

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 7, 2012**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

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

Also Present: Kristine Blanchard, Acting Manager/Borough Clerk

Deputy Mayor Boyle led everyone in the flag salute.

Deputy Mayor Boyle 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.”

CORRESPONDENCE:

1. Jane B. MacNeil Re: Turn the Town Teal, An Awareness Campaign for Ovarian Cancer

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

Ayes: 6, Nays: 0
Motion Carried

Motion made by Gleba, seconded by Jewell to grant permission for Turn the Town Teal.

Ayes: 6, Nays: 0
Motion Carried

2. Richard T. Burke, Prosecutor Re: Residency Restrictions for Convicted Sex Offenders

3. Request for Block Party – Alice Thompson August 11 Saturday 8:00am to 6:00pm on South Wandling (at Mechanic St.)

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

Ayes: 6, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Jewell, to approve the Block Party request.

Ayes: 6, Nays: 0
Motion Carried

MINUTES: **Regular Meeting July 3, 2012**

Motion made by Torres, seconded by Jewell to approve the minutes of July 3, 2012.

Ayes: 6, Nays: 0
Motion Carried

Executive Session Meeting July 3, 2012

Motion made by Torres, seconded by Jewell to approve the minutes of the Executive session July 3, 2012.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

Edna Detlaf
Fisher Ave

Ms. Detlaf expressed concern with an agreement with Hampton regarding garbage services. She believes that Borough residents would be getting less service with Hampton.

Deputy Mayor Boyle explained the only difference in the services would be requiring more items to be recycled.

Mike Franks
43 Nunn Ave

Mr. Franks read a written remark that he had prepared for the meeting. He stated that he was shocked and pleasantly surprised that the Borough received a high rating for finances. He expressed concerned with Councils decision making in the past 5-6 months, this election year, which he described as erratic and unproductive. He discussed his concerns with Council voting to not allow residents to vote on an Open-space tax. Mr. Franks requested that Council allow residents of the Borough to vote on this matter.

Deputy Mayor Boyle explained that he was not in favor of putting an open-space tax on the referendum due to taxing and bonds. He explained that with the taxing and a twenty year bond, the Borough neglects to think of the citizens of the Borough that are on fixed incomes or retired individuals, where the added tax would be placed upon them. He explained that Mr. Franks and those who wish to see this on the ballot may have the option of collecting signatures for a petition to allow this to be put on the ballot.

Mr. Franks questioned Council on what lead to the decision to not put this decision on the ballot.

Councilman Jewell explained that due to the economic times, it is not a suitable decision to go ahead and tax. He explained that the infrastructure within the Borough needs to be fixed before preserving can be looked at. He explained that it is not a political decision, and that is not an appropriate time to bond for money.

Councilman Higgins explained that property is farm land assessed?

Manager Blanchard explained that when a property is farm land assessed, and when the property sells, someone has to pay the back taxes as to what the taxes would have been if it was not farm land.

Councilman Higgins noted that there are costs associated with bonding, and that is not in this years budget. The borough would have to put down 5% of the total bond costs. He also noted that there are wetlands in that area, and questioned if that would require any engineering from the municipality.

Kathy Haake
Trust for Public Land

Ms. Haake explained that in order to purchase the state Green acres does require a number of things, including appraisals, surveys and environmental assessments. She explained that if the Trust for Public Land was working on this project, they would cover those additional costs.

Councilman Higgins asked if the Trust for Public Lands would cover the cost for down payment of the Bond.

Kathy Haake explained that that is something they could discuss. She noted that this referendum would not obligate the Borough to do anything, nor even obligate the Borough to assess the tax. She explained that the referendum would give the voters an opportunity to express how important this is to them.

Councilman Torres noted that everyone wants to preserve open space, but the area is already effectively preserved as it is now. He explained that the zoning now is a mountain zone, which makes it difficult for a developer to come in and try to change the area. He explained that for the language on the ballot, it is a very complicated issue to try and explain in easy to understand language the pros and cons of such a big issue. He noted that if a developer were to come in before the Planning Board, the Planning Board would most likely not allow it to happen. He also noted that any increase in taxes, even a small increase is not a good idea. He explained that the remarks that council is shallow and short sighted are incorrect, because this is a deeply thought out issue.

Kathy Haake noted that the property is not preserved because it is already zoned for 40 houses. She also discussed that the Borough would not be responsible to the roll-back taxes, instead the taxes would be paid to the Borough.

Manager Blanchard noted that she has spoken to assessors, and the land is actually changing, so the party responsible for the taxes is questionable.

Councilman Jewel noted that he would rather see money go towards improving the infrastructure.

Deputy Mayor Boyle discussed the language of the referendum.

Tom Gilbert
Trust for Public Land

Mr. Gilbert explained that the tax was non-binding, and it would be up to the Borough to accept that tax. He said the purpose of the referendum was to give voters the opportunity to vote on the open space tax, and if passed gives the Borough the authority to levy the tax. Also, under the statute, the tax is dedicated and can only be used for the purposes stipulated in the ballot measure.

Council questioned if they do not put an open space tax, is that land still open space and protected?

Ms. Haake explained that any property can be protected but it needs to be purchased.

Ruddy Bescherer
Broad Street

Mr. Bescherer asked what the purchase price on the land was.

Ms. Haake explained that they did not have a purchase price.

Mr. Bescherer question questioned how there can be a bond with a dollar value when there is no purchase price for the property.

Ms. Haake explained that when there is an agreement from the Borough, they can move forward with a negotiation with the land owners for a price.

Mr. Bescherer noted that no one is going to go into any negotiations without any knowledge of a purchase price. He also noted that this would benefit not only Washington Borough, but Washington Township, and asked what Washington Township was doing about this issue.

Ms. Haake explained the Township has told the Trust for Public Land that they support the acquisition, and they want to know what Washington Borough is doing.

Councilman Higgins said that the Trust for Public Land is agreeing that the tax would be \$14.26 a year, and that is contingent on if the Borough would have enough money to pay the bond and the principal interest on the bond. He explained that there are a lot of unanswered questions regarding this open space tax.

Mr. Gilbert explained that if you take a 20 year bond at 5% interest. The Trust for Public land has calculated that a 1 cent open space tax, the fund that would be generated annually is around \$37,000, and that will enable the Borough to cover the debt on about \$450,000 in bonds, which would be a healthy contribution from the Borough that would be matched by other outside entities.

Councilman Higgins explained that the Trust for Open Public lands is asking the Borough to do something without all of the information. Councilman Higgins explained that the Borough still has a debt crisis, even though their rating is higher. He noted that that is how the Borough got into

debt before. He explained he did not think there was enough information for residents or the Council to make a decision.

Mr. Bescherer stated that if residents want the open space tax on the referendum, they would do a petition and have both Borough and Township residents contribute.

Sandy Terezza
Washington BID

Ms. Terezza asked Mr. Franks if they had re-looked at the vacated land option that did not require the tax payers pay for the burden. She noted that if there are options that not going to be a burden on tax payers and is a least cost option, they should look into that instead. She also noted that she appreciates Council looking out for the tax payers.

Pam Letterell

Ms. Letterell read a letter that her daughter, Jennifer Lambertie a Borough resident, had written. In the letter, Ms. Lambertie expresses concern and disappointment that the open space tax will not be considered on a referendum, and asks Council to allow Borough residents to vote on this issue.

David DeSanto
Washington Township

Mr. DeSanto asked Council to allow the voters to vote on this issue in a referendum.

Councilman Torres explained that the best way to get this issue on a ballot is to get a petition.

Councilwoman Gleba noted that in regards to Council waiting until the last minute to decide on this issue, she explained that Council waits to speak in a public forum because they are not allowed to discuss much among each other, unless it is in public forum. She also expressed concern that the language on the referendum is too vague, and it is not described as non-binding.

Motion made by Councilman Valentine, seconded by Gleba to insert the words 'non-binding' into the language of the ballot question into the document that Council received that night.

Councilman Higgins noted that this motion was only to add the language into the resolution and the question that would be placed on the ballot, and not to pass it.

Fred Walerton
W. Washington Ave

Mr. Walerton asked if the fund is not going to be dedicated to the land alone, is there a possibility that the fund could be used for other parks.

Councilwoman Gleba explained no, it is not in the language of the resolution.

Hearing no further discussion, Deputy Mayor Boyle requested the Clerk call roll.

Roll Call: Valentine, Gleba, Torres (Aye)
Boyle, Higgins, Jewell (Nay)

Ayes: 3, Nays: 3
Motion Failed

Motion made by Councilman Torres to include the words 'purchase price' with the actual purchase price in the referendum, seconded by Gleba.

Roll Call: Torres (Aye)
Valentine, Gleba, Boyle, Higgins, Jewell (Nay)

Ayes: 1, Nays: 5
Motion Failed

Motion made by Councilman Valentine motioned to approve the referendum using the original language.

Hearing no second, Deputy Mayor motioned to close the audience portion of the meeting, seconded by Gleba.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

1. Ordinance 6-2012 Amending Chapter 76 Shade Tree Commission of the Code of the Borough of Washington

Deputy Mayor Boyle entertained a motion to introduce Ordinance 6-2012 and have the Clerk read by title only.

Motion made by Higgins, seconded by Torres to introduce Ordinance 6-2012 and have the Clerk read by title only.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance 6-2012 by title: Ordinance 6-2012 Amending Chapter 76 Shade Tree Commission of the Code of the Borough of Washington.

Deputy Mayor Boyle entertained a motion to approve on first reading.

Motion made by Higgins, seconded by Jewell.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk stated that the Public Hearing of Ordinance 6-2012 will be September 4, 2012 and Advertisement of the Public Hearing in the Star Gazette on August 16, 2012.

Motion made by Higgins, seconded by Gleba.

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

Ayes: 6, Nays: 0

Motion Carried

**ORDINANCE 6-2012
AMENDING CHAPTER 76 SHADE TREE COMMISSION OF THE CODE OF THE
BOROUGH OF WASHINGTON**

Chapter 76, SHADE TREE COMMISSION

[HISTORY: Adopted by the Borough Council of the Borough of Washington 3-13-79 as Ord. No. 6-79. Amendments noted where applicable.]

GENERAL REFERENCES

Trees -- See Ch. 83.

Weeds and obnoxious growths -- See Ch. 91.

Zoning and land development -- See Ch. 94.

§ 76-1. Purpose and Title.

Trees constitute natural resources contributing to the value of property throughout the Borough of Washington and promoting the general welfare of the citizens thereof.

The Borough Council deems essential the protection of trees from needless removal or destruction with resulting damage from soil erosion, loss of soil fertility, drainage problems and loss of air quality as well as water quality.

The preservation of trees will be advanced by the establishment of rules and regulations regarding their protection or removal.

§ 76-2. Establishment; composition; appointment; compensation.

The regulation, planting, care and control of shade trees upon or in the streets, highways, public places, parks or parkways of this municipality shall be exercised by and be under the authority of a Commission.

§ 76-3. Terms of office.

A Commission consisting of five (5) residents of this municipality, which Commission shall be known as the "Shade Tree Commission of Washington Borough, New Jersey". The term of the five persons to be appointed by the mayor shall serve without compensation. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

The terms of office of said Commission shall be in accordance with N.J.S.A. 40:64-2.

§ 76-4. Powers.

The Shade Tree Commission of the Borough of Washington shall have the power to:

- A. Exercise full and exclusive control over the regulations, planting and care of shade and ornamental trees located in the right of way area, or which may hereafter be planted, in any public highway, park or parkway, including the planting, trimming, spraying, care and protection thereof.
- B. Regulate and control the use of the ground surrounding the same, as far as may be necessary for their proper growth, care and protection.
- C. Move or require the removal of any tree, or part thereof, dangerous to public safety.
- D. Care for and control such parks and parkways; encourage arboriculture; make, alter, amend and repeal, in the manner prescribed for the passage, alteration, amendment and repeal of ordinances by the governing body of the municipality, any and all ordinances necessary or proper for carrying out the provisions hereof.
- E. Administer treatment to or remove any tree situated upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the municipality and enter upon private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by a certificate issued by or on behalf of the Division of Parks and Forestry.

§ 76-4. Cost of trees and improvements; charge and lien on property; exceptions.

- A. Except as hereinafter provided, the initial cost of all trees planted by the Commission, the cost of planting the same, the cost of the posts and boxes or guards used for the protection thereof and the cost of the removal of any tree or part thereof dangerous to public safety shall, if the Commission shall so determine in accordance with uniform rules and regulations promulgated for this purpose, be a charge upon the real estate in front of which such tree or trees shall be planted or removed as an improvement thereof. Such cost, if it is so determined that it is to be paid by the owner, shall, unless paid directly to the Commission, be certified by it to the Collector of Taxes of the municipality, shall thereupon become and be a lien upon said real estate, shall be included in the next tax bill rendered to the owner or owners thereof and shall be collected in the same manner as other taxes against that property.
- B. The provisions of this section shall not apply to:
 - (1) A planting to replace a tree or trees theretofore planted by the Commission.
 - (2) A planting in connection with Arbor Day exercises or other educational demonstration.

§ 76-5. Notices and hearings on plantings and removal of trees.

In every case where the property of an abutting owner will be chargeable with the cost of planting of any shade tree or trees, the Commission shall give notice of the meeting at which it is proposed to consider said planting by publishing the notice at least once, not less than twenty (20) days before the meeting, in a newspaper circulating in the municipality, or by personal service of a copy of the notice upon the abutting owner at least ten (10) days before the meeting. The notice

shall specify the street, streets or portions thereof on which such planting is proposed and require all persons who may object thereto to present their objections in writing at the office of the Commission at or before the meeting. Before final action shall be taken, all objections so filed shall be considered. The Commission shall give reasonable notice of its intention to remove, or cause the removal of, a tree or part of a tree dangerous to public safety, unless public safety requires immediate removal, in which case no notice shall be necessary.

§ 76-6. Adjacent Landowner Responsibility.

No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place in the right of way area without writing a letter to the Commission, stating their intent. The person receiving permission needs to hire a licensed professional tree service to carry out any action.

§ 76-7. Authority to prescribe penalties.

The Commission may prescribe a fine for the violation of each of its ordinances in a minimum amount not to exceed five hundred dollars (\$500.) for each violation, and the courts which now or hereafter shall have jurisdiction over actions for the violation of ordinances of the municipality shall have jurisdiction in actions for the violation of such ordinances as the Commission shall enact. Each violation will be individually evaluated, based on the circumstances. If, as a result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree in the right of way area is caused, the cost of repair or replacement, or the appraised dollar value of such tree shall be borne by the party in violation.

Chapter 83, TREES

[HISTORY: Adopted by the Borough Council of the Borough of Washington 1-8-74 as Ord. No. 28-73. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government -- See Ch. 3.

Building construction -- See Ch. 29.

Streets and sidewalks -- See Ch. 75.

Weeds and obnoxious growths -- See Ch. 91.

§ 83-1. Rules and regulations. [Amended 10-14-80 by Ord. No. 15-80]

A. No person, firm, corporation or individual connected with such firm or corporation shall do or cause to be done by others to any tree, in the right of way area, public highway or place, either purposely, carelessly or negligently, without the written permission of the Shade Tree Commission, any of the following acts:

- (1) Cut, prune, climb with spikes, break, damage or remove.

- (2) Cut, disturb or interfere in any way with any root.
- (3) Fasten any rope, wire, sign or other device.
- (4) Remove or damage any guard or device placed to protect any tree.
- (5) Nothing herein shall prevent any governmental agency from tying a temporary public notice upon a tree in connection with administering governmental affairs.

B. Excavations.

- (1) Shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, in any public highway or location in the right of way area.
- (2) Where in authorized excavations it becomes necessary to expose or cut roots more than one (1) inch in diameter, it shall be the duty of the contractor to protect such roots under advice from the Shade Tree Commission.

C. Utility wires.

- (1) Every person, firm or corporation having or maintaining any electric, telephone, telegraph or other wires running through a public highway shall securely fasten and maintain such wires in such a manner as will safeguard the trees against any damage there from and shall make periodic adjustments whenever necessary to prevent damage to trees growing in any public highway or place.
- (2) No person, firm or corporation shall, without written permission of the Shade Tree Commission, attach or fasten any wire, insulator or other device for holding any wire to any tree in any public highway or location in the right of way area.
- (3) Any utility company or its agents may, with prior permission from the Shade Tree Commission, prune and remove trees for line clearance of utility wires.

D. Landscaping.

- (1) In new subdivisions or when the development of commercial property occurs, the Washington Borough Shade Tree Commission shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.

§ 83-2. Specifications for planting trees.

- A. No variety of tree other than nursery-grown trees listed in the Shade Tree Federation of New Jersey publication "Trees for New Jersey Streets" shall be planted in or upon the public highways and parks of the Borough of Washington unless the prior approval of the Borough of Washington Shade Tree Commission has been obtained to deviate.

B. Notice must be given to a member of the Shade Tree Commission two (2) weeks prior to the start of planting in order that the Commission may inspect the stock for variety, condition, size and quality. Each case will be determined on an individual basis. All work shall be subject to the general supervision and approval of the Borough of Washington Shade Tree Commission.

C. No such trees shall be planted unless the same shall be not less than two and one-half (2 1/2) inches caliper measured three (3) feet above the ground nor less than ten (10) feet high. Such trees shall be well branched, branches to start not less than six (6) feet from the crown of the root system.

D. Where authorized for placement, flowering decorative trees may be of smaller size than shade varieties. Such trees shall be not less than one and two (2) inches caliper measured three (3) feet above the ground, nor less than eight (8) feet high. They shall be well branched, branches to start not less than five (5) feet from the crown of the root system.

E. All such trees must be planted within the right-of-way of the street or highway. The exact location of such trees shall be determined by the Shade Tree Commission but shall be at least thirty (30) feet from intercepting curbs at street corners. Such trees shall be approximately fifty (50) feet apart.

F. No trees coming within the jurisdiction of the Washington Borough Shade Tree Commission shall be planted between May 15 and the following October 1.

G. According to the New Jersey Department of Environmental Protection- Division of Parks and Forestry, the following steps are recommended for planting trees. Dig a hole at least one (1) to two (2) feet wider than the root ball. Using a tape measure, stick or a shovel, measure the height of the root ball and then measure the depth of the hole. Add or remove soil in the hole so the top of the root ball will be flush with the ground. If the root ball has a wire basket, remove the bottom third (1/3) of the basket. Gently roll the root ball in the hole. Do not move the tree by its trunk. Look at the tree from a few angles making sure that the tree is straight. If needed, add soil under the root ball. Once the tree is straight, remove the rest of the wire basket. If the tree was balled in burlap, pull the burlap away from the trunk or remove the burlap completely. Slightly compact the soil as you fill the hole. Proceed to mulch around the tree in a donut shape and water thoroughly. Continue to water the tree as needed. When planting a tree, keep in mind its adult size. In order to avoid interference with electrical wires and cables, smaller trees ranging in height from 20 to 30 feet are a suitable choice. Larger trees should intentionally be planted away from any overhead wires.

These recommendations must be followed to the best of the landscapers' ability.

H. All stakes for such trees shall be of white or red cedar and must be eight (8) feet long and not less than two (2) inches in minimum diameter. Stakes must be driven into the ground to a depth of twelve (12) inches below the excavation before planting the tree and are to be placed preferably on the northwest side of the tree trunk. Trees shall be guyed to the stakes, using No. 10 wire in a piece of rubber hose. The wire shall be stapled to the stake in such a manner that the wire will not slip nor come in contact with the tree trunk.

I. After planting of such trees, removal of all debris in the disturbed area shall be made immediately. The property where such planting is made must be left in a neat and orderly condition in accordance with good and accepted planting and tree surgery practice.

J. All trees which fail to survive for a period of one (1) calendar year following planting shall be replaced by the developer at no cost or expense to the borough. Said replacement shall be made within sixty (60) days following written demand for such replacement from the Borough Council or other designated official or within such more extended period as may be specified.

§ 83-3. Securing approval. [Amended 10-14-80 by Ord. No. 15-80]

Where permission, consent or approval of the Shade Tree Commission is required by the provisions of this chapter, any person, firm or corporation required to obtain such permission, consent or approval shall first make application therefor, in writing, to the Secretary, Shade Tree Commission, Borough of Washington, County of Warren and State of New Jersey.

§ 83-4. Violations and penalties.

Any person, group of persons, partnership, association or corporation, individually or collectively, who shall violate or aid in, take part in or assist in the violation of this chapter, shall be subject, upon conviction, to a fine of not more than five hundred dollars (\$500.) or to imprisonment for a period not to exceed ninety (90) days, or to both. Each and every day that such violation occurs or continues to exist shall be considered a separate and specific violation.

§ 94-38. Apartments and townhouses.

Apartments and townhouses shall have site plan approval and public or private central water supply and a central sanitary sewer system approved by appropriate state and local agencies.

A. Each overall development shall have a compatible architectural and landscaping theme.

B. No complete dwelling unit shall have its entire living area level lower than the finished grade along the front of the structure, except that on side hill locations the number of stories above ground on the uphill side shall not exceed two (2) stories, with a third story permitted above ground on the downhill side. The height of the building measured from the foundation on the downhill side shall not exceed forty (40) feet.

C. Usable recreation areas. For any garden apartment building or group of such buildings containing a total of more than twenty-four (24) dwelling units, there shall be reserved and improved within the Borough of Washington, in addition to the minimum space between buildings and the off-street parking space herein required, a minimum open space equivalent to fifteen percent (15%) of the total land area in the Borough of Washington within the garden apartment house site for usable recreation space, provided that no single contiguous usable recreation space shall be smaller than one (1) acre, except where a smaller area shall be approved for limited purposes by the Planning Board, and no building containing dwelling units shall be more than five hundred (500) feet from the nearest usable recreation space. Usable recreation space shall be approved for such use by the Planning Board incidental to site plan approval as hereinafter provided. In no case shall swampy or poorly drained land be approved for such purpose, nor shall any part of any recreation area to be devoted to and used for baseball or football fields, swimming pools, children's playground and the like be within two hundred (200) feet of any public street line or within one hundred (100) feet of the boundary of any abutting property zoned for residential use, Swimming pools, ball fields, play courts and other recreation facilities shall be confined to

these approved recreation areas. All lighting fixtures shall be so designed, located and shielded that light radiating therefrom shall be reasonably confined to the recreation areas.

D. Approved bedrooms. Where the number of bedrooms per unit has been approved as part of the site plan, no other room shall be used for sleeping purposes.

§ 94-39. Bikeways.

Bikeways may be required depending on the development's location in relation to schools, recreation areas, shopping facilities and other populated areas. Bicycle traffic shall be separated from motor vehicle and pedestrian traffic as much as possible. Bikeways shall generally not exceed a grade of three percent (3%), except for short distances, and shall be a minimum of eight (8) feet wide. Bikeways shall have a minimum four-inch bituminous stabilized base course and a two-inch FABC surface course. Where bike paths intersect a street, the curbing shall be ramped for access to the street grade.

§ 94-40. Buffers.

Within any zone where a nonresidential development abuts a residential zone or where off-street parking and loading for six (6) or more vehicles abuts a street or residential zone, the following buffer area and landscaping requirements shall apply:

A. A strip of land twenty percent (20%) of the average width and depth of the property when a nonresidential use abuts a residential zone on the side or rear, respectively, shall be designated as a buffer area and so indicated on the plat. Buffer areas shall be located along residential property lines and shall be of uniform width. In no case should the width of the buffer exceed fifty (50) feet. If the buffer is less than twenty (20) feet wide, the applicant may be required to erect and landscape a six-foot high stockade fence within the buffer area parallel to the lot line of the abutting residential lot and set back a distance appropriate for the landscaping treatment in the buffer area. Buffer areas between parking and loading areas and streets shall be at least fifteen (15) feet wide.

B. Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year or one (1) growing season.

C. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, except access drives from public streets, one (1) unlighted directional sign per each direction of traffic per access drive and permitted signs as specified in the district regulations.

D. Requirements for planting in the buffer area.

(1) A solid and continuous landscaped screen shall be planted and maintained to conceal the parking and loading areas, eliminate the glare of vehicle lights throughout the year and camouflage the building from the abutting residential areas. The landscape screen shall consist of evergreen trees, such as hemlock, Douglas fir, Norway spruce, etc. Trees shall be planted in an area five (5) to twenty (20) feet from the residential line in a zigzag pattern and not more than ten (10) feet apart, except where otherwise authorized by the approving authority. Evergreen trees shall not be less than five (5) feet high when planted, and the lowest branches shall be not more than one (1) foot above the ground.

(2) In addition to the landscaped screen, shade trees, such as sugar maples, scarlet oaks, pin oaks, willow oaks, Norway maples, sweet gum, ash, etc., shall be planted by the applicant at a distance of not more than forty (40) feet from each other.

(3) The height of the landscaped screen shall be measured in relation to the elevation of the edge of the parking and loading area. Where the landscaped screen is lower than the elevation of the parking or loading area, either the required height of the screen shall be increased equal to the difference in elevation, or the parking or loading area shall be moved to allow the plantings to be located in an area with a similar elevation as the parking or loading area.

(4) If the buffer area includes existing growth of evergreen and deciduous trees and shrubbery, but not enough to provide a suitable screen as required above, existing trees and shrubbery may remain and shall be supplemented by additional evergreen plantings to provide the required landscape screen. In the event that the approving authority finds that further planting of evergreens will not grow satisfactorily in said buffer areas, stockade fence(s) six feet high shall be erected in the buffer area.

E. The approving authority shall have the power to waive any of the buffer requirements if it determines that an adequate buffer can be provided in less than 20 feet while maintaining the purposes of this section. The approving authority shall review the proposed plat and the standards and purposes for buffers, considering the location of buildings, parking areas, outdoor illumination and topographic features of the area and existing features such as trees; streams; the efficiency, adequacy and safety of the proposed layout of driveways, streets, sidewalks and paths; the adequacy and location of existing green areas and buffer areas; the adequacy and location of screening and parking areas; structures and uses; and similar features.

F. Notwithstanding any of the provisions contained herein to the contrary, where a nonresidential development abuts the Age-Restricted Residential Zone District created by Ordinance No. 14-2005, EN the buffer area shall be 10 feet in width. [Added 6-6-2006 by Ord. No. 12-2006]

§ 94-41. Effect on previously approved actions.

Nothing in this chapter shall require any change in a building permit, site plan or zoning variance which was approved before the enactment of this chapter, provided that construction shall have been started within six months from the effective date of this chapter and the project shall be continuously pursued to completion, otherwise said approvals and permits shall be void.

§ 94-42. Cluster developments.

A. The purpose of this section is to provide flexibility in design options, aid in reducing development costs and a method of preserving land for open spaces, common property, conservation areas, floodplains, school sites, recreation areas, parks and/or land for other public purposes by permitting a reduction in lot size without increasing the number of lots or permitted number of dwelling units.

B. Cluster developments may be approved in accordance with the following standards, provided that the tract size is at least 25 acres:

(1) All dwelling units shall be connected to approved and functioning central water and central sanitary sewer systems.

(2) The maximum number of lots or dwelling units shall be as set forth in Article VII.

(3) Land area equal to a minimum of 20% of the total tract's land area shall be set aside for open space, conservation areas, floodplains, school sites, recreation and park areas, common property or lands for other public purposes, singularly or in combination, except that land utilized for street(s) shall not be included as part of the above 20%. Land with slopes exceeding 30%, swamps and floodplains shall be computed at 1/2 their acreage in determining whether sufficient acreage has been set aside for common property, open space, conservation areas, floodplains, school sites, recreation and park areas or land for other public purposes. No more than 1/3 of the required areas to be set aside may be lands in excess of 20% slopes, floodplains or swamps. Lands to be set aside that are not offered to the borough shall be dedicated to a homeowners' association as outlined below.

C. Lands offered to the borough shall meet the following requirements:

(1) The minimum size shall be five (5) acres.

(2) Lands for public recreation purposes shall be improved by the developer, including equipment, walkways and landscaping, in order to qualify for acceptance by the borough.

(3) It shall be an integral part of the development and designed, improved and located to best suit the purpose(s) for which it is intended.

(4) Every parcel accepted by the borough shall be conveyed by deed at the time final plat approval is granted.

D. Concurrence of governing body procedure. A copy of the proposal to dedicate land to the borough shall be transmitted to the governing body. The acceptability of the land shall be subject to the approval of the approving authority and the governing body. Both shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands to serve the intended purpose and such existing features as topography, soils, wetlands and tree cover as these features may enhance or detract from the intended use of the land.

§ 94-43. Curbs and gutters.

Concrete curb shall be installed along all streets. The standard curb section shall be ten (10) feet in length with preformed expansion joint material on not more than twenty-foot centers and shall be set in accordance with approved lines and grades, and radial curbs shall be formed in a smooth curve. The finish shall be a smooth float finish with corners rounded. Curbing shall meet the design standards of the New Jersey Department of Transportation, as amended. The curbing shall be designed to provide barrier-free curb ramps constructed in accordance with the Design Standards for Curb Ramps for the Physically Handicapped of the New Jersey Department of Transportation.

§ 94-44. Drainage.

All storm drainage systems shall be designed to meet the standards set forth in the Management of Surface Water as adopted in Chapter 57 of the borough's Code.

§ 94-45. Easements.

Easements shall be along side and/or rear property lines where possible, shall not be less than fifteen (15) feet wide, shall be dimensioned on the plat and shall be identified as follows: "_____ easement granted to the Borough of Washington as provided for in the Washington Development Regulations Ordinance."

§ 94-46. Environmental impact report.

This report shall accompany all preliminary site plan and subdivision plats:

- A. A description of the development specifying what and how is to be done during construction and operation and practical alternate plans to achieve the objective(s).
- B. An inventory of on-site environmental conditions and an assessment of the probable impact of the development upon them: water supply; geology; soils and properties thereof, including capabilities and limitations; sewerage; topography; vegetation; noise characteristics and levels; land use; aesthetics and history. Air and water quality shall be described with reference to standards of the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to Soil Conservation Service categories and characteristics.
- C. A list and the status of the approvals needed from federal, state or county agencies, including comments of these governmental agencies.
- D. An evaluation of any adverse environmental impacts which cannot be avoided, including air and water pollution, noise, sedimentation and siltation, increase in borough services and consequences to the borough tax structure.
- E. A description of steps to be taken to avoid or minimize adverse environmental impacts during construction and operation, including maps, schedules and other explanatory data.
- F. Notwithstanding the foregoing, the approving authority may waive all or part of an environmental impact report if sufficient evidence is submitted to support a conclusion that the development will have a slight or negligible environmental impact or that the complete report need not be prepared to evaluate the environmental impact of the development.

§ 94-47. Fences and walls.

Fences and walls shall not be located in any required sight triangle and shall not exceed four (4) feet in height in the front yard nor six (6) feet in height behind the front yard setback line. Fences or walls located in the front yard shall be at least fifty percent (50%) open.

§ 94-48. Homeowners' associations.

A homeowners' association may be established when allowed by law. A membership of at least one hundred (100) is recommended. The organization shall incorporate the following provisions, which shall be submitted and approved prior to final plat approval:

A. Membership by all owners of property or interests in the project shall be mandatory. Required membership and their responsibilities shall be in writing between the organization and each member in the form of a covenant, with each agreeing to liability for his pro rata share of the organization's costs.

B. The organization shall be responsible for liability insurance (with the municipality carried as a named insured), taxes, maintenance and any other obligations assumed by the organization and shall hold the municipality harmless from any liability. The organization shall not be dissolved and shall not dispose of any common open space or common property by sale or otherwise, except to an organization conceived and established to own and maintain such open space or property for the benefit of such development. Thereafter such organization shall not be dissolved or dispose of any of its open space or property without first offering to dedicate the same to the borough.

C. The organization shall be allowed to adjust the assessment to meet changing needs.

D. The organization shall clearly describe in its bylaws all the rights and obligations of each tenant and owner, including a copy of its covenants, model deeds and articles of incorporation. The master deed shall state that every tenant and property owner shall have the right to use all common properties.

E. The articles of incorporation, covenants, bylaws, model deeds and other legal instruments shall ensure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that in the event that such organization shall fail to maintain the common open space or common property in reasonable order and condition, the borough may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the common open space or common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. At such hearing, the designated borough body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed sixty-five (65) days within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said thirty-five (35) days or any permitted extension thereof, the borough, in order to preserve the common open space and common property and maintain the same for a period of one (1) year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the common open space and common property except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Borough Council shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space and common property, call a public hearing upon fifteen (15) days' written notice to such organization and to the owners of the development, to be held by the Borough Council, at which hearing such organization and the owners of the development shall show cause why such maintenance by the borough shall not, at the election of

the Borough Council, continue for a succeeding year. If the Borough Council shall determine that such organization is ready and able to maintain said open space and property in reasonable condition, the borough shall cease to maintain said open space and property at the end of said year. If the Borough Council shall determine that such organization is not ready and able to maintain said open space and property in a reasonable condition, the Borough Council may, in its discretion, have the borough continue to maintain said open space and property during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Borough Council in any such case shall constitute a final administrative decision subject to judicial review.

F. The cost of such maintenance by the borough shall be assessed pro rata against the properties within the development that have a right of enjoyment of the common open space and common property in accordance with assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon and enforced and collected with interest by the same officers and in the same manner as other taxes.

§ 94-49. Lighting.

The objective is to minimize undesirable off-site effects. All area lighting in places such as parking lots or for security shall provide translucent fixtures with shields around the light source. The light intensity at ground level shall be a maximum of one and zero-tenths (1.0) footcandle. The total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and five-tenths percent (7.5%). For recreation purposes, more intense lighting may be permitted. In all instances, no lighting source shall shine or reflect into windows or onto streets and driveways. No lighting shall be a yellow, red, green or blue beam nor be a rotating, pulsating or other intermittent frequency.

§ 94-50. Lots.

A. Insofar as is practical, lots shall be rectangular, lot lines shall be straight and side lot lines shall be either at right angles or radial to street lines.

B. Each lot must front upon an approved, paved street.

C. Through lots with frontage on two (2) streets are permitted, provided that access shall be to the street with the lower traffic function.

D. Extra width for street widening in accordance with an adopted Master Plan or Official Map shall either be dedicated or, if not dedicated, shall be anticipated by increasing the lot size in anticipation of future right-of-way.

E. Where there is a question as to the suitability of a lot(s) due to rock formations, flood conditions or high water table, the approving authority may, after adequate investigation, withhold approval of such lots.

F. The transfer of title to one (1) or more adjoining lots, tracts or parcels of land owned by the same person or persons shall not constitute a subdivision of land when such lots, tracts or parcels all conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax map or atlas of the municipality.

G. (Reserved)EN

H. Whenever land has been dedicated to the borough in order to meet the minimum street width requirements or to implement the Official Map or Master Plan, the Construction Official shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirements.

§ 94-51. Monuments.

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.12 (the Map Filing Law, as amended), shall be placed in accordance with said statute and indicated on the final plat.

§ 94-52. (Reserved) EN

§ 94-53. Off-street parking and loading.

A. Access to and from lots. Drives shall be limited to two (2) to any street, except when the frontage exceeds five hundred (500) feet, the number of drives may be based on one (1) drive for each two hundred fifty (250) feet of property frontage. The center lines of access points of drives shall be spaced at least sixty-five (65) feet apart. Each drive shall handle no more than two (2) lanes of traffic, be at least fifty (50) feet from the street line of any intersecting street and be at least twenty (20) feet from any property line. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners, with the access drive connected to the street in the same manner as another street. This subsection shall not govern one- or tow-family residences, which are covered by § 94-53K. [Amended 11-6-1989 by Ord. No. 15-89]

B. Access to parking and loading spaces shall be by on-site aisles to permit each vehicle to proceed to and from each space without moving another vehicle. Parking spaces shall not be an extension of any street right-of-way.

C. Buffers. Parking and loading areas for six (6) or more vehicles shall be buffered from adjoining streets and single-family residential uses meeting the objectives of § 94-40.

D. Curbing. Off-street parking areas containing six (6) or more spaces and all off-street loading areas shall have concrete curbing around the perimeter located in conjunction with an overall drainage plan. Curbing shall be ramped in accordance with the Design Standards for Curb Ramps for the Physically Handicapped of the New Jersey Department of Transportation, with ramps opposite each aisle.

E. Dimensions.

(1) Off-street parking spaces shall be ten (10) feet wide and nineteen (19) feet in length. Parking spaces which allow vehicles to overhang curbing may be reduced by two and five-tenths (2.5) feet to a total length of sixteen and five-tenths (16.5) feet. In parking lots containing more than ten (10) spaces, a minimum of one (1) space shall be at least twelve (12) feet wide; and for parking lots with more than twenty (20) spaces, five percent (5%) of all spaces, but not more than ten (10) spaces, shall be twelve (12) feet wide. These wider spaces shall be located in one (1) area and designated as parking for the handicapped. Parking spaces shall not exceed a grade of four percent (4%), and interior access drives shall not exceed six and five-tenths percent (6.5%). The following aisle widths are required:

Angle of Parking Space (degrees)	One-Way Aisle	
(feet)	Two-Way Aisle	
(feet)		
90	22	23
60	18	20
45	15	20
30	12	18
Parallel	12	18

(2) Off-street loading spaces shall have fifteen (15) feet of vertical clearance and be designed as follows:

Loading Space Length	Apron Length
-------------------------	--------------

(feet)	Width		
(feet)	90°		
(feet)	60°		
(feet)			
60	10	72	66
60	12	63	57
60	14	60	54

F. Drainage facilities shall be installed in accordance with good engineering practice as approved by the Municipal Engineer and in accordance with the drainage provisions of § 94-44 and Chapter 57 of the borough's Code.

G. Surfacing shall be approved as part of the plan approval. Areas to experience heavy traffic shall be paved with not less than five (5) inches of compacted plant-mixed bituminous stabilized base course and a minimum two-inch thick compacted wearing surface of bituminous concrete (FABC). or equivalent. All shall be constructed in accordance with the most current Standard Specifications of the New Jersey Department of Transportation.

H. Landscaping in parking and loading areas shall be shown on the site plan. Trees shall be spaced so as not to interfere with driver vision, have branches no lower than six (6) feet and placed at the rate of at least one (1) tree for every ten (10) parking spaces. All areas between the parking area and the building shall be landscaped with trees, shrubs and ground cover. Any plantings which do not live shall be replaced within one (1) year or one (1) season. A majority of the parking areas for more than fifty (50) cars shall be obscured from streets by buildings, landscaped berms, natural ground elevation or plantings, singly or in combination.

I. Minimum parking requirements. The number of spaces shall be based on the following schedule:

Assembly operations: one (1) space per eight hundred (800) square feet of gross floor area.

Auto sales: one (1) space per three hundred (300) square feet of showroom area and sales office.

Bar: one (1) space per two (2) seats.

Bowling alley: four (4) spaces per alley.

Car wash: ten (10) spaces per washing lane.

Church: one (1) space per three (3) seats.

Dwelling unit: one and five-tenths (1.5) spaces per efficiency unit; one and seventy-five hundredths (1.75) spaces per one-bedroom unit; two and zero-tenths (2.0) spaces per unit larger than one (1) bedroom. For purposes of determining compliance with this subsection, a maximum of one (1) parking space per unit may be located within a garage or carport. [Amended 8-23-1983 by Ord. No. 18-83]

Financial institutions: one (1) space per two hundred fifty (250) square feet of gross floor area.

Finishing operations: one (1) space per eight hundred (800) square feet of gross floor area.

Golf course: four (4) spaces per hole.

Hospital: one and five-tenths (1.5) spaces per bed.

Industrial: one (1) space per eight hundred (800) square feet of gross floor area.

Manufacturing: one (1) space per eight hundred (800) square feet of gross floor area.

Medical center: one (1) space per one hundred fifty (150) square feet of gross floor area, minimum of ten (10) spaces.

Mortuary: ten (10) spaces per viewing room and chapel, minimum thirty (30) spaces.

Neighborhood convenience center: same as shopping center.

Nightclub: one (1) space per two (2) seats.

Offices: one (1) space per two hundred seventy-five (275) square feet of gross floor area.

Receiving: one (1) space per one thousand (1,000) square feet of gross floor area.

Research: one (1) space per one thousand (1,000) square feet of gross floor area.

Restaurant: one (1) space per three (3) seats; one (1) space per thirty (30) square feet of gross floor area in quick food establishments.

Retail store: one (1) space per two hundred (200) square feet of gross floor area.

Service station: four (4) spaces per bay and work area.

Shipping: one (1) space per five thousand (5,000) square feet of gross floor area.

Shopping center: five and five-tenths (5.5) spaces per one thousand (1,000) square feet of gross floor area.* excluding theaters.

Storage areas: one (1) space per five thousand (5,000) square feet of gross floor area.

Tennis courts: three (3) spaces per court.

Theater: one (1) space per three (3) seats; one (1) space per four (4) seats in shopping centers.

Utilities: one (1) space.

Veterinarian hospital: six (6) spaces per examining room or doctor, whichever is greater.

Warehouse: one (1) space per five thousand (5,000) square feet of gross floor area.

* NOTE: Maximum twenty percent (20%) of gross floor area can be office use without additional parking for the office use. Office use above twenty percent (20%) shall require parking at the appropriate rate.

J. Location of parking and loading areas.

(1) Loading spaces shall be located on the same lot as the use being served. No off-street parking or loading space shall have direct access from a street.

(2) No loading and parking space shall be located in any required buffer area, and all spaces shall be set back a sufficient distance to prevent any part of a vehicle from overhanging the street right-of-way or property line.

(3) Parking spaces located to serve residential uses shall be within one hundred fifty (150) feet of the entrance of the building and within three hundred (300) feet of commercial/industrial uses.

(4) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.

(5) No parking shall be permitted within an established front yard setback, except on an approved driveway or parking space, or where otherwise specifically permitted by this chapter.

[Added 11-6-1989 by Ord. No. 15-89]

K. Parking standards for one- and two-family dwellings. The following standards apply to all one- and two-family dwellings in any zone district: [Added 11-6-1989 by Ord. No. 15-89]

(1) There shall be no parking in the front yard, except in an approved parking space or on an approved driveway.

(2) No driveway shall be located less than five (5) feet from the perpendicular extension of the property line to the curb line.

(3) There shall be no plantings or structures more than thirty (30) inches in height within the street right-of-way or within ten (10) feet thereof.

- (4) Where sidewalks exist, they shall be installed in accord with the sidewalk performance standards of this chapter.
- (5) Each such driveway shall have a maximum grade of fifteen percent (15%).
- (6) The intersection angle between the driveway and the street from which access is made is to be perpendicular where possible and within fifteen degrees (15°) of perpendicular in all cases.
- (7) Macadam pavement shall be required on a six-inch soil aggregate 12 or 15 base, with a two-inch bituminous concrete surface course.
- (8) No drive is to be located within twenty (20) feet of the intersection of street right-of-way lines.
- (9) No more than one (1) driveway opening is to be permitted.
- (10) Maximum size of the drive apron shall be fifteen (15) feet.
- (11) Minimum driveway width shall be nine (9) feet.

§ 94-54. Performance standards.

A. Electricity. Electronic equipment shall be shielded so that there is no interference with any radio or television reception beyond the operator's property.

B. Air, water and environmental pollution. No use shall emit heat, odor, vibrations, noise or any other pollutant into the ground, water or air that exceeds the most stringent, applicable state and federal regulation. No permit shall be issued for any use where a state permit is required until the state has ascertained and approved the level and quality of emission, type and quality of emission control and level of monitoring to be conducted.

C. Storage and waste disposal. No materials shall be deposited so that they can be transferred off the lot, directly or indirectly, by natural forces, such as precipitation, surface water, evaporation or wind. All materials which might create a pollutant or be a safety and health hazard shall be stored indoors and/or be enclosed in appropriate containers to eliminate such pollutant or hazard. No flammable or explosive substance shall be stored on a property except under conditions approved by the Fire Department.

§ 94-55. (Reserved) EN

§ 94-56. Public utilities.

All public services shall be connected to approved public utilities systems where they exist.

A. The distribution supply lines and service connections shall be installed underground, except lots which abut streets with existing overhead electric or telephone lines may be supplied from those overhead lines, but the service connections shall be installed underground. Should a road widening or an extension of service occur as a result of the development, any replacement, relocation or extension of existing overhead lines shall be underground.

B. Where soil conditions, rock formations, woods or other special conditions exist, the developer may apply to the approving authority for an exception from the terms of this section. If overhead lines are permitted, pole locations shall avoid horizons, there shall be selective tree cutting and a staggered alignment and trees shall be planted in key locations to minimize the views of the poles and alignments, which poles shall follow rear lot lines and other interior locations and similar considerations to lessen the visual impact.

C. In the case of any subdivision of any existing multiple dwelling, there shall be individual sewage laterals, water services and utility services. There shall be no common sewage laterals, water lines or services or utility services or other utility appurtenances between any separate points and the point of connection to the utility collection or distribution system. [Added 4-24-1979 by Ord. No. 9-79]

§ 94-56.1. Required improvable area. [Added 2-17-2004 by Ord. No. 4-2004]

Any subdivision proposed shall divide the tract comprising the subdivision in such a manner that each resulting lot created shall contain a required improvable area of not less than 10,625 square

feet. This requirement shall apply independently of any minimum lot area requirement set forth in Article VII of this chapter.

§ 94-57. Sanitary sewers.

If a central sewage treatment and collection system is accessible, the developer shall connect to the system.

§ 94-58. Service stations.

A. All storage areas, trash facilities, pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.

B. Floor drains shall not be connected to the sanitary sewer system.

C. It is intended that service stations not be stripped along available highway frontage or at each quadrant of a convenient intersection, and that they be located within shopping centers and in office and industrial complexes as an integral part of the overall design. Ingress and egress shall be designed to recognize the turning movements generated. These access points shall be coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets and maintaining building setbacks compatible with the required setbacks and landscaping. No service station shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, playground, church, hospital, public building or institution, except where such property is on another street which the lot in question does not abut.

§ 94-59. Shade trees.

All shade trees shall have a minimum diameter of two and five-tenths (2.5) inches measured three (3) feet above the ground and be of a species approved by the approving authority. Trees shall be planted fifty (50) feet apart along all new streets located twenty (20) feet from the curb line and shall be balled with burlap, nursery-grown, free from insects and disease and true to species and variety. Stripping trees or filling around trees in the yard portion of a lot shall not be permitted unless it can be shown that grading requirements or thinning necessitate removal of trees, in which case those lots shall be planted to reestablish the tone of the area and to conform to adjacent lots. Planted trees that do not live shall be replaced by the developer during the next planting season.

PUBLIC HEARING SEPTEMBER 4 2012

2. Ordinance 7-2012 Supplementing Chapter 13 New Employee Criminal Background Checks

Deputy Mayor Boyle entertained a motion to introduce Ordinance 7-2012 and have the Clerk read by title only.

Motion made by Torres, seconded by Higgins to introduce Ordinance 7-2012 and have the Clerk read by title only.

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

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance 7-2012 by title: Ordinance 7-2012 Supplementing Chapter 13 New Employee Criminal Background Checks.

Deputy Mayor Boyle entertained a motion to approve on first reading.

Motion made by Jewell, seconded by Valentine.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk stated that the Public Hearing of Ordinance 7-2012 will be September 4, 2012 and Advertisement of the Public Hearing in the Star Gazette on August 16, 2012.

Motion made by Gleba, seconded by Jewell.

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

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE 7-2012

CHAPTER 13

Article III

NEW EMPLOYEE CRIMINAL HISTORY BACKGROUND CHECKS

§ ____-1 DEFINITIONS.

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

Criminal History Record Background Check

A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the State Bureau of Identification in the NJ Division of State Police.

Borough Employees/Appointees

All full-time, part-time and seasonal employees of the Borough of Washington.

Appeals Committee

For all Prospective Employees:

A three-member appeals committee consisting of the Borough Manager and Chief of Police or his designee and the Mayor or Council designee. The Committee shall be charged with the review of all appeals of any Borough employee whose criminal history background check reveals a disqualifying criminal conviction.

State Bureau Of Identification (“SBI”)

The entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

§ ____-2 BOROUGH EMPLOYEES CRIMINAL BACKGROUND CHECKS, COSTS.

- A. All prospective Borough Employees, 18 years of age or older, shall arrange for a Criminal History Record Background Check in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted and set forth by the State Bureau of Identification and the Borough of Washington. Borough Employees currently in their positions at the effective date of this chapter shall not be required to undergo a Criminal History Record Background Check.
- B. Any prospective Borough Employee who refuses to provide a Criminal History Record Background Check shall not be employed by the Borough.
- C. The Borough Manager may set forth policies and procedures for documenting compliance with this section which shall not be inconsistent with this chapter.
- D. The Borough Manager will provide information to a prospective Borough Employee concerning how to apply for a Criminal History Record Background Check in accordance with state guidelines. Costs for the same shall be borne by the prospective Borough Employee. The prospective Borough Employee shall execute a consent form authorizing the results of the Criminal History Record Background Check to be sent directly to the Washington Township Chief of Police or his designee. All information received by the Washington Township Police Department shall be and remain confidential.
- E. Upon receipt of the results of the Criminal History Record Background Check for a prospective Borough Employee, the Washington Township Chief of Police or his designee shall advise the Borough Manager whether the individual received a letter of recommendation or non-recommendation from the SBI.
- F. If the Criminal History Record Background Check results in a letter of recommendation from the SBI, the Borough shall bear the costs associated with obtaining the Criminal History Background Check and the cost of said check will be reimbursed to the prospective Borough Employee directly by the Borough.

§ ____-4 CONDITIONS UNDER WHICH A PERSON IS DISQUALIFIED FROM SERVICE OR EMPLOYMENT.

- A. A person shall be disqualified from serving as a Borough employee if that person's Criminal History Record Background Check results in a letter of non-recommendation

from the SBI, subject to correction of the criminal history record or appeal in accordance with N.J.A.C 15A:3A-1 et seq and as provided in §__6__ below.

- B. In any other state or jurisdiction, conduct which, if committed in New Jersey, would result in a letter of nonrecommendation from the SBI shall also constitute grounds for disqualification, subject to correction of the criminal history record or appeal in accordance with N.J.A.C 15A:3A-1 et seq and as provided in §__6__ below.

§ ____-5 LIMITATIONS ON ACCESS AND USE OF CRIMINAL HISTORY RECORD INFORMATION.

- A. The Washington Township Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting a Criminal History Record Background Check pursuant to this chapter. The Washington Township Police Department shall keep written notifications of the results of a Criminal History Record Background Check on file for three years from the date it was issued as is necessary to serve their intended and authorized purpose. The Chief of Police shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Open Public Records Act.
- B. The Borough Manager may request the Washington Township Police Department to review its files to determine if there is written notification on file stating whether a Criminal History Record Background Check of a prospective Borough Employee reveals a letter of non-recommendation from the SBI or whether the person has affirmatively demonstrated rehabilitation.
- C. Access to the results of a Criminal History Record Background Check for non-criminal justice purposes, including licensing and employment, is restricted to the members of the Appeals Committee, as authorized by federal or state statute, rule or regulations, executive order, administrative code, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this chapter.
- D. The Appeals Committee shall limit its use of information from a Criminal History Record Background Check solely to the authorized person for which it was obtained, and the information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of a Criminal History Record Background Check record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to the results of a Criminal History Background Record Check may be subject to criminal and/or civil penalties.
- E. No person or entity shall be held liable in any civil or criminal action brought by any party based on any written notification on file with the Washington Township Police Department pursuant to the provisions of this chapter.

§ ____-6 DETERMINATION BY APPEALS COMMITTEE; CORRECTION OF RECORD; APPEAL PROCESS.

- A. The Borough Manager shall promptly notify an individual whom the Washington Township Chief of Police or his designee identifies as having received a letter of nonrecommendation from the SBI in accordance with N.J.A.C 15A:3A-1 et seq. The individual may obtain a copy of his or her criminal history record by contacting the SBI in writing. The individual shall have 30 days from the receipt of notification from the Borough Manager to correct or complete the criminal history record or to petition the Appeals Committee in writing for a review. The letter of petition shall identify reasons why the review is required and provide any supporting documentation. Individuals who receive a letter of nonrecommendation from the SBI will not be permitted to be employed by the Borough pending correction of the criminal history record or the results of an appeal to the Appeals Committee.

- B. Upon receipt of a petition for review of a letter of nonrecommendation, the Appeals Committee shall review the petition and any supporting documentation. The Appeals Committee, in its discretion, may request additional information in writing from the petitioner and/or interview the petitioner.

- C. The Appeals Committee shall permit an individual who corrects or completes his or her criminal history record to be hired by the Borough if the correction or completion of the criminal history record results in a letter of recommendation from the SBI.

- D. The Appeals Committee may permit an individual who receives a letter of non-recommendation from the SBI to be hired by the Borough if it determines that the petition and supporting documentation provided by the individual demonstrate clear and convincing evidence of rehabilitation. In determining whether a person has provided clear and convincing evidence of rehabilitation, the Appeals Committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq.:
 - 1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
 - 2. The nature and seriousness of the offense;
 - 3. The circumstance under which the offense occurred;
 - 4. The date of the offense;
 - 5. The age of the person when the offense was committed;
 - 6. Whether the offense was an isolated or repeated incident;
 - 7. Any social conditions which may have contributed to the offense; and
 - 8. Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.

- E. In all instances, the final determination of whether an individual will be permitted to be hired by the Borough will lie in the sole discretion of the Appeals Committee.
- F. Following its review, the Appeals Committee shall promptly advise the individual whether he or she is eligible to be hired by the Borough.

3. Ordinance 8-2012 Supplementing Chapter 3 Criminal History Background Checks of Employees and Volunteers involved in Recreation Programs.

Deputy Mayor Boyle entertained a motion to introduce Ordinance 8-2012 and have the Clerk read by title only.

Motion made by Jewell, seconded by Torres to introduce Ordinance 8-2012 and have the Clerk read by title only.

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

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance 7-2012 by title: Supplementing Chapter 3 Criminal History Background Checks of Employees and Volunteers involved in Recreation Programs.

Councilman Higgins asked if the town does not sponsor the non-sponsored youth programs, they still need a criminal background check to use the facilities?

Councilwoman Gleba answered yes. Councilman Higgins inquired about the opposing teams in non-sponsored youth programs needing Criminal background checks, and if the Borough would be under any liability.

Councilwoman Gleba noted that there is an opportunity to obtain funding for the background checks.

Deputy Mayor Boyle entertained a motion to approve on first reading pending the Attorneys review of section 3-55.12.

Motion made by Valentine, seconded by Torres.

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

Ayes: 6, Nays: 0

Motion Carried

The Clerk stated that the Public Hearing of Ordinance 8-2012 will be September 4, 2012 and Advertisement of the Public Hearing in the Star Gazette on August 16, 2012.

Motion made by Higgins, seconded by Gleba.

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

Ayes: 6, Nays: 0
Motion Carried

ORDINANCE 8-2012

WHEREAS, the Borough Council of the Borough of Washington wishes to ensure that the Borough is providing the safest possible recreation programs for its youth; and

WHEREAS, *N.J.S.A.* 15A:3A-1 permits non-profit youth-serving organizations to request the State Police to perform a criminal background check on current and prospective coaches or volunteers, in order to check the criminal histories of those coaches or volunteers who have direct contact with minors, in order to eliminate those with convictions for certain crimes and disqualify prospective coaches and volunteers who have been convicted of certain offenses; and,

WHEREAS, the Borough of Washington Borough Council has recommended that all coaches and volunteers of programs sponsored by Borough of Washington, or co-sponsored by Borough of Washington in connection with the Recreation Commission, or any other organization serving youth organizations, who have regular, supervised or unsupervised access to minors involved in such programs, be required to submit to criminal history background checks; and

WHEREAS, the Borough would like all youth programs using Borough facilities, and all programs that are funded or supported by the Borough, in whole or in part (including but not limited to baseball, softball, soccer, karate, basketball, etc.) be required to perform criminal background checks as a condition of using Borough facilities.

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

§ 3 Board of Recreation Commissioners is Supplemented as Follows:

3.55.10 Criminal History Background Checks of Employees and Volunteers Involved in Recreation Programs.

3.55.11 Definition

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

“Criminal History Record Background Check” - A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the NJ State Bureau of Identification in the Division of State Police.

“Non-Sponsored Youth Programs” – Any youth programs not sponsored by the Borough of Washington, but that utilize municipal facilities or have affiliation with a Borough Sponsored Youth Program and having contact with persons under the age of 18 years.

“Borough-Sponsored Youth Programs” - Any programs sponsored by the Borough of Washington, *including any run by Borough employees in their official capacity , or by volunteer organizations created by the Borough*, and all leagues, boards, committees and commissions falling within the purview of or acting for or on behalf of the Borough of Washington and having contact with persons under the age of 18 years.

“Youth Programs” – Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Borough other than a parent or caregiver.

“State Bureau of Identification” the entity located within the New Jersey State Police responsible for retrieving criminal background information on individuals as requested by state, local or private entities.

“ Appeals Committee” For Recreation related programs or events – A three member committee consisting of the Recreation Director, Borough Manager, and Chief of Police or the Chief of Police designee. The Committee shall be charged with the review of all appeals of any Recreation-related employee or volunteer whose criminal history background check reveals a disqualifying criminal conviction.

“VRO” Volunteer Review Operation. The unit located within the State Bureau of Identification that is responsible for administering criminal background checks as specified in this chapter.

§ 3-55.12 Non-Sponsored Youth Programs - Criminal background checks - Required for use of Borough of Washington facilities.

Prior to any club or organization, not defined as a Borough-sponsored youth program, being authorized to use Borough-owned facilities for programs , that are not one time events, participated in by persons under the age of 18 years, those persons 18 years of age or older, that are in a supervisory positions; such as coaches, assistant coaches, or similar positions, must provide the Chief of Police or designee with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police.

The submission of background check findings must be based upon a check performed within three (3) years of the start of use of the Borough owned facility, first measured from the date of passage of this ordinance. In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of Borough owned facilities. In all cases the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the Borough for individuals involved in administering Borough Sponsored Youth Programs. All fees for individuals not administering a Borough-Sponsored program shall be borne by the individual or program with which they are participating.

§ 3-55.13 Borough Sponsored Youth Programs - Background checks.

A. All persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in directing or supervising persons under the age of 18 years of age, for programs that are not one time events, shall submit required information on forms supplied by the Police

Department from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Chief of Police.

Based upon the Memorandum of Understanding executed between the Borough of Washington and the New Jersey State Police; The individual applying for the background check shall authorize the Washington Township Chief of Police to be the recipient of the response from the State Police based upon the findings of the background check. Individuals involved in a Borough of Washington Recreation Commission sponsored youth function, and who are required to undergo background checks based upon this chapter, shall not be responsible for the costs involved with obtaining the criminal background check. The Borough of Washington Recreation Commission shall bear the costs for the background checks for individuals qualified under this section. In the year 2012; funds will be used from the Meghan Kanka Foundation for costs associated with background checks.

B. All individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The Recreation Director shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the Borough of Washington and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

§ 3-55.14 Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Washington Township Chief of Police or designee shall notify the applicant and the Recreation Director of affirmative or negative results. The determination of the Washington Township Chief of Police is based upon section **3-55.17 B I** of this chapter. Details in the background check that result in a negative determination by the State Police will be afforded to the Chief of Police and are only available to the individual by contacting the VRO in writing. Individuals who receive a letter of non recommendation from the VRO will not be permitted to participate as a Coach or volunteer in a cosponsored program or be employed by or appointed by the Borough pending correction of the criminal history record or the results of an appeal to the review committee.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function for persons under the age of 18 years held at

any Borough-owned facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S. 2C:13-1 et seq., N.J.S. 2C:14-1 et seq. or N.J.S. 2C:15-1 et seq.;

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:24-1 et seq.;

(c) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S. 2C:35-10.

(e) any 4th degree offense or higher. (This includes a wide range of offenses, including relatively minor shoplifting \$200+ dollar value which will preclude participation)

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection 1. of this section.

The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

C. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Borough-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that individual's ability to participate with the respective program. Refusal of a Non-Borough Sponsored Youth Program to subscribe to the requirements of this chapter shall forfeit that program's ability to use municipal facilities.

§ 3-55 - 15 Frequency of background checks.

A All Non-Sponsored Youth Programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual to participate at a Borough-owned facility to the extent covered by this chapter. Thereafter, every three (3) years a new background check shall be submitted to the Chief of Police, Borough Manager or Recreation Director.

B. 1. All Borough Sponsored Youth Programs that have individuals subject to this chapter shall direct those individuals to the Recreation Director for background checks prior to the individual being able to participate at a Borough sponsored program, except as set forth in section (2) below. Thereafter, every three (3) years a new background check shall be submitted to the Chief of Police.

2. Individuals involved in Borough Sponsored Youth Programs who are required to

undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

§ 3-55 - 16 Privacy

Any and all criminal background checks supplied to the Chief of Police shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Chief of Police shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose.

§ 3-55.17 Appeals

A. Any person whose criminal history background check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.

1. A person may challenge the accuracy of the criminal history record;
2. A person may claim to be rehabilitated; The nature and responsibility of the position which the convicted person would hold or has held, as the case may be, shall be considered by the Appeals Committee.
3. No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4th Degree Offense or Higher, if the person has been rejected because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of *N.J.S.A. 2C:13-1*; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of *N.J.S.A. 2C:24-4*; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of *N.J.S.A. 2C:24-4*; luring or enticing pursuant to section 1 of P.L.1993, c.291 (*N.J.S.A. 2C:13-6*); criminal sexual contact pursuant to *N.J.S.A. 2C:14-3b*. if the victim is a minor; kidnapping pursuant to *N.J.S.A. 2C:13-2*, or false imprisonment pursuant to *N.J.S.A. 2C:13-3* if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of *N.J.S.A. 2C:34-1*; or an attempt to

commit any of these enumerated offenses

B. A challenge to the accuracy of the report shall be filed with the Washington Township Chief of Police, who shall coordinate the challenge with the New Jersey State Police.

C. An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Washington Township Chief of Police or their designee, Borough Manager and Recreation Director. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.

D. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the person when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense; and,
8. Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

D. If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Chief of Police.

E. In all instances, the final determination of whether an individual will be permitted to serve as a volunteer Coach or be hired or appointed by the Borough will lie in the sole discretion of the Appeals Committee.

F. Following its review, the Appeals Committee shall promptly advise the individual whether he or she is eligible to serve as a volunteer coach or be hired or appointed by the Borough.

A. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected.

§ 3-55-18 Effective Date

This ordinance shall take effect immediately upon the approval and publication of notice of adoption as provided by law.

§ 3-55.19 Ordinance Provisions Repealed

Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

§ 3-55.20 Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PUBLIC HEARING SEPTEMBER 4 2012

REPORTS:

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

1. Borough Managers Report
2. Highway Department Overview for June 2012
3. Police Report June 2012
4. Municipal Court Report June 2012

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

1. Shared Services Committee

Councilman informed council that Councilman Valentine, Manager Blanchard, the Mayor, Police Chief, and Administrator were all in attendance in this meeting. They discussed their displeasure with asking for information from last November, and why it was taking too long. The Township explained that they had a system in place and it will cost the Borough \$5,000 to gain this information, and they would split the cost. They would not require the Borough to pay the \$2,500 instead they would take it out of the Police budget from the training. Going forward, there is a system in place for the Borough to gain these numbers. The Shared Services Committee discussed that they do not want to take away the \$5,000 from the Police department. The Committee noted that there should be a written agreement saying for budgeting purposes, what the Borough needs and expects to get. Also, a suggestion was made by the Borough Manager to create a joint committee that meets during budgeting times.

Deputy Mayor Boyle asked if the Borough and Hampton begin to share services for Garbage pick up, if that would fall under this committee. Council agreed that this would be a good idea.

2. Codebook Committee

Councilman informed Council met several times. They had worked very hard on the Background Check Ordinance, and are now currently working on the Fire Code and are now in discussions with the Fire Code Marshall, and in the future there will be a revised Ordinance of the Fire Prevention Code.

OLD BUSINESS:

NEW BUSINESS:

1. Resolutions #125-2012, #126-2012, #127-2012 Assigning a Labor Lien

Motion made by Higgins, seconded by Jewell to approve Resolutions #125-2012, #126-2012, #127-2012.

Roll Call: Jewell, Torres, Gleba, Valentine, Higgins, Boyle
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #125-2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 18.01 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 4 Carlton Avenue, identified on the tax maps of the Borough as Block 18.01 Lot 1 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$354.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$354.00 on the property at 4 Carlton Avenue, identified on the tax maps of the Borough as Block 18.01 Lot 1.

RESOLUTION #126-2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 27.02 LOT 11

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 90.5 East Church Street, identified on the tax maps of the Borough as Block 27.02 Lot 11 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$236.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$236.00 on the property at 90.5 East Church Street, identified on the tax maps of the Borough as Block 27.02 Lot 11.

RESOLUTION #127-2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 71 LOT 3

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 107 Harding Drive, identified on the

tax maps of the Borough as Block 71 Lot 3 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$354.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$354.00 on the property at 107 Harding Drive, identified on the tax maps of the Borough as Block 71 Lot 3.

2. Resolution #128-2012 Establishing a Special Period for Third Quarter Local Property Taxes in the Borough of Washington

Motion made by Gleba, seconded by Torres, to approve Resolution #128-2012.

Roll Call: Jewell, Torres, Gleba, Valentine, Higgins, Boyle
Ayes: 6, Nays: 0
Motion Carried

***A RESOLUTION ESTABLISHING A SPECIAL
PERIOD FOR THIRD QUARTER LOCAL PROPERTY
TAXES IN THE BOROUGH OF WASHINGTON***

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 date of June 14th; and

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates can not be changed; and

WHEREAS, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after September 6, 2012, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on September 7, 2012 will be subject to interest charged back to the statutory date of August 1, 2012.

3. Resolution #129-2012 Authorizing the Submission of Municipal Alliance Grant Application to the County of Warren

Motion made by Higgins, seconded by Jewell, to approve Resolution #129-2012.

Roll Call: Jewell, Torres, Gleba, Valentine, Higgins, Boyle
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #129-2012

A RESOLUTION AUTHORIZING THE SUBMISSION OF A MUNICIPAL ALLIANCE GRANT APPLICATION TO THE COUNTY OF WARREN

THE GRANT APPLICATION SUBMISSION WILL BE COMBINED BETWEEN THE MUNICIPAL ALLIANCE OF FRANKLIN TOWNSHIP AND WASHINGTON BOROUGH OF WARREN COUNTY

WHEREAS, the Warren County Department of Human Services provides Municipal Alliance grants for drug prevention and education purposes; and

WHEREAS, the Township of Franklin and the Borough of Washington desires to further the public interest by obtaining funding from the County of Warren for the Franklin Township/Washington Borough's Municipal Alliance for calendar year 2012.

NOW THEREFORE, the Mayor and Council of the Franklin Township in the County of Warren and the State of New Jersey resolves that Dorothy E. Repsher or the successor to the office of Municipal Alliance Coordinator is hereby authorized to:

- (a) Make application for such a loan and/or grant,

- (b) Provide additional application information and furnish such documents as may be required and
- (c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Governor’s Council on Alcoholism and Drug Abuse Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County’s funds in accordance with such rules, regulations and applicable statutes, and is willing to comply with the Statement of Assurance, and adhere to all fiscal requirements;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Franklin in the County of Warren and State of New Jersey;

1. That the Municipal Alliance Committee Coordinator, Mayor, Deputy Mayor, and one other Council member of the above named body or board is hereby authorized to make application for and, in the event of grant award to execute an agreement and an amendment thereto with the County of Warren for 2012 Municipal Alliance Grant Funding;
2. That the applicant will provide a cash matching share in the amount of \$1,197.000 in its 2012 Municipal Budget;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its execution of the grant; and
4. That this resolution shall take effect immediately.

4. Resolution #130-2012 Assigning a Labor Lien

Motion made by Higgins, seconded by Jewell to approve Resolution #130-2012.

Roll Call: Jewell, Torres, Gleba, Valentine, Higgins, Boyle
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #130-2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 44 LOT 33

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 92 Myrtle Avenue, identified on the tax maps of the Borough as Block 44 Lot 33 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$472.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$472.00 on the property at 92 Myrtle Avenue, identified on the tax maps of the Borough as Block 44 Lot 33.

VOUCHERS:

Deputy Mayor Boyle entertained a motion to approve the vouchers and claims in the amount of \$.

Motion made by Gleba, seconded by Jewell and approved.

Councilman Higgins discussed the Verizon internet bill. Manager Blanchard explained that she met with the Library Director that morning, and that this charge is for a program the Library is participating in which supports a high speed internet line that supports many computers that are located within the Library, and also supports WiFi within the Library. Councilman Higgins asked if this was a monthly or quarterly charge. Manager Blanchard explained that this is a monthly charge, which was approved by the Library's

Board of Directors. Manager Blanchard noted that the Library Director has applied for a grant to support this high speed internet charge for a year, so the cost will be around \$300 versus the \$600, per month. Manager Blanchard also noted that the WiFi is available in the Library's parking lot for those who may not have internet at home. Councilman Torres asked Manager Blanchard if the Library was exploring other wireless options that are more cost effective. Manager Blanchard explained that they were not, this is a new program that the Library Board of Directors has instituted within the Library. Councilman Jewell noted that there was a Comcast grant which helps provide internet within Borough hall and the DPW garage, and asked if that could be used to the Library. Manager Blanchard explained that that is a decision for Council to make. Council decided to discuss this issue at the next meeting when Mayor McDonald is present.

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

Ayes: 6, Nays: 0

Abstain: Jewell, Higgins – Fire
Gleba -

COUNCIL REMARKS:

Councilwoman Gleba noted that the Recreation Commission did a great job in regards to the Pool Championships that they hosted.

Councilman Torres gave due accolades to Manager Blanchard. He noted that several crises had arisen and that she handled with satisfaction. He commended her for doing a fine job.

Councilman Jewell also praised the Recreation Commission for the good job they did with the Pool Championships.

Deputy Mayor Boyle noted that it was a good conversation regarding the open space tax, there were differing opinions but it was well handled.

EXECUTIVE SESSION

Motion made by Valentine, seconded by Higgins to enter Executive Session to discuss contract negotiations and personnel after a five minute break.

Resolution #131-2012 Executive Session

Council reentered the Regular Meeting at 9:34 pm.

Motion made by Higgins, seconded by Torres, to enter into an agreement with Kristine Blanchard and name her Borough Manager.

Council remarked that Ms. Blanchard has done a good job and they are very proud of her efforts.

Roll Call: Jewell, Torres, Valentine, McDonald, Higgins, Boyle
Ayes: 6, Nays: 0
Motion Carried

Hearing no further business motion made by Higgins, seconded by Jewell to adjourn the meeting at 9:40 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk