
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

DATE: December 19, 2023

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

Roll Call: Brown, Cox, France, Gorshkov, Infinito Musick and Conry

Also Present: Laurie A. Courter, Borough Clerk
Erik Peterson Attorney
Borough Manager, Brian Bond

Absent:

Mayor Conry led everyone in the flag salute.

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 Gorshkov, all were in favor.

Washington Township-Chief Jones presentation, Chief Jones wanted to let council know of a new program that started yesterday in Warren County. Program is called Arrive Together. It is meant to bring mental health individuals to get additional assistance to residents at the scene. Follow up care to be provided on behalf of the mental professionals. Part time basis at first. Chief Jones explained the program with the four different models.

Ruben Moreno-resident of the Township- business owner, and teacher read a statement regarding his business and its contribution to the borough of the uniqueness of his business plan. Inquired about a hearing before council. Manager Bond explaining his application for a cannabis request and explained to Mr. Moreno the proper procedures. Business is located at 20 W Washington Ave near Dominoes. Discussions between Borough Attorney and Mr. Moreno on whether it is in a zone allowing the use ensued.

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

MINUTES

Motion to approve the following minutes made by Cox and seconded by Gorshkov, all were in favor.

November 21, 2023

December 5, 2023

Committee Reports

Sewer: Councilman Infinito discussed the meeting with Veolia Epic and NJ Futures. There are some issues facing the facility. There will be increasing discharge requirements. To solve the issues looking at a significant cost to upgrade treatment plant in a three-part phase plan. Resolution 2023-159 talks about the plan and an agreement between the borough and NJ Futures to develop a long-term capital plan. NJ Futures paying up front to get the plan started.

Ordinance- Councilwoman Gorshkov stated she met with the Manager in which they went over all the fees in the code book which will be upgrading those fees.

Cannabis -Councilman Brown reported that Danke Poet is targeted to open on January 15th.

Land Use-Mayor Conry stated that the board had meeting, but things were postponed. The water company is coming back in January.

VOUCHERS-Approval of Claims

Motion made by Cox and seconded by Musick to approve the vouchers and claims.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

Washington Township Historical Commission

Brian Wilcox, Chair of the Washington Township Historical Preservation Committee came before council with a history of their commission and inquired about the borough coming on board and joining their commission due to the vast history the Borough has. The borough would be a sub-group of the Township.

Sanitary Sewer Line extension-Washington Township Discussion

Manager Bond recapped a meeting that was held last week for the extension of the sewer line. Going down South Lincoln extending to stop light and Route 31. Part of it would include Hillcrest. The I&I studies will be done. Getting rid of some of the I&I will give the borough a

whole lot more capacity. See if council wants to move forward with this. Good opportunity to increase revenue. All were in consensus to move forward.

2nd Reading:

Motion made by Cox and seconded by Musick to open the public hearing for Ordinance 2023-20.
Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

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

Motion made by Cox and seconded by Gorshkov to adopt Ordinance 2023-20.
Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 5 Nays: 2(Bown and Infinito)
Motion passes.

ORDINANCE 2023-20

An Ordinance of the Borough of Washington Amending Chapter 75, Article II, entitled “Sale of Goods in Streets,” and the Downtown Redevelopment Plan Regarding Retail Sales on Public Sidewalks

WHEREAS, the Mayor and Borough Council seek to revise the regulations concerning retail sales on public sidewalks within the commercial zoning districts (B-1, B-2, and Downtown Redevelopment Area) in Washington Borough.

NOW, THEREFORE BE IT ORDAINED, by the 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. Chapter 75, Article II of the Code of the Borough of Washington, entitled “Sale of Goods in Streets,” is hereby deleted in its entirety and replaced with the following Article entitled, “Sidewalk Sales”:

§75-11 Purpose

The purpose of this section is to permit Sidewalk Retail Areas immediately adjacent to retail shops selling goods in order to increase the viability of retail establishments and to enhance the vitality of the Borough of Washington.

§75-12 Definitions

DOWNTOWN REDEVELOPMENT AREA

The area designated pursuant to the Borough of Washington’s Downtown Redevelopment Plan dated August 2022 and adopted pursuant to Ordinance 2022-10, as may be amended from time to time.

OUTDOOR RETAIL SALES EQUIPMENT

Any temporary racks, kiosks, tables and/or display cases that are commonly used in connection with the exhibition or sale of goods, services or produce outdoors.

RETAIL SALES ESTABLISHMENT

Establishments engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods.

SIDEWALK RETAIL AREA

A designated area of a public sidewalk immediately adjacent to the front façade of the retail establishment which extends no more than four (4) feet from the façade of the retail establishment and may extend along the length of the retail establishment's façade. The location of the Sidewalk Retail Area on the public sidewalk shall be in conformance with all Federal, State and Local statutes, regulations and ordinances and subject to the issuance of a license under Chapter 75, Article II of the Borough Code and Section 75-13.2 herein.

§75-13.1 Applicability

- A. The provisions of this section apply only to retail sales areas on public property and/or within the public right-of-way.
- B. Sidewalk Retail Areas regulated by this section shall only be operated by a properly licensed and approved Retail Sales Establishment.

§75-13.2 Areas in which temporary use of sidewalk areas for retail sales are permitted.

Temporary use of the public sidewalk shall be permitted as a retail sales area pursuant to this Chapter only within the following zoning districts:

- A. Washington Borough Downtown Redevelopment Area;
- B. B-1 District; and
- C. B-2 District.

§ 75-13.3 License required.

No person or persons shall keep any Outdoor Retail Sales Equipment on any public sidewalk or in or on any of the right of ways, streets, avenues or public alleys in the Borough of Washington, for the sale of goods and chattels of any kind, without first having secured a license in writing from the Borough Zoning Officer.

- A. Applicants shall apply for license approval in accordance with the provisions of this Article. All such applications shall be approved by the Zoning Officer and shall be referred to the Chief of Police, Construction Code Official, Fire Code Official, and other such Borough Official(s) the Zoning Officer deems appropriate, who shall provide the Zoning Officer with written reports of their opinions and recommendations regarding the application.
- B. Applicants shall meet all general ordinance requirements and all other laws, rules, regulations and codes applicable to the proposed activity.
- C. Contents of Submission to Zoning Officer. Applicants proposing to establish an area for retail sales on a public sidewalk must provide all information set forth in Section 75-13.4 of the Borough Code.
- D. The Zoning Officer shall review each application to ensure that the proposed operation of the Retail Sales Area will not interfere with pedestrian or vehicular traffic. A minimum of unobstructed five (5) feet shall be maintained along the sidewalk for pedestrian traffic. All applicable Americans with Disabilities (ADA) requirement minimums shall be met.

- E. The Zoning Officer shall approve the hours of operation for each Sidewalk Retail Area. In approving the hours, the Zoning Officer shall take into consideration the nature of the Retail Sales Establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day. At no time will outdoor retail sales be permitted before 9:30 am or beyond 10:00 p.m.
- F. The area contained in the Sidewalk Retail Area shall not be counted in determining any parking space requirement for a retail sale establishment use.
- G. The retail sale area must be properly maintained at all times including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing Outdoor Retail Sales Equipment and other items during times of inclement weather and high wind.
- H. All Retail Sales Equipment and merchandise for sale must be removed from the Sidewalk Retail Area whenever the Retail Sales Establishment is not open to the public.

§75-13.4 Application for License

An application, sworn to by the applicant, for a Sidewalk Retail Area shall be filed annually with the Borough Clerk on forms supplied by the Clerk. The forms shall require the following information and such additional information as deemed necessary:

- A. The name of the applicant and the address.
- B. The name and address of the Retail Sales Establishment where the Sidewalk Retail Area is to be maintained.
- C. Written consent of the owner of the premises, if other than the applicant.
- D. A certificate of insurance providing at least \$1,000,000 of comprehensive general liability extending premises coverage to all activities associated with sidewalk retail sales and listing the Borough of Washington as an additional insured with respect to such activities.
- E. A layout of the proposed retail sale area, which shall include, but not be limited to the following: the location and dimensions of the proposed sidewalk Retail Sale Area and the locations and dimensions of all Outdoor Retail Sales Equipment that will be utilized.
- F. Proposed hours of operation for the Sidewalk Retail Area.
- G. A check payable to the Borough of Washington in the amount of the license fee required by § 75-13.5.
- H. Execution and filing with the Borough Clerk of an indemnification agreement pursuant to which the licensee, in further consideration of the issuance of the license, shall agree to forever defend, protect, indemnify and save harmless the Borough, its officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the licensee's operation of its Sidewalk Retail Area.
- I. Execution and filing with the Borough Clerk of a maintenance agreement pursuant to which the licensee, in further consideration of the issuance of the license, shall agree, at the Borough's option, either to repair at its sole cost and expense any damage caused to the sidewalk or any Borough-owned property by the operation of its Sidewalk Retail Area, or to reimburse the Borough in full for all costs and expenses incurred by it in making any such repairs.
- J. The Borough Clerk may require a bond to be filed by the licensee in an amount to be fixed by the Borough.

§75-13.5 Application Fees

- A. The fee for a sidewalk retail sales license application shall be:
Sidewalk Retail Area with a length up to ten feet (10') shall be \$25.
Sidewalk Retail Area with a length of ten feet one inch (10' 1") but no more than twenty feet (20') shall be \$50.
Sidewalk Retail Area with a length of twenty feet one inch (20' 1") or more shall be \$75.
- B. Application fees shall not be pro-rated nor any part thereof refunded for any reason.

§75-13.6 License terms and conditions

- A. A Sidewalk Retail Area shall be valid only through December 31 of a given year, and a new license must be obtained for each year.
- B. A Sidewalk Retail Area license may not be transferred.
- C. The license shall be displayed in a conspicuous place on the premises prior to the use of the premises for Sidewalk Retail Sales.

§75-13.7 Regulations

The conduct of Sidewalk Retail Area pursuant to a license issued under this article shall be subject to all of the following restrictions and requirements:

- A. Outdoor retail sales may be conducted in the Downtown Redevelopment Area, B-1 and B-2 zoning districts.
- B. The Sidewalk Retail Area must not inhibit pedestrian traffic on public sidewalks, and an area must be open and unobstructed for pedestrian traffic between the closest edge of the Outdoor Retail Sales Equipment and the curbline, which area shall have a minimum width of five (5) feet. The passage area must be barrier free and clear of any obstructions. All applicable Americans with Disabilities (ADA) requirement minimums shall be met.
- C. Outdoor Retail Sales Equipment shall not be placed in an alleyway or walkway or be placed in such a manner as to block any alleyways or walkways or any building entrance/egress. It shall be unlawful to obstruct or reduce in any manner the clear width of any exit discharge passageway, as determined by the clear width opening of the entrance/egress door(s). The passageway shall be as straight as possible leading directly to the street. Outdoor Retail Sales Equipment shall not be placed in such a manner as to block any municipal signs, receptacles for garbage, public benches or other public amenity, including fire hydrants.
- D. The Outdoor Retail Sales Equipment not permitted in the Sidewalk Retail Area are Tents and other temporary structures.
- E. Outdoor Retail Sales Equipment shall be in good condition and appropriate for the safe display of merchandise. All Outdoor Retail Sales Equipment must approved in advance by the Zoning Officer.
- F. Outdoor Retail Sales Equipment shall not be attached, drilled into, adhered to, chained to, or otherwise affixed to the sidewalk, tree, pole, or other fixture, or to any permanent structure or building.
- G. Sidewalk Retail Areas shall be kept clean during hours of operation. Litter shall not be permitted on adjoining sidewalks or property.
- H. Retail Sales Establishments are prohibited from using public utility hookups.
- I. The placement of Outdoor Retail Sales Equipment shall be limited to the area immediately adjacent to the façade of the licensed and approved Retail Sales Establishments and extending no

more than four (4) feet from the façade and shall not exceed the length of the front façade of the retail establishment.

- J. Outdoor Retail Sales Equipment and retail merchandise must be removed from the Retail Sales Area every day and whenever the licensee is not open for business to the public.
- K. Sidewalk retail sales shall be permitted year-round except the Borough Manager may suspend Sidewalk Retail Sales when the Borough Manager determines, at the Borough Manager's sole discretion, the weather or the condition of the sidewalk would create a hazardous condition for pedestrians or impede emergency responders.
- L. Permissible hours of operation shall be from 9:30 am to 10:00 p.m.
- M. All Outdoor Retail Sales Equipment must be removed by 10:30p p.m. daily. Outdoor Retail Sales Equipment cannot be stored on the public sidewalk.
- N. The Borough retains the right to suspend a Sidewalk Retail Area to allow for construction activity, utility repairs, and special events or for other reason as deemed appropriate by the Borough Council, with reasonable advance notice to be given to affected licensees.
- O. All Sidewalk Retail Areas must be cleared of all furnishings in advance of any snowstorm or weather emergency declared by the Borough.
- P. The Borough may require removal of Outdoor Retail Sales Equipment during special events, parades, marches, repairs to the street or sidewalk, or any other reason. The Borough shall have the right to unilaterally remove unapproved exterior equipment from the Sidewalk Retail Area, and costs of removal shall be borne by the Retail Sales Establishment or the property owner.
- Q. The licensee shall comply with all other Borough ordinances.

§ 75-13.8 Non-applicability.

This article shall not apply to any person or persons who hawk or peddle fish, foreign or domestic fruits or goods and chattels from house to house.

§75-13.9 Notice of Violation; Suspension and revocation of license

- A. Upon receipt of a notice from the Zoning Officer that a Retail Sales Establishment has violated any provision of this Article, such violation shall be abated within 48 hours. Such notice shall be provided in writing to the address provided by the licensee on the application required under this Article.
- B. Sidewalk Retail Sales Licenses are interruptible and terminable licenses for use granted by the Borough. The issuance of a Sidewalk Retail Sales License shall not convey any property interest to the Retail Sales Establishment, property owner, or to any other person. Any license may be suspended or revoked for good cause by the Borough Council, including but not limited to a misrepresentation of the information supplied in the application, the conviction of a crime, a violation of any ordinance, statute or government regulation or a violation of this Article.
- C. The Zoning Officer shall revoke any Sidewalk Retail Sales License for violation of any of the restrictions or conditions of this Article after providing a written notice and opportunity to abate in compliance with subsection (A) hereunder.
- D. The Borough shall have the right and power, acting through the Zoning Officer, to revoke, prohibit, or limit operation and use of a Sidewalk Retail Sales License at any time by reason of anticipated, threatened, or actual problems or conflicts in the use for the sidewalk area. Such circumstances may arise from, but are not limited to, changing patterns of sidewalk use, scheduled festivals or similar events, parades or marches, repairs to the street or sidewalk, or for any other reason.

§75-13.10 Enforcement.

The Borough Clerk shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Zoning Officer and the Washington Police Department.

§75-13.11 Violations and penalties.

A. Failure to abide by an established litter control plan shall constitute a violation of this Chapter, and shall subject the applicant to a fine in an amount not less than \$100 per day, per violation.

B. Any other violations of the provisions of this article shall be punishable by a fine not to exceed \$500 as determined by the Municipal Court. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

§75-13.12 Appeals.

Any person aggrieved by any action of the Borough Clerk or Zoning Officer, in the denial or revocation of a Sidewalk Retail Sales License, shall have the right to appeal to the Mayor and Borough Council. The appeal shall be taken by filing with the Borough Clerk, within fourteen (14) days after the notice of the action complained of has been served personally upon the licensee, or mailed, postage prepaid, to the licensee at the address given by the licensee in making application under Section 75-13.4 herein, a written statement setting forth fully the grounds for appeal. The Borough Clerk shall set a time and place of hearing for the appeal, at which time the Borough Council shall conduct a hearing and affirm, modify or reverse the action appealed from.

§75-13.13 Severability.

Each section of this article is an independent section, and the holding of any section or part thereof to be unconstitutional or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 2. The Downtown Redevelopment Plan is hereby amended as follows:

- Page 29, “Permitted Accessory Uses and Structures” in the Washington Avenue Core District is amended by adding subsection (9) as follows:
 - Sidewalk Retail Areas in compliance with Chapter 75, Article II of the Borough Code
- Page 31, “Permitted Accessory Uses and Structures” in the Route 31 Gateway District by adding subsection (9) as follows:
 - Sidewalk Retail Areas in compliance with Chapter 75, Article II of the Borough Code
- Page 32, “Permitted Accessory Uses and Structures” in the Theater District by adding subsection (8) as follows:
 - Sidewalk Retail Areas in compliance with Chapter 75, Article II of the Borough Code

Section 3. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 4. 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 5. This Ordinance shall take effect upon final passage and publication according to law.

RESOLUTIONS

Motion made by Cox and seconded by Musick to adopt Resolution 2023-152

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTION 2023-152
A RESOLUTION AUTHORIZING THE RELEASE OF
PERFORMANCE BOND FOR THE IMPROVEMENTS TO BLOCK 1, LOT 95 (TACO
BELL) IN THE AMOUNT OF \$171,991.00, HELD IN TRUST BY THE BOROUGH OF
WASHINGTON

WHEREAS, OZE JADE, LLC has requested the release of the Site Improvement Performance Bond and a Safety and Stabilization Bond issued for the site improvements to Block 1, Lot 95 (Taco Bell); and

WHEREAS, Kevin Smith, PE, PP, CME, Borough Engineer, advised that his office performed an inspection of the property and confirmed in a letter dated December 4, 2023 that the site improvement work is satisfactory; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Clerk is authorized to release Construction Performance Bond in the amount of \$166,032.00 and a Safety and Stabilization Bond in the amount of \$5,959.00.

Motion made by Cox and seconded by Musick to adopt Resolution 2023-153
Discussion of fees and costs with contract.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTION 2023-153
PROFESSIONAL SERVICES CONTRACT BETWEEN COMMUNITY ANIMAL CONTROL

LLC, AND THE BOROUGH OF WASHINGTON.

THIS AGREEMENT, made this 1st day of January, 2024 between The Borough of Washington having its principal place of business at 100 Belvidere Avenue, Washington, New Jersey 07882 and hereinafter referred to as the “Municipality”; and Community Animal Control, LLC having its principal place of business at 36 Millbrook Road, Washington, New Jersey 07882 hereinafter referred to as the “Contractor”;

WITNESSETH:

WHEREAS, the Municipality requires professional animal control services

WHEREAS, the Municipality requires animal control services under a shared service agreement with the following additional municipalities.

- Belvidere Township
- Franklin Township, Warren County
- Hackettstown
- Harmony Township
- Lopatcong Township
- Mansfield Township
- Oxford Township
- Pohatcong Township
- Washington Township, Warren County
- Washington Township, Morris County
- White Township
- Town of Phillipsburg
- Township of Lebanon

WHEREAS, the Contractor is available to perform the necessary services for the Municipality and has the expertise and staff to provide these services

WHEREAS, The Municipality desires the Contractor to undertake Animal Control services as outlined in Schedule A

WHEREAS, said services are Shared Service in nature and are therefore excluded from the Bidding Laws of the State of New Jersey

NOW, THEREFORE, in consideration of the promises and the mutual covenants, conditions and agreements contained herein, the parties hereto agree that the Contractor shall provide the services outlined in the proposal attached hereto as Appendix A.

Motion made by Cox and seconded by Musick to adopt Resolution 2023-154, 155,

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-154

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 November 9, 2023 to CHANGSHENG LU, 628 N BUTRICK ST, WAUKEGAN, IL 60085, in the amount of \$979.52 for taxes or other municipal liens assessed for the year 2022 in the name of CRAWFORD, DANIELLE as supposed owners, and in said assessment and sale were described as 11 MILLER AVE, Block 2.06 Lot 1, which sale was evidenced by Certificate #23-00003, and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12/6/2023 and before the right to redeem was cut off, as provided by law, DANIELLE CRAWFORD claiming to have an interest in said lands, did redeem said lands claimed by CHANGSHENG LU by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,061.11 which is the amount necessary to redeem Tax Sale Certificate #23-00003.

