHAPTER 65 OF THE CODE OF THE BOROUGH OF WASHINGTON
ENTITLED “PROPERTY MAINTENANCE” REGARDING THE REGISTRATION
OF VACANT AND FORECLOSED PROPERTIES TO BE CONSISTENT WITH P.L.
2021, C. 444**

WHEREAS, the Borough of Washington is challenged to identify and locate responsible parties of foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Borough of Washington finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Borough of Washington has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Borough of Washington adopted Ordinance 2017-07 regulating the registration and maintenance of abandoned and vacant properties; and

WHEREAS, amendments to Ordinance 2017-07, codified as Chapter 65, Article II of the Borough Code, are necessary to comply with P.L. 2021, c. 444 and such ordinance must be adopted no later than August 1, 2022; and

WHEREAS, the Borough of Washington has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose

registration and certification requirements on abandoned, vacant, and foreclosure properties located within the Borough; and

NOW, THEREFORE, BE IT ORDAINED, by the Acting Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Chapter 65, entitled, “Property Maintenance,” is renamed “Abandoned and Foreclosed Property Registration and Maintenance.”

SECTION 2. Chapter 65, Article II of the Borough Code is hereby deleted in its entirety and replaced with the following:

§ 65-7. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or

(o) any other reasonable indicia of abandonment.

APPLICABLE CODES - means to include, but not be limited to, the Borough of Washington Code of Ordinances (“Borough Code”), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L.2009, c.53 (N.J.S.A.17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Borough of Washington to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm’s length transaction whether by Sheriff's sale, private sale following a Sheriff’s sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

VACANT - means any building or structure that is not legally occupied.

§ 65-8. Applicability:

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Borough of Washington above and beyond any other state, county or local provisions for same.

§ 65-9. Establishment of a Registry.

Pursuant to the provisions of Section 65-10, the Borough of Washington or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

§ 65-10. Registration of Property.

- a) Any creditor who holds a mortgage or equity lien on real property located within the Borough shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) days of the inspection, register the property with the Borough Code Enforcement Official, or its designee, on forms or website access provided by the Borough, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Borough.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration and fee as follows: 1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.

- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Borough and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

§65-11. Maintenance Requirements:

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter, Chapter 59 (“Nuisances, Public Health”), Chapter 75 (“Streets and Sidewalks”), and Chapter 91 (“Weeds and Obnoxious Growths”) of the Borough Code. Pursuant to a finding and determination by the Borough’s Code Enforcement Officer or a Court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section. .
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

§ 65-12. Security Requirements:

- a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

§65-13. Public Nuisance:

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough.

§65-14. Violations and Penalties:

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than \$500.00 or exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

§65-15. Inspections for Violations:

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

§65-16. Additional Authority:

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.

- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.
- d) If the mortgagee does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Borough sending the mortgagee the invoice, then the Borough may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

§65-17. Opposing, Obstructing Enforcement Officer; Penalty:

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

§65-18. Immunity of Enforcement Officer:

Any enforcement officer or any person authorized by the Borough to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

SECTION 3. Severability. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Repealer. All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5. When Effective. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

RESOLUTIONS

Tom Fisher, Attorney representing Philberts Pub explained the police reports in relation to his clients renewal of his liquor license. Attorney Fisher asked Council to adopt Resolution 2022-78 to allow his clients to get their annual retail license.

Motion made by Norris and seconded by Heinrich to adopt Resolution 2022-78

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

**RESOLUTION 2022-78
RETAIL CONSUMPTION LICENSE
PHILBERTS PUB
LICENSE NUMBER #2121-33-005-006**

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 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 # 2121-33-005-006
Philberts Pub
101 W. 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 Heinrich and seconded by Cox to adopt Resolution 2022-94, 95, 96, 97

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

**RESOLUTION # 2022-94
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5**

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$221.35 for taxes or other municipal liens assessed for the year 2020 in the name of ROMANO, ANDREA as supposed owners, and in said assessment and sale were described as 87 PARK AVE, Block 82 Lot 28, which sale was evidenced by Certificate #21-00040 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7/8/2022 and before the right to redeem was cut off, as provided by law, Andrea Romano claiming to have an

interest in said lands, did redeem said lands claimed by BALA PARTNERS LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,832.29 which is the amount necessary to redeem Tax Sale Certificate #21-00040.

NOW THEREFORE BE IT RESOLVED, on this 16th day of August, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$5,032.29** (This consists of \$3,832.29 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 28 from the tax office records.

RESOLUTION 2022-95
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154, in the amount of \$667.22 for taxes or other municipal liens assessed for the year 2020 in the name of ROBINSON, DARLENE R as supposed owners, and in said assessment and sale were described as 79 WASHINGTON SQUARE CIR, Block 73.01 Lot 22, which sale was evidenced by Certificate #21-00037 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8/8/2022 and before the right to redeem was cut off, as provided by law, DARLENE ROBINSON claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19LLC & SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,380.06 which is the amount necessary to redeem Tax Sale Certificate #21-00037.

NOW THEREFORE BE IT RESOLVED, on this 16th day of August, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154 in the amount of **\$3,880.06** (This consists of \$1,380.06 Certificate Amount redeemed + \$2,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 73.01 Lot 22 from the tax office records.

RESOLUTION 2022-96
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154, in the amount of \$1,302.44 for taxes or other municipal liens assessed for the year 2020 in the name of RICKMON, DENNIS R as supposed owners, and in said assessment and sale were described as 45-47 N JACKSON AVE, Block 27.02 Lot 13, which sale was evidenced by Certificate #21-00022 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8/2/2022 and before the right to redeem was cut off, as provided by law, Comerica Bank claiming to have an interest in said lands, did redeem said lands claimed by FIG CUST FIGNJ19LLC & SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,400.40 which is the amount necessary to redeem Tax Sale Certificate #21-00022.

NOW THEREFORE BE IT RESOLVED, on this 16th day of August, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG CUST FIGNJ19LLC & SEC PTY, PO BOX 54226, NEW ORLEANS, LA 70154 in the amount of **\$5,900.40** (This consists of \$3,400.40 Certificate Amount redeemed + \$2,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 27.02 Lot 13 from the tax office records.

RESOLUTION 2022-97
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to FNA VI, LLC, PO BOX 676927, DALLAS, TX 75267, in the amount of \$10,759.12 for taxes or other municipal liens assessed for the year 2020 in the name of MASENIOR, JOSH as supposed owners, and in said assessment and sale were described as 284 E WASHINGTON AVE, Block 72 Lot 24.03, which sale was evidenced by Certificate #21-00036 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7/29/2022 and before the right to redeem was cut off, as provided by law, MASENIOR, JOSH claiming to have an interest in said lands, did redeem said lands claimed by FNA VI, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$27,474.81 which is the amount necessary to redeem Tax Sale Certificate #21-00036.

NOW THEREFORE BE IT RESOLVED, on this 16th day of August, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FNA VI, LLC, PO BOX 676927, DALLAS, TX 75267 in the amount of **\$83,674.81** (This consists of \$27,474.81 Certificate Amount redeemed + \$56,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 72 Lot 24.03 from the tax office records.

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-98

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

RESOLUTION 2022-98
LOOP TRAIL RECOGNITION-SHABBECONG MOUNTAIN PRESERVE

WHEREAS the Washington Borough Council established the Green Team to raise environmental awareness for the Borough community;

WHEREAS the Washington Borough Council approved the Green Team to create a public trail network within the Shabbecong Mountain Preserve;

WHEREAS the Preserve trail entrance is located at the end of Nunn Avenue;

WHEREAS the Green Team has been actively clearing and maintaining a two-mile loop trail within the Preserve;

NOW THEREFORE BE IT RESOLVED that the Washington Borough Council officially recognizes the initial two-mile loop trail through Shabbecong Mountain Preserve and encourages the public to utilize this recreational opportunity.

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-99

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2022-99

RESOLUTION IN OPPOSITION OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL'S SPECIAL CONDITIONS ON LIMITED BREWERY LICENSEES

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee in the state beginning Friday, July 1, 2022; and

WHEREAS, under the license conditions, craft breweries are limited to hold 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can also attend 12 off-premises events, such as town, charitable and holiday celebrations; and

WHEREAS, under these license conditions, craft breweries have restrictions on the types of television programming they can air in their tasting rooms, restricts what types of live or record music they can play or host, limits what food options they can make available to customers, bans the sale of coffee, and prohibits the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

WHEREAS, according to the national Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey in calendar year 2021 contributed almost \$2 billion to the state's economy, creating over 11,000 jobs at an annually income of more than \$55,000 per employee; and

WHEREAS, Warren County is home to four microbreweries: Czig Meister Brewing Company and Man Skirt Brewing in Hackettstown, Butzville Brewing Company in Washington Borough and Invertase Brewing Company in Phillipsburg; and

WHEREAS, this past spring, these breweries created the “Skylands Ale Trail,” which has brought thousands of visitors to Warren County to experience these breweries and visit other neighboring local businesses; and

WHEREAS, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

WHEREAS, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington of the County of Warren strongly opposes the New Jersey Division of Alcoholic Beverage Control’s Special Conditions on Limited Brewery Licensees; and

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to all municipalities in Warren County and the counties of New Jersey, the leaders of the New Jersey Legislature and Governor Phil Murphy.

Motion made by Cox and seconded by Noone to adopt Resolution 2022-100

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

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION 2022-100**

**RESOLUTION AUTHORIZING A BALLOT QUESTION CONCERNING REPEAL OF
CHAPTER 41 OF THE BOROUGH CODE, “RUBBISH AND RECYCLING
COLLECTION” TO BE PLACED ON THE NOVEMBER 2022 GENERAL ELECTION
BALLOT**

WHEREAS, an initiative petition concerning solid waste collection in the Borough of Washington has been certified by the Borough Clerk pursuant to N.J.S.A. 40:69A-184, *et seq.*;

WHEREAS, said petition is attached hereto as Exhibit A.; and

WHEREAS, the Mayor and Council of the Borough of Washington considered the subject ordinance, entitled, “AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE BOROUGH OF WASHINGTON ENTITLED GARBAGE, RUBBISH AND RECYCLING COLLECTION” at a public hearing on November 9, 2021 and said Ordinance is attached hereto as Exhibit B; and

WHEREAS, the Borough Council unanimously voted not to adopt said ordinance; and

WHEREAS, pursuant to N.J.S.A. 40:69A-191, if at least 4 of the petitioners submit a signed request to withdraw the petition, the petition ceases to have any force or effect and the ordinance does not need to be put to a public vote at an upcoming election;

WHEREAS, the following petitioners were advised of such by letter dated November 10, 2021:

Dale E. Parichuk (dparichuk@hotmail.com)
116 Myrtle Ave.
Washington, NJ 07882

John Musick (Jmusick1@icloud.com)
108 Myrtle Ave.
Washington, NJ 07882

Louann Cox (Louanncox1@gmail.com)
33 McKinley Ave.
Washington, NJ 07882

Edward France (edwardsfrance@aol.com)
11 Vanatta Street
Washington, NJ 07882

John Jones
110 Myrtle Ave.
Washington, NJ 07882

WHEREAS, none of the above-referenced Petitioners advised the Borough of their intent to withdraw the Petition;

WHEREAS, pursuant to N.J.S.A. 40:69A-191 the above-referenced ordinance must be placed on the November 2022 ballot for consideration by the voters.

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

1. Pursuant to N.J.S.A. 40:69A-185, the following question is hereby submitted to the Warren County Clerk for inclusion on the November 8, 2022, general election ballot:

Shall the ordinance submitted by initiative petition repealing Chapter 47 of the Code of the Borough of Washington, which established the Borough of Washington's garbage utility, be adopted?

2. The following interpretive statement is hereby submitted to the Warren County Clerk to accompany the foregoing referendum question on the November 8, 2022, general election ballot:

If approved, the ordinance submitted by the petitioners will abolish the Borough of Washington's garbage utility and effectively require the Borough of Washington to solicit bids for Borough-wide private garbage service and enter into a contract with a private vendor for garbage service. The quarterly garbage utility payment by residents would be eliminated and the cost of garbage service would be included in the Borough's annual budget to be funded by the payment of property taxes. (i.e. the cost of garbage service would be included in Borough property taxes). The cost of garbage service will continue to include the required tipping and disposal fees, which for the year 2022 were budgeted to be \$263,794.56. However, garbage service will additionally include labor costs for a private vendor. Pursuant to Ordinance 19-26, the Borough purchased a garbage truck in or about 2020 for \$1,238,000.00. Annual debt service payments for the garbage utility in 2021 and 2022 were budgeted to be \$120,000 and \$137,000 plus interest respectively. The Borough will remain responsible for payment of the debt incurred for the purchase of equipment for the garbage utility, including the aforementioned garbage truck. If the subject ordinance is adopted and the Borough of Washington garbage utility is abolished, all such costs relating to garbage service (including tipping and disposal fees, labor costs, and debt service) would be paid through the Borough's general fund through the collection of property taxes.

3. The Borough Clerk is hereby directed to take all necessary measures to timely submit the foregoing ballot question and interpretive statement to the Warren County Clerk for inclusion on the November 8, 2022, general election ballot.
4. The Borough Clerk is hereby directed to publish this ordinance in at least two print newspapers circulated in the Borough not more than 20 and not less than 5 days before the November 8, 2022, general election, as required by N.J.S.A. 40:69A-194.

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-101

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

Ayes: 6 Nays: 0

Motion passes.

**RESOLUTION 2022-101
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
88/1	Bray 176 Broad Street Washington, NJ 07882 Property Location: Same	Fire Damage/Uninhabitable 1.0 E.D.U. to 0 E.D.U. Effective: January 2022

Motion made by Noone and seconded by Cox to adopt Resolution 2022-102

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2022-102

RESOLUTION TO REIMBURSE CERTAIN NJABC LICENSING FEES

WHEREAS, due to a clerical error retail consumption license #**2121-33-001-005**, held by **VMI OF WASHINGTON d/b/a ENZO'S RESTAURANT** was not approved in a timely fashion in accordance with NJABC deadlines; and

WHEREAS, an application had been made in 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 by **VMI OF WASHINGTON d/b/a ENZO'S RESTAURANT** in a timely manner and in accordance with NJABC deadlines; and

WHEREAS, as a result of the error **VMI OF WASHINGTON d/b/a ENZO'S RESTAURANT** was forced to incur an interim licensing fee of **ONE HUNDRED DOLLARS (\$100.00)**;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, and State of New Jersey that a reimbursement of the interim licensing fee incurred be issued to the license holder named below:

License # 2121-33-001-005

VMI of Washington, Inc.

(Enzo's Restaurant)

328 W. Washington Ave.

Washington NJ 07882

Motion made by Noone and seconded by Heinrich to adopt Resolution 2022-103

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

Ayes: 6 Nays: 0

Motion passes.

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION 2022-103**

**RESOLUTION AMENDING RESOLUTION #2022-62 DIRECTING THE CHIEF
FINANCIAL OFFICER TO TAKE ADMINISTRATIVE ACTIONS TO APPROPRIATE
AMERICAN RESCUE PLAN FUNDS TO PURCHASE COMPUTER HARDWARE AND
SOFTWARE**

WHEREAS, the federal American Rescue Plan Act of 2021, signed into law on March 11, 2021, was enacted to provide funding for COVID-19 pandemic response and recovery; and

WHEREAS, among the key elements of the Act is the Coronavirus Local Fiscal Recovery Fund (LFRF) in which all municipalities and counties will receive LFRF funds in two tranches; and

WHEREAS, the Township of Washington has received a total of \$664,959.32 from the federal American Rescue Plan Act with half of those funds being received in 2021 and the remaining half being received in 2022; and

WHEREAS, due to the economic damage caused by the Covid-19 pandemic the Township Committee has determined to utilize the funding to reduce certain capital projects and other expenditures in the coming years; and

WHEREAS, the Township Committee recognized that the current police computer hardware and software system is antiquated, and the replacement cannot be deferred and as such is considered a high priority expenditure; and

WHEREAS, at the budget meeting on February 26, 2022, the Township Committee approved to encumber \$23,125.11 of the funds towards the purchase of a new police computer system by way of Resolution 2022-62; and

WHEREAS, in accordance with the Police Inter-Local Shared Services Agreements with the Township of Oxford and the Borough of Washington, pertaining to capital purchases, the amount of funds need to be amended; and

WHEREAS, the Borough of Washington hereby adopts this corresponding resolution committing the equal amount of funds encumbered by the Township of \$26,012.50 for half of the total amount of \$52,025.00 as per the quote from Sirius Computer Systems, LLC;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that the Chief Financial Officer is directed to take the necessary administrative actions to appropriate, reserve and/or encumber a total amount of \$26,012.50 of the American Rescue Plan Act funds towards the purchase of a new police computer system from Sirius Computer Systems, LLC. as per the attached quote.

VOUCHERS AND CLAIMS

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

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

Ayes: 6 Nays: 0

Motion passes.

REPORTS

Motion made by Noone and seconded by Norris to accept and file the following reports, all were in favor:

Personnel

Police-Lt. Smith giving police department report. Lights in reference to businesses, Pantuso spoke to them a few of them shut them off and some did not. Those who did not were issued summonses.

RECAP

Manager Hall recapped the following:

- Get things moving with regards to the cap ordinance we just funded.
- Follow up with Pantuso with signage complaints.
- Conry- get reports from Pantuso.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- Thanked Manager Hall you for everything he's done and stated that they didn't always agree but they worked through it.
- Moving forward in getting a new manager would like to see parking and code enforcement working diff hours a lot of these violations happen after 5pm. Change schedule a bit. Some evening hours as well.
- Agree with bringing back the committees new manager in his opinion shouldn't wear as many hats.

Councilwoman Cox gave the following remarks:

- Matt and I had our ups and downs wished Mr. Hall the best. Stated that she wished they had a better open conversation. Wished all the best for his children wife and house. Added: You will get my vote to come back and stated that she is sorry your leaving us so soon.
- Do need to put party affiliations aside we were elected by people we work for them. Work on things together so things work out the best

Councilman Heinrich gave the following remarks:

- Was here when Matt started it was a mess a lot of things neglected. Did a fantastic job Phillipsburg is lucky to have you will miss you.
- We are all working really well and its important to get the liaison's back.

Councilwoman Noone gave the following remarks:

- Thanked Matt for everything he has done for borough. He came into a mess and we have now a borough moving forward.
- Sated to Mr. Hall; you worked very hard for us and will miss you thank you very much.

Deputy Mayor Conry gave the following remarks:

- Thanked Manager Hall for his service. Things that had to be cleaned up he got us grants many grants a lot of people got us a lot of grants. Thank you for your services on behalf of Deputy Mayor and wish you well.

Oxford Shared Service agreement, Attorney St. James briefly discussed getting a letter canceling the contract, we have the right to cancel regarding Administrator.

Motion made by Norris and seconded by Cox to authorize Attorney St. James to send letter to Oxford as of August 23rd, all were in favor.

EXECUTIVE SESSION

Motion made by Conry and seconded by Noone to enter into executive session for contract negotiations and 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 contract negotiations and personnel. 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 Cox and seconded by Heinrich to return to regular session at 9:34 p.m., all were in favor,

Ayes: 6: Nays: 0

Motion Carried.

Motion made by Heinrich and seconded by Ron to adopt Resolution 2022-104

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

Ayes: 6 Nays: 0

Motion passes.

RESOLUTION 2022-104

A RESOLUTION APPOINTING AN INTERIM BOROUGH ADMINISTRATOR

WHEREAS, Matthew Hall resigned from the position as the Borough Manager with his last day being August 19, 2022; and

WHEREAS, the Deputy Mayor and Council of the Borough of Washington have determined that there is a need for an Interim Borough Administrator and continuity; and

WHEREAS, the Deputy Mayor and Council have determined that Borough Clerk Laurie Barton is qualified for the position of Interim Borough Administrator and will be able to perform the duties of Borough Administrator on an interim basis; and

WHEREAS, this appointment is effective as of August 20, 2022 and shall continue until such time as a full-time Manager is hired, at which time this appointment will expire. Borough Clerk Laurie Barton will accept additional compensation for assuming these duties, in addition to her regular salary as the Borough Clerk; and

WHEREAS, Borough Clerk, Laurie Barton shall receive said compensation not to exceed 20 hours per week at an hourly rate of \$85.00; and

WHEREAS, Borough Clerk Laurie Barton shall perform the duties of Borough Manager as delineated in Borough Code, § 3-20 General powers and duties of Manager on an interim basis.

NOW THEREFORE BE IT RESOLVED, by the Deputy Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that Borough Clerk Laurie Barton is hereby appointed to serve as Interim Borough Manager, with an effective date of August 20,

2022, and will perform such duties with additional compensation, in addition to her regular salary as the Borough Clerk.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward a copy of this Resolution to the Chief Financial Officer.

Motion to approve CFO contract made by Noone and seconded by Heinrich.

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

Ayes: 6 Nays: 0

Motion passes.

ADJOURN

Hearing no further business to come before Council, motion made by Conry and seconded Ron to adjourn the meeting at 9: 36 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk