
AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

March 21, 2023

7:00 PM

STATEMENT OF ADEQUATE NOTICE

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

FLAG SALUTE

ROLL CALL Brown, Cox, France, Gorshkov, Infinito, Music and Conry.

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

REPORTS

Committee Reports

VOUCHERS-Approval of Claims

OLD BUSINESS

Agenda-Continued

NEW BUSINESS

Discussion: Chicken Ordinance

ORDINANCE 2nd Reading Public Hearing:

ORDINANCE 2023-02

Amending Section 85-27.1 of the Code of the Borough of Washington, entitled Resident Off-Street Permit Parking”

ORDINANCE 2023-07

CALENDAR YEAR 2023

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

RESOLUTIONS

RESOLUTION 2023-59

RESOLUTION AUTHORIZING 2023 PROFESSIONAL SERVICES CONTRACT FOR MUNICIPAL ATTORNEY SERVICES

RESOLUTION 2023-61

A RESOLUTION AUTHORIZING CANCELLATION OF GENERAL CAPITAL ORDINANCES BALANCES

RESOLUTION 2023-62

2023 BUDGET INTRO

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-Interviews

ADJOURNMENT _____ P.M.

ORDINANCE 2023-02
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, the Borough Council adopted Ordinance No. 2022-04 on June 14 2022 permitting public parking on the Property, but such ordinance did not require the issuance of a permit; and

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

WHEREAS, the Borough Council desires to further amend its ordinances to require the issuance of overnight resident parking permits for South Lincoln Avenue; 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 Permit Parking.

- E. 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	<i>Restrictions</i>
South Lincoln Avenue	East	All	Monday through Sunday	From Monroe Street to Willow Avenue	<i>All permit holders must reside on South Lincoln Avenue</i>

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.~~

Public overnight parking shall be permitted in the following private parking lots by persons duly licensed pursuant to subsection (E) hereof.

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.	1. No commercial vehicles shall be permitted to park in the ten (10) spaced delineated for public parking. 2. All permit holders must reside on South Lincoln Avenue

C. 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.

D. In addition to all other fines and penalties **authorized by the Borough Code or New Jersey Statute**, 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.

E. Only vehicles without available off-street public parking shall be eligible for parking permits. The definition of "available off-street public parking" shall include having reasonable access to a Borough-owned parking lot within 200 feet of a residence.

F. A permit providing for ~~on-street~~ parking pursuant to Subsections (A) **and (B)** may be obtained by application to the ~~Borough Clerk~~ **Zoning Officer** by any resident of ~~There shall be no fee for such permit.~~ **The fee for such application shall be \$10 annually.** Such application must be accompanied by **the following:**

(1) Proof of residence. **Such proof may be in the form of a current driver's license; utility bill, bank statement, or credit card bill dated within the last two months; or current executed lease agreement. The Zoning Officer may accept an alternate document as proof of residency within his / her discretion.**

(2) **Copies of applicant's driver's license and vehicle registration.**

(2) **Proof of automobile insurance in compliance with statutory minimum required amounts of coverage**

(3) **Executed release and hold harmless agreement in a form on file with the Borough Clerk's office.**

March 21, 2023

G. *Permits issued pursuant to this Section shall be issued annually and shall* ~~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).~~

~~GH.~~ 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.

~~H.~~ 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.

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

~~JK.~~ 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.

L. *Other Requirements and Restrictions of Permit Holders*

(1) *Only one permit per vehicle and one permit per household shall be issued.*

(2) *The applicant / permit holder must be the registered owner of the vehicle.*

Parking permits are not transferable to other operators or vehicles.

(3) *Parking permits must be affixed to the rear window of the vehicle and readily visible.*

(4) *All vehicles for which a permit has been issued must be properly maintained, insured, and registered.*

(5) *Repairs of any type to a vehicle are prohibited in the subject parking lot and affected street.*

(6) *Parking permits are the property of the Borough of Washington. Permit holders that no longer require parking shall return their permit to the Borough.*

(7) *Overnight parking spaces in the subject parking lots are properly marked. If a designated parking space is not available, the permit holder may not occupy another spot that is not properly designated.*

(8) *During snow emergencies, no vehicle may be parked on Borough streets until the snow has ceased and the streets have been plowed and/or treated sufficiently and to the extent that parking will not interfere with the normal flow of traffic. Permit holders parked in a parking lot shall be responsible for moving their vehicle appropriately following snow emergencies to allow for proper snow removal in the parking lot.*

M. *Suspension or Revocation of Permit; Towing; Hearing*

A. *Any parking license issued hereunder may be suspended or revoked by the Borough, acting through the Zoning Officer or Borough Police Officers, for any of the following reasons:*

(1) *The permit holder has knowingly made any false and materially incorrect statement in the application.*

(2) *The permit holder knowingly violates or knowingly permits or countenances the violation of any provision of this Section.*

(3) *The permit is being abused or manipulated by a permit holder or the permit holder is violating the policies of the assigned lot*

(4) *The permitted vehicle creates a hazardous condition (leaking fluid, etc.)*

B. *No suspension or revocation of any permit issued hereunder shall be made until a ten-day written notice of suspension or revocation has been given to the permit holder personally or by mailing the same by certified mail, return receipt requested, addressed to the permit holder at the address noted in the original application for the permit and a reasonable opportunity to be heard thereon afforded. The hearing shall be held before and conducted by the Borough Council. Such suspension or revocation shall apply to the permit holder and the residence noted in the application. Any revocation shall render the permit holder ineligible to receive any other permit under this Section for a period of one year from the effective date thereof and may, in the discretion of the Borough Council, render the licensed premises ineligible for any future license under said article.*

C. *Vehicles parked in violation of this Section will be subject to towing at the owner's expense. Any vehicle creating a hazardous condition (leaking fluid, etc.) will be towed at the owner's expense.*

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.

ORDINANCE 2023-07
CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Borough Council of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$29,502.28 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 103,257.98, and that the CY 2023 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

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

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

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

March 21, 2023

RESOLUTION 2023-59

**RESOLUTION AUTHORIZING 2023 PROFESSIONAL SERVICES CONTRACT WITH
ERIK PETERSON OF THE LAW OFFICES OF ERIK C. PETERSON FOR
MUNICIPAL ATTORNEY SERVICES**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$50,000.00, excluding any escrow related services and;

WHEREAS, Erik C. Peterson has completed and submitted a Business Entity Disclosure Certification which certifies that Erik C. Peterson has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Erik C. Peterson from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Erik C. Peterson Law Offices.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Erik C. Peterson Law Offices, as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Erik C. Peterson.

March 21, 2023

RESOLUTION 2023-61
A RESOLUTION AUTHORIZING CANCELLATION OF GENERAL CAPITAL ORDINANCES
BALANCES

WHEREAS, there are open balances in old capital ordinance; and

WHEREAS, the projects authorized in those ordinances are completed; and

WHEREAS, it is a good practice to cancel old outstanding ordinances; and

WHEREAS, cancelled funded amounts will be deposited in the General Capital Fund Balance and Capital Improvement Fund; and

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

1. The governing body hereby authorizes cancellation of the outstanding balances in the capital ordinances listed below

Ordinance #	Description	Total	Funded	Unfunded	Deposited to:
2007-07	Various Improvements	7,718.30	7,718.30		Fund Balance
2013-04	Various Improvements	1,850.00	1,850.00		Fund Balance
2014-02	Various Improvements	1,917.62	1,917.62		CIF
2015-04	Zero Turn Lawn mower	225.00	225.00		CIF
2015-05	Various Improvements	1,362.91	1,362.91		CIF
2017-08	Various Improvements	30,700.45	30,700.45		CIF
2018-10	Road Improvement	137,855.23	137,855.23		Fund Balance
2018-11	New Fire Truck	14,769.04		14,769.04	
2018-14	Library Improvements	54.66	54.66		CIF
2019-14	Street Sweeper	11,315.31		11,315.31	
2019-16	Various Improvements	13,807.58	13,807.58		CIF
2020-05	Land Purchase	1,888.00		1,888.00	
2020-07	Road and Building Improvements	65,695	65,695.16		CIF

RESOLUTION 2023-62 2023 Municipal Budget

Revenue and Appropriations Summaries

Summary of Revenues	Anticipated	
	2023	2022
1. Surplus	620,000.00	600,000.00
2. Total Miscellaneous Revenues	2,651,332.80	2,412,912.88
3. Receipts from Delinquent Taxes	300,000.00	400,000.00
4. a) Local Tax for Municipal Purposes	5,165,224.40	5,104,839.84
b) Addition to Local School District Tax		
c) Minimum Library Tax	185,065.09	167,903.34
Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	5,350,289.49	5,272,743.18
Total General Revenues	8,921,622.29	8,685,656.06

Summary of Appropriations	2023 Budget	Final 2022 Budget
1. Operating Expenses: Salaries & Wages	1,316,400.00	1,235,766.68
Other Expenses	5,244,939.28	5,020,573.38
2. Deferred Charges & Other Appropriations	980,731.00	334,074.00
3. Capital Improvements	115,000.00	180,000.00
4. Debt Service (Include for School Purposes)	452,000.00	1,115,242.00
5. Reserve for Uncollected Taxes	811,933.01	800,000.00
Total General Appropriations	8,921,003.29	8,685,656.06
Total Number of Employees	20 FT 15 PT	20 FT 15 PT

2023 Dedicated	Sewer	Utility Budget	
Summary of Revenues	Anticipated		
	2023		2022
1. Surplus	702,500.00		553,488.00
2. Miscellaneous Revenues	2,100,000.00		2,190,712.00
3. Deficit (General Budget)			
Total Revenues	2,802,500.00		2,744,200.00
Summary of Appropriations	2023 Budget	Final 2022 Budget	
1. Operating Expenses: Salaries & Wages	200,000.00		185,000.00
Other Expenses	1,682,500.00		1,584,200.00
2. Capital Improvements	100,000.00		100,000.00
3. Debt Service			60,000.00
4. Deferred Charges & Other Appropriations	20,000.00		15,000.00
5. Surplus (General Budget)	800,000.00		800,000.00
Total Appropriations	2,802,500.00		2,744,200.00
Total Number of Employees			

2023 Dedicated	Solid Waste	Utility Budget	
Summary of Revenues	Anticipated		
	2023		2022
1. Surplus	62,726.16		
2. Miscellaneous Revenues	840,235.50		765,000.00
3. Deficit (General Budget)			
Total Revenues	902,961.66		765,000.00

March 21, 2023

Summary of Appropriations		2023 Budget	Final 2022 Budget
1. Operating Expenses:	Salaries & Wages	170,000.00	220,000.00
	Other Expenses	383,500.00	313,794.56
2. Capital Improvements			
3. Debt Service		328,600.00	144,197.00
4. Deferred Charges & Other Appropriations		20,861.66	87,008.44
5. Surplus (General Budget)			
	Total Appropriations	902,961.66	765,000.00
	Total Number of Employees	4 FT	4 FT

Balance of Outstanding Debt			
	General	Sewer	Solid Waste
Interest	72,390.78		
Principal	1,269,684.78		
Outstanding Balance	1,342,075.56		

Notice is hereby given that the budget/ tax resolution was approved by the Mayor and Council of the Borough of Washington, County of Warren, on, March 21, 2023.

A hearing on the budget/ tax resolution will be held at the Borough Hall on May 2, 2023 at 7:00 o'clock p.m. at which time and place objections to the Budget and Tax Resolutions for the year 2023 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the Office of the Clerk at Borough Hall 100 Belvidere Avenue, Washington, New Jersey, (908) 689-3600 during the hours of 8:30 a.m. to 4:30 p.m. Mon-Thurs.