NOW THEREFORE BE IT RESOLVED, on this 19th day of December, 2023 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to CHANGSHENG LU, 628 N BUTRICK ST, WAUKEGAN, IL 60085 in the amount of **\$2,961.11** (This consists of \$1,061.11 Certificate Amount redeemed + \$1,900.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.06 Lot 1 from the tax office records.

RESOLUTION 2023-155

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 November 9, 2023 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$220.35 for taxes or other municipal liens assessed for the year 2022 in the name of CHARLES, DIANNE/JOSEPH, GERALD as supposed owners, and in said assessment and sale were described as 40 CARLTON AVE, Block 6 Lot 29, which sale was evidenced by Certificate #23-00007, and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12/11/2023 and before the right to redeem was cut off, as provided by law, SUN WEST MORTGAGE COMPANY INC 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 \$286.76 which is the amount necessary to redeem Tax Sale Certificate #23-00007.

NOW THEREFORE BE IT RESOLVED, on this 19th day of December, 2023 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 **\$1,586.76** (This consists of \$286.76 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 29 from the tax office records.

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2023-156

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-156
APPOINTING RISK MANAGEMENT CONSULTANT
2024 Fund Year

WHEREAS, Washing Borough (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

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

1. Washington Borough hereby appoints Skylands Risk Management, as its Risk Management Consultant.

2 The Borough Manager and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year **2024** in the form attached hereto.

Motion made by Cox and seconded by Musick to adopt Resolution 2023-157

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTION 2023-157
STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER
2024 Fund year

WHEREAS, Washington Borough (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough Of Washington that Brian Bond is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2024**; and BE IT FURTHER RESOLVED that Natasha Turchan is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2024**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Washington Borough

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2023-158

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-158

A RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,071.34 on 2024 1st Quarter Taxes paid on property located at 1 FLOWER AVE, also known as Block 72 Lot 22, and in the name of CERO PROPERTIES, LLC; and

WHEREAS, SIMPLICITY TITLE LLC and CORELOGIC had both paid the 4th Quarter 2023 property taxes, resulting in the overpayment when the property changed ownership; and

WHEREAS, the Tax Collector has received a written request from SIMPLICITY TITLE LLC that the overpayment be refunded to them in order to forward the funds to the correct party.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,071.34 payable to:

Simplicity Title LLC
70 Grove Street
Somerville, NJ 08876
Attn: Dorette Shirden

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2023-159

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-159

**RESOLUTION TO PARTNER WITH ENVIRONMENTAL POLICY INNOVATION
CENTER AND NEW JERSEY FUTURE TO DEVELOP A LONG-TERM CAPITAL
PLAN**

WHEREAS, the Borough Council of the Borough of Washington knows of the significant costs to the upgrade of the Borough's primary treatment plant. However, it would be premature to make these large capital investments without investigating many of largest variables influencing the type and degree of treatment system upgrades that would be needed; and

WHEREAS, the Borough is partnering with EPIC and New Jersey Future to develop a Long-term Capital Plan; and

WHEREAS, EPIC will conduct an analysis of the existing conditions of the WWTP, Assessment of the Wastewater Collection System, a consolidation study of existing small package wastewater treatment plants and a PFAS investigation; and

WHEREAS, the cost to the Borough will be zero dollars to complete the Long-term Capital Improvement Plan; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Environmental Policy Innovation Center and New Jersey Future to create a Long-term Capital Improvement Plan as described herein;

Motion made by Cox and seconded by Musick to adopt Resolution 2023-160

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2023-160
AWARDING AN EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT TO CIVIL SOLUTIONS TO PRODUCE NEW DIGITAL TAX MAPS, EMERGENCY SERVICES MAPPING AND ZONING MAP

WHEREAS, there exists a need for services from a qualified firm to provide Digital Tax Maps, 911 Emergency Services Mapping and Zoning Map, Aerial Photogrammetry and storm and sanitary system mapping, GIS (Geographic Information System) Implementation; and

WHEREAS, the purchase of said services is considered an extraordinary unspecifiable service and thus exempt from public bidding under N.J.S.A. 40A:11-5 (1) (M). The Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for extraordinary unspecifiable services and the contract itself must be available for public inspection; and

WHEREAS: Pursuant to N.J.S.A. 40A:11-5 (1) (a), the Borough Council believes that it is in the best interest of the Borough of Washington to award the proposal to Civil Solutions.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren, hereby authorizes the Mayor and the Municipal Clerk to execute any and all necessary documentation for extraordinary unspecifiable services with Civil Solutions, 215 Bellevue Avenue, Hammonton, New Jersey 08037 all as shown on and in accordance with the proposal and specifications, attached hereto, by Civil Solutions, dated _____, 2023 for \$54,000.00.

RECAP

Borough Manager Bond recapped the following:

Handed out a rough draft of an ordinance for special events permits. Stated that the borough doesn't have anything or any policy for special events.

Reported that everything is going great and moving forward. He is getting specs for Jakes Law for the playground equipment grant.

COUNCIL REMARKS

Councilman Brown gave the following remarks:

- It's been a year and it has not been pleasant. The anger and toxicity should be left at the door. Let's make a new year's resolution and behave like adults.

Councilwoman Cox gave the following remarks:

- Thanked everyone for coming out. It had gotten better after first six months. Not a good start. A lot of opposition. Animosity comes in all different types. Appreciate the fact that everyone is willing to listen. Everything is better within council. Thanked God for Ethel and her and coexist and laugh and communicate with each other. Thanked officials. Wished everyone a Merry Christmas and prosperous safe New Year. Thanked all for coming out.

Councilman France gave the following remarks:

- Thanked the police for coming out and speaking on the new program. Appreciates Mr. Wilcox for coming and hearing about the commission. Wished everyone a Merry Christmas and Happy New Year.

Councilman Infinito gave the following remarks:

- Thanked everyone for coming out. Excited to hear Mr. Wilcox come back about historical commission.
- Excited for future of the sewer line and NJ Futures partnership.
- Hopes that everyone is enjoying a holiday season and Happy New Year.

Councilwoman Gorshkov gave the following statements:

- Surprised to not hear anything from Mel Thiel from the BID tonight.
- Thanked Full Throttle. Thanked everyone for coming out and wished everyone a Merry Christmas and Happy New Year.

Councilwoman Musick gave the following remarks:

- Thanked everyone for coming out. Wished everyone a happy and safe holiday season.

Mayor Conry gave the following remarks:

- Stated that everyone has their opinion about something or somebody. Comments do not dictate what she is. Set an example for here. We all have to learn to do that. Certain things can be said behind the scenes. We all have been getting along. Learn how to move on. Accept certain things we are all saying the same thing in a different tone and different way.

- Thanked everyone for coming together, working together in a better environment. Wish everyone a Merry Christmas thanked everyone for coming out to the meeting. Thanked Mr. Wilcox for his presentation. Wished all departments well. Thanked Mr. Peterson, Manager, Clerk, and police department for doing a great job.

Executive Session- 8:38 pm

Motion made by Cox and seconded by Musick to pass a resolution to go into executive session, all were in favor.

RESOLUTION
AUTHORIZING EXECUTIVE SESSION

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

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

WHEREAS, the Governing Body wishes to discuss personnel and contractual. 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 to return to regular session made by Cox and seconded by Musick, all were in favor.

Motion

Motion to approve the first pay increase per managers contract to Brian Bond, made by Cox and second by Musick with it being retro to the six-month date.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

ADJOURN

Hearing no further business to come before Council, motion made by Cox and seconded by Gorshkov to adjourn the meeting at 8:45 PM, all were in favor.

Laurie A. Courter, RMC
Borough Clerk