

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 4, 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: Valentine, Gleba, Torres, McDonald, Jewell, Higgins,
Boyle - Absent

Also Present: Richard Phelan, Borough Manager
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.”

Mayor McDonald entertained a motion to adopt Resolution 176-2011.

Motion made by Gleba, seconded by Torres and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

Tax Assessor salary will be \$25,000 for 2011 and \$27,000 for 2012.

PROCLAMATION:

Mayor McDonald read a proclamation in honor of the Washington Woman’s Club.

PROCLAMATION
OF THE
BOROUGH OF WASHINGTON

WHEREAS, in 1925 the Washington Woman’s Club was officially organized and became federally recognized in 1926; and

WHEREAS, the Washington Woman’s Club sole purpose is for the betterment of the community. The Washington Woman’s Club aids in the efforts to improve and beautify the town and engages in civic, philanthropic, cultural, and educational projects as opportunity presents; and

WHEREAS, the Washington Woman’s Club are members of the General Federation of Women’s Clubs and New Jersey State Federation of Women’s Clubs; and

WHEREAS, the Washington Woman’s Club contributes to many local charities including the Community Food Pantry, Washington Celebrates America, the Vernon Oakes Society, and the Domestic Abuse and Rape Crisis Center, while also offering scholarships to students from Warren Hills Regional High School and Warren County Technical School; and

WHEREAS, in addition, the Washington Woman’s Club has provided meals and holiday trays to the Meals at Home program and participates in the community lunch program at the United Methodist Church; and

WHEREAS, for the past 85 years, the Washington Woman’s Club has been essential in the betterment of our community as well as providing charitable donations to non-profit organizations that provide services to the residents of the Borough of Washington and surrounding areas; and

BE IT PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to the Washington Woman’s Club, and forever recorded in the official records of the Borough of Washington as an everlasting tribute to the Washington Woman’s Club by an appreciative and thankful community.

CORRESPONDENCE:

None

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

John Ketwig 43 ½ Carlton Avenue

Mr. stated that he has been trying to resolve a problem with a foreclosed property on the alley behind Carlton Avenue. He has tried reaching out to the Code Enforcement Officer and the Managers Office. There seems to be people dumping on the property. Manager Phelan will look into this.

Susan Sloan Grand Avenue

Mrs. Sloan thanked Manager Phelan for the installation of the one way sign at Taylor St. She inquired about the forensic audit. She asked if the auditor can contact anyone he sees fit? Mayor McDonald stated that it is at his discretion. Mayor McDonald stated that if he feels that someone has something factual to offer he will speak to them. Mrs. Sloan also noted that there is trash along the Washington Theatre. Manager Phelan will have the Code Enforcement Officer look into this. Councilman Torres noted that we may need the Code Enforcement Officer to be more proactive. Manager Phelan stated he does go out and do patrols.

Rick Feldman 19 Prosper Way

Mr. Feldman noted that he has called the forensic auditor. He has if they had been given a list of people not to speak to. The receptionist stated that she couldn't say yes or no. He wanted Council to be aware of that.

Hearing no further 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 (Public Hearing/Adoption)

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

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

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

Ayes: 6, Nays: 0

Motion Carried

Mayor McDonald opened the Public Hearing on Ordinance 6-2011. Hearing no comments from the audience motion made by Higgins, seconded by Jewell to close the audience portion.

Ayes: 6, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Jewell to adopt on final reading.

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

Ayes: 6, Nays: 0
Motion Carried

**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.

Resolution 170-2011 Waiving the Twenty Day Period for Ordinance 6-2011.

Motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

**BOROUGH OF WASHINGTON
WARREN COUNTY**

RESOLUTION # 170-2011

**A RESOLUTION WAIVING THE TWENTY DAY
WAITING PERIOD FOR ADOPTION OF AN
ORDINANCE**

WHEREAS, Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, states that Ordinances shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, adopts a resolution

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

WHEREAS, the project enumerated within the above captioned Ordinance are necessary for the betterment of the residents of the Borough of Washington and;

WHEREAS, the 20 day waiting period is not in the best interest of the residents and employees of the Borough of Washington and;

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough of Washington of the Borough of Washington, in the County of Warren, State of New Jersey that Ordinance #6-2011 in accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington and that this Ordinance shall take effect immediately upon final passage.

Resolution 171-2011 Resolution Authorizing Sale of Surplus Land

Motion made by Jewell, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 171-2011

RESOLUTION AUTHORIZING SALE OF SURPLUS LAND

WHEREAS, the Borough of Washington (“Borough”) is the owner of a parcel of real property 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 as set forth by Block and Lot and street address on Exhibit A attached hereto and made a part hereof (“Property”).

WHEREAS, the Property is no longer needed or required by the Borough for public use; and

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

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

NOW THEREFORE, it is hereby resolved as follows:

1. The Borough Council hereby authorizes the sale of the Property at public sale to the highest bidder by way of submission of sealed bids. Said sale is to be held on Friday, October 28, 2011 at 10:00AM. at the Borough Hall.

2. The sale shall be advertised in a newspaper circulating in the Borough by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to said sale.

3. Bids shall be received for the Property by way of sealed bid no later than 10:00 AM on Friday, October 28, 2011.

4. The sale of the Property shall be subject to a written contract to be executed by the highest bidder. The form of contract to be executed is attached to this Resolution. The form of contract is not negotiable. The three (3) day attorney review period does not apply to this transaction.

5. All bids must contain 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.

6. The Property shall be sold for use in accordance with the zoning regulations for the zoning district in which it is located.

7. The high bidder shall be required to execute the contract of sale with the Borough within seven (7) days of acceptance of the bid by the Borough which acceptance or rejection shall take place at the next regular meeting of the Borough following the sale, which contract shall include among other conditions:

a. The Borough shall convey by Quitclaim Deed.

b. Title will close within sixty (60) days from the date of the execution of the contract. If title does not close on such date due to any default of the purchaser, the Borough shall have the option to cancel the Contract unilaterally by writing to the purchaser and retaining the deposit monies as liquidated damages, in addition to any rights the Borough shall have at law and in equity against the purchaser.

c. The conveyance shall be subject to public and private rights in any roadways or water courses which may abut or traverse the Property, restrictions and easements of record, if any, such facts as an accurate and current survey may reveal, and zoning ordinances of the municipality.

d. In the event that title to the Property is deemed unmarketable because it is uninsurable by a reputable title insurer licensed in New Jersey, the Borough shall return to purchaser all monies paid by way of deposit without interest, without deduction, and without any liability for the payment of any fees or commission and without further liability between seller and purchaser.

8. The sale of the Property is "as is" and without contingency, warranty or representation including, by way of example, as to condition of land, suitability for construction of structures thereon, compliance with zoning regulations, subdivision approval, issuance of building permit, environmental factors affecting the Property, and any financing requirements of purchaser. No financing or inspection contingencies shall be allowed. The Borough is in possession of a Phase I Environmental Site Assessment of the Property and same shall be supplied to prospective purchasers for their review.

9. There is no minimum bid price for the Property.

10. A prospective purchaser who wishes to inspect the Property may do so by contacting the Borough Clerk at 908-689-3600 to establish a mutually convenient time. Prospective purchasers are encouraged to carefully review the Property, the zoning ordinances, construction code regulations and the ordinances of the Borough of Washington, and any other county, state and federal regulations, including flood plain regulations, in order to determine whether the prospective purchaser's proposed use can be accommodated. All sales are final and the successful bidder's deposit will not be returned for any reason except as otherwise provided in the Ordinance, Notice of Sale, this Resolution and proposed Contract of Sale.

11. It will not be a reason to return the successful bidder's deposit that the Property cannot be used for the purpose intended by the successful bidder or that the successful bidder cannot obtain the funds necessary to complete the purchase of the Property by the assigned closing date.

12. The Borough of Washington reserves the right to reject any or all bids. The acceptance or rejection of bids shall be made by the Borough Council at its next regular meeting following the sale. Sealed bids must be received at the sale on the date of sale and thereafter considered, with the notification of the successful bidder, if any, to be made at the next regular meeting of the Borough Council. All bids will be received at the sale at 10:00AM, Friday, October 28, 2011.

13. The Mayor, the Clerk of the Borough, the Chief Financial Officer, and any other proper official of the Borough, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

14. As a condition of the sale, buyer agrees to demolish all existing buildings/structures on the Property. This obligation shall be secured by a performance bond, in an amount to be determined by the Borough Engineer, which shall be supplied to the Borough within 30 days of execution of the contract of sale for the Property.

15. As a condition of the sale, buyer agrees to provide environmental remediation of the Property, which obligation shall be secured by a performance bond, in an amount to be determined by the Borough Engineer. The successful buyer shall submit a plan for

environmental remediation for the Property together with the performance bond to the Borough within 30 days of execution of the contract of sale for the Property.

16. As a condition of the sale, buyer agrees to create a parking lot for the use of public on the Property subsequent to the demolition of all existing buildings/structures, and to landscape the Property in conformance with all applicable Borough requirements.

Ordinance 7-2011 AN ORDINANCE AMENDING CHAPTER 44A FLOOD DAMAGE CONTROL (Public Hearing/Adoption)

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

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

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

Ayes: 6, Nays: 0
Motion Carried

Public Hearing:

Hearing no comments from the public motion made by Higgins, seconded by Jewell to close the public hearing.

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

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

Ayes: 6, Nays: 0
Motion Carried

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 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.

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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.

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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.

(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.

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~~(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).~~

~~(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~~

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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:

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.

Resolution 172-2011 Waiving Twenty Day Waiting Period for Ordinance 7-2011

Resolution 172-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 172-2011

A RESOLUTION WAIVING THE TWENTY DAY WAITING PERIOD FOR ADOPTION OF AN ORDINANCE

WHEREAS, Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, states that Ordinances shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, adopts a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage; and

WHEREAS, the project enumerated within the above captioned Ordinance are

necessary for the betterment of the residents of the Borough of Washington and;

WHEREAS, the 20 day waiting period is not in the best interest of the residents and employees of the Borough of Washington and;

NOW, THEREFORE, BE IT RESOLVED by the members of the Borough of Washington of the Borough of Washington, in the County of Warren, State of New Jersey that Ordinance #7-2011 in accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington and that this Ordinance shall take effect immediately upon final passage.

REPORTS:

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

1. Managers Report
2. Tax Collector Report

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Councilman Jewell reported that he attended the Morris Canal Committee meeting. He noted there is 33 miles the Morris Canal in Warren County. The committee would like to link the 11 useable miles and construct trail heads. They are planning on conducting a feasibility study. He will keep Council informed.

Councilman Higgins noted there is a sewer committee meeting on October 17.

OLD BUSINESS:

None

NEW BUSINESS:

Statewide Training Class

Borough Clerk Blanchard noted there is a training class available to Council members and the Borough Manager given by Statewide Insurance. For each Council member who take the class there is a \$250.00 credit given on Insurance. Council agreed to schedule the class for November 1 at 6:30 p.m.

Improve Communications Strengthen Community Proposal (JG)

Councilwoman Gleba proposed a communications system for the Borough. This is similar to the reverse 911 system used by the County. There are many companies that provide this service. She noted that by using this system the Borough could get information out to the community faster such as; the recent special garbage intake. It was noted by an audience member that the Warren County Communications center will be provide this service for free. After discussion Council agreed to have Councilwoman Gleba look into this with the County OEM Coordinator.

Resolution 166-2011 Sale of Surplus Property

Resolution 166-2011 was moved on a motion made by Gleba, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 166 -2011

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION

WHEREAS, N.J.S.A. 40A:11-36 permits a municipality sell personal property not needed for public use to via public auction; and

WHEREAS, the Borough owns one (1) Alumagoal Football/Soccer Combination Goal which is no longer needed by the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the auction of the Alumagoal Football/Soccer Combination Goal in accordance with the Local Public Contracts Law.

Resolution 167-2011 Observance of Halloween

Resolution 167-2011 was moved on a motion made by Valentine, seconded by Jewell and adopted.

Ayes; 6, Nays: 0
Motion Carried

RESOLUTION # 167- 2011

A RESOLUTION SUGGESTING A HALLOWEEN CURFEW AND ESTABLISHING OBSERVANCE OF TRICK OR TREAT WITHIN THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NJ.

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the municipality; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents establishing a suggested curfew to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department abiding by the curfew. The Mayor and Council suggest that this curfew be imposed on all minors in their care and custody; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore needs to be regulated to provide for the safety, health and welfare of all persons within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey agrees that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 p.m. from Friday, October 28, 2011 up to and including Monday, October 31, 2011. Curfew shall be extended for school - sponsored events to one (1) hour after the conclusion of the event.

Resolution 168-2011 Overpayment of Taxes

Resolution 168-2011 was moved on a motion made by Valentine, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #168-2011

A RESOLUTION AUTHORIZING APPLYING 2008
OVERPAYMENT TO CURRENT TAXES

WHEREAS, according to the Tax Collector's records, there exists an overpayment from a prior year caused during closing in 2008 on the following property;

NAME OF OWNER/ BLOCK/LOT PROPERTY LOCATION

79/14 Johnson, Denise E 124 Park Avenue 2008 3R 1,729.09

WHEREAS, the Tax Collector's office contacted Ms. Johnson concerning this overpayment and have received a letter that she wishes to have the overpayment applied to the 4th Quarter 2011 taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector to transfer the overpayment to the above quarter.

Resolution 169-2011 Overpayment of Taxes

Resolution 169-2011 was moved on a motion made by Torres, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 169-2011

RESOLUTION TO REFUND OVERPAYMENT OF 2011

REAL ESTATE TAXES DUE TO EXEMPT STATUS

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,521.77 on 3rd Quarter 2011 Taxes paid on property located at 254 W Warren Street, also known as Block 4 Lot 12 and assessed in the name of Polachak, Thomas; and

WHEREAS, the property owner has qualified for Exempt Veteran Status in the year 2011 as of July 1, 2011, which has created the overpayment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector to refund the amount of \$1,521.77 payable to: Thomas Polachak, 254 W Warren Street, Washington, NJ 07882.

Resolution 163-2011 Recreation Appointment Jeffery Haines

Resolution 163-2011 was moved on a motion made by Gleba, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION 163-2011

RECREATION COMMITTEE

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan "E" of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Recreation Committee with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Recreation Committee for a term ending **1/01/2015**

Resolution 173-2011 Release of Cash Bond

Resolution 173-2011 was moved on a motion made by Gleba, seconded by Jewell.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #173-2011

A RESOLUTION AUTHORIZING THE RELEASE OF CASH BOND FROM
BARBIERI BUILDERS CORP. ESCROW ACCOUNT HELD IN TRUST
BY THE BOROUGH OF WASHINGTON

WHEREAS, Pat Barbieri of Barbieri Builders Corp., 28 Parker Avenue, Flemington, N.J. 08822 has requested the return of the cash bond in the amount of \$4,850.00 deposited on June 6, 2011, into escrow acct. #7200020891 as a guarantee for final site work inspections for Block 44, Lot 34.07 (10 Heather Hill) for the driveway paving, drainage grading and top-soiling; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. of Suburban Consulting Engineers has determined that the final site work is acceptable and the bond can be released upon the receipt of two (2) signed and sealed As-built plans; and

WHEREAS, the As-built plans were delivered to the Municipal Clerk on September 20, 2011;

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 Municipal Treasurer is hereby authorized to issue a check to Barbieri Builders Corp. in the amount of \$4,850.00 from escrow account #7200020891.

Councilman Higgins noted that the Borough Manager should reach out to Barbieri Builders and the Municipal Engineer to discuss the flooding on McKinley Ave that was brought to the attention of Council at the last meeting.

Resolution 174-2011 Recreation Appointment

Resolution 174-2011 was moved on a motion made by Valentine, seconded Torres.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION 174-2011

RECREATION COMMITTEE

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan "E" of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Recreation Committee with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Recreation Committee for a term ending **1/01/2015**

Resolution 175-2011 Appointment of Emergency Management Coordinator

Resolution 175-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

RESOLUTION # 175-2011

**A RESOLUTION APPOINTING A MUNICIPAL
EMERGENCY MANAGEMENT COORDINATOR**

WHEREAS, the New Jersey law provides that each municipality shall have an Emergency Management Coordinator as prescribed by App. A;9-40.1 ; and

WHEREAS, Kurt Klausfelder has obtained the requisite training and qualifications to hold the position of Emergency Management Coordinator for the Borough of Washington, and

WHEREAS, the services provided by Kurt Klausfelder are professional services that are vital to the health, safety and welfare of the community;

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

1. That the Mayor hereby appoints Kurt Klausfelder as Emergency Management Coordinator for the Borough of Washington for the term of October 4, 2011 ending October 4, 2014.

VOUCHERS:

Mayor McDonald entertained a motion to pay the vouchers and claims in the amount of \$630,432.17.

Motion made by Higgins, seconded by Torres and approved.

Roll Call: Gleba, Torres, McDonald, Jewell, Higgins, Valentine – 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

Manager Phelan will reach out to the Code Enforcement Officer regarding the trash alongside the theatre. He will move forward with the sale of the old DPW site and will look into the flooding with the engineer and Barbieri Builders.

COUNCIL REMARKS:

Councilman Valentine thanked BID Director Sandi Cerami for the great job with the Festival on the Borough despite the rain.

Councilman Torres also thanked the BID and stated the festival went very well.

Councilwoman Gleba also noted the festival was a success and commended the BID on their advertising. She asked the Borough Manager to look into FEMA funding for any damages to roads or property and also any stimulus money that may be available.

Councilman Jewell also noted the BID did a fantastic job. He noted the previous code enforcement officer was proactive in the sense that he used community service workers as a way to complete small projects in the Borough. Councilman Jewell would like to see this re implemented.

Councilman Higgins asked when the Borough would be going out to bid again for Beethoven Avenue. Manager Phelan stated over the winter. It will now be a spring project.

Mayor McDonald noted the festival went very well and thanked the fire department for the tents during the rain storms. He congratulated Councilman Torres on the grand opening of his store.

A motion was made by Gleba, seconded by Torres to send the Washington Messenger a thank you for the work they do with the festival. All in favor.

BID director Sandi Cerami noted that the BID will be having a hometown Halloween on October 31 and the holiday celebration on December 1 and 2.

Motion made by Higgins, seconded by Torres to enter Executive Session after a five minute recess.

Ayes: 6, Nays: 0
Motion Carried

Council entered Executive Session at 8:45 pm.

175-2011
RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

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

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

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

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

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

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

_____Investigations of violations or possible violations of the law;

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

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the

public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

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

Hearing no further business, a motion was made by Higgins, seconded by Torres to adjourn the meeting at 10:00 pm.

Ayes: 6, Nays: 0,
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk