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## AGENDA

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### **BOROUGH OF WASHINGTON, WARREN COUNTY, NJ**

**November 21, 2023**

**6:00 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**

#### **Oath of Office**

Infinito

**ROLL CALL** Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

#### **WORK SHOP**

6:00 PM

Ordinance discussion-Sidewalk Signage

#### **7:00 PM -Regular Meeting:**

#### **AUDIENCE/COUNCIL APPEARANCE**

Remarks, petitions, statements and testimony from guests

#### **MINUTES**

October 17, 2023

#### **REPORTS**

Committee Reports

#### **VOUCHERS-Approval of Claims**

#### **OLD BUSINESS**

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## Agenda-Continued

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### **NEW BUSINESS**

1. Best Practices Report
2. Professionals-2024 Contracts Discussion-RFP  
(Fair and Open or Non-Fair)
3. Discussion of Solid Waste Bid Specs
4. Tax map proposal
5. Roys Lane
6. Motion to advertise 2024 Re-Organization Meeting (Jan 2<sup>nd</sup> 7PM)

### **ORDINANCES 1<sup>st</sup> Reading**

*Ordinance 2023-20 will have a public hearing/adoption on December 19, 2023*

#### **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

### **ORDINANCE 2<sup>nd</sup> Reading**

#### **ORDNANCE 2023-19**

ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING APPLICATION FOR TAX EXEMPTION AND AUTHORIZING EXECUTION OF FINANCIAL AGREEMENT IN CONNECTION THEREWITH FOR BLOCK 95, LOTS 7 AND 10, IN THE BOROUGH OF WASHINGTON.

### **RESOLUTIONS**

#### **RESOLUTION 2023-130**

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS \$53,500

#### **RESOLUTION 2023-131**

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS \$40,000

#### **RESOLUTION 2023-132**

AUTHORIZING THE BOROUGH OF WASHINGTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WASHINGTON PROVIDING FOR POLICE SERVICES

#### **RESOLUTION 2023-133**

RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WASHINGTON PROVIDING FOR MUNICIPAL ENGINEERING SERVICES

**RESOLUTIONS -Cont'd**

**RESOLUTION 2023-134**

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS

**RESOLUTION 2023-135**

RESOLUTION APPROVING THE 2023 MUNICIPAL BEST PRACTICES INVENTORY

**RESOLUTION 2023-136**

Refund Performance Guarantee

**RESOLUTION 2022-93**

A RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING THE WASHINGTON FIRE DEPARTMENT TO APPLY FOR AMERICAN RESCUE PLAN FIREFIGHTER GRANT FUNDS FOR FISCAL YEAR 2023

**RESOLUTION 2023-138**

AUTHORIZING BUDGET TRANSFERS

**RESOLUTION 2023-139**

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENT

**RESOLUTION 2023-140**

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2023-141**

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2023-142**

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

**RESOLUTION 2023-143**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

**RESOLUTION 2023-144 (to be provided by CFO)**

CORRECTIVE ACTION PLAN

**RESOLUTION 2023-144**

ACCEPTANCE OF THE CORRECTIVE ACTION PLAN FOR THE FY 2022, BOROUGH OF WASHINGTON, WARREN COUNTY

**RECAP**

**COUNCIL REMARKS**

Remarks, Reports, Discussions

**AGENDA-Cont'd**

**EXECUTIVE SESSION-if needed**

**ADJOURNMENT** \_\_\_\_\_ P.M.

## 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 the 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 curblin, 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.

Introduced: November 20, 2023

Public Hearing/adoption: December 19, 2023

## **ORDNANCE 2023-19**

### **ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY APPROVING APPLICATION FOR TAX EXEMPTION AND AUTHORIZING EXECUTION OF FINANCIAL AGREEMENT IN CONNECTION THEREWITH FOR BLOCK 95, LOTS 7 AND 10, IN THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough, by Resolution No. 62-2007 dated February 6, 2007, duly designated an area consisting 63 Lots including Block 95, Lots 7 and 10 (collectively the "Property"), as an Area in Need of Redevelopment in accordance with the provisions of the Local Redevelopment and Housing Law, codified at N.J.S.A. 40A:12A- 1 et seq. (the "Redevelopment Law"), and specifically N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Borough, on April 7, 2009, adopted Ordinance No. 1-2009 approving a redevelopment plan (the "Redevelopment Plan") for the Washington Borough Downtown Redevelopment Area that included provisions permitting construction on the Property of residential, mixed use and commercial structures and other improvements. The Redevelopment Plan was amended September 20, 2022 by the adoption of Ordinance No. 2022-10; and

**WHEREAS**, in order to implement the development, financing, construction, operation and management of the Project, the Borough entered into a redevelopment agreement with the Redeveloper dated January 17, 2023, (along with any amendments thereto, the "Redevelopment Agreement"), which Redevelopment Agreement specifies the rights and responsibilities of the Borough and Redeveloper with respect to certain aspects of the Project; and

**WHEREAS**, on January 17, 2023, the Borough, by Resolution No. 23-28, designated 1 W. Washington Ave. Urban Renewal, LLC as Redeveloper for the Property (the "Redeveloper") and Redeveloper has agreed to implement the Redevelopment Plan and develop, design, finance and construct a project consisting of interior and exterior improvements to an existing building creating four (4) commercial units on the first floor and a total of approximately twenty (20) dwelling units on the second and third floors, along with the construction of eighteen (18) parking space and other improvements as required by the Redevelopment Plan (the "Project") and in connection therewith, the Redeveloper has agreed to devote substantial cash assets and borrowed funds to the completion of the Project; and

**WHEREAS**, the extraordinary expenses associated with the redevelopment of the

Project and necessary infrastructure improvements, the proposed redevelopment Project is not feasible without the tax exemption and will influence the residents and commercial tenants to locate in the Borough; and

**WHEREAS**, in order to enhance the economic viability of and opportunity for a successful project, the Borough will enter into a Financial Agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “Financial Agreement” or “Agreement”) with the Entity, governing payments made to the Borough in lieu of real estate taxes on the Project pursuant to the Long Term Tax Exemption Law; and

**WHEREAS**, the provisions of the Long Term Tax Exemption Law authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by Entity to the Borough based on the enumerated formulas set forth in such laws; and

**WHEREAS**, the Entity has agreed to make payment of the annual service charge to the Borough to be used by the Borough for any lawful purpose in the exercise of the Borough’s sole discretion; and

**WHEREAS**, the Borough Council has determined that the Project represents an undertaking permitted by the Long Term Exemption Law.

**WHEREAS**, the Entity may convey portions of the Project to other urban renewal entities, which entities will undertake the construction of portions of the Project.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Washington, County of Warren and State of New Jersey, that the Application and Financial Agreement are hereby approved.

**BE IT FURTHER ORDAINED** that the Mayor is here by authorized to execute the Financial Agreement in substantially the same form as that attached as an exhibit to the Application.

**BE IT FURTHER ORDAINED** that The Borough Clerk is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and affix the corporate seal of the Borough upon such document.

**BE IT FURTHER ORDAINED** if any part(s) of this Ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not effect the remaining parts of this Ordinance.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon final passage and publication as required by law.

**RESOLUTION 2023-130**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND**  
**APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$53,500 which is now available from the State of New Jersey, Highland Water Protection and Planning Council

**BE IT FURTHER RESOLVED**, that the like sum of \$53,500.00 is hereby appropriated under the caption of Other Expenses – Highland Grant.

**RESOLUTION 2023-131**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND**  
**APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$40,000 which is now available from the State of New Jersey, Highland Water Protection and Planning Council

**BE IT FURTHER RESOLVED**, that the like sum of \$40,000.00 is hereby appropriated under the caption of Other Expenses – Highland Grant.

**RESOLUTION 2023-132**  
**AUTHORIZING THE BOROUGH OF WASHINGTON**  
**TO ENTER INTO A SHARED SERVICES AGREEMENT WITH**  
**THE TOWNSHIP OF WASHINGTON PROVIDING FOR**  
**POLICE SERVICES**

**WHEREAS**, for the Township of Washington to provide police services for the Borough of Washington for the period from August 1, 2009 through July 31, 2016 (including all amendments thereafter); and

**WHEREAS**, the Borough of Washington and the Township of Washington negotiated a renewal of the Shared Services Agreement which shall commence on the first day of August 2016 at 00:00 hours, and shall continue for a term of seven years and five (5) months until December 31, 2023, unless terminated sooner pursuant to Section 7 of said document; and

**WHEREAS**, the Borough of Washington and the Township of Washington negotiated a renewal of the Shared Services Agreement which shall commence on the first day of January 2024 at 00:00 hours, and shall continue for a term of ten years until December 31, 2033, unless terminated sooner pursuant to Section 7 of said document; and

**WHEREAS**, *N.J.S.A 40A:65-1 et seq.* commonly known as “The Uniform Shared Services and Consolidation Act”, has been provided so as to enable municipalities and other governmental entities to enter into contracts with each other for the sharing of services; and

**WHEREAS**, the Township is willing to provide police services to the Borough; and

**WHEREAS**, the sharing of police services will benefit both the Borough and the Township by increasing the efficiency and decreasing the costs of those services; and

**WHEREAS**, the parties have agreed that the Township will provide police services to the Borough in accordance with the Uniformed Shared Services and Consolidation Act, *N.J.S.A, 40A:65-1 et seq.* and terms and conditions of this agreement; and

**WHEREAS**, the Township has approved this Agreement pursuant to **RESOLUTION 2023-\_\_\_\_\_** and the Borough has approved this Agreement pursuant to **RESOLUTION 2023-132**

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree.

**BE IT FURTHER RESOLVED** by the Borough of Washington, County of Warren and State of New Jersey that the Agreement detailed herein is approved and that the Mayor is hereby authorized to execute, on behalf of the Borough of Washington the aforesaid Shared Services Agreement.

**RESOLUTION 2023-133**  
**RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON**  
**TO ENTER INTO A SHARED SERVICES AGREEMENT WITH**  
**THE TOWNSHIP OF WASHINGTON PROVIDING FOR**  
**MUNICIPAL ENGINEERING SERVICES**

**WHEREAS**, in 2019 the Borough of Washington and the Township of Washington entered into a Shared Services Agreement (hereinafter “Agreement”) for the services of a Municipal Engineer; and

**WHEREAS**, the Borough is desirous to continue a Shared Services Agreement with the Township so as to provide for the services of a Municipal Engineer; and

**WHEREAS**, *N.J.S.A 40A:65-1 et seq.* commonly known as “The Uniform Shared Services and Consolidation Act”, has been provided so as to enable municipalities and other governmental entities to enter into contracts with each other for the sharing of services; and

**WHEREAS**, the Township is willing to provide municipal engineering services to the Borough; and

**WHEREAS**, the sharing of engineering services will benefit both the Borough and the Township by increasing the efficiency and decreasing the costs of those services; and

**WHEREAS**, the parties have agreed that the Township will provide municipal engineering services to the Borough in accordance with the Uniformed Shared Services and Consolidation Act, *N.J.S.A, 40A:65-1 et seq.* and terms and conditions of this agreement; and

**WHEREAS**, the Township has approved this Agreement pursuant to **RESOLUTION 2023-\_\_\_\_\_** and the Borough has approved this Agreement pursuant to **RESOLUTION 2023-133**.

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree.

**BE IT FURTHER RESOLVED** by the Borough of Washington, County of Warren and State of New Jersey that the Agreement detailed herein is approved and that the Mayor is hereby authorized to execute, on behalf of the Borough of Washington the aforesaid Shared Services Agreement.

**RESOLUTION 2023-134**  
**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND**  
**APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$400,000 which is now available from the State of New Jersey, Small Cities CDBG

**BE IT FURTHER RESOLVED**, that the like sum of \$400,000.00 is hereby appropriated under the caption of Other Expenses – Small Cities CDBG.

**RESOLUTION 2023-135**

**RESOLUTION APPROVING THE 2023 MUNICIPAL BEST PRACTICES INVENTORY**

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services requires municipality to complete the Best Practice Inventory; and

**WHEREAS**, the Borough of Washington has complied with the request to complete the Best Practice Inventory Worksheet:

**WHEREAS**, the Chief Administrative Officer and the Chief Financial Officer of every municipality must both certify the inventory using the Online FAST platform; and

**WHEREAS**, the Municipal Clerk must certify that the Inventory and the results will be discussed at a public meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Washington's Best Practice Inventory Worksheet has been reviewed by the Governing Body at a public meeting held on November 21, 2023; submitted to the Division by the required date; and the Chief Administrative Officer, Chief Financial Officer, and Municipal Clerk are hereby authorized to prepare the necessary certifications.

**RESOLUTION 2023-136**

**Refund Performance Guarantee**

**WHEREAS**, the Borough of Washington established a performance guarantee account for Maintenance; Guarantee as per Borough Ordinance, and

**WHEREAS**, in 2022 a performance guarantee account was established for 4 Heather Hill Road, and

**WHEREAS**, this project was completed and inspected, and

**WHEREAS**, Manor House Homes, LLC has requested that the balance of \$3,352.00 be refunded as the project was completed and inspected, and

**WHEREAS**, the Borough Engineer is recommending the release of the performance guarantee.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Washington that the amount of \$3,352.00 escrow be refunded to Manor House Homes, LLC as recommended by the Borough Engineer.

**RESOLUTION 2023-137**

**A RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING THE WASHINGTON FIRE DEPARTMENT TO APPLY FOR AMERICAN RESCUE PLAN FIREFIGHTER GRANT FUNDS FOR FISCAL YEAR 2023**

**WHEREAS**, the Washington Fire Department desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$61,044.00 to carry out a project in order to update and upgrade equipment; and

**NOW THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, does hereby authorize the application for such a grant, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Washington and the New Jersey Department of Community Affairs;

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\_\_\_\_\_  
(signature)

Brian Bond  
\_\_\_\_\_  
(type or print name)

Borough Manager  
\_\_\_\_\_  
(title)



**RESOLUTION 2023-138**

**AUTHORIZING BUDGET TRANSFERS**

**FOR FISCAL YEAR 2023 APPROPRIATIONS IN THE AMOUNT OF \$ 92,485.00 IN THE CURRENT FUND AND \$35,000.00 IN THE SOLID WASTE UTILITY FUND.**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2023 Budget in the amount of \$92,485.00 in the Current Fund and \$35,000.00 in the Solid Waste Utility as follows:

***Current Fund***

Department	Category	FROM	TO
Municipal Clerk	Salaries and Wages		25,000.00
Municipal Clerk	Other Expenses		2,000.00
Tax Assessor	Salaries and Wages	5,000.00	
Tax Assessor	Other Expenses		4,500.00
Tax Collector	Salaries and Wages	15,000.00	
Finance	Other Expenses		3,500.00
Local Code Enforcement	Salaries and Wages	10,000.00	
Street Lights	Other Expenses		12,000.00
Electricity	Other Expenses		1,300.00
Telephone	Other Expenses		2,000.00
Natural Gas	Other Expenses		5,000.00
Fire Hydrants	Other Expenses		18,884.00
Group Health Insurance	Other Expenses		10,000.00
Animal Control-Shared Service	Other Expenses		2,000.00
Financial Adm Shared Service	Salaries and Wages		1.00
PERS	Other Expenses		1,300.00

DCRP	Other Expenses		5,000.00
Streets and Roads	Salaries and Wages	54,485.00	
Building and Grounds	Other Expenses	8,000.00	
		92,485.00	92,485.00

***Solid Waste***

Insurance	Other Insurance	35,000.00	
Solid Waste	Salaries and Wages		35,000.00

**RESOLUTION 2023-139  
RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENT**

**WHEREAS**, Natalie Colimon-Fitzgerald, the property owner of Block 42 Lot 1.06, made a duplicate payment; and

**WHEREAS**, the duplicate payment has resulted in an overpayment of \$275.15; and

**WHEREAS**, the property owner has requested a refund of the overpayment;

**NOW THEREFORE BE IT RESOLVED**, on this 21<sup>st</sup> day of November, 2023 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Natalie Colimon-Fitzgerald, 2 Village Gate Road, Washington, NJ 07882 in the amount of \$275.15.

**RESOLUTION 2023-140**  
**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 December 7, 2022 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$271.44 for taxes or other municipal liens assessed for the year 2021 in the name of MIMY, CHEY C as supposed owners, and in said assessment and sale were described as 34 BEETHOVEN AVE, Block 79 Lot 8.01, which sale was evidenced by Certificate #22-00040 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10/17/2023 and before the right to redeem was cut off, as provided by law, PENNYMAC 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 \$2,348.23 which is the amount necessary to redeem Tax Sale Certificate #22-00040.

**NOW THEREFORE BE IT RESOLVED,** on this 21<sup>st</sup> day of November, 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 **\$4,248.23** (This consists of \$2,348.23 Certificate Amount redeemed + \$1,900.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 79 Lot 8.01 from the tax office records.

**RESOLUTION 2023-141**  
**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 December 7, 2022 to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101, in the amount of \$178.70 for taxes or other municipal liens assessed for the year 2021 in the name of HANSEN, WILLIAM T ESTATE OF as supposed owners, and in said assessment and sale were described as 1 FLOWER AVE, Block 72 Lot 22, which sale was evidenced by Certificate #22-00037 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11/14/2023 and before the right to redeem was cut off, as provided by law, SIMPLICITY TITLE claiming to have an interest in said lands, did redeem said lands claimed by FIG 20, LLC FBO SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,761.67 which is the amount necessary to redeem Tax Sale Certificate #22-00037.

**NOW THEREFORE BE IT RESOLVED,** on this 21<sup>st</sup> day of November, 2023 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101 in the amount of **\$2,661.67** (This consists of \$1,761.67 Certificate Amount redeemed + \$900.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 72 Lot 22 from the tax office records.

**RESOLUTION 2023-142**  
**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 \$6,416.93 for taxes or other municipal liens assessed for the year 2020 in the name of OLSON, ROBERT ESTATE OF as supposed owners, and in said assessment and sale were described as 14 NEW ST, Block 18 Lot 2, which sale was evidenced by Certificate #21-00013 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10/23/2023 and before the right to redeem was cut off, as provided by law, BRETT EMERY 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 \$27,059.66 which is the amount necessary to redeem Tax Sale Certificate #21-00013.

**NOW THEREFORE BE IT RESOLVED,** on this 21<sup>st</sup> day of November, 2023 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 **\$58,259.66** (This consists of \$27,059.66 Certificate Amount redeemed + \$31,200.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 18 Lot 2 from the tax office records.

**RESOLUTION 2023-143**  
**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year (2022) has been filed by a Registered Municipal Accountant with the *Borough Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Governing Body* of the *Washington Borough* hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY  
COUNTY OF *Warren County*

We, members of the governing body of the (*full name of local unit*), in the County of (*county name*), being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *governing Body* of the *Washington Borough* in the county of *Warren*.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year *2022*;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____
(L.S.) _____	(L.S.) _____

\_\_\_\_\_  
Clerk

Sworn to and subscribed before me this  
\_\_\_\_\_ Day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public of New Jersey

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

**IMPORTANT:** This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**RESOLUTION 2023-144**

**ACCEPTANCE OF THE CORRECTIVE ACTION PLAN FOR THE FY 2022,  
BOROUGH OF WASHINGTON, WARREN COUNTY**

WHEREAS, the auditing firm completed 2022 audit for the Borough of Washington, and  
WHEREAS, the audit recommendations were provided, and  
WHEREAS, the CFO prepared the corrective action plan for the review of the Governing Body  
NOW THEREFORE, the Governing Body accepts the corrective action plan and authorizes the  
CFO to file it with the DCA.

**CORRECTIVE ACTION PLAN**

Borough of Washington Audit Report for the Year Ended 12/31/2022.

**Finding # 1**

Comments: There were 876 tickets assigned but not issued as of December 31, 2022.

Recommendation: That tickets assigned but not issued at year end be recalled or reissued.

Corrective Action: The Borough has a shared service agreement with Mansfield Township. Numerous communications with the Township regarding this issue occurred in 2022 and 2023. The Court Administrator promised to investigate this issue and recall or reissue the outstanding tickets.

Implementation: on-going