

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 7, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Cioni, Oakley, Van Deursen, Higgins, Woykowski, - Present
Turner – Absent, Housel arrived at 8:00 p.m.

Also Present: John Corica, Borough Manager
Richard Cushing, Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

At this time, Mayor Van Deursen entertained a motion to enter executive session to discuss property acquisition, potential litigation and personnel.

Motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Van Deursen, Higgins, Oakley, Cioni, Woykowski

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 214-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

 X A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Property Acquisition

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: OR the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Recreation Committee/Director

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: SIX MONTHS estimated length of time) OR upon the occurrence of _____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council returned from Executive Session at 8:45 p.m.

COUNCIL APPEARANCE

Barbara Rose – Library Director

Ms. Rose stated the attendance at the Library is higher. It seems that when economic times are hard, people discover libraries again. She noted that she will losing two staff members. The library is still working on shortened hours. She also noted the new air conditioner had been installed. The library also received a new shed. She has a computer rotation schedule that she includes in the capital budget every year. The library purchased five computers for this year with financing from state aid.

Councilman Higgins asked if the library currently has two people on sick leave. Ms. Rose stated yes she does, one is full time, the other is a part time employee. Councilman Higgins requested a balance be given to the Borough Manager of how much time these two people have accrued; including vacation and sick time.

Mayor Van Deursen thanked Ms. Rose for her report.

Environ Corp – Philip Barnes

Mr. Barnes stated the first phase of the initial study is completed. Environ is now looking to install monitoring wells in the Borough. They have received permission from the property owners marked in blue on the map. Environ is seeking permission from Council to install monitoring wells in the right of way for the others. He explained that now that they have an understanding of where the contamination is in the groundwater; they have been directed by the EPA to determine where the water should be pumped and cleaned. Councilman Housel noted that this should be put into an access agreement to protect the Borough if any damage should occur to snow plows or any other Borough property.

Motion made by Housel, seconded by Woykowski to allow Environ to install the wells after a properly executed access agreement is prepared and approved by Council. Attorney Cushing suggested a performance bond as well. Council concurred. This will be made part of the agreement.

Ayes: 6, Nays: 0
Motion Carried.

MINUTES:

None

COMMUNICATIONS:

The following communications were entered into the record:

1. Comcast Re: Operational Cost Update
2. JCP&L Annual Proposal for Basic Generation Service

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Hearing no comments from the audience a motion was made by Higgins, seconded by Housel to close the audience portion of the meeting.

Ayes: 6, Nays: 0

Motion Carried

ORDINANCES:

Ordinance 10-2008 AN ORDINANCE AUTHORIZING OFF SITE SIGNS FOR GARAGE SALES. (Public Hearing/Adoption)

An ordinance Authorizing Off Site Signs for Garage Sales was moved by Housel, seconded by Oakley.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #10-2008 by title only.

Roll Call: Oakley, Van Deursen, Housel, Higgins, Cioni, and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #10-2008 by title only and stated that this ordinance was published in the Star Gazette as prescribed by law, a copy was posted on the bulletin board and copies available in the Clerk's office upon request.

Mayor Van Deursen opened up the public hearing portion of the ordinance for the audience to ask questions.

Hearing no remarks from the audience, it was moved by Higgins, seconded by Oakley that the public hearing portion of the audience be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Councilwoman Woykowski noted that the phone number needs to be eliminated from the requirements.

Hearing no further discussion, it was moved by Housel, seconded by Oakley that Ordinance #10-2008 be adopted on final passage and that final publication be made as prescribed by law with noted changes.

Roll Call: Woykowski, Housel, Van Deursen, Oakley, Higgins, and Cioni

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE # 10-2008

AN ORDINANCE AUTHORIZING OFF-SITE SIGNS FOR GARAGE SALES

WHEREAS, current provisions of the Borough Code prohibit off-site directional garage sale signs; and

WHEREAS, the Mayor and council believe it is appropriate to allow a limited number of off-site signs providing directions to licensed garage sales within the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that the Code of the Borough of Washington be amended as follows:

Section 1. Section 54-25.B is replaced in its entirety by the following

B. Garage sale signs shall comply with the provisions of Section 94-62.D.7.

Section 2. A new subsection 7 is added to Section 94-62.D. as follows:

7. Garage and yard sale directional signs:

(a) Temporary directional signs shall be permitted providing directions to a garage or yard sale licensed pursuant to Section 54-21. No permit shall be required for such signs.

(b) Garage and yard sale signs shall not exceed 12 by 12 inches in size and shall include the name and address of the resident holding the sale. Such signs shall be displayed no earlier than 1 week prior to the sale and removed by 7:00 p.m. of the day of the sale..

(c) There shall be no more than three (3) off-site directional signs and two (2) signs at the garage or yard sale, or property locations.

(d) Garage sale signs must be free-standing and located on the property of persons who authorize same, or in the municipal right-of-way. No signs shall be posted on telephone poles, street signs, trees or fences.

Section 3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 5. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution

declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 9-2008 AMENDING CHAPTER 85 TO ESTABLISH FEES FOR OVERNIGHT ON STREET PARKING. AMENDING FEES FOR OFF STREET PARKING AND AMENDING PARKING DURING SNOW EMERGENCIES. (Public Hearing/Adoption)

An ordinance Amending Chapter 85 to Establish Fees for Overnight On Street Parking. Amending Fees for Off Street Parking and Amending Parking During Snow Emergencies was moved on a motion made by Housel, seconded by Oakley.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #9-2008 by title only.

Roll Call: Oakley, Van Deursen, Housel, Higgins, Cioni, and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #9-2008 by title only and stated that this ordinance was published in the Star Gazette as prescribed by law, a copy was posted on the bulletin board and copies available in the Clerk's office upon request.

Mayor Van Deursen opened up the public hearing portion of the ordinance for the audience to ask questions.

Hearing no remarks from the audience, it was moved by Higgins, seconded by Oakley that the public hearing portion of the audience be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Hearing no discussion, it was moved by Housel, seconded by Oakley that Ordinance #9-2008 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Woykowski, Housel, Van Deursen, Oakley, Higgins, and Cioni

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE # 9-2008

AN ORDINANCE AMENDING CHAPTER 85 TO ESTABLISH FEES FOR OVERNIGHT ON-STREET PARKING, AMENDING FEES FOR OFF-STREET PARKING AND AMENDING PARKING DURING SNOW EMERGENCIES

WHEREAS, the Mayor and council believe it is beneficial for the municipality to encourage parking in Municipal Parking Lots during day time hours; and

WHEREAS, it is beneficial to the community to discourage overnight parking on the Borough streets and to provide faster emergency response and to provide for more efficient snow removal.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that Chapter 85 entitled "Vehicles and Traffic" of the Code of the Borough of Washington be amended as follows:

Section 1. Sections 39 and 42 of Chapter 85 shall be deleted in their entirety. Section 40 of Chapter 85 is hereby replaced in its entirety as follows:

§85-40. Parking restrictions during snow removal periods.

Whenever snow has fallen and the accumulation is such that it covers the street or highway where the Road Department has to plow, no parking will be allowed on any street, road, alley or thoroughfare within the Borough of Washington until such time as said street, road, alley or thoroughfare has been cleared and snow has stopped falling.

Section 2. Subsection B. of Section 41 entitled "Removal and impoundment of vehicles" of Chapter 85 is hereby amended to remove the phrase "after a two-hour period after the declaration of a snow emergency" and replace it with the phrase "after snow has fallen and the accumulation is such that it covers the street or alley."

Section 3. Section 59 entitled "Names and locations of lots; hours; charges" of Article XIV entitled "Municipal Parking Lots" of Chapter 85 is hereby amended as follows:

A. Subsection A is amended to remove "Commission sponsored" and to insert "Department approved".

B. Subsections , B, C, D, E, G, H, I, J are hereby deleted in their entirety.

- C. A new subsection B. is hereby created as follows:
- B. Borough Hall Parking Lots. Parking is permitted in parking lots adjacent to the municipal building for Borough Hall business and for business at Taylor Street School. Overnight parking is prohibited from 3:00 a.m. to 6:00 a.m. except for borough employees.
- D. A new subsection C is hereby created as follows:
- C. Other Lots. Parking is permitted by permit purchased from the Borough of Washington for overnight parking between the hours of 8:00 p.m. and 8:00 a.m. only in the following municipal parking lots:
1. Southern Plaza, located at the eastern end of Allegar Street.
 2. Western Plaza, located on the eastern side of South Lincoln Avenue, south of West Washington Avenue.
 3. South Central Plaza, located on the driveway between East Washington Avenue and Allegar Street.
 4. East Church Street Plaza, located on the south side of East Church Street, west of 25 East Church Street.
 5. Broad Street Plaza, located on the west side of Broad Street, south of the former Public Library building.
 6. North Central Plaza, located at 46-52 East Washington Avenue
- No permit is required to park in the above lots between the hours of 8 a.m. and 8 p.m.

Section 4. Section 70 of Article XIV entitled "Municipal Parking Lots" of Chapter 85 is replaced in its entirety as follows:

§85-70. Parking stickers for municipal lots.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$12 per month or \$144 for the entire year for overnight parking in municipal parking lots designated in Section 85-59 C. An overnight sticker for municipal lots shall be effective from 8:00 p.m. to 8:00 a.m. the following morning. Any vehicle parking in an area requiring stickers that does not have a sticker shall be towed away at the owner's expense and risk.

Section 5. Section 93 of Article XVII entitled "On-Street Overnight Parking Permits" of Chapter 85 is replaced in its entirety as follows:

§85-93. Fees.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$15 per month or \$180 for the entire year for overnight parking on municipal

streets. An overnight sticker for on street parking shall be effective from 3:00 a.m. to 6:00 a.m.

Section 6. Section 24 entitled "Schedule II: No Parking Certain Hours" of Chapter 85 is amended so that the phrase under the heading "Name of Street" reads as follows: "All streets within borough limits unless pursuant to a valid permit as provided in §85-90 with the exception of the following streets:".

Section 7. Section 96 entitled "Parking during snow emergencies" of Chapter 85 is hereby deleted in its entirety and replaced by the following new section 96 as follows

§85-96. Parking when streets are snow-covered.

In the event the Borough suspends on-street parking during a snow storm pursuant to §85-40, permit holders must move their cars off the streets to permit snow removal. Failure to comply may result in a fine or towing of the vehicle, or both, without regard to whether the vehicle displayed a valid on-street parking permit.

Section 8. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 9. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 10. This Ordinance shall become effective on January 1, 2009.

Ordinance 11-2008 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL FIRE FIGHTING APPARATUS BY THE BOROUGH OF WASHINGTON IN THE COUNTY OF WARREN STATE OF NEW JERSEY, APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BROOUGH FOR FINANCING SUCH APPROPRIATION.

Manager Corica stated that this Ordinance should be tabled to the next meeting. The certification from the CFO is not in place. Additionally the Supplemental Debt Statement needs to be completed as well. Council agreed to table the Ordinance.

Ordinance 12-2008 AN ORDINANCE DELETING CHAPTER 33 AND AMENDING CHAPTER 35 TO FULLY COVER THE LICENSING OF CATS AND DOGS (Introduction)

Mayor Van Deursen entertained a motion to introduce Ordinance #12-2008.

Ordinance #12-2008 was introduced by Councilwoman Oakley. It was further moved by Oakley, seconded by Housel that the Clerk read Ordinance #12-2008 by title only.

Roll Call: Woykowski, Housel, Cioni, Van Deursen, Higgins, and Oakley

Ayes: 6, Nays: 0
Motion carried.

The Clerk read Ordinance #12 – 2008 entitled, “**AN ORDINANCE DELETING CHAPTER 33 AND AMENDING CHAPTER 35 TO FULLY COVER THE LICENSING OF CATS AND DOGS.**”

It was moved by Housel, seconded by Oakley that Ordinance 12-2008 be approved on first reading.

Roll Call: Woykowski, Housel, Cioni, Van Deursen, Higgins, and Oakley

Ayes: 6, Nays: 0
Motion Carried.

It was further moved by Housel, seconded by Oakley that Ordinance 12-2008 be advertised in the Star Gazette on October 16, 2008 and public hearing of Ordinance 12- 2008 be scheduled for November 5, 2008,

Roll Call: Oakley, Cioni, Housel, Higgins, Woykowski, and Van Deursen

Ayes: 6, Nays: 0
Motion Carried.

ORDINANCE # _ 12-2008

AN ORDINANCE DELETING CHAPTER 33 AND AMENDING CHAPTER 35 TO FULLY COVER THE LICENSING OF CATS AND DOGS

WHEREAS, Chapter 33 of the Borough Code entitled “Cats” and Chapter 35 of the Borough Code entitled “Dogs and Cats” have duplicative and sometimes inconsistent provisions for the licensing of cats; and

WHEREAS, having a single chapter that addresses animal control issues will facilitate efficient administration of animal licensing and control; and

WHEREAS, since the Borough’s most comprehensive animal control provisions are contained in Chapter 35, consolidating the provisions of Chapter 33 into Chapter 35 and deleting

Chapter 33 will accomplish an appropriate reorganization of the Borough's animal control ordinances; and

WHEREAS, as part of a comprehensive review of Borough fees, the Mayor and Council received a recommendation to increase animal licensing fees; and

WHEREAS, the Mayor and Council have reviewed and approved the recommended changes;

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

Section 1. Chapter 33 of the Code of the Borough of Washington is deleted.

Section 2. Section 35-1.A. of Chapter 35 of the Code of the Borough of Washington is amended as follows:

A. Definitions. The words hereinafter defined shall have the meanings herein indicated for the purposes of this chapter, as follows:

ANIMAL – A dog or cat, unless otherwise specified.

BOROUGH – The Borough of Washington, in the County of Warren.

CAT – Any member of the domestic feline species; male, female or neutered.

DOG – Any member of the domestic canine species; male, female or neutered.

ANIMAL OF LICENSING AGE – Any animal which has attained the age of seven months or which possesses a set of permanent teeth.

KENNEL – Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

LICENSING AUTHORITY – The Clerk of the Borough of Washington is charged with administering the issuance and/or revocation of permits and licenses under the provisions of this Chapter.

NEUTERED – Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER – When applied to the proprietorship of a dog or cat, means and includes every person having a right of property in such dog or cat and every person who has such a dog or cat in his keeping.

PERSON – An individual, firm, partnership, corporation or association of persons.

PET SHOP – Any place of business which is not part of a kennel, wherein animals, including but not limited to dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POUND – An establishment for the confinement of dogs, cats, or other animals seized either under the provision of this chapter or otherwise.

Deleted: dog, bitch or spayed bitch

Deleted: DOG

Deleted: dog

POUNDKEEPER – The Animal Control Officer appointed pursuant to Chapter 3, Article IX, §3-59, of the Code of the Borough of Washington shall be the Poundkeeper.

SHELTER – Any establishment where dogs, cats, or other animals are received and distributed.

Section 3. Section 35-2 of Chapter 35 is amended by replacing the word dog wherever it appears with the words “dog or cat.”

Section 4. Section 35-4 of Chapter 35 is amended as follows:

§35-4. Licensing fees; proof of sterilization and rabies inoculation; exception; penalty for late payment.

A. The person applying for the license and registration tag shall pay a fee or fees which shall be in accordance with P.L. 1983, c. 181, also known as “A-1472,” signed into law by the Governor on May 10, 1983, and in compliance with P.L. 1983, c. 172, also known as “A-1917,” or any laws supplementary or amendatory thereto, as follows:

(1) Dog, neutered: \$10.

(2) Dog, unneutered: \$13.

(3) Cat, neutered: \$10.

(4) Cat, unneutered fee: \$15.

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B. Effective immediately upon adoption hereof, when applying for renewal of the dog or cat license or applying for the licensing of a new dog or cat, the owner thereof must provide proof of sterilization of the dog or cat, along with proof of valid rabies inoculation. Said proof of sterilization may be by affidavit, in lieu of certificate of a veterinarian as proof of sterilization, or by certificate of a licensed veterinarian; however, said proof of inoculation for rabies shall be provided by a certified veterinarian licensed to do business in the State of New Jersey.

C. Dogs used as guides for blind persons and commonly known as “Seeing Eye” dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

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D. Any person who violates or who fails or refuses to comply with §35-3 of this chapter shall be liable to a late charge fee of \$3 per month in addition to being required to obtain a registration tag and license for said dog or cat.

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E. Loss of license. If a license tag or sleeve has been misplaced or lost, the Borough Clerk may issue a duplicate license and/or registration sleeve for that particular dog or cat at a fee of one dollar (\$1).

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F. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a dog or cat, upon the request of any health official, police officer, animal control officer or other authorized person.

G. Exemptions. Any dog or cat may be exempted from the requirements of the rabies vaccination for a specified period of time upon presentation of a veterinarian’s

certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such dog or cat shall be deemed inadvisable.

Section 5. Section 35-7 is amended so that the title reads “Licensing of dogs or cats brought into Borough.”

Section 6. Subsection A(1) of Section 35-10 is amended to insert the words “or cats” after the word “dog.”

Section 7. Section 35-12 of Chapter 35 is amended as follows:

§35-12. Canvass of all dogs and cats.

The Poundkeeper of the Borough shall, promptly after February 1 and before September 1 of any given year, cause a canvass to be made of all dogs and cats owned, kept or harbored within the limits of the Borough and shall report the results thereof to the Clerk of the Borough and to the State Department of Health and the Board of Health of the Borough, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs and/or cats, the number of licensed dogs and/or cats owned, kept or harbored by each of said persons, together with the registration number of each of said dogs and/or cats, and the number of unlicensed dogs and/or cats owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs and/or cats.

Section 8. Section 35-13 of Chapter 35 is amended as follows:

§35-13. Poundkeeper.

A. The Borough Manager shall have the power to appoint an Animal Control Officer who shall serve as Poundkeeper and whose duty shall be to enforce the provisions of this chapter. The borough shall also have the power to appoint one or more persons, to be known as “Assistant Animal Control Officers,” who may impound unlicensed dogs or cats or any dogs running at large in violation of this chapter and perform such other duties as may be prescribed by law.

B. Nothing contained in this section shall be construed as limiting the authority of the Health Officer or Chief of Police or members of the Police Department to enforce the provisions of this chapter, when, in the interest of health and safety, they deem it necessary.

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Section 9. Section 35-14 of Chapter 35 is amended as follows:

§35-14. Seizure and impoundment; disposition.

A. The Poundkeeper of the Borough shall take into custody and impound, or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

- (1) Any dog or cat off the premises of the owner or of the person keeping or harboring said dog which said official or his agent or agents have reason to believe is a stray or abandoned dog or cat.

- (2) Any dog or cat off the premises of the owner or of the person keeping or harboring said dog or cat without a current registration tag on his collar.
 - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
 - (4) Any dog, cat, or other animal which is suspected to be rabid.
 - (5) Any dog, cat, or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property. After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local Board of Health and to the Department of Health.
- B. If any dog or cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said dog or cat is known, the Poundkeeper shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog or cat, if known, a notice in writing stating that the dog or cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- C. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.
- D. Whenever a dog or cat so seized has been detained for seven days after notice when notice can be given as above set forth or has been detained for seven days after seizure when notice has not been and cannot be given as above set forth and if the owner or persons keeping or harboring said dog or cat has not claimed said dog or cat and paid all expenses incurred by reason of detention, including maintenance and any costs associated with the apprehension of the animal, and if the dog or cat is unlicensed at the time of the seizure and the owner or person keeping or harboring said dog or cat has not produced a license and registration tag for said dog or cat, the Poundkeeper may cause the dog or cat to be destroyed in a manner consistent with state laws and regulations.
- E. Reclaiming an impounded dog or cat. Owners reclaiming their dog or cat shall be liable to the Borough of Washington for maintenance fees of \$4 per day, in addition to which such owner shall be liable to the Borough of Washington for costs incurred by the Borough for the round-trip transportation of said dog or cat to the impoundment facility. Such costs shall be at the rate of \$0.26 per mile.

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Comment [LCS1]:

Section 10. Section 35-15 of Chapter 35 is amended as follows:

§35-15. Entry upon premises for seizure.

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any animal which he

Deleted: dog or dogs

may lawfully seize and impound when such officer is in immediate pursuit of such animal, except upon the premises of the owner of the animal if said owner is present and forbids the same.

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Deleted: dog

Section 11. Section 35-20 of Chapter 35 is amended as follows:

§35-20. Cruelty and abandonment.

A. No person shall be cruel or inhumane to a dog or cat, said cruelty and inhumanity consisting of beating, torturing, mutilating, cruelly killing or failing to provide food, water and shelter for the dog or cat. Any outdoor shelter for a dog shall be raised at least three inches off the ground, with a sturdy floor and be large enough to allow the dog to stand, turn around and recline. Any such outdoor dog shelter shall be constructed so as to keep the dog dry and contain bedding to afford some warmth for the dog in cold weather. If any dog is chained or tethered, such tether shall be at least eight feet long.

Deleted: a dog

B. No person shall abandon a dog or cat of which he or she has charge, either as owner or otherwise.

Section 12. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 13. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 14. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 13-2008 An Ordinance Amending Various Sections of the Borough Code to Change Established Fees.

This ordinance needs to be corrected and will be tabled to the next meeting.

REPORTS:

It was moved by Cioni, seconded by Higgins, to receive and file the reports.

Roll Call: Higgins, Van Deursen, Cioni, Housel, Oakley, and Woykowski.

Ayes: 6, Nays: 0

Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee:

DPW Garage:

Sewer Committee:

Streets Committee:

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: Councilman Higgins reported that new information was placed on the bulletin board.

Website Committee: The Municipal Budget is now on the website.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: Jim Sheldon resigned as the Director effective November 1, 1998.

Recreation Report – Mayor Van Deursen stated that Councilman Higgins met with the Recreation Committee for Councilman Turner. The meeting was a success and Councilman Higgins facilitated the meeting in a positive manner.

Parking Lot Committee – Bid will be meeting with the committee on Monday.

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Woykowski to pay the vouchers and claims in the amount of \$449,628.16.

Councilman Higgins inquired about the LukeOil charges for the emergency squad. Mayor Van Deursen suggested the manager contact Bill Hepp to discuss the arrangements for payment. Councilwoman Woykowski asked about the Verizon Air Card. Manager Corica explained that this is the police mobile data terminal.

Roll Call: Woykowski, Cioni, Housel, Higgins, Oakley, Van Deursen.

Ayes: 6, Nays: 0
Motion carried.

OLD BUSINESS:

None

NEW BUSINESS

Midtown Tax Agreement

Discussed in Executive Session

Resolution 215-2008 Amended Tax Agreement

Discussed in Executive Session

Traffic Striping

Manager Corica stated that the engineer has proposed the new striping for Council's review. Since Rt. 57 is a State Highway it will need to go to the DOT for approval after Council approval. Councilwoman Woykowski asked who initiated the new striping design. Manager Corica explained that a resident had complained about handicapped parking on the Washington Avenue. After the complaint, the Borough Manager discussed it with the engineer. Councilwoman Oakley asked how many parking spots the Borough will gain. Manager Corica stated that the Borough will only gain a few. Councilman Cioni asked how much this will cost. He stated it should have been absorbed into the redevelopment plan. Councilwoman Woykowski stated that this type of project should have gone through Council first. Councilman Higgins asked when the project could be completed. Manager Corica stated it can begin when the DOT gives the o.k.

Councilman Housel motioned for the proposal to be submitted to the DOT for approval and for a cost analysis for the next meeting, seconded by Higgins.

Roll Call: Higgins, Oakley, Woykowski, Cioni - No
Van Deursen, Housel – Yes

Ayes: 2, Nays: 4
Motion Failed

Councilman Higgins stated he would like to know what it will cost to administer this.

Stacking Ordinances/Abandoned Property

Councilman Cioni stated he did some research on abandoned property Ordinances. There is a state agency that would like to present to the Governing Body if Council agrees. They would be available at the November 5 meeting. Council concurred. They also offered to help and do a presentation on how to develop and implement the ordinance.

Councilman Cioni stated Council was given to examples of Ordinances pertaining to stacking. He would like to combine certain aspects. Attorney Cushing stated his firm tried to come up with something that was objective, with acceptable standards and not discriminating in any way. Councilman Cioni noted he would like to see the fine amounts changed to once a year. Attorney Cushing will prepare a draft Ordinance for Council.

Budget 2009

Councilman Cioni stated that Council had discussed this at the Workshop meeting. He would like to see the departmental budgets reduced by 5% of last year's budget. He stated that Governor Corzine will probably be making more state aid cuts and we need to be proactive.

Approval of Raffle Licenses Washington Women's Club (2)

Motion made by Higgins, seconded by Oakley to approve the Raffle License applications for the Washington Women's Club.

Roll Call: Higgins, Oakley, Van Deursen, Cioni, Woykowski, Housel

Ayes: 6. Nays: 0
Motion Carried

Resolution 2006 -2008 Change Orders #1 and #2 for Consolidated Building Corp

Resolution 206-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Oakley, Woykowski, Housel, Van Deursen

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 206 - 2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY TO APPROVE A
CHANGE ORDERS # 1 and # 2 FOR CONSOLIDATED
BUILDING CORP.

WHEREAS, the Borough of Washington awarded a contract to Consolidated Building Corp to construct a public works garage and salt storage shed in the amount of \$1,513,000; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, Andrew Holt, Suburban Consulting Engineers, the Consulting Engineer, has recommended two change orders, attached hereto, to the building and salt storage shed designs and to provide site improvements as follows

Change Order Number 1	Decrease of \$843
Change Order Number 2	Increase of \$132,000
Net Change to Contract	\$131,157

WHEREAS the change order is less than 20% of the original contract price; and

WHEREAS, the Mayor and Council of the Borough of Washington voted to approve these change orders at the regular meeting of 16 September 2008 as it is in the best interest of the Borough of Washington; and

WHEREAS, Funds are available in capital ordinance # 7-2007 account # C-04-07-007-000-002; and a Certification of Available Funds is attached and made part of this Resolution.

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 Change Orders 1 and 2 in the net amount of \$131,157 are approved and authorize the Borough Manager to execute the change orders on behalf of Washington Borough.

Resolution 207-2008 Adoption of Emergency Appropriation

This Resolution has been tabled

Resolution 208-2008 Resolution to Close the Public Assistance Trust Fund II Account

Resolution 208-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Higgins, Oakley, Housel, Woykowski, Cioni, Van Deursen

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION 208-2008
OF THE MAYOR AND COUNCIL OF THE BROOUGH OF WASHINGTON TO
CLOSE THE PUBLIC ASSISTANCE TRUST FUND II (PATF II)**

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough of Washington to closeout the Public Assistance Trust Fund Programs (PATF I/PATF II); and

WHEREAS, Washington Borough's Auditing Firm completed the 2007 Audit Report reflecting a balance of \$34,912.42 in the Public Assistance Trust Fund II Program account; and

WHEREAS, the Borough of Washington consolidated its Public Assistance Trust Programs with Warren County on January 1 2006; and

WHEREAS, The New Jersey Department of Human Services has issued a final closeout of the PATF II and requested return of the account balance \$35,440.24 as of August 31, 2008 plus September interest.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington agrees that the PATF II account be closed.

BE IT FURTHER RESOLVED, that a check in the amount of the account balance as of September 30, 2008 be sent to the New Jersey State Treasurer as a settlement for this account as directed by the Department of Human Services.

Resolution 209-2008 through 211-2008

Resolutions 209-2008 through 211-2008 were moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Oakley, Housel, Woykowski, Van Deursen.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 209-2008

**A RESOLUTION TO REFUND OVERPAYMENT ON
2007 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$3,595.00 on 2007 2nd Quarter Regular Taxes paid on property located at 200 West Warren Street, also known as Block 7 Lot 6 and in the name of Hoffman, John V and Betty L; and

WHEREAS, this overpayment was created when the property was still being assessed taxes after the Veteran Exemption was approved but not shown on the tax duplicate and the mortgage company paid the taxes for the homeowner and stated that the homeowner can receive the overpayment.

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 \$3,595.00 and payable to:

Hoffman, John V
200 W Warren St
Washington, NJ 07882

RESOLUTION # 210-2008
A RESOLUTION TO REFUND OVERPAYMENT
ON 2008 CURRENT YEAR REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$4,634.84 on 2008 4th Quarter Regular Taxes paid on property located at 3 Fillmore Street, also known as Block 48 Lot 2, and in the name of Parker, Stanley D and Hope M; and

WHEREAS, Mr. Stanley Parker on August 11, 2008 and Washington Mutual Bank on August 25, 2008 both paid the delinquent and current taxes; and

WHEREAS, the Tax Collector has received a written request from Washington Mutual Bank requesting that the tax overpayment be refunded.

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 \$4,634.84 payable to:

Washington Mutual Bank
Attn: Tax Refund Dept FSC 0211
PO Box 100573

RESOLUTION # 211-2008
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2007 to Elliot Loeb-Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866, in the amount of \$332.35 for taxes or other municipal liens assessed for the year 2006 in the name of Johnson, Lawrence, as supposed owners, and in said assessment and sale were described as 51 W Stewart Street, Block 12.01 Lot 4, which sale was evidenced by Certificate #430-07; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 09-18-08 and before the right to redeem was cut off, as provided by law, CitiMortgage for Federal Home Loan Mortgage claiming to have an interest in said lands, did redeem said lands claimed by Elliot Loeb-Keogh Plan, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,211.68, which is the amount necessary to redeem Tax Sale Certificate #430-07.

NOW THEREFORE BE IT RESOLVED, on this 7th day of October 2008 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Elliot

Loeb-Keogh Plan in the amount of \$1,711.68 (this amount consists of \$1211.68 Certificate Amount + \$500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 12.01 Lot 4 from the tax office records.

Resolution 212-2008 Halloween Curfew

Resolution 212-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Oakley, Woykowski, Housel, Van Deursen

Ayes: 6, Nays: 0
Motion Carried

Resolution 213-2008 Energy Audit with Member Municipalities

Resolution 213-2008 was tabled.

COUNCIL REMARKS

Councilman Cioni inquired about the renovations that need to be made to the building in order to support the new truck. Councilman Higgins stated the Fire Department is looking into a few options.

Councilman Higgins requested the sick and vacation time for the part timers in the library. He stated he is not in favor of leaving that in the personnel policy. He also requested the DPW Garage be on the agenda for the next meeting. Councilman Higgins also noted that the League of Municipalities conference should be placed in the budget; especially for the Municipal Clerk. Certifications are needed for the position. Council concurred. League Conference will be placed in the budget for the Clerk.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:00 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk