
AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

February 6, 2024 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, Musick and Conry.

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests:

- Hill/Wallack LLP-representing Washington Station Venture L.P.

MINUTES

January 16, 2024

REPORTS

Committee Reports

VOUCHERS-Approval of Claims

OLD BUSINESS

Agenda-Continued

NEW BUSINESS

Zoning Official
Street Paving Lenape/Ramapo

ORDINANCES 1st Reading

Public hearing will be held on March 5, 2024 for Ordinance 2024-02

ORDINANCE 2024-02

CALENDAR YEAR 2024

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

RESOLUTIONS

RESOLUTION 2024-38

RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY WITHIN THE BOROUGH OF WASHINGTON

RESOLUTION 2024-39

RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

RESOLUTION 2024-40

RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

RESOLUTION 2024-41

RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

RESOLUTION 2024-42

RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

RESOLUTION 2024-43

TIFFANY TAGARELLI, ESQUIRE AS MUNICIPAL SUBSTITUTE PROSECUTOR FOR THE BOROUGH OF WASHINGTON

RESOLUTION 2024-44

RESOLUTION TO APPOINT
MATTHEW MOENCH AS MUNICIPAL PROSECUTOR FOR THE BOROUGH OF WASHINGTON

RESOLUTION 2024-45

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITHOUT PUBLIC BID FOR A PUBLIC DEFENDER

DRAFT-SUBJECT TO CHANGE

Resolutions-Cont'd

RESOLUTION 2024-46

RESOLUTION APPOINTING BRIAN S. BOND AS MUNICIPAL RECYCLING
COORDINATOR

RESOLUTION 2024-47

RESOLUTION TO APPOINT AN ACTING ZONING OFFICER FOR THE BOROUGH OF
WASHINGTON

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-if needed

Contractual-contract negotiations with Washington Station Ventures.

ADJOURNMENT _____ P.M.

ORDINANCE 2024-02
CALENDAR YEAR 2024
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 2024 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 \$31,180.64 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 2024 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 \$109,132.23, and that the CY 2024 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.

RESOLUTION 2024-38

RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY WITHIN THE BOROUGH OF WASHINGTON

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and April 19, 2022

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“CREAMMA”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, The Garden of Eden Dispensary, LLC (the " Applicant") is registered to do business in the State of New Jersey, intends to apply to the Cannabis Regulatory Commission (CRC) for a Class 5 Retail License to operate an adult-use cannabis retail facility within the Borough of Washington (the “Borough”); and

WHEREAS, the Applicant has indicated a desire to open such cannabis retail location at property located at 275 W. Washington Avenue (Block 101, Lot 11) in the Borough (the “Property”); and

WHEREAS, pursuant to Ordinance 2021-07 adopted on August 9, 2021 (as amended by Ordinance 2022- 02 adopted on April 19, 2022) (collectively, the “Ordinance”), the Borough has authorized the operation of cannabis retailers in the B-1 and B-2 Zoning District subject to certain standards; and

WHEREAS, in accordance with the regulations established by the Act, N.J.A.C. 17:30-5.1, an applicant for an annual cannabis business license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body; and

WHEREAS, Applicant appeared before the Borough Council at its regular meetings on June 20, 2023 and August 15, 2023 to request the required proof of “local support;” and

WHEREAS, the Property is owned by Jeff Hackett, who provided consent to Applicant to request the proof of local support; and

WHEREAS, at such meetings, Applicant provided information concerning the proposed cannabis retail operations and the Property’s suitability for a cannabis retail in compliance with the Ordinance; and

WHEREAS, the proposed location is within the Borough’s B-1 Zoning District; and

WHEREAS, pursuant to the Ordinance, cannabis retailers are permitted as conditional uses in the B-1 Zoning District; and

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

1. A representative of the Garden of Eden Dispensary made a presentation before the Mayor and Council regarding its proposed cannabis retail business, including its intended location at 275 W. Washington Avenue.

DRAFT-SUBJECT TO CHANGE

2. Ordinance 2021-07 (as amended by Ordinance 2022-02) permits the operation of a cannabis retailer as a conditional use in the B-1 Zoning District, subject to certain conditions, including site plan approval by the Borough Land Use Board.
3. This resolution may be used by the Garden of Eden Dispensary as proof of local support required by the Cannabis Regulatory Commission pursuant to applicable law and regulations.
4. This Resolution shall take effect immediately.

RESOLUTION 2024-39
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 \$980.50 for taxes or other municipal liens assessed for the year 2021 in the name of KORNMANN, CHRISTOPHER/DESTEFANO, BI as supposed owners, and in said assessment and sale were described as 9 RAMAPO WAY, Block 101 Lot 15.04, which sale was evidenced by Certificate #22-00059 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1/25/2024 and before the right to redeem was cut off, as provided by law, CHRISTOPHER KORNMANN 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 \$2,278.07 which is the amount necessary to redeem Tax Sale Certificate #22-00059.

NOW THEREFORE BE IT RESOLVED, on this 6th day of February, 2024 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 **\$4,778.07** (This consists of \$2,278.07 Certificate Amount redeemed + \$2,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.04 from the tax office records.

DRAFT-SUBJECT TO CHANGE

RESOLUTION 2024-40
A RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$246.32 on 2023 4th Quarter Taxes paid on property located at 181 E WASHINGTON AVE, also known as Block 80 Lot 8, and in the name of HUBER, JOSH & SHANNON; and

WHEREAS, the Tax Collector has received a written request from SHANNON HUBER that the overpayment be refunded to them.

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 \$246.32 payable to:

HUBER, JOSH & SHANNON
181 E WASHINGTON AVE
WASHINGTON, NJ 07882

RESOLUTION 2024-41
A RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$74.52 on 2023 4th Quarter Taxes paid on property located at 73 LENAPE TRAIL, also known as Block 101 Lot 15.54, and in the name of SUMMERS, KEVIN & VAIL, SARINA; and

WHEREAS, the Tax Collector has received a written request from SARINA VAIL that the overpayment be refunded to them.

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 \$74.52 payable to:

SUMMERS, KEVIN & VAIL, SARINA
73 LENAPE TRAIL
WASHINGTON, NJ 07882

RESOLUTION 202-42
A RESOLUTION TO REFUND OVERPAYMENT OF PROPERTY TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,273.65 on 2023 4th Quarter Taxes paid on property located at 15 CHERRY ST, also known as Block 22.02 Lot 4, and in the name of GODREAU, DONALD A & EVELYN E; and

WHEREAS, the Tax Collector has received a written request from DONALD GODREAU that the overpayment be refunded to them.

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 \$1,273.65 payable to:

GODREAU, DONALD A & EVELYN E
15 CHERRY ST
WASHINGTON, NJ 07882

RESOLUTION 2024-43

RESOLUTION TO APPOINT
TIFFANY TAGARELLI, ESQUIRE AS MUNICIPAL SUBSTITUTE PROSECUTOR
FOR THE BOROUGH OF WASHINGTON

WHEREAS, there exists the need of a Substitute Municipal Prosecutor; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Washington, Warren County, New Jersey as follows:

That Tiffany Tagarelli Esquire, of King, Moench & Collins be appointed immediately as Substitute Municipal Prosecutor until December 31, 2024.

RESOLUTION 2024-44

**RESOLUTION TO APPOINT
MATTHEW MOENCH AS MUNICIPAL PROSECUTOR FOR THE BOROUGH OF
WASHINGTON**

WHEREAS, the position of Municipal Prosecutor is filled by a person providing a service;
and

WHEREAS, the Borough of Washington in the County of Warren, State of New Jersey requires that a resolution authorizing the award of contract for Professional Services without bid, not to exceed \$17,500, be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Washington, Warren County, New Jersey as follows:

That Matthew Moench be appointed as Municipal Prosecutor beginning January 1, 2024 thru December 31, 2024.

RESOLUTION 2024-45

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
FOR PROFESSIONAL SERVICES WITHOUT PUBLIC BID
FOR A PUBLIC DEFENDER**

WHEREAS, the Borough of Washington in the County of Warren, State of New Jersey requires that a resolution authorizing the award of contract for Professional Services without bid, not to exceed \$17,500, be publicly advertised.

NOW THEREFORE, BE IT RESOLVED, by the Borough Committee of the Borough of Washington as follows:

Donald Farino, 103 Pleasant View Road, Hackettstown, NJ 07840 is hereby appointed as Borough Public Defender within the Municipal Court of the Borough of Washington for 2023.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Washington is hereby authorized to execute this resolution and advertise the same according to law.

RESOLUTION 2024-46
RESOLUTION APPOINTING BRIAN S. BOND AS MUNICIPAL RECYCLING
COORDINATOR

WHEREAS, pursuant to N.J.S.A. 13:1E et. seq, all municipalities must designate a Municipal Recycling Coordinator as well as a Clean Communities Coordinator; and

WHEREAS, the foregoing appointments shall be for one (1) calendar year, expiring on December 31 of each year; and

WHEREAS, the administration of these programs beautify the Borough, educate the public about proper recycling and solid waste disposal practices, and provide much needed revenue to the Borough via Clean Communities and Recycling Tonnage Grants; and

WHEREAS, Brian S. Bond serves as the appointed Borough of Washington representative to the Warren County Solid Waste Advisory Council; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that Brian S. Bond be appointed Clean Communities Coordinator and Municipal Recycling Coordinator through December 31, 2024, and retroactive to January 1, 2024;

RESOLUTION 2024-47
ACTING ZONING OFFICER

WHEREAS, in accordance with the Borough of Washington Code Chapter 3, Administration of Government, Article XI; section 70; Zoning Officer; and

WHEREAS, under this ordinance the Borough Manager is directed to appoint the Zoning, The Borough Manager is deferring this appointment to the Borough Council to appoint the Zoning Officer.

NOW THEREFOR, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren as follows:

1. Brian S. Bond is hereby appointed acting Zoning Officer of the Borough of Washington pursuant to the Borough of Washington Municipal Code Chapter 3, Administration of Government; Article XI; Section 3-70 Zoning Officer, effective February 1, 2024, to up to ten (10) hours per week to include the hours of Monday 4:30 p.m. to 6:30 p.m., Tuesday 2:00 p.m. to 4:00 p.m. and Wednesday 2:00p.m. to 4:00 p.m. and any additional hours as required; and the annual stipend as per the Salary Ordinance 2023-12 in the amount of \$15,000.