

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 6, 2011**

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: Gleba, Torres, McDonald, Jewell, Higgins, Boyle
Valentine - Absent

Also Present: Kristine Blanchard, 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.”

COUNCIL APPEARANCE:

Chief McDonald – Washington Township Police Department

Chief McDonald updated the Governing Body on the police activity from August of 2010 through July of 2011. There have been 834 criminal investigations, 324 criminal arrests, 153 motor vehicle crashes, and 1,974 motor vehicle summons issued.

Mayor McDonald asked about enforcing the two hour parking downtown and if an officer walks the downtown area as part of his daily routine. Chief McDonald stated yes, officers do walk the downtown and issue parking summonses. The department is considering a parking violation officer in the future.

Councilman Torres asked about the upcoming budget season. Does the Chief anticipate any large purchases? The chief does not foresee any large purchases. Councilman Jewell noted the response time for the police department is very good. Councilman Boyle stated the Borough is looking to install stop signs at Lambert and Wayne Streets near Memorial School. Chief McDonald noted the township is looking to place cameras on several stop signs. There is no fee to install the cameras. A portion of the summons fee goes to the company installing the cameras and the remainder to the municipality.

Councilman Higgins asked how many officers were employed by the township and if there were any upcoming retirements. Chief McDonald stated that there were 28 officers and there was one maybe two retirements next year. Councilman Higgins asked the chief if the parking officer position had been discussed with the Borough Manager. The Chief stated yes he had spoken with the Manager and would again if the township moved forward with the position.

Mayor McDonald thanked Chief McDonald for his time.

PROCLAMATION:

**PROCLAMATION
FOR CONSTITUTION WEEK**

WHEREAS: It is the privilege and duty of the American people to commemorate the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Scott McDonald, by virtue of the authority vested in me as Mayor of the Borough of Washington in Warren County do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

CORRESPONDENCE:

Motion made by Gleba, seconded by Jewell to receive and file the following correspondence.

Revised Memorandum of Understanding

Ayes: 6, Nays: 0
Motion Carried

Discussion: Mayor McDonald stated that according to the revised memorandum some of the restrictions from the State of NJ had been lifted.

Mayor McDonald entertained a motion to accept the revised memorandum of understanding. Motion made by Torres, seconded by Jewell and approved.

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

Mayor McDonald also announced that the Washington Area Ministerium is holding an inter-faith memorial on 9/11.

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

Hearing no comments from the audience motion made by Jewell, seconded by Gleba to close the audience portion of the meeting.

Ayes: 6, Nays: 0

Motion Carried

ORDINANCES:

Ordinance 6-2011 AN ORDINANCE AUTHORIZING THE SALE OF SUPRLUS LAND (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #6-2011.

Ordinance 6-2011 was introduced by Councilman Higgins, seconded by Councilman Boyle.

It was further moved by Higgins, seconded by Boyle that the Clerk read Ordinance #6-2011 by title only.

Roll Call: Higgins, Boyle, Gleba, McDonald, Torres, Jewell

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance #6-2011 entitled, "An Ordinance Authorizing the Sale Surplus Land."

Motion made by Boyle, seconded by Jewell to adopt on first reading.

Roll Call: Jewell, Torres, McDonald, Boyle, Gleba, Higgins

Ayes: 6, Nays: 0

Motion Carried

Introduced 9/6/11

Public Hearing/Adoption 10/4/11

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

ORDINANCE # 6-2011

AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND

WHEREAS, a parcel of real property known as Block 94, Lot 57 on the tax map of the Borough of Washington and also known by the street address of Alleger Street Garage, Borough of Washington (“Property”), owned by the Borough of Washington, is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough of Washington to advertise the Property for public sale to the highest bidder; and

WHEREAS, the Borough of Washington wishes to dispose the Property pursuant to N.J.S.A. 40A:12-13;

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

1. The Mayor and Council hereby authorize the Property at public sale to the highest bidder by way of submission of sealed bids, said sale to be held at a time and place set by the Mayor and Council by resolution.
2. The sale shall be advertised in a newspaper circulating in the Borough by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to said sale.
3. The specific terms and conditions of the sale will be set forth in a resolution authorizing the sale, copies of which will, upon adoption, be available at the Borough Municipal Building.
4. The sale of the Property shall be subject to a written contract to be entered into with the highest bidder. The form of contract will be attached to the resolution authorizing the sale.
5. The minimum price for the parcel of land is \$ 1.00 .
6. A minimum deposit of ten percent (10%) of the bid price on the Property by cash or certified check (or other immediately negotiable funds) payable to the Chief Financial Officer, Borough of Washington must be included with each sealed bid. Deposits shall be returned to all except the highest bidder for each lot within seven (7) days of bid opening.

7. The Borough reserves the right to reject all bids.

This Ordinance shall take effect upon its adoption and final publication in accordance with law.

Ordinance 7-2011 AN ORDINANCE AMENDING CHAPTER 44A FLOOD DAMAGE CONTROL (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #7-2011.

Ordinance 7-2011 was introduced by Councilman Jewell, seconded by Councilman Torres.

It was further moved by Jewell, seconded by Torres that the Clerk read Ordinance #7-2011 by title only.

Roll Call: Higgins, Boyle, Gleba, McDonald, Torres, Jewell

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #7-2011 entitled, "An Ordinance Amending Chapter 44A Flood Damage Control."

Discussion: Mayor McDonald noted that according to the Borough Manager's letter the Federal Emergency Management Agency has amended the requirements for municipalities that participate in the National Flood Insurance Program. Mayor McDonald stated the Ordinance needs to be adopted as is presented to you. This is a requirement of FEMA. Council had some questions relating to the changes. Council also requested copies of the flood maps.

Motion made by Boyle, seconded by Jewell to adopt on first reading.

Roll Call: Jewell, Torres, McDonald, Boyle, Gleba, Higgins

Ayes: 6, Nays: 0
Motion Carried

Introduction 9/6/11 – Public Hearing/Adoption 10/4/11
ORDINANCE 7-2011

Chapter 44A, FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Borough Council of the Borough of Washington 7-13-82 as Ord. No. 14-82.]

GENERAL REFERENCES

Management of surface water -- See Ch. 57.

Sedimentation and soil erosion control -- See Ch. 69.

Soil removal -- See Ch. 73.

Zoning and land development -- See Ch. 94.

§ 44A-1. Statutory authorization.

The Legislature of the State of New Jersey has in [N.J.S.A. 40:55D-1 et seq.](#) [N.J.S.A. 40:48-1](#) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Common Council of the Borough of Washington, County of Warren, State of New Jersey does ordain as follows.

§ 44A-2. Findings of fact.

A. The flood hazard areas of the Borough of Washington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 44A-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health.

B. Minimize expenditure of public money for costly flood control projects.

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. Minimize prolonged business interruptions.

E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. Ensure that potential buyers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 44A-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.

D. Controlling filling, grading, dredging and other development which may increase flood damage.

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 44A-5. Definitions.

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL -- A request for a review of the Zoning Officer's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING -- A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year.

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT -- Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL -- A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

[DIGITAL FLOOD INSURANCE RATE MAP \(DFIRM\) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.](#)

ELEVATED BUILDING -- A nonbasement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored to as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls.

~~[EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION \[Repealed 4-7-87 by Ord. No. 2-87\]](#)~~

~~[EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION \[Repealed 4-7-87 by Ord. No. 2-87\]](#)~~

FLOOD OR FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY –

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.~~THE OFFICIAL REPORT PROVIDED IN WHICH THE FEDERAL INSURANCE ADMINISTRATION HAS PROVIDED FLOOD PROFILES, AS WELL AS THE FLOOD BOUNDARY — Floodway Map and the water surface elevation of the base flood.~~

FLOODWAY -- The channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-tenths (0.2) foot.

~~HABITABLE FLOOR [Repealed 4-7-87 by Ord. No. 2-87]~~

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR -- The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure, usable solely for the parking of

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vehicles, building access or storage, in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of other applicable nonelevation design requirements.

MANUFACTURED HOME -- A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". ~~For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. [Added 4-7-87 by Ord. No. 2-87]~~

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION -- A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

~~MOBILE HOME — [Repealed 4-7-87 by Ord. No. 2-87]~~

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

~~NEW MOBILE HOME PARK OR MOBILE HOME SUB-DIVISION [Repealed 4-7-87 by Ord. No. 2-87]~~

RECREATIONAL VEHICLE — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 98-348), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the

installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
[Amended 4-7-87 by Ord. No. 2-87]

STRUCTURE -- A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~SUBSTANTIAL IMPROVEMENT— Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

SUBSTANTIAL IMPROVEMENT— Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE -- A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

§ 44A-6. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Borough of Washington, Warren County, New Jersey as depicted on the Flood Insurance Rate Map.

§ 44A-7. Basis for establishing areas of special flood hazard. ~~[Amended 9-3-1991 by Ord. No. 25-91]~~

The areas of special flood hazard for the Borough of Washington, Community No. 340495, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Warren County, New Jersey (All Jurisdictions)" dated September 29, 2011.
- b) Flood Insurance Rate Map for Warren County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34041C0238E, 34041C0239E, 34041C0326E; whose effective date is September 29, 2011.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 100 Belvidere Avenue, Washington, New Jersey.

~~The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, the "Flood Insurance Study for the Borough of Washington, Warren County, New Jersey," dated February 16, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file with the Borough Clerk's office, 100 Belvidere Avenue, Washington, New Jersey, 07882.~~

§ 44A-8. Violations and penalties.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Washington, Warren County, New Jersey from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 44A-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and any other ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 44A-10. Interpretation of provisions.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 44A-11. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Borough of Washington, Warren County, New Jersey, any officer or employees thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 44A-12. Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 44A-7. Application for a development permit shall be made on forms furnished by the Zoning Officer and may include but shall not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
- B. Elevation, in relation to mean sea level, to which any structure has been floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 44A-18B.

D. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

§ 44A-13. Designation of enforcement officer.

The Zoning Officer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Zoning Officer may utilize the services of the Municipal Engineer to assist with the technical aspects of his or her responsibilities with all associated costs being paid by the borough.

§ 44A-14. Duties and responsibilities of enforcement officer.

Duties of the Zoning Officer shall include but shall not be limited to:

A. Permit review. He shall:

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway; if located in the floodway, assure that the encroachment provisions of § 44A-19A are met.

B. Information to be obtained and maintained. He shall:

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(a) Verify and record the actual elevation, in relation to mean sea level.

(b) Maintain the floodproofing certifications required in § 44A-12C.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

C. Alteration of watercourses. He shall:

(1) Notify adjacent communities and the State of New Jersey Department of Environmental Protection, [Dam Safety and Flood Control Section and the Land Use Regulation Program](#) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Interpretation of FIRM boundaries. He shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 44A-15.

E. When base elevation and floodway data has not been provided in accordance with § 44A-7, Basis for establishing areas of special flood hazard, the Zoning Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 44A-18A, Residential construction, and § 44A-18B, Nonresidential construction.

§ 44A-15. Appeal Board.

A. The Planning Board, as established by N.J.S.A. 40:55D-23 et seq., shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Zoning Officer in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.

D. In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

E. Upon consideration of the factors of § 44A-15D and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration.

§ 44A-16. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the provisions of § 44A-15D(1) through (11) have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required by issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

~~Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.~~

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 44A-15D or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 44A-17. General standards for flood hazard reduction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

E. Enclosure openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

[Added 4-7-87 by Ord. No. 2-87]

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

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(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

~~(1) — A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~(2) — The bottom of all openings shall be no higher than one (1) foot above grade.~~

~~(3) — Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~

§ 44A-18. Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 44A-7, Basis for establishing areas of special flood hazard or in § 44A-14B, Use of other base flood data, the following standards are required:

A. Residential construction New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation

~~.New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.~~

B. Nonresidential construction. ~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:~~

~~(1) — Be floodproofed so that below the base level the structure is watertight with walls substantially impermeable to the passage of water.~~

~~(2) — Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~(3) — Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in~~

~~§ 44A-12C. [Amended 4-7-87 by Ord. No. 2-87]~~

~~C. — Manufactures homes. [Amended 4-7-87 by Ord. No. 2-87]~~

~~(1) — Manufactured homes shall be anchored in accordance with § 44A-17A(2).~~

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~~(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation. In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:~~

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either

[1] Elevated to the level of the base flood elevation; and

[2] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 44A-12C.

§ 44A-19. Floodways.

Located within areas of special flood hazard established in § 44A-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If the provisions of Subsection A are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 44A-17 and 44A-18.

C. The placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision, is prohibited.

D. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point

§ 44A-20. Fees.

All applicants shall be required to pay an application fee of one hundred dollars (\$100.) to the Borough of Washington upon submittal of a complete application. In addition, the applicant shall pay to the Borough of Washington a fee of two hundred dollars (\$200.) for the purpose of establishing an escrow account for payment of engineering costs associated with the review of the application. The applicant shall be responsible for payment of all reasonable fees for review of an application and may from time to time be required to make additional deposits into said escrow account within ten (10) days of receipt of a written request of the Treasurer of the Borough of Washington. Failure to make timely deposits upon request will result in the application being denied or permit revoked. Any remaining funds in the escrow account one hundred eighty (180) days after a permit has been issued shall be returned to the applicant.

REPORTS:

Motion was made by Gleba, seconded by Higgins to receive and file the following reports:

1. Managers Reports

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins noted that in the Manager's report; the Borough Manager asked if anyone was interested in changing the meeting time to 7:00 p.m. for 2012.

Motion made by Higgins, seconded by Gleba to change the start time to 7:00 p.m. on the Council Agenda presented at reorganization. Ayes: 5, Nays: 1 (Torres)

COMMITTEE REPORTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Resolution 144-2011 In Support of Senate Resolution 237

Motion made by Higgins, seconded by Gleba and adopted.

Councilman Higgins explained that this Resolution is in support of a moment of silence at 1:00 p.m. on Sunday, September 11, 2011.

Ayes: 6, Nays: 0

Abstain: 0

Motion Carried

**Resolution 144-2011
RESOLUTION OF THE
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION IN SUPPORT OF THE SENATE RESOLUTION 237

Regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

WHEREAS, at 8:46 AM, on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York;

WHEREAS, 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

WHEREAS, at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense;

WHEREAS, at approximately 10:00 AM, the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed;

WHEREAS, countless fire departments, police departments, first responders, government officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to these horrific events;

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

WHEREAS, the Port Authority Police Department suffered 37 fatalities on September 11, 2001, the largest loss of life of any police force in United States history in a single day,

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks,

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored;

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day;

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States;

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families;

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life;

WHEREAS, in December 2001, Congress and the President joined together to designate September 11 as Patriot Day (Public Law 107-89);

WHEREAS, in September 2002, and each September thereafter through September 2008, President Bush issued Proclamations 7590, 7702, 7812, 7929, 8047, 8174, and 8286 (67 Fed. Reg. 57125; 68 Fed. Reg. 53013; 69 Fed. Reg. 55717; 70 Fed. Reg. 54467; 71 Fed. Reg. 53659; 72 Fed. Reg. 51553; 73 Fed. Reg. 52773) proclaiming September 11 of that year, respectively, Patriot Day;

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460);

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all the people of the United States;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington,

(1) recognizes September 11, 2011 as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

- (6) on the 10th anniversary of this tragic day in United States history –
- (a) calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including –
 - media outlets;
 - houses of worship;
 - military organizations;
 - veterans organizations;
 - airlines;
 - airports;
 - railroads;
 - sports teams;
 - the Federal Government;
 - state and local governments;
 - police, fire, and other public institutions;
 - educational institutions;
 - businesses; and
 - other public and private institutions; and
 - (b) encourages the observance of the moment of remembrance or prayer to last for 1 minute beginning at 1:00 PM Eastern Daylight Time, by, to the maximum extent practicable –
 - (i) ceasing all work or other activity; and
 - (ii) marking the moment in an appropriate manner, including ringing bells, blowing whistles, or sounding sirens.

Mayor Appointment to the Morris Canal Committee – Justin Jewell

Motion made by Torres, seconded by Gleba and approved.

Ayes: 6, Nays: 0
Motion Carried

Approval of Bingo License for Knights of Columbus

Motion made by Higgins, seconded by Torres and approved.

Ayes: 5, Nays: 0
Abstain: 1 (Boyle)
Motion Carried

Approval of Bingo License for St. Josephs Church

Motion made by Higgins, seconded by Torres and approved.

Ayes: 5, Nays: 0
Abstain: 1 (Boyle)
Motion Carried

Resolution 150-2011 Adjust Sewer Billing (EDU'S)

Resolution 150-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 150-2011
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

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 following changes in the sewer service charge(s) are approved:

BLOCK/LOT NAME/ADDRESS	REASON/ADJUSTMENT
24/26 Park, Kwang Il & Eun Kyung 36-38 E. Washington Avenue Washington, NJ 07882	Change in Use (5.5) to (4.5) E.D.U.s Effective: September 2011

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolution 151-2011 Grant Application to NJ DOT – Green Street

Resolution 151-2011 was moved on a motion by Gleba, seconded by Torres for discussion:

Council discussed this grant application. Council questioned why Green Street would be the only street in the Borough eligible and what costs would be incurred by the Borough Engineer.

Council recessed for five minutes to obtain correspondence regarding the grant application.

Council reconvened and Mayor McDonald stated the memo from the manager states that any other road project in the Borough would require a cash match.

Councilwoman Gleba removed her motion, Councilman Torres removed his second and Council tabled this resolution to the next meeting when the manager would be present.

VOUCHERS:

Mayor McDonald entertained a motion to pay the vouchers and claims in the amount of \$ 1,556,072.37.

Discussion: Councilman Higgins questioned the Engineers invoice for the oversight of the Municipal Parking Lot downtown and he also asked how much is left in the Ordinance. Ms. Blanchard will look into this. Councilman Torres asked about the welding bills for the DPW Department. Ms. Blanchard will also look into these invoices.

Motion made by Higgins, seconded by Boyle and approved.

Roll Call: Gleba, Torres, McDonald, Jewell, Higgins, Boyle – Yes
Gleba – Abstained from Finnelli Consulting Vouchers
Higgins – Abstained from Fire Dept. Vouchers

Jewell – Abstained from EMS and Fire Dept

Ayes: 6, Nays: 0

Abstain: 3 (Gleba – Finnelli, Higgins – Fire Dept., Jewell – EMS and Fire Dept.)

RECAP

Ms. Blanchard stated she would obtain the flood documents for Council and ask the Borough Manager to provide more information regarding Ordinance 7-2011. She will also look into the engineering invoices and the welding invoices.

COUNCIL REMARKS:

Councilman Higgins noted that the State of NJ received notice that all 21 counties were determined to be disaster areas after Hurricane Irene and eligible for funding from FEMA. He also asked who has the keys to the lights at the park. Ms. Blanchard will find out. Councilman Higgins stated that he would like the numbers from the pool season; revenues, expenses, and concession sales.

Councilman Jewell congratulated the Washington Emergency Squad on 75 years of service and reminded citizens to place their flags out for 9/11.

Councilman Torres also reminded citizens to have a moment of silence for the victims of 9/11 and congratulated the Washington Emergency Squad on 75 years.

Councilwoman Gleba congratulated the Washington Emergency Squad on their 75th anniversary. She also requested the information from Stephanie Lewis regarding the recalculation of fees for sewer service. Ms. Blanchard will obtain. She requested the professional's evaluations be placed on the agenda for the next meeting and reminded everyone about the special garbage pick up September 12.

Mayor McDonald congratulated the Washington Emergency Squad on 75 years of service. He stated he attended the event and read a proclamation memorializing the emergency squads 75 year anniversary.

Councilman Higgins motioned to have an executive session at the next meeting for matters of personnel, seconded by Councilman Boyle. The appropriate paperwork will be given to the manager.

Hearing no further business, a motion was made by Higgins, seconded by Boyle to adjourn the meeting at 9:00 pm.

Ayes: 6, Nays: 0,
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk

