

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – July 7, 2009**

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: Higgins, Cioni, Boyle, McDonald, Housel, Valentine - Present

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

Mayor McDonald led everyone in the flag salute.

Mayor McDonald 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.

**PROCLAMATION**

Mayor McDonald presented the proclamation to the Kaleidoscope of Hope Foundation for Ovarian Cancer awareness month.

***PROCLAMATION THAT SEPTEMBER IS OVARIAN CANCER  
AWARENESS MONTH***

WHEREAS, ovarian cancer is called the “silent killer disease” because its symptoms are often vague or subtle; and

WHEREAS, ovarian cancer is the fifth leading cause of cancer deaths among women and the leading cause of gynecologic cancer death in the United States. Each year, more than 22,000 women are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, survival from ovarian cancer is 90-95 percent. Yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, the *Turn the Towns Teal* campaign was launched by Gail MacNeil during her 10 year battle with ovarian cancer.

WHEREAS, Kaleidoscope of Hope (KOH), the Atlantic Health System and the National Ovarian Cancer Coalition-Northern NJ (NOCC) are partnering to promote awareness of ovarian cancer through the *Turn The Towns Teal* campaign.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington declare September as Ovarian Cancer Awareness month and support the *Turn the Towns Teal* awareness campaign.

### **COUNCIL APPEARANCE**

None

### **MINUTES:**

Mayor McDonald entertained additions or corrections to the minutes of the Meetings of Regular Meeting May 19, 2009, June 3, 2009, and June 16, 2009.

Councilman Boyle asked if the five year plan had been received from the Chief of Police in Washington Township as noted in the June 3 minutes. Manager Phelan stated that he expects to receive the plan on August 1 when the agreement is effective.

Councilman Higgins noted changes on the minutes of June 16, 2009. On Ordinance 7-2009 he and Councilman Boyle voted no. In addition he would like the reason he voted no on Resolution 133-2009.

It was moved by Cioni, seconded by Housel that the minutes be approved.

Ayes: 6, Nays: 0  
Motion Carried

### **COMMUNICATIONS:**

Mayor McDonald stated that Council had received a communication from Christina Woykowski stating her resignation from Council effective July 2, 2009.

Motion made by Cioni, seconded by Valentine to receive and file the communication from Ms. Woykowski with regrets.

Ayes: 6, Nays: 0  
Motion Carried

### **AUDIENCE:**

**Josephine Noone 14 Prosper Way**

Ms. Noone stated she wanted to make council aware of water seeping up through the pavement on Van Beuren Street. Mayor McDonald asked the Borough Manager to inform DPW and the Engineer and have them take a look at the problem. She also inquired as to whether or not the entranceway to Advance Auto Parts on Rt. 57 could be eliminated. There are two other entrances to the business. She stated that the area is prone to accidents. Manager Phelan will reach out to the owner of Advance Auto Parts. Ms. Noone also requested that the railroad overpass is looking terrible. The railroad simply patches the holes that appear in the concrete. Councilman Housel noted that at one point the Borough did write a letter to the railroad company regarding this issue. Manager Phelan will reach out to the railroad company and look for the letter that had previously been sent.

### **Marco Matteo Washington Theater**

Mr. Matteo informed Council that he is very close to receiving non profit status for the theatre. His goal is to try and purchase the theatre building once he has achieved non profit status. He also stated he is in the process of applying for a grant through the County Land Preservation Board. He is currently preparing to do a presentation to the board that will be awarding the grant and is requesting a letter of support from the Governing Body.

Motion made by Cioni, seconded by Housel to have the Borough Manager prepare a letter of support for the Washington Theatre.

Ayes: 6, Nays: 0  
Motion Carried

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

Ayes: 6, Nays: 0  
Motion Carried

### **ORDINANCES**

#### **Ordinance 11-2009 AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON STATE OF NEW JERSEY REGARDING THE BOARD OF ADJUSTMENT (Introduction)**

Mayor McDonald entertained a motion to introduce Ordinance #11-2009.

Ordinance 11-2009 was introduced by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #11-2009 by title only.

Roll Call: Cioni, Higgins, Boyle, Valentine, McDonald, Housel - Yes

Ayes: 6, Nays: 0  
Motion Carried

The Clerk read Ordinance #11-2009 entitled, "AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON STATE OF NEW JERSEY REGARDING THE BOARD OF ADJUSTMENT."

Council Discussion: Manager Phelan stated this Ordinance is being introduced in order to become compliant with state statute. The codebook currently reflects an error.

Ordinance 11-2009 was moved by Councilman Housel, seconded by Councilman Cioni be introduced on first reading.

Roll Call: McDonald, Housel, Boyle, Higgins, Valentine, and Cioni – Yes

Ayes: 6, Nays: 0  
Motion Carried

It was further moved by Cioni, seconded by Housel that Ordinance #11-2009 be published in the Star Gazette on June 16, 2009 as required by law and that the public hearing be scheduled for August 4, 2009.

Roll Call: Housel, McDonald, Higgins, Boyle, Valentine, Cioni - Yes

Ayes: 6, Nays: 0  
Motion Carried

#### **ORDINANCE # 11-2009**

#### **AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON, NEW JERSEY REGARDING BOARD OF ADJUSTMENT**

Whereas, Section 94-9 entitled "Boards of Adjustment" of Chapter 94 entitled "Zoning and Land Development" of the Code of the Borough of Washington is amended to read as follows (deleted text shown as strikethrough, new text shown as bold):

§ 94-9. Board of Adjustment.

C. Appeals and applications.

(1) Appeals to the Board of Adjustment may be taken by any interested party within **twenty (20)** ~~sixty-five (5) days~~ of the action by the officer from whom the appeal was taken. Three (3) copies of the notice of appeal shall be filed with the administrative officer specifying the grounds for the appeal. The officer from whom the appeal is taken shall transmit to the Board all the papers constituting the record.

This ordinance shall take effect upon passage in accordance with law.

**Ordinance 2-2009 AN ORDINANCE OF THE BOROUGH OF WASHINGTON IN THE COUNTY OF WARREN STATE OF NEW JERSEY DESIGNATING THE WASHINGTON BOROUGH BUSINESS IMPROVEMENT DISTRICT MANAGEMENT CORPORATION (BID) AS THE REDEVELOPER OF CERTAIN PROPERTY IN THE BOROUGH PROVIDING FOR THE SALE OF THE PROPERTY TO THE BID AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREAFTER BY THE BOROUGH AND THE BID(Adoption/Public Hearing)**

Mayor McDonald entertained a motion to introduce **Ordinance #2-2009**.

Ordinance 2-2009 was moved by Councilman Cioni, seconded by Councilman Higgins.

It was further moved by Cioni, seconded by Higgins that the Clerk read Ordinance #2-2009 by title only.

The Clerk read Ordinance #2-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Boyle, Valentine, Cioni, Housel, Higgins, McDonald

Ayes: 6, Nays: 0.  
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Cioni motioned to close the public hearing seconded by Councilman Higgins.

Ayes: 6, Nays: 0  
Motion Carried

Mayor McDonald entertained a motion to adopt Ordinance 2-2009 on final adoption.

Motion made by Cioni, seconded by Higgins to adopt Ordinance 2- 2009 on final adoption.

Roll Call: Housel, Boyle, Higgins, McDonald, Cioni, Valentine

Ayes: 6, Nays: 0

Motion Carried

### **ORDINANCE NO. 2-2009**

**ORDINANCE OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, DESIGNATING THE WASHINGTON BOROUGH BUSINESS IMPROVEMENT DISTRICT MANAGEMENT CORPORATION (BID) AS THE REDEVELOPER OF THE CERTAIN PROPERTY IN THE BOROUGH, PROVIDING FOR THE SALE OF PROPERTY TO THE BID AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREAFTER BY THE BOROUGH AND THE BID**

**WHEREAS**, the Borough of Washington, Warren County, State of New Jersey (the "Borough") is the owner or contract purchaser of those certain parcels of land and the improvements thereon located in the Borough known and designated Block 24, Lots 2, 3.01, 23, and 24.01 on the Borough Tax Map, being approximately 1.476 acres in area (the "Property"); and

**WHEREAS**, the Washington Borough Business Improvement District Management Corporation (the "BID") is an independent district management corporation formed pursuant to Title 15A of the New Jersey statutes to provide administrative and other services within the Washington Borough Business Improvement District (the "District") to benefit the businesses, employees, residents and consumers within Borough and to assist Borough in promoting economic growth and employment; and

**WHEREAS**, the BID is empowered by Chapter 74 of the Borough Code to undertake improvements, including but not limited to, those improvements related to parking; and

**WHEREAS**, the Borough's Council has determined that the BID can most efficiently and expeditiously carry out the implementation of a crucially needed surface parking lot within the District; and

**WHEREAS**, the Borough Council has determined to designate BID as a "redeveloper" of the Property pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

**WHEREAS**, the property is located in an "area in need of redevelopment" as such phrase is defined in the Redevelopment Law; and

**WHEREAS**, the Parties wish to have the BID develop the Property, as a new parking facility (the "Project"); and

**WHEREAS**, the Borough has agreed to sell the Property for One Dollar (\$1.00) (the "Purchase Price") and the BID has agreed to purchase the Property for said amount;

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, AS FOLLOWS:**

**Section 1. Redevelopment Designation.** The Washington Borough Business Improvement District Management Corporation is hereby designated as the "redeveloper" of the Property pursuant to the Redevelopment Law.

**Section 2. Authorization of Sale.** The Borough hereby authorizes the sale of the Property to the BID for the Purchase Price pursuant to the Parking Facility Redevelopment Agreement in a form substantially similar to the form attached hereto as **Exhibit "A"**, with such changes as may be approved by the Mayor and Council with the advice of counsel.

**Section 3. Additional Acts.** The Mayor and Borough Clerk are hereby authorized and directed to execute the Parking Facility Redevelopment Agreement and parking facility operations agreement (attached as an exhibit to such Parking Facility Redevelopment Agreement) and take all actions and execute all documents, certificates or agreements, which are necessary or which are convenient to effectuate the sale of the Property and the implementation of the terms of the Parking Facility Redevelopment Agreement.

**Section 4. Effective Date.** This ordinance shall take effect in accordance with applicable law.

**Ordinance 3-2009 AN ORDINANCE AMENDING CHAPTER 66 OF THE CODE OF THE BOROUGH OF WASHINGTON REGULATING THE RENTAL OF HOUSING UNITS (Adoption/Public Hearing)**

Mayor McDonald entertained a motion to introduce **Ordinance #3-2009**.

Ordinance 3-2009 was moved by Councilman Cioni, seconded by Councilman Housel.

It was further moved by Cioni, seconded by Housel that the Clerk read Ordinance #3-2009 by title only.

The Clerk read Ordinance #3-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Valentine, Cioni, Housel, Higgins, McDonald -Yes  
Boyle - No

Ayes: 5, Nays: 1.  
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Cioni motioned to close the public hearing seconded by Councilman Higgins.

Ayes: 5, Nays: 1 (Boyle)  
Motion Carried

Mayor McDonald entertained a motion to adopt Ordinance 3-2009 on final adoption.

Motion made by Cioni, seconded by Higgins to adopt Ordinance 3- 2009 on final adoption.

Roll Call: Housel, Higgins, McDonald, Cioni, Valentine - Yes  
Boyle – No

Ayes: 5, Nays: 1  
Motion Carried

### **ORDINANCE NO. 3-2009**

#### **AN ORDINANCE AMENDING CHAPTER 66 OF THE CODE OF THE BOROUGH OF WASHINGTON REGULATING THE RENTAL OF HOUSING UNITS**

**WHEREAS**, the Borough of Washington has determined that it is necessary to regulate the rental of housing units to ensure that rental units are in compliance with the



Code of the Borough of Washington and other applicable laws and regulations prior to individuals and families occupying them; and

**WHEREAS**, the Borough of Washington desires to establish rules and regulations for the issuance of a Certificate of Occupancy for rental units; and

**WHEREAS**, the Borough of Washington has determined that such regulations will promote the health, safety and welfare of the citizens of the Borough of Washington; and

**WHEREAS**, the Borough of Washington wishes to preserve its residential neighborhoods, and to assure they continue to possess characteristics of stability, permanency, quiet and repose; and

**WHEREAS**, the Borough of Washington wishes to avoid the consequences of overcrowding which include inadequate space for individuals and families to inhabit, insufficient natural light sources, bedrooms that do not possess adequate space for individuals to inhabit, increased risk of fire resulting from over utilization of electric facilities, the overtaxing of plumbing and wastewater facilities, the increased risk of disease and the emotional toll inflicted on individuals who lack adequate personal space; and

**WHEREAS**, the Borough of Washington has experienced several fires in residential units that have led to either injury or death; and

**WHEREAS**, the Borough of Washington is very concerned about the risk of multiple injuries or deaths that could result if excessive numbers of individuals are permitted to occupy inadequately sized units, or units whose utilities or fire safety features are inadequate; and

**WHEREAS**, the Borough of Washington desires to establish applicable laws and regulations governing the required space necessary in rental units, the means to be appraised of the number of occupants residing in a particular rental unit in relation to the gross floor area of said rental unit, and to provide the means for regular inspection of rental units upon the change in occupancy so as to protect future occupants from the risk and hazards of overcrowding and the occupancy of units which are not in compliance with the Uniform Construction Code and other applicable codes, laws and regulations;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and the Council of the Borough of Washington as follows:

**Section 1.** Section 66-1 entitled “Definitions” of Chapter 66 entitled “Rental Property” of the Code of the Borough of Washington is amended to read as follows:

**SECTION 66-1. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

ADULT TENANT - shall mean a person over the age of eighteen (18) years who resides in a rental unit for a period of at least one month, regardless of the type of tenancy under which the unit is occupied.

HABITABLE SPACE - shall mean the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space in similar areas are not considered habitable space.

HOUSING ENFORCEMENT OFFICER - shall mean the person authorized by this Chapter to issue Notice of Violations or Summons to enforce compliance with this Chapter and includes the rental housing officer, zoning official, fire official, construction code official, and any police officer of the Borough of Washington.

LANDLORD - shall mean the owner or owners of rental property, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, or their duly authorized agents, firm or corporation in control of rental property.

OCCUPANT - shall mean any person, including minors, who resides or intends to reside in a rental unit.

OWNER – Any person who owns any legally cognizable interest in any rental property, including but not limited to outright ownership or ownership through a partnership, corporation or limited liability company.

RENTAL HOUSING OFFICER - shall mean the person authorized by this Chapter to issue permits and conduct inspections.

RENTAL PROPERTY – Any structure, or building, or part thereof which contains one or more individual residential rental units.

RENTAL PROPERTY RESIGTRATION STATEMENT – The form filed by rental property owners pursuant to this chapter.

RENTAL PROPERTY STANDARDS - For all rental property in the Borough of Washington the following standards are adopted by reference:

In accordance with the provisions of *N.J.S.A. 40:49-5.1* and *N.J.A.C. 5:28-1.11*, the 2006 edition of the International Property Maintenance Code is hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and non-residential, safe, sanitary and fit for human habitation, occupancy or use.

RENTAL UNIT – Includes that portion of a dwelling, building or structure, with or without housekeeping facilities, rented, offered for rent, or provided to an occupant as

compensation for services rendered to the Owner, Landlord, or any third party, with facilities which are used or designed to be used for living, sleeping, cooking, or eating by individuals or family units.

TENANT – Any person who resides in a rental unit for a period of at least one month regardless of the type of tenancy under which the person occupies the unit.

VACANT RENTAL UNIT - shall mean a rental unit where the previous tenants have vacated, or where more adult tenants than permitted by the Rental Certificate of Occupancy occupy or seek to occupy the rental unit.

**Section 2.** Section 66-2 entitled “Registration Requirement” of Chapter 66 entitled “Rental Property” of the Code of the Borough of Washington is amended to read as follows:

**SECTION 66-2. Registration Requirement.**

- A. Registration requirement. The owner or landlord of every rental property shall provide, at least once per year, the information required on the rental property registration statement set forth in §66-3. In the event of a change in owner or landlord during the license year, a new rental property registration statement as provided herein shall be filed within 10 days of the transfer.
- B. Registration fee. All owners of rental property shall pay upon registration a fee as set forth in §66-13 below.

**Section 3.** Section 66-3 entitled “Rental Property Registration Statement” of Chapter 66 entitled “Rental Property” of the Code of the Borough of Washington is amended to read as follows:

**SECTION 66-3. Rental Property Registration Statement.**

- A. Rental property registration statement filing requirements. The owner or landlord of every rental property in the Borough of Washington shall file a rental property registration statement with the Borough Clerk, the form of which is on file with the Borough Clerk. The Borough Clerk shall provide a copy of same to the health and safety officials. The rental property registration statement shall be filed on an annual basis on, or before July 1 of each year.
- B. Rental property registration statement contents. The rental property registration statement shall include:
  - (1) The address of the building.
  - (2) The name and address of all record owners of the rental property, building or of the rental business (including all general partners holding 10% interest or more in the case of a partnership and all members in the case of limited liability company and all shareholders holding 10% or

more of its stock in the case of a corporation.).

- (3) The name and address of a person who resides in Warren County and is authorized to accept notices from a tenant or a municipality, to issue receipts for these notices and to accept service of process on behalf of the record owner.
- (4) The name and address of the landlord, and, if applicable, the name, address and telephone number of the superintendent, janitor, custodian or other person employed to provide regular maintenance services, and the name, address and telephone number of an individual representative of the rental property owner or landlord who may be reached or contacted at any time in the event of an emergency affecting the rental property or rental unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concerning the rental property or rental unit, including them making of repairs.
- (5) The name and address of all holders of recorded mortgages on the property.
- (6) Number of rental units in the building.
- (7) For each rental unit in the building:
  - a. Identify the unit number or other identifying information.
  - b. Set forth the gross floor area in square feet of each room occupied for sleeping purposes.
  - c. Set forth the total gross floor area in square feet of habitable space.
  - d. State the total number of tenants permitted in the rental unit.
- (8) Proof of current payment of property taxes, assessments against property, municipal water and sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
- (9) If fuel oil is used to heat the unit and landlord furnishes heat, the name and address of the fuel oil dealer servicing the unit and the grade of oil used.
- (10) Such other information as may be required by the Mayor and Borough Council.

**Section 4.** Section 66-4 entitled “Violations and Penalties” of Chapter 66 entitled “Rental Property” of the Code of the Borough of Washington is hereby deleted.

**Section 5.** Chapter 66 of the Code of the Borough of Washington entitled “Rental Property” is hereby amended to add the following new sections:

**SECTION 66-4. Rental Certificate of Occupancy Required.**

No landlord shall permit a tenant to occupy, let or re-let to a tenant, nor shall any person or persons lease or occupy any vacant rental unit, without obtaining a Rental Certificate of Occupancy certifying that the rental unit complies with the provisions of the 2006 edition of the International Property Maintenance Code, this Chapter and any other applicable laws and regulations.

**SECTION 66-5. Application for Rental Certificate of Occupancy.**

An application form for a Rental Certificate of Occupancy shall be available from the Borough Clerk and shall not be deemed complete unless the applicant provides the following:

- A. Name, address and phone number of the landlord.
- B. Address and rental unit number or other identifying information for the rental unit.
- C. Total number of occupants who are to reside in the rental unit.
- D. The date tenancy commenced or will commence.
- E. Total gross floor area in square feet of habitable rooms.
- F. Total gross floor area in square feet of rooms occupied for sleeping purposes.
- G. Total number of tenants permitted in the rental unit.
- H. A certification from the landlord that the rental unit is in compliance with the applicable sections of the 2006 edition of the International Property Maintenance Code, this Ordinance and all applicable laws and regulations.
- I. A certification from the landlord the rental unit to be rented complies with this Chapter.
- J. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the rental unit
- K. A certification from each tenant who has signed the lease, or who entered into the oral lease, that the tenants will not permit more than the permitted number of tenants to occupy the premises.

**SECTION 66-6. Procedure Upon Increase of Occupants.**

- A. Every landlord shall have the obligation to monitor any increase in the number of adult tenants in each rental unit and prevent any increase in tenants that exceeds the number of tenants permitted in the Rental Certificate of Occupancy. In addition, the Landlord shall have the obligation to alert the Rental Housing Officer within 10 days of increase in the number of tenants in a rental unit above that permitted in the Rental Certificate of Occupancy.
- B. Every tenant shall have the obligation to notify the landlord of any increase in the number of tenants within ten (10) days of the arrival of a new tenant.
- C. Neither the tenant nor the landlord shall permit more tenants to occupy the rental unit than the maximum number of tenants set forth in the Rental Certificate of Occupancy.

**SECTION 66-7. Limitations of Occupancy.**

The maximum number of persons which may inhabit a rental unit shall be computed as follows:

- A. Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- B. Rental units shall not be occupied by more occupants than permitted by the Minimum Occupancy Area Requirements as set forth in the 2006 edition of the International Property Maintenance Code.
- C. Maximum Occupancy. The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the Rental Certificate of Occupancy.

**SECTION 66-8. Minimum Standards for Room Occupancy: Light, Ventilation, Bath and Kitchen Requirements, and Decks.**

- A. Light and Ventilation. Every room containing habitable space must have at least one (1) window capable of being opened or other opening directly upon a street, yard, court or other open space. The total area of such opening shall be not less than twelve (12%) percent of the floor area of such room and in no case less than twelve (12) square feet as set forth in the 2006 International Property Maintenance Code.

- B. Bathroom and Kitchen. Each rental unit shall contain or provide access to a full bathroom (including a water closet, lavatory and either a bathtub or shower) and a kitchen meaning an area for the preparation of food (including a stove and sink).
- C. Maximum Deck, Balcony or Porch Space. The maximum allowable number of people on any deck, balcony or porch shall be one person per nine (9) square feet in accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1, *et seq.*
- D. Structures that preexisted the adoption date of this ordinance may continue to be used as a rental unit notwithstanding they do not meet the requirements of this Ordinance, providing their continued use is permitted by the 2006 edition of the International Property Maintenance Code, Section 105, and the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, *et seq.*, and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1, *et seq.* (jointly referred to as “Uniform Fire Safety Code”). The Landlord shall submit a written request with the application for the Rental Certificate of Occupancy for such continued use along with a written explanation as to how compliance with the 2006 edition of the International Property Maintenance Code and the Uniform Fire Safety Code creates practical difficulties.

**SECTION 66-9. Violation of Occupancy Requirements, Inspections, Enforcement.**

- A. It shall be unlawful and in violation of this Chapter for a landlord, owner or a tenant of a rental unit to allow a greater number of people than the permitted maximum number of tenants listed in the Rental Certificate of Occupancy to rent or occupy any rental unit.
- B. It shall also be unlawful and in violation of this Chapter for a tenant, landlord or an owner to allow a number of people greater than the maximum number of people permitted to occupy the deck, balcony or porch of said rental unit to occupy the deck, balcony or porch of said rental unit.
- C. The Housing Enforcement Officer is authorized to issue summons for violations of this Chapter to any owner, landlord or tenant found to be in violation of this Chapter.
- D. Inspections. The Rental Housing Officer or his agents or duly designated designee shall make inspections to determine the condition of dwellings containing a rental unit to be rented to a tenant prior to the issuance of a Rental Certificate of Occupancy. An initial inspection shall not be required until a change of tenancy has occurred. For the purpose of making inspections, the Rental Housing Officer is authorized to enter and

examine any dwelling, rental unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit with the permission of an occupant, tenant, owner or landlord. In the event entry is denied, then, upon advice of the municipal attorney, recourse to a court of competent jurisdiction shall be pursued.

#### **SECTION 66-10. Unlawful Activities.**

It shall be unlawful and in violation of this Chapter for a landlord or owner of a rental unit or tenant of a rental unit or apartment:

- A. To permit or allow people to reside in a rental unit in a number in excess of the number of people for which sleeping accommodations are provided in accordance with this Ordinance.
- B. To lease or rent a rental unit where the number of tenants exceeds the total number of sleeping accommodations as set forth in Section 66-7 of this Ordinance.
- C. To knowingly permit a number of people, greater than the maximum number of occupants or tenants permitted, to occupy a rental unit.
- D. To rent or permit the occupancy of a rental unit without securing a Rental Certificate of Occupancy therefore.
- E. For the landlord to fail to file with the Rental Housing Officer a Rental Property Registration Statement as required by Section 66-2 of this Ordinance for each building owned by him/her in the Borough of Washington containing a rental unit.
- F. To violate any other provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 *et seq.*, the 2006 International Property Maintenance Code, or the Uniform Fire Safety Code.
- G. To enter into a lease agreement without at least one tenant being an adult, and requiring all adult tenants to sign the lease.
- H. To violate any section of this Ordinance.

#### **SECTION 66-11. Reporting of Violations.**

It shall be the legal duty of each holder of a Rental Certificate of Occupancy to immediately report any breaches of the peace or violations of this Chapter which he or she may know or believes to have occurred on the leasehold premises, which report shall be made to the Rental Housing Officer or the Police Department of the Borough of Washington by the most expedient means.



**SECTION 66-12. Violation for False Information.**

Any person who is found to have submitted false information, documentation or identification in connection with an application for a Landlord's Registration Statement or a Rental Certificate of Occupancy shall pay a minimum fine of Two Hundred and Fifty (\$250.00) Dollars, plus court costs to a maximum of \$2,000 for each document containing false information, documentation or identification. Any person who submits a false certification or documentation shall be subject to criminal prosecution, in addition to the penalties contained herein. In addition to the foregoing, a certificate of occupancy that is issued on the basis of information or documentation that is knowingly false or fraudulent when made, shall be subject to revocation pursuant to and in accordance with the provisions herein.

**SECTION 66-13. Fees.**

- A. There shall be a Twenty-Five Dollar (\$25.00) fee to file a Rental Property Registration Statement for each building containing one or more rental units.
- B. There shall be a Thirty-Five Dollar (\$35.00) fee paid by each landlord to obtain a Rental Certificate of Occupancy except that the fee shall be Ten Dollars (\$10.00) if the Rental Certificate of Occupancy is issued in conjunction with a fire inspection.
- C. There shall be a Twenty-Five Dollar (\$25.00) fee for each reinspection of a rental unit in connection with an application for a Rental Certificate of Occupancy except that the fee shall be Ten Dollars (\$10.00) if the Rental Certificate of Occupancy is issued in conjunction with a fire reinspection..

**SECTION 66-14. Tenant Subject to Removal.**

Any tenant of a rental unit in the Borough of Washington who occupies the premises prior to obtaining a Rental Certificate of Occupancy shall be subject to immediate removal from the unit. Any costs associated with the removal and subsequent relocation of tenants that are incurred by the Borough of Washington shall be the responsibility of the landlord and/or tenant.

**SECTION 66-15. Appeal.**

Any applicant denied the Rental Certificate of Occupancy under this Chapter may appeal the denial within ten (10) days thereof to the Borough Manager of the Borough of Washington by a notice of appeal, in writing, served on the enforcing authority and on the Rental Housing Officer. The Rental Housing Officer shall notify the occupant of the time and place of hearing. The hearing shall be held and the decision made within twenty (20) days of the service of the notice of appeal.

## **SECTION 66-16. Violations and Penalties.**

In addition to the penalties set forth in Section 66-12, any owner or agent, landlord, tenant, and any person or corporation who shall violate any of the provisions of this Chapter or fail to comply therewith or with any of the requirements thereof shall be liable to a fine of not more than \$2000, community service or imprisonment for not more than 90 days, or a fine, community service and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this Chapter shall be a separate and distinct violation.

**Section 6.** A copy of the 2006 International Property Maintenance Code is attached to this Ordinance and three (3) copies of the 2006 International Property Maintenance Code are on file in the Borough Clerk's office and will remain there for the use and examination of the public until final action is taken on the ordinance.

**Section 7.** 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 8.** 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 9.** 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 8-2009 AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON TO AMEND THE USES PERMITTED IN THE B-1 CENTRAL BUSINESS DISTRICT AND THE B-2 CENTRAL BUSINESS DISTRICT (Adoption/Public Hearing)**

Mayor McDonald entertained a motion to introduce **Ordinance #8-2009**.

Ordinance 8-2009 was moved by Councilman Cioni, seconded by Councilman Housel.

It was further moved by Cioni, seconded by Housel that the Clerk read Ordinance #8-2009 by title only.

The Clerk read Ordinance #8-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Valentine, Boyle, Cioni, Housel, Higgins, McDonald -Yes

Ayes: 6, Nays: 0.  
Motion carried.

Public Hearing: Councilman Cioni gave a brief summary for the audience regarding the meaning of this Ordinance. The Council and Planning Board had previously adopted a similar ordinance limiting the types of businesses allowed in the business districts. After further review of the ordinance, a few types of businesses were left out. This ordinance will amend the original.

Hearing no comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilman Housel.

Ayes: 6, Nays: 0  
Motion Carried

Mayor McDonald entertained a motion to adopt Ordinance 8-2009 on final adoption.

Motion made by Cioni, seconded by Housel to adopt Ordinance 8- 2009 on final adoption.

Roll Call: Boyle, Housel, Higgins, McDonald, Cioni, Valentine - Yes

Ayes: 6, Nays: 0  
Motion Carried

**ORINANCE # 8-2009**  
**BOROUGH OF WASHINGTON**  
**WARREN COUNTY, NEW JERSEY**  
**AN ORDINANCE AMENDING CHAPTER 94 OF THE**  
**CODE OF THE BOROUGH OF WASHINGTON TO**  
**AMEND THE USES PERMITTED IN THE B-1 CENTRAL**  
**BUISINESS DISTRICT AND THE B-2 CENTRAL**  
**BUSINESS DISTRICT**

**WHEREAS**, the Borough finds that Section 94 of the Development Regulations Ordinance of the Borough of Washington should be revised in an effort to ensure that the Borough's land use regulations compliment the Borough's redevelopment efforts.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and the Council of the Borough of Washington that Section 94 of the Code of the Borough of Washington is hereby amended as follows:

**Section 1.** Section 94-81A of the Code of Washington is amended to read as follows:

**Permitted Principal Uses.** In the B-2 Central Business District, no lot shall be used and no structure shall be erected, altered or occupied for any purposes except as herein described. Permitted principal uses shall be limited to residential units (permitted on second and upper floors) and non-residential uses shall be permitted in accordance with the restrictions set forth herein. The following establishments or uses shall be permitted except as the various establishment types are limited by the subsequent section describing prohibited uses. Any business not included below will require a use variance appeal.

- (i) **Retail Trade Stores** shall be permitted and limited to furniture stores, window treatment stores, floor covering stores, all other home furnishing stores, household appliance stores, electronics stores (including television and radio sales), computer and software stores, camera and photographic supplies stores, paint and wallpaper stores, hardware stores, food and beverage stores, supermarkets and other grocery stores, convenience stores, meat markets, fish and seafood markets, fruit and vegetable markets, baked goods stores, confectionery and nut stores, all other specialty food stores, beer/wine and liquor stores, pharmacies and drug stores, cosmetic stores, beauty supplies and perfume stores, optical goods stores, health food and supplement stores, all other health and personal care stores (limited to: convalescent supply stores, hearing aid stores, medical equipment and supplies stores, prosthetic stores, sick room supply stores) men's clothing stores, women's clothing stores, children's and infants' clothing stores, family clothing stores, clothing accessory stores (limited to: apparel accessory stores, clothing accessories stores, costume jewelry stores, men's and boys' furnishings stores, women's and girls' furnishings stores, handbag stores, hat and cap stores, jewelry stores, neckwear stores, tie shops, wig and hairpiece stores), bridal gown shops (except custom bridal shops), coat stores, costume stores, dress shops, fur apparel stores, hosiery stores, leather coat stores, school uniform stores, swimwear stores, t-shirt shops, custom printed t-shirt shops, uniform stores, shoe stores, jewelry stores, luggage and leather goods stores, sporting goods stores, hobby shops, toy and game stores, sewing and piece goods stores, musical instrument and supplies stores, book stores, news dealers and newsstands, music shops, department stores, florists, office supplies and stationary stores, novelty and souvenir stores, pet and pet supplies stores, art dealers and tobacco stores
- (ii) **Transportation and Warehousing** shall be permitted and limited to taxi services, limousine services, postal services and courier services.
- (iii) **Publishing Industries** shall be permitted and limited to newspaper publishers, periodical publishers, book publishers, directory and mailing list publishers, software publishers, tele-production and other post-production services, music publishers, internet publishing and broadcasting, internet service providers, data processing, hosting and related services and libraries.
- (iv) **Finance and Insurance Offices (Including any FDIC Insured Banks or lenders).**
- (v) **Real Estate, Rental and Leasing Offices**
- (vi) **Professional, Scientific and Technical Services Offices** shall be permitted and limited to businesses that provide research and analysis in economics, sociology and related fields, specifically broadcast media rating services, market research analysis services, opinion research services, political opinion polling services, public opinion polling services, public opinion research services, and statistical sampling services.
- (vii) **Legal Services Offices** shall be permitted and limited offices of lawyers, notary public offices, paralegal services, patent agent services, process server offices, title abstract and settlement offices.

- (viii) **Accounting, Tax Preparation, Bookkeeping, and Payroll Services** shall be permitted and limited to offices of certified public accountants, tax preparation services, payroll services, other accounting services, billing services, and bookkeepers' offices.
- (ix) **Architectural, Engineering, and Related Services** shall be permitted and limited to architectural services offices, landscape architectural services, engineering services, drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping services, testing laboratories, specialized design services, interior design services, industrial design services, graphic design services, computer systems design and related services, custom computer programming services, computer systems design services, computer facilities management services, scientific and technical consulting services, management consulting services, administrative management and general management consulting services, human resources consulting services, marketing consulting services, physical distribution and logistics consulting services, environmental consulting services, scientific research and development services, research and development (specifically for physical, engineering, life sciences, social sciences and humanities), research and development in biotechnology, advertising agencies, public relations and related services, media buying agencies, advertising material distribution services, marketing research and public opinion polling, photographic services, portrait photography studios, commercial photography, translation and interpretation services, veterinary Services
- (x) **Management of Companies and Enterprises** shall be permitted and limited to establishments that hold the securities of (or other equity interests in) companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or establishments that administer, oversee, and manage establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.
- (xi) **Education Services** shall be permitted and limited to establishments that provide instruction and training in a wide variety of subjects. This instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers.
- (xii) **Health Care and Social Assistance** shall be permitted and limited to physicians' offices, dental offices, offices of other health care practitioners, medical and diagnostic laboratories, home health care services, vocational rehabilitation services, day care services, vocational rehabilitation services, individual and family services.
- (xiii) **Arts, Entertainment and Recreation** shall be permitted and limited to theater companies and dinner theaters, dance companies, musical groups and artists, ice skating companies, ice skating shows, magic shows, comedy clubs, fitness and recreational sports centers.
- (xiv) **Accommodation and Food Services** shall be permitted and limited to bed and breakfast inns, full service restaurants, limited service restaurants, cafeterias, snack and non-alcoholic beverage bars, and establishments that serve alcoholic beverages.
- (xv) **Public Administration** shall be permitted and limited to public administration, government support, executive offices, legislative bodies, public finance activities, executive and legislative offices, American Indian and Alaska Native Tribal governments, other general government support, public order and safety activities, courts, police offices, legal counsel and prosecution, correctional institutions, parole offices and probation offices, fire protection, governmental administrative and regulation services, space research and technology, national security and international affairs.

- (xvi) **Other Services** shall be permitted and limited to establishments that provide consumer electronics repair and maintenance, computer and office machine repair and maintenance, communication equipment repair and maintenance, other electronic and precision equipment repair and maintenance, re-upholstery and furniture repair, footwear and leather goods repair, other personal and household goods repair and maintenance. Personal care service provider including barber shops, beauty salons, nail salons, diet and weight reducing centers shall be permitted as well as funeral homes and funeral services, coin-operated laundries and dry cleaners, dry cleaning and laundry services, photofinishing laboratories, parking lots and garages, religious organizations, civic and social organizations, agricultural organizations, animal breeders' associations, bankers' associations, better business bureaus, boards of trade, business associations, chambers of commerce, construction associations, contractors' associations, distributors' associations, farmers' associations, farmers' unions, growers' associations, hospital associations, industrial associations, insurers' associations, junior chambers of commerce, manufacturers' associations, merchants' associations, mining associations, producers' associations, public utility associations, real estate boards, restaurant associations, retailers' associations, service industries associations, shipping companies' associations, trade associations, warehousing associations, wholesalers' associations, accountants' associations, architects' associations, bar associations, consultants' associations, dentists' associations, dietitians' associations, educators' associations, engineers' associations, health professionals' associations, hospital administrators' associations, learned societies, medical associations, nurses' associations, occupational therapists' associations, optometrists' associations, peer review boards, personnel management associations, pharmacists' associations, professional associations, professional standards review boards, psychologists' associations, scientific associations, social workers' associations, standards review committees, political campaign organizations, political party constituencies' associations, local political organizations, political action committees, political campaign organizations, political organizations or clubs, and political parties

**Section 2. Prohibited Uses.** The following uses are prohibited within the B-2 Central Business District:

- i. Adult shops or adult media stores (an establishment offering goods for sale or rent that meet any of the following tests: (a) the establishment offers for sale items including adult media, leather good marketed or presented in a context to suggest their use in sadomasochistic practices and the combination of such items constitutes more than 10% of its stock, sales or its gross floor area; (b) more than 5% of its stock consists of sexually-oriented toys or novelties; (c) more than 5% of its gross floor area is devoted to sexually oriented novelties or lingerie or (d) advertises or otherwise conducts itself in any forum as “XXX”, “adult”, “sex” or otherwise as a sexually oriented business).
- ii. Adult cabaret (a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein).

- iii. Shops displaying or selling paraphernalia used for the ingestion or injection of illegal drugs including but not limited to hookahs, bongos, water pipes, hashish pipes, ice pipes and cocaine kits.
- iv. Massage parlors (including all non-certified and/or unlicensed medicinal massage therapy) operating without all certifications and licenses required by federal, state and local law.
- v. Tattoo and/or piercing parlors.
- vi. Pawn shops and other institutions offering non-depository credit intermediation primarily engaged in extending credit or lending funds raised by credit market borrowing.
- vii. Establishments that advertise that over 90% of the merchandise purchased in such establishment shall be sold for \$1 or less.

**Section 3.** Those uses prohibited in the B-2 Central Business District as set forth in Section 2 shall not be prohibited or restrict the B-1 Central Business District.

**Section 4.** This Ordinance shall take effect upon passage in accordance with the law.

### **REPORTS:**

It was moved by Boyle, seconded by Housel, to receive and file the following reports.

1. Municipal Court Report
2. Tax Collectors Report
3. Police Activity Report
4. Issues and Details

Ayes: 6, Nays: 0  
Motion Carried

### **COMMITTEE REPORTS:**

**Redevelopment Committee:** No Report

**DPW Garage:** Councilman Housel asked if the performance bond company had been contacted regarding the project. Manager Phelan stated the bond company has been notified and is actively involved in the process. They are tightening the reigns on the contractor. They are behind schedule but making progress.

**Sewer Committee:** Councilman Higgins reported that the sewer committee received the Waste Water Management Plan Update today. He will review and report to Council.

**Streets Committee:** No Report

**Finance Committee:** No Report

**Shared Services Committee:** Councilman Boyle stated he attended a shared service committee meeting on June 29. He did bring up the subject of garbage collection. There were six different municipalities in attendance at the meeting and all had great ideas. He reported that they will be reviewing some ideas and doing some number crunching at the next meeting in August. They also discussed the possibility of a shared service for OEM Coordinator. The next meeting will take place on July 30 in White Township. Councilman Boyle will not be able to attend; however will be attending the August meeting.

**Senior Services:** Councilman Higgins stated that all of the current information on senior services continues to be placed on the bulletin board for residents to review.

**Website Committee:** - Councilman Cioni noted that the he is waiting on some information from the Recreation Director regarding sports schedules.

**Concession Stand Committee** – No Report

**Recreation Report** – No Report

**Parking Lot Committee** – Councilman Cioni noted that the parking lot committee will continue to meet if any issues develop regarding the parking lot. He thanked Ed Rossi and Sandy Cerami for doing a great job facilitating the parking lot committee meetings.

## **VOUCHERS AND CLAIMS**

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Valentine, seconded by Housel to pay the vouchers and claims in the amount of \$1,411,266.19.

Councilman Boyle questioned the payment on page twelve regarding downtown redevelopment. Manager Phelan stated that this professional service agreement delegated money for the downtown redevelopment project. The Ordinance was broad in scope and it has been verified with the CFO that the monies can be used for oversight of the remaining work on the downtown. Councilman Boyle asked for a copy of resolution 110-2009.



Councilman Cioni asked why the Borough is paying for snow removal in July. Manager Phelan stated the bills were just received and needs to be paid. The new purchasing manual does address the processing of late invoices.

Councilman Higgins questioned change order number 6 for the downtown streetscape project. He asked if this change order had been approved. Manager stated yes, all change orders were approved by the Governing Body.

Roll Call: Boyle, Higgins, Valentine, McDonald, Housel, Cioni

Ayes: 6, Nays: 0  
Motion Carried

### **OLD BUSINESS:**

### **DEP PERMIT**

This item was removed from the agenda.

### **NEW BUSINESS**

### **Approval of Town-Wide Yard Sale by the BID**

Motion made by Higgins, seconded by Valentine to approve the Town-Wide Yard Sale date of September 12, 2009 with a rain date of September 19, 2009, and to waive the municipal fee.

Roll Call: Housel, Valentine, McDonald, Cioni, Higgins, Boyle

Ayes: 6, Nays: 0  
Motion Carried

### **Resolution 137-2009 Extension of Leave of Absence Twila Eglinton**

Resolution 137-2009 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, McDonald, Cioni, Higgins, Boyle

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #137-2009**

**RESOLUTION GRANTING AN EXTENSION TO THE  
LEAVE OF ABSENCE WITHOUT PAY  
TO TWILA I. EGLINTON**

WHEREAS, the governing body of a municipality may grant temporary leave of absence, without pay, to any employee provided such leave shall not exceed six (6) months at any one time; and

WHEREAS, the governing body desires to maintain complete and accurate records of employee benefits in accordance with New Jersey State Law; and

WHEREAS, Twila I. Eglinton requested a leave of absence without pay due to personal illness for the period beginning 05/15/2009 and ending on or about 06/17/2009 for pension accounting; and

WHEREAS, the employee is not able to perform her duties due to personal illness and will have exhausted all sick leave benefits as of the close of business on May 14, 2009, and has requested a temporary Leave of Absence Without Pay beginning May 15, 2009.

WHEREAS, the employee was advised by her physician that she is unable to return to work until July 6, 2009, and requested an extension of the leave of absence in a letter dated June 22, 2009;

NOW, THEREFORE BE IT RESOLVED, the Borough of Washington Common Council does hereby grant to Twila I. Eglinton an extension to the temporary leave of absence, without pay, for the period beginning June 17, 2009, with a return to work date of July 6, 2009, from her full-time position as Clerk with the Washington Public Library.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pensions and Benefits in order to allow the employee to retain her non-contributory insurance benefits during the Leave of Absence Without Pay, as there are no earnings in the month of June to take the monthly deductions for pension and contributory insurance.

**Resolution 139-2009 Close and Transfer of K-9 Trust Funds**

Resolution 139-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Valentine, Cioni, Higgins, Boyle, McDonald

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION# 139 -2009**  
**A RESOLUTION TO CLOSE AND TRANSFER K-9 TRUST FUNDS**

**WHEREAS**, account #80-2705-6334, entitled K-9 Fund, was established as a trust account to support a police canine operation and,

**WHEREAS**, the Borough discontinued its canine operation and,

**WHEREAS**, \$909.87 remains in the trust account as of May 29 2009.

**NOW THEREFORE BE IT RESOLVED**, that the K-9 Fund trust account be closed and,

**BE IT FURTHER RESOLVED**, that \$909.87 plus any other transactions and interest, through the close of the fiscal year, be transferred to the Borough's current account.

**Resolution 140-2009 Dedication by Rider Snow Removal Trust Fund**

Resolution 140-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Higgins, Housel, Valentine, Cioni, Boyle, McDonald

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 140 -2009**  
**A RESOLUTION AUTHORIZING DEDICATION BY RIDER FOR SNOW**  
**REMOVAL TRUST FUND**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for the approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

**WHEREAS**, P.L.2001, c138 permits municipalities to lapse unexpended budgeted annually for removal; and

**WHEREAS**, N.J.S.A. 40A-39 provided that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Snow Removal created in accordance with provisions of P.L. 2001, c.138 as per N.J.S.A. 40A:4-39 and
2. The municipal clerk of the Borough of Washington, in the County of Warren, State of New Jersey is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**Resolution 141-2009 Dedication by Rider Recreation Purposes**

Motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, Boyle, Higgins, McDonald

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 141-2009**  
**A RESOLUTION AUTHORIZING DEDICATION BY RIDER FOR**  
**RECREATIONAL PURPOSES**

**WHEREAS**, permission is required of the Director of Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider, and

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, c292 for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal “fee-based” recreation programs.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**MUNICIPAL GARBAGE COLLECTION:**

Manager Phelan explained that the current garbage collection contract expires at the end of this year. The Governing Body has several choices. We can re-bid the entire package as is, modify the bid, or place the responsibility of garbage collection on the homeowner. Manager Phelan stated he would like to get started on this and needs direction from Council. Councilman Boyle stated that there are many options for the Borough to consider however it would help Council to have a breakdown of what each program costs for collection. Councilman Cioni suggested the manager prepare a breakdown and analysis of costs for all options for Council to review at the next meeting. Council concurred that this will be discussed at the next meeting.

**OPRA REQUEST**

Attorney Cushing explained that there had been a request for advisory budget information from a citizen. Council had previously not released the information; however the budget is now introduced and the individual has requested the information again. Attorney Cushing suggested releasing the information and redacting any items having to do with personnel.

Motion made by Higgins, seconded by Housel to release the information requested and redacting and personnel information.

Ayes: 6, Nays: 0  
Motion Carried

**RECAP**

Manager Phelan stated he will request the updated capital plan from the Washington Township Police Chief. He will look into the issues of flooding and the bridge failure at Van Beuren Street. He will contact the owner of Advance Auto to see if there is anything that can be done with the entrance off of Rt. 57. He will request the sports schedules for the website from the Recreation Director. Manager Phelan will forward a copy of

Resolution 110-2009 to Councilman Boyle. He will prepare the breakdown, including tipping fees, of garbage collection for the Borough for discussion at the next meeting.

### **COUNCIL REMARKS**

Councilman Cioni thanked Ms. Woykowski for working with the community and helping all of us. He also congratulated the Recreation Director for a very successful July 4<sup>th</sup> event at the pool. Councilman Cioni thanked the BID parking lot committee for all of their hard work.

Councilman Higgins asked if they were going to begin installing the air conditioner this week. Manager Phelan stated that the installation would begin on Thursday. Councilman Higgins also asked about the status of extraordinary aid. Manager Phelan stated that the Borough would probably not hear anything until the end of July. Councilman Higgins noted a veteran had mentioned to him that the flags are no longer being placed along Belvidere Avenue. He stated there used to be flag holders on the poles along Belvidere Ave. but they seem to be missing. He asked if it was possible to see if the Vo Tech could do this as a project when school starts in September. Manager Phelan will reach out to the Vo Tech. Councilman Higgins asked if the Fire Department will need to prepare for the expansion of the fire bays. Manager Phelan stated they offered to do clean up and will be removing all equipment prior to the start of the project. He will reach out to the fire chief to provide him with a timeline.

Councilman Housel also thanked Ms. Woykowski for her service. He congratulated Washington Celebrates America for a successful event. He also noted that Council will need to be more proactive in the future regarding projects such as the fire truck bays.

Councilman Boyle inquired as to when the state pedophile ordinance will be complete. Attorney Cushing stated he has not seen the proposed state ordinance. He will provide Council information when it becomes available. Councilman Boyle stated he had mentioned several ongoing issues with the vending machines to the Mayor. The Mayor will be holding a conference call with the vendor.

Mayor McDonald also offered his congratulations to Washington Celebrates America. He expressed his thanks to Ms. Woykowski for her service to the community.

Hearing no further business to come before Council, it was moved by Boyle, seconded by Higgins that the meeting be adjourned at 9:20 p.m.

Ayes: 6, Nays: 0.  
Motion carried.

---

Mayor Scott McDonald

---

Kristine Blanchard, RMC Borough Clerk

