

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 21, 2016**

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.

Mayor McDonald read the following statement into the record:

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

Mayor McDonald led everyone in the flag salute.

Roll Call: Klimko, Heinrich, Conry, McDonald, Thompson, Higgins,
Noone (arrived at 7:05 p.m.)

Also Present: Kristine Blanchard, RMC Borough Manager/Clerk,
Leslie Parikh, Municipal Attorney, Dawson Bloom,
Municipal Engineer

MINUTES:

Regular Meeting Minutes April 19, 2016

Motion made by Higgins, seconded by Conry to approve the Regular Meeting minutes of April 19, 2016.

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

AUDIENCE:

Mayor McDonald opened up the audience portion for remarks, petitions, statements, and testimony from guests.

Jennifer Lamberti – 96 McDonald Street

Ms. Lambert encouraged Council to move forward with placing the open space measure

on the ballot in November. Ms. Lamberti added that the survey results were generally positive and that the Borough is losing a lot of funding at the county and state level by not having open space and would like to see the referendum on the ballot to let the residents decide.

Mike Franks – 43 Nunn Avenue

Mr. Franks appeared before Council to reinforce what Ms. Lamberti discussed. Mr. Franks would like to see the cemetery property appropriately used for the future and would like the referendum put to the residents to decide if the property should be preserved. Mayor McDonald commented that he had a conversation with a representative for the owner of the property in question and they are interested in developing that land.

Jacqueline Oakes – 53 Nunn Avenue

Ms. Oakes stated that ever since the cemetery started logging a lot of the land, her backyard has been turning into a swamp and will only get worse if the land is developed. Ms. Oakes stated that she would really like to see the open space question on the ballot in November.

Hearing no further comments from the audience a motion was made by Heinrich, seconded by Conry to close the audience portion of the meeting.

Ayes: 7, Nays: 0
Motion Carried

At this time, Mayor McDonald asked Council if they would like to reconsider putting the open space referendum question on the November 8th ballot.

A motion made by Noone, seconded by Conry to place the open space referendum question on the ballot in November with a five year sunset provision.

Council Discussion:

Councilwoman Klimko noted that if the question is placed on the ballot it does not necessarily deem that specific piece of property. Mayor McDonald replied that the potential is there for that but there is no other open space being considered at the moment. Council discussed the possibilities and limitations of the ballot question. Manager Blanchard added that time is of the essence since the question would need to be passed by ordinance.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0

Motion Carried

REPORTS:

A motion was made by Higgins, seconded by Conry to receive and file the following reports:

1. DPW Report – May 2016
2. Municipal Court Report – May 2016

Council Discussion:

Councilman Thompson asked why Council has not received any reports from the Recreation Department. Councilwoman Conry replied that the Recreation Secretary did forward a report to Manager Blanchard for this meeting but the information was outdated. An updated report will be sent to Manager Blanchard for the next Council Meeting.

Ayes: 7, Nays: 0
Motion Carried

COUNCIL COMMITTEE REPORTS:

Streets Committee –

Councilman Higgins stated that the Streets Committee decided on the final list of roads to be paved for this year for a total of \$276, 211.00. Councilman Higgins requested approval from Council to move forward and added that the list is the same as previously discussed except for Flower Avenue will be paved in full along with Oakwood Terrace. Manager Blanchard reminded the governing body that the list can be approved tonight but before Council can move forward a bond ordinance needs to be in place to authorize the spending.

A motion made by Conry, seconded by Noone to approve the list of streets to be paved that was provided by the Streets Committee.

Ayes: 7, Nays: 0
Motion Carried

Councilman Higgins addressed the proposal of moving the mid-block crosswalk over to the pocket park that was discussed at the previous meeting. Mr. Bloom discussed moving

the crosswalk with the Department of Transportation and as long as all of the current standards of mid-block crossings are satisfied, there are no issues with moving the crosswalk to the pocket park. Councilman Higgins commented that there have been so many variations of the plans including bump outs, not including bump outs, moving the crosswalk, etc. that it is time for Council to make a decision in order to have the project completed this year. Mr. Bloom added that the most recent plans of moving the crosswalk over to the pocket park does not require for the clock to be relocated. Council discussed the possibilities and options within the proposed mid-block crossing plan. Councilwoman Noone added that moving the crosswalk which was a suggestion from the audience at the last meeting was a great idea because it moves the crosswalk away from all of the driveways and the striping defines the area which makes sense.

A motion made by Heinrich, seconded by Conry to approve the mid-block crosswalk proposal with the colored concrete driveway.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Motion Carried

Councilman Higgins stated that the Streets Committee also discussed the Safe Routes to School Grant application. Mr. Bloom added that he met with the school and there is some fairly substantial information that is required by the school district such as a resolution from the school board and classroom surveys which are a requirement of the grant which is difficult with school not in session. Mr. Bloom stated that he has a call into the state to get clarification on those two requirements and to see if there are alternatives that can be provided.

Councilman Higgins added that the Streets Committee also discussed railroad non-conformance between Broad Street and Lincoln Avenue. Mr. Bloom noted that a few years ago the state came through with a project in which Norfolk Southern Railroad was required to make some improvements and part of the agreement was that minor improvements such as striping were to be made by the Borough as well. Mr. Bloom will coordinate with Manager Blanchard to get the striping done. Council also discussed the notification of potential of Norfolk Southern closing the crossing at Railroad Avenue due to cost efficiency. Manager Blanchard added that the D.O.T. will handle the notification of the effected residents as part of their outreach program.

Sewer Committee –

Mr. Bloom stated that the Gardeners Court sewer project is moving forward with the next phase of the pump station which will begin in late July or early August which should take approximately one month.

ORDINANCES:

Ordinance #3-2016 An Ordinance Repealing Chapter 42 of the Code of the Borough of Washington and Replacing it with a New Chapter 42, “Fire Prevention Code” (Introduction)

A motion made by Noone, seconded by Conry to introduce Ordinance #3-2016 on final passage and have the clerk read by title and publication statement.

Roll Call: Conry, Noone, Heinrich, McDonald, Thompson,
Higgins, Klimko
Ayes: 5, Nays: 0
Abstain: (2) Higgins, Thompson
Motion Carried

The Clerk read Ordinance #3-2016 An Ordinance Repealing Chapter 42 of the Code of the Borough of Washington and Replacing it with a New Chapter 42, “Fire Prevention Code”.

ORDINANCE #3-2016

**AN ORDINANCE REPEALING CHAPTER 42 OF
THE CODE OF THE BOROUGH OF WASHINGTON
AND REPLACING IT WITH A NEW CHAPTER 42, ‘FIRE PREVENTION
CODE’**

WHEREAS, certain amendments to the Fire Prevention Code of Washington Borough are needed pursuant to the recommendations of the Borough Code Book Committee; and

WHEREAS, the Borough Council has determined to make such amendments;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Chapter 42 of the Code of the Borough of Washington is hereby repealed in its entirety and replaced by the following:

Article 1. Enforcement of Fire Prevention Code of the Code of the Borough of Washington

42-1. Local Enforcement.

Pursuant to Section II of the Uniform Fire Safety Act (P.L. 1983, c.383) the International Fire Code New Jersey Edition shall be locally enforced in the Borough of Washington. All applicable definitions contained in the Uniform Fire Safety Act and the International Fire Code New Jersey Edition are applicable to the Borough of Washington.

42-2. Agency Designation.

The local enforcing agency shall be the Washington Borough Department of Fire Prevention.

42-3. Duties.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the establishment boundaries of the Washington Borough, other than owner-occupied one and two family dwellings, used exclusively for dwelling purposes and building structures and premises owned by the federal government, interstate agencies or the State of New Jersey, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the International Fire Code, New Jersey Edition.

42-4. Life Hazard Uses.

The local enforcing agency established by Section 42-2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

42-5. Organization

The local enforcing agency established by Section 42-2 of this ordinance shall be under the direct supervision of the Fire Official, who shall report to the Borough Manager.

42-6. Appointments, Term of Office, or Removal.

1. **Appointment & Qualifications of the Fire Official:** The local enforcing agency shall be under the direct supervision of the Fire Official. The Fire Official shall have the following qualifications:
 1. Certified Fire Official/Marshal/Fire Inspector with the State of New Jersey, Division of Fire Safety.

2. Minimum of 5 years experience as a certified Fire Inspector/Fire Official/Marshal or Firefighter; further education may substitute for years of experience.
3. The Fire Official shall be appointed by the Borough Manager upon the advice and recommendation of the Fire Chief.
2. **Term of Office:** Civil Service guidelines shall be followed by the Borough Manager. Any vacancy shall be filled for the unexpired term.
3. **Inspectors and Employees:** Fire inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Borough Manager upon the recommendation and advice of the Fire Chief. Inspectors shall be appointed for a period of one year. All Life Hazard Use Inspectors will be certified by the state.
4. **Removal from Office:** The Fire Official, fire inspectors and other employees of the enforcing agency shall be subject to removal by the Borough Manager pursuant to State of New Jersey statutes & Civil Service Guidelines.
5. **Appointment of Legal Counsel:** The governing body shall be responsible for legal counsel to assist the agency in enforcing the Uniform Fire Code.

42-7. Board of Appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Warren County in accordance with the Uniform Fire Safety Act, N.J.S.A. 52:27D-206, and Uniform Fire Code, N.J.A.C. 5:70-2.19, entitled "Appeals."

42-8. Establishment and Duties of Department of Fire Prevention.

1. The New Jersey Uniform Fire Code shall be enforced by the Dept. of Fire Prevention which shall be operated under the supervision of the Fire Official.
2. The Department of Fire Prevention shall consist of the following:
 1. The Fire Official who shall be in charge of the Department.
 2. A maximum of five (5) fire inspectors.

The above Official shall be appointed by the Borough Manager, as per their appropriate terms. Any vacancy in the above positions shall be filled for the unexpired term.

3. The duties of the Department of Fire Prevention shall consist of:
 1. Enforcing the International Fire Code New Jersey Edition.
 2. Making any and all inspections as required by law or deemed necessary.
 3. Making accurate reports of any and all inspections and activities of the Department of Fire Prevention.
 4. Making recommendations to the appropriate Officials in enforcing or amending the New Jersey Uniform Fire Code.

5. Performing any additional duty which is deemed necessary by the Borough Manager.
6. Conduct the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
7. Make a quarterly report of the Department of Fire Prevention and transmit to the Borough Manager.
8. Investigate any/all calls of alarm or fire within the Borough of Washington.
9. Make an annual report of the Department of Fire Prevention and transmit to the Borough Manager. It shall contain all elements required under the New Jersey Uniform Fire Code, with such statistics as the department may wish to include therein. The report is to be transmitted no later than the fourth Monday of January in the next succeeding year following the year for which the report is made.

42-9. Duties of the Fire Official/Marshal/Fire Inspectors of the Department of Fire Prevention.

The duties of the Employees of the Department of Fire Prevention shall consist of the following:

1. Designating regularly scheduled hours for routine fire inspections.
2. Convening and presiding over meetings of the Department of Fire Prevention.
3. Promulgating and administering a budget for the Department of Fire Prevention.
4. Formulating and implementing a schedule of routine inspections.
5. Maintaining accurate records of the inspection reports and activities of the Department of Fire Prevention.
6. Performing any additional duty which the Borough Manager may assign pursuant to this ordinance.
7. Formulating and implementing a schedule of inspection and implementing a system that will effectively enforce the provisions of the New Jersey Uniform Fire Code.
8. Perform fire prevention education within the Borough of Washington community.
9. Respond to and investigate calls of alarm or fire within the Borough of Washington.
10. Coordination of Fire Pre-Plans with the Borough of Washington Fire Chiefs.
11. Perform all the duties of Fire Official/Marshal as set forth in N.J.A.C. 5:70-3.3.
12. Perform all the duties of Fire Official/Marshal/Fire Inspector as set forth in N.J.A.C. 5:71-3.3 (2012)

42-10. Non-Life Hazard Inspection Required.

Before a certificate of Inspection is issued, the Fire Official or the Fire Official's designated representative shall make or cause to be made an inspection to assure that the

buildings, premises, structures, or uses comply with the provisions of the Fire Code. These inspections shall be on a one year inspection cycle.

42-11. Life Hazard Annual Inspection Required.

Before a certificate of Inspection is issued, the Fire Official or the Fire Official's designated representative shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code. These inspections shall be on a yearly cycle of inspection.

42-12. Fee Required.

A certificate of Inspection or permit shall not be issued until the designated fees have been paid. The owners and/or occupiers of all properties and businesses subject to this Article shall be responsible for the payment of the certificate/permit fees.

42-13. Amount of Fee.

1. The fee schedule for registration for Non-Life Hazard Use inspections shall be an annual registration fee of:
 1. \$50.00 for 1 sq. ft. to 3,500 sq. ft.
 2. \$75.00 for 3,501 sq. ft. to 6,500 sq. ft.
 3. \$100.00 for 6,501 sq. ft. to 11,999 sq. ft.
2. All Life Hazard Use, Permits, Non-Life Hazard Use, & Smoke & CO Inspection fees collected as per N.J.A.C 5:71-2.6(d) shall be appropriated to the local enforcing agency for the enforcement of the code & yearly operations of the Department of Fire Prevention.
3. Fire Lane Fees
 1. Penalty for non-compliance with Section 42-23 parking in a fire lane, as determined by the Fire Official, shall be \$50.00.
 2. All fines shall be made payable to: Borough of Washington or designated agency writing said summons.

The fee for Permits and inspections of Life hazard uses shall be as set forth in the Uniform Fire Safety Act.

42-14. Application for Permit.

Application for a permit required by this ordinance shall be made in such form and detail as the Fire Official shall require. Fee schedules shall be given to the applicant at the time of application depending on the type of permit required. The fee schedule shall be as follows:

- Type 1 Permit: \$42.00
- Type 2 Permit: \$166.00

- Type 3 Permit: \$331.00
- Type 4 Permit: \$497.00

42-15. Unlawful to Fail to Obtain a Permit or Pay Fees.

It shall be unlawful to fail to obtain the permit or pay the inspection fees required by this ordinance. Any person or entity failing to do so shall be subject to penalty as set forth in section 42-18.

42-16. Penalties for Violations.

The violation of any provision of Sections 42-10 through 42-17 shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding ninety days (90). Each day any violation of this ordinance shall continue constitutes a separate offense and shall be punishable as such.

Article 2. Certificate of Smoke Detectors and Carbon Monoxide Alarm Compliance (CSDCMAC)

42-17. Existing Structures.

Before any existing single family, two family or multifamily dwelling, on or after the effective date of this ordinance, is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector and carbon monoxide alarm compliance. No dwelling unit shall change occupancy until one or more smoke detectors (or other approved fire alarm system) are installed for each dwelling unit subject to changing of occupancy in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

42-18. Enforcement.

1. The Fire Official of the Borough of Washington, or in his absence or unavailability, an inspector of the department or the Borough Construction Official, shall be responsible for the enforcement of the requirements of this ordinance. Said Fire Official, Construction Official or Fire Inspector, as the case may be, shall inspect and approve all smoke detectors and other fire alarm systems installed in accordance with the provisions of this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.
2. In order to inform prospective purchasers of residential properties within the Borough of Washington that no residential dwelling unit may be sold, rented or change of ownership without first installing (a) smoke detector(s) or such other approved fire alarm system in accordance with the requirements of this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, each and every tax search issued by the Borough of Washington shall contain a statement

calling attention to the requirements of this ordinance and shall include a certification for the property owner to execute and deliver to the purchaser at the closing of title, attesting to compliance with the provisions of this ordinance. Such certification form shall be forwarded with each tax search ordered.

A. The fee to be paid to the Washington Borough Fire Prevention Bureau for the initial or re-inspection and certificate of approval shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. Requests for a CSDCMAC received more than 10 business days prior to the change of occupant: \$45.00;
 2. Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: \$70.00; and
 3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupant; \$125.00.
 4. There shall be a \$500.00 non-compliance penalty issued to anyone not applying for or has changed occupancy or transfer of ownership without said certification.
3. Whenever a smoke detector or other approved fire alarm system is required to be installed by this ordinance, such requirement shall not be considered to have been complied with unless such smoke detector(s) or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the Building Code and Uniformed Fire Code adopted therein by reference) and has been inspected and approved by the Fire Official, the Fire Inspector, or the Construction Official.
 4. The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors or other fire alarm system in accordance with the requirements of this ordinance.
 5. Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector or other fire alarm system, and who fails to do so in accordance with the requirements of this ordinance, shall be liable for a fine of not more than \$500.00 or for imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.
 6. The Fire Official, and in his absence or unavailability, the Construction Official, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this ordinance in order to verify compliance with this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this ordinance.
 7. The Fire Official shall maintain a list of all properties in the Borough of Washington which have had smoke detectors or other fire alarm systems installed in accordance with the requirements of this ordinance and the New Jersey

Uniform Construction Code and the Uniform Fire Code. This list shall be kept current as additional buildings within the township are equipped with smoke detectors and other fire alarm systems in accordance with this ordinance.

8. CSDDCMC are valid for 6 months from inspection date.

42-19. False Alarms.

1. **Investigations:** In the case of false alarms which summon the police or fire department to investigate, the Fire Official or Fire Chief shall cause an investigation to be made for the purposes of ascertaining the cause of the false alarm and shall keep a record of such false alarms on file.
2. **Penalties for False Alarms:** In any calendar year period of the following penalties shall apply:
 1. For the first to third false alarm by one person or entity a written warning shall be issued.
 2. For the fourth to twelfth false alarm a fine of \$250.00 shall be imposed for each such false alarm.
 3. For any violation in excess of twelve alarms a fine of \$500.00 shall be imposed for each such violation.
3. **Penalties for Intentional False Alarms:** Any individual intentionally, willfully, or maliciously destroying or injuring any of the posts, alarm boxes or other alarm apparatus owned by the Borough of Washington or intentionally, willfully or maliciously interfering with the operation of same or any part thereof or who hinders or impedes any of the operations intended to be accomplished thereby or who intentionally causes or assists in causing a false alarm shall, upon conviction thereof, be imprisoned in the county jail for a term not exceeding ninety (90) days or shall forfeit and pay a fine not less than \$500.00 and not more than \$1,000.00.
4. All fines and fees collected for the above are to be deposited in a separate dedicated penalty account to serve for training and education for the Washington Borough Fire Department and the Borough of Washington Department of Fire Prevention.

Article 3. Fire Zone Established

42-20. Fire Lanes & Drafting Sites.

1. **Designation:** The Fire Official may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.
2. **Obstruction:** Designated fire lanes shall be maintained and free of obstructions and vehicles at all times. They shall also be appropriately marked as per N.J.A.C. 5-70-3.2-503.

42-21. Compliance with Orders.

A person shall not willfully fail or refuse to comply with any lawful order or direction of any Fire Official or interfere with the compliance attempts of the Fire Official or his designee.

42-22. Snow Removal from Fire Hydrants, Fire Department Connections and Standpipes.

Snow removal from all fire hydrants, fire department connections and stand pipe systems that are located on public or private streets and access lanes or on private property by the property owner shall be completed within twenty-four (24) hours of the end of each snow storm is required

42-23. Parking Regulations.

Except in compliance with the directions of a police officer or posted traffic signal, no operator of a motor vehicle, moped, motorized bicycle or bicycle shall stop or stand or park in any of the following places:

1. Within ten (10) feet of a fire hydrant or fire department connection or stand pipe system
2. In any area marked by yellow or signs indicating the location of a fire zone or fire lane

42-24. Delineation and Marking.

1. Each fire lane shall be striped along the perimeter with a yellow stripe not less than four (4) inches wide.
2. Each fire lane shall be clearly marked on the surface of the pavement "FIRE LANE NO PARKING" in yellow letters no less than twenty-four (24) inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane or fire zone.
3. Each fire lane shall be clearly marked with a metal sign every fifty (50) feet with a minimum of two (2) signs. The metal signs shall be no less than eighteen (18) inches by twenty-four (24) inches with three (3) inch red letters, shall contain a white reflective background and shall read as follows:

FIRE LANE
NO PARKING

42-25. Maintenance of Fire Lane.

The owner of the property where the fire lane is located shall properly maintain any such markings, striping, curbing, and signage in the designated areas at all times. Defacing, tampering with, or damaging any such markings, striping, curbing, or signage or allowing

them to deteriorate so as to reduce their effectiveness shall constitute a violation of the chapter.

42-26. Penalties.

Any vehicle owner or person who shall violate any of the provisions of this section or who fails to comply herewith shall for each and every violation and non-compliance respectively upon conviction, be subject to a fine not in excess of \$500.00 and is subject to removal by the Washington Township Police Department or Washington Borough Fire Official at the sole expense of the owner or operator therefore.

Article 4. Key Box

42-27. Installation.

When a property is protected by an automatic alarm system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or fire-fighting purposes, the Fire Official may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Official and shall be installed at the expense of the property owner.

42-28. Contents.

The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
2. Keys to locked mechanical equipment rooms.
3. Keys to locked electrical rooms.
4. Keys to elevator controls.
5. Keys to other areas as directed by the Fire Official.
6. Other material as directed by the Fire Official.

All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

42-29. Application.

This subsection applies to both existing and future structures, but shall not apply to any residential units, with the exception of common areas within multi-dwelling residential units.

42-30. Approvals.

1. The Fire Official shall, within 90 days of the effective date of this subsection, develop and submit to the Borough Manager a list of specifications for key boxes. Following approval of the specifications by resolution of the Borough Council, any box complying with those specifications shall be deemed to be approved. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Official to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.
2. Prior to installing any key box required by this subsection, the property owner shall make written request to the Fire Official to designate or approve the proposed location.

42-31. Fees.

The Washington Borough Department of Fire Prevention may recoup the fees incurred by it in connection with the procurement and installation of any necessary key boxes as such fees are not within the control of the Borough.

42-32. Enforcement.

The Washington Borough Department of Fire Prevention shall be the enforcing agency of this ordinance section. Any person who owns or operates a structure subject to this section shall be subject to penalties set forth in this code for any violation of this section, and the minimum fine for a conviction or a violation of this section shall be \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third or further offense for failure to comply.

Article 5. Fire Watch & Fire Safety Standby

42-33. Intent and Purpose.

Fire safety compliance has always been and continues to be a high priority for the Borough of Washington. Town Officials frequently assess what can be done to assure the safety of all township residents, and to that end, the Borough of Washington deems it necessary to implement fire watch procedures when there exists substantial risks to life, safety and property, including when all or part of the required fire protection systems in Borough structures are intentionally interrupted for repairs and maintenance, not functioning properly, not functioning at all, or when they are damaged or destroyed by fire or other disaster. In certain circumstances detailed herein, the Fire Official, Fire Chief or his designee, is hereby authorized to order a fire watch for the affected structure in order to ensure continued safety of residents during this period.

42-34. Definitions.

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

FIRE WATCH—A temporary measure intended to ensure continuous and systematic surveillance of a building or portion(s) thereof by one or more qualified individuals for the purpose of identifying and controlling fire hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants and notifying the fire department.

42-35. Fire Watch; When Required.

1. A fire watch may be ordered by the Fire Official or The Fire Officer in charge in public and privately owned buildings and or properties within the Borough of Washington under the following circumstances:
 1. Where required fire protection systems are out of service due to system failure, repair, scheduled maintenance, vandalism, etc.; the Fire Official shall be notified immediately and where the Fire Official determines that an imminent hazard exists pursuant to N.J.A.C. 5:70-2.16 an approved fire watch may provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Upon restoration of the fire protection system as supported by proper documentation, the Fire Official shall then sign off on the ability to remove such fire watch.
 2. When in the opinion of the Fire Official or Fire Officer in Charge it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted. (403.1)
 3. When required by the Fire Official for building demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means of notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.
 4. A fire watch shall be posted by the Fire Official or the Fire Official in Charge at the following type of events: hot work welding or cutting, fireworks displays, fumigation in gas tight tank or vault, tent, canopy or membrane structures used as places of assembly
2. A fire watch may include the maintaining of posted fire lanes, means of egress, posted occupancy loads, building surveillance for signs of smoke or fire, checking for proper permits, inspecting for proper safety precautions of cooking equipment, and other functions as required by the Fire Official or his assigned designee.
3. Should a fire watch be posted by the Fire Official or the Fire Official in Charge, the party performing the fire watch is then responsible to contact and maintain open communications the Fire Official in Charge actions with such on the status of the fire watch and conditions of the property in question. Proper fire watch procedure forms will be supplied to the Fire Chief. The Department of Fire

Prevention shall take responsibility of all posted fire watches and report back to the Fire Chief on the status of the property and fire protection systems.

4. Should the building owner, agent, lessee be unable to post their own fire watch, a fire watch shall be performed by the Washington Borough Department of Fire Prevention. In the event no one of the above agency is available, other qualified individuals may be utilized at the discretion of the Fire Official or the assigned designee. Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official or his assigned designee, who will report to the Manager of the Borough of Washington.

42-36. Fees and Payments.

1. A fire watch shall be paid for by the building owner, tenant, lessee, or organization for which the fire watch is requested or required, as appropriate.
2. All fire watch services not incurred and paid by the Borough of Washington, but performed by the Borough Fire Department and billed through the Borough, shall be billed at the rate of \$35 per hour per person with a minimum of 3 hours per person. Individuals conducting said fire watch shall receive hourly payment after payment is made by the owner on the next available payroll date.
3. There shall be a \$25.00 per hour fee for the use of each Borough vehicle utilized, plus a 15% administration fee.
4. All payments for fire watch services provided by the Borough Fire Department shall be made within 10 days after service is provided.
5. Payments shall be made payable to the Borough of Washington.

42-37. Violations and Penalties.

Any person, partnership, corporation, or other entity that violates the provisions of this article shall be subject to the penalties as set forth in the Uniform Fire Code New Jersey Edition by the Washington Borough Department of Fire Prevention.

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

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

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

NOTICE IS HEREBY GIVEN that the aforesaid Ordinance was introduced at a meeting of the Borough Council of the Borough of Washington, County of Warren and State of New Jersey held on Tuesday, June 21, 2016 and that a meeting of the same will be held on Tuesday, September 6, 2016 at 7:00 pm in the Borough Council Chambers on the second floor of the Borough Hall, 100 Belvidere Avenue, Washington, New Jersey for the purposes of holding a public hearing and to consider the final passage of said Ordinance.

Motion made by Heinrich, seconded by Noone to approve Ordinance #3-2016 on first reading.

Roll Call: Conry, Noone, Heinrich, McDonald, Klimko, Higgins,
Thompson
Ayes: 5, Nays: 0
Abstain: (2) Higgins, Thompson
Motion Carried

Public Hearing and Adoption of Ordinance #3-2016 An Ordinance Repealing Chapter 42 of the Code of the Borough of Washington and Replacing it with a New Chapter 42, "Fire Prevention Code" will be on July 19, 2016 and advertisement of the Public Hearing will be in the Star Gazette on July 08, 2016.

A motion was made by Heinrich, seconded by Conry to approve advertisement of the Public Hearing of Ordinance #3-2016.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins,
Thompson, Klimko
Ayes: 5, Nays: 0
Abstain: (2) Higgins, Thompson
Motion Carried

NEW BUSINESS:

Resolution #97A-2016 Redemption of Tax Sale Certificate

RESOLUTION #97A-2016

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$689.64 for taxes or other municipal liens assessed for the year 2014 in the name of McDade, Charles R. III & Susan Ann as supposed owners, and in said assessment and sale were described as 115 Taft Terrace, Block 71 Lot 14, which sale was evidenced by Certificate #15-00033; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-9-16 and before the right to redeem was cut off, as provided by law, Midland Mortgage, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,546.67 which is the amount necessary to redeem Tax Sale Certificate #15-00033.

NOW THEREFORE BE IT RESOLVED, on this 21st day of June, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the amount of **\$3,246.67** (This consists of \$1,546.67 Certificate Amount redeemed + \$1,700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 14 from the tax office records.

Resolution #98A-2016 Redemption of Tax Sale Certificate

RESOLUTION #98A-2016

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$181.66 for taxes or other municipal liens assessed for the year 2014 in the name of Adams, Jeffrey B. & Donna L. as supposed owners, and in said assessment and sale were described as 90 Flower Ave., Block 44 Lot 8, which sale was evidenced by certificate #15-00018; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-10-16 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did

redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,024.79 which is the amount necessary to redeem Tax Sale Certificate #15-00018.

NOW THEREFORE BE IT RESOLVED, on this 21st day of June, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,324.79** (This consists of \$1,024.79 Certificate Amount redeemed + \$300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 8 from the tax office records.

Resolutions #97A-2016 and #98A-2016 were moved on a motion made by Heinrich, seconded by Conry and approved.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins

Ayes: 7, Nays: 0
Motion Carried

Approval of Town Wide Yard Sale Saturday, September 17th – Rain Date Sunday, September 18, 2016 and Waiving of Yard Sale Fees

A motion made by Noone, seconded by Conry to approve the Town Wide Yard Sale for September 17th with a rain date of September 18th and waiving Yard Sale Fees.

Ayes: 7, Nays: 0
Motion Carried

Resolution #99-2016 Appointing James Sawyer as an Alternate to the Recreation Commission

RESOLUTION #99-2016
RECREATION COMMISSION

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

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

WHEREAS, the Mayor has designated the following person his appointee to the Recreation Commission as Alternate Two:

James Sawyer – Term Expires 12/31/20

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointment shall take effect immediately.

Resolution #99-2016 was moved on a motion made by Higgins, seconded by Conry to appoint James Sawyer as Alternate to the Recreation Commission.

Ayes: 7, Nays: 0
Motion Carried

Resolution #100-2016 Authorizing an Agreement between the Borough of Washington and Service Line Warranties of America

RESOLUTION #100-2016

A RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN MARKETING SERVICES AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. (“USP”) D/B/A SERVICE LINE WARRANTIES OF AMERICA (“SLWA”) TO LICENSE THE USE OF THE BOROUGH OF WASHINGTON TRADEMARK IN CONJUNCTION WITH ADVERTISEMENT TO THE BOROUGH’S RESIDENTS OF WARRANTY PLANS FOR REPAIR OF WATER, SEWER, AND IN-HOME PLUMBING LINES ON RESIDENTIAL PROPERTY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, residents of the Borough of Washington are responsible for the maintenance and repair of water, sewer and in-home plumbing service lines that are on their properties and not within the Borough’s right-of-way, and;

WHEREAS, water, sewer and in-home plumbing lines, on private property, can vary widely in age and condition, resulting in substantial cost to residents when there is a malfunction on residential property, and;

WHEREAS, the National league of Cities has introduced USP, d/b/a SLWA, as a resource for warranties of residential property owners whose water and sewer lines require repair, and;

WHEREAS, the Governing Body recommends that the Borough of Washington enter into an agreement with the National League of Cities Service Line Warranty Program, which offers homeowners the opportunity for repairing broken or leaking water, sewer, or in-home plumbing lines for a low monthly fee, for a period of three (3) years, renewing on an annual basis thereafter,

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

Section 1. **ADOPTION OF REPRESENTATIONS:** The forgoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. **AUTHORITY:** The Mayor and Borough Clerk are hereby authorized and directed to execute and attest, respectively, that certain Marketing Services Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America to license the use of the Borough of Washington trademark in conjunction with advertisement to the Borough's residents of warranty plans for repair of water, sewer, and in-home plumbing lines on residential property.

Section 3. **EFFECTIVE DATE:** This Resolution shall take effect immediately upon its final passage.

Resolution #100-2016 was moved on a motion made by Conry, seconded by Noone and approved.

Ayes: 7, Nays: 0
Motion Carried

Resolution #101-2016 Approval of ABC Licenses for Washington Inn, Inc. t/a Felix's Tavern

RESOLUTION #101-2016

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.
t/a Felix's Tavern
101 East Washington Ave.
Washington, NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #102-2016 Approval of ABC Licenses for LINSKO; t/a Scotty's Stadium Club

RESOLUTION #102-2016

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;
t/a Scotty's Stadium Club
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- C. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- D. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #103-2016 Approval of ABC Licenses for Philbert's Pub

RESOLUTION #103-2016

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Philbert's Pub
101 West Washington Avenue

Washington, NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- E. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- F. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #104-2016 Approval of ABC Licenses for GRAMA, Inc. t/a Mediterranean Bistro

RESOLUTION #104-2016

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc
t/a Mediterranean Bistro
301 W. Washington Ave
Washington, NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- G. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- H. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #105-2016 Approval of ABC Licenses for VMI of Washington Inc. t/a Enzo's Restaurant & Pizzeria

RESOLUTION #105-2016

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.
t/a Enzo's Restaurant & Pizzeria
328 W. Washington Ave.
Washington, NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- I. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- J. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #106-2016 Approval of ABC Licenses for Washington Discount Liquors LLC

RESOLUTION #106-2016

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors L.L.C.
66 Route 31
Washington NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- K. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- L. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to

discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution #107-2016 Approval of ABC Licenses for Warren County Discount Liquor & Grocery Inc.

RESOLUTION 107-2016

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.
260 W. Washington Ave
Washington, NJ 07882

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- M. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- N. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolutions #101-2016, #102-2016, #103-2016, #104-2016, #105-2016, #106-2016 and #107-2016 were moved on a motion made by Conry, seconded by Heinrich and approved.

Ayes: 7, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$829,692.19.

Motion made by Conry, seconded by Heinrich to approve the vouchers.

Roll Call: Heinrich, Klimko, Conry, Thompson, McDonald,
Noone, Higgins
Ayes: 7, Nays: 0
Abstain: (1) Thompson (Fire & EMS only)
Motion Carried

At this time, Mr. Bloom discussed the Borough's jurisdiction of soil certification permit. Mayor McDonald commented that the Borough was able to perform their own soil conservation examinations for new developments, etc. but due to some miscommunications it was revoked. Mr. Bloom added that the Borough is one of few municipalities that still perform its own soil disturbance permit because it is typically done through the soil conservation districts. Mr. Bloom provided Council with some historical background information on the soil conservation process and stated that an issue arose when a complaint was filed in conjunction with the Town Center Development Project. Manager Blanchard will forward the notification from the Soil Conservation District on to the Planning Board and Board of Adjustments for their comment.

RECAP:

Manager Blanchard will work with Attorney Parikh on the Open Space ballot wording as well as the bond ordinances for the next meeting. Manager Blanchard will also inform the Planning Board and Board of Adjustment secretary about the Soil Conservation District

COUNCIL REMARKS:

Councilman Heinrich thanked Mayor McDonald for taking time out of his schedule to assist Manager Blanchard with a few items. Councilman Heinrich added he will be putting a flyer together for the Senior Advisory Committee's trip to Longwood Gardens which is on December 4th.

Councilwoman Noone thanked the D.P.W. for a great job cleaning up the back of the pocket park. Councilwoman Noone also stated that the Farmer's Market combination with the Car Show went really well with a great turnout.

Councilwoman Conry reminded Manager Blanchard to meet with Recreation Secretary Susan Turner on the topic of a recreation monthly report.

Councilman Higgins wished everyone a safe and happy 4th of July. Councilman Higgins also stated that there are pictures of the Borough Pool that show something amiss in the baby pool which needs to be taken care of. Councilman Higgins also reminded everyone that as the Borough celebrates the 4th of July that we should keep in mind the people who suffered tragic loss in Orlando.

Councilwoman Klimko requested an update on the status of the pavilion. Manager Blanchard replied that the contractor just called and they will be discussing the schedule of work first thing tomorrow. Councilwoman Klimko asked Manager Blanchard to contact Ray Rice about the unsightly weeds and debris on his property downtown. Councilwoman Klimko also asked about who cares for the weeds downtown. Mayor McDonald replied that the Green Team has been trying to coordinate some volunteer efforts including the Boy Scouts to take care of the weeds. Councilwoman Noone reiterated that the D.P.W. did clean out the weeds from the pocket park and it looks much better. Lastly, Councilwoman Klimko thanked the Washington Township Police Department and expressed that residents are happy to see the officers on foot and bike patrol.

Councilman Thompson wished everyone a safe and happy 4th of July. Councilman Thompson asked if the BID will be planting flowers downtown. Mr. Montaverde replied that he plans to have flowers placed in the planters that the BID is purchasing. Councilman Thompson also asked if the D.P.W. could spruce up Broad Street for the soap box derby. Manager Blanchard replied that the D.P.W. is walking the entire parade route and soap box derby route and patching as necessary.

Mayor McDonald stated that he had been working in the municipal building last week trying to work on the timeclocks however, he was unable to get the necessary information from the company providing the service. Mayor McDonald added that he was able to bring the outdated computer equipment to Abilities with the help of the D.P.W. Council discussed whether it was possible to sell or donate the outdated equipment in the future.

Attorney Parikh added that going forward if there are any donations to let her know because certain donations require a resolution.

Manager Blanchard stated that for the second year in a row the Borough had a clean audit with no comments or recommendations. Manager Blanchard thanked her staff and CFO Turchan for a great job.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for contract negotiations and litigation. A motion was made by Conry, seconded by Thompson to enter into Executive Session after a ten minute recess.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 110-2016

AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

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

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

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

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

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

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

_____Investigations of violations or possible violations of the law;

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

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

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

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: ___ _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

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

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

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

A motion was made by Noone, seconded by Conry, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

Resolution #108-2016 Authorizing the Execution of a Shared Service Agreement

RESOLUTION #108-2016

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT FOR POLICE SERVICES BETWEEN THE TOWNSHIP OF WASHINGTON AND THE BOROUGH OF WASHINGTON (WARREN COUNTY)

WHEREAS, on June 3, 2009 the Township of Washington (Township) and the Borough of Washington (Borough) entered into a Shared Services Agreement for Police Services, which was subsequently amended, for the purpose of ensuring the safety and welfare of its residents by providing police protection in a professional, comprehensive and affordable manner; and

WHEREAS, such Shared Services Agreement expires on July 31, 2016; and

WHEREAS, in order to maintain the level of police services currently provided to the residents of the Borough, it is in the best interests of the residents of the Borough to enter into a shared services agreement with the Township for police services;

WHEREAS, the Borough and the Township have negotiated the terms and conditions under which the Township will provide police services within the Borough and memorialized such terms in a written agreement (which is annexed hereto) in accordance with the Uniform Shared Services and Consolidation Act., N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, the Uniform Shared Services and Consolidation Act provides at N.J.S.A. 40A:65-5 that local units may enter into shared services agreements through the adoption of resolutions, identifying the agreement by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington that the Mayor and Clerk are authorized to execute Interlocal Service Agreement between the Township of Washington and the Borough of Washington (Warren County) in substantially the form attached hereto.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forward to the Borough's Chief Financial Officer, the Township Committee of the Township of Washington, and the Township's Chief Financial Officer.

Resolution #108-2016 was moved on a motion made by Conry, seconded by Heinrich and approved.

Roll Call: Klimko, Conry, Heinrich, Thompson, McDonald,
Noone, Higgins

Ayes: 7, Nays: 0
Motion Carried

Mayor McDonald stated that Manager Blanchard has submitted her resignation as Manager and Council needs to proceed with finding a replacement. Mayor McDonald noted that in the past the Borough has advertised on the League of Municipalities website as well as www.ICMA.org.

A motion made by Conry, seconded by Thompson to authorize Manager Blanchard to make those advertisements to search for a Borough Manager.

Ayes: 7, Nays: 0
Motion Carried

Mayor McDonald suggested forming a sub-committee to weed out the unqualified individuals. Mayor McDonald would like the committee to consist of himself, Manager Blanchard, Councilwoman Noone, and Councilman Heinrich as long as there are no objections.

A motion made by Thompson, seconded by Klimko to appoint Mayor McDonald, Manager Blanchard, Councilwoman Noone, and Councilman Heinrich to the committee to search for a new Borough Manager.

Ayes: 7, Nays: 0
Motion Carried

Manager Blanchard stated that Councilman Thompson and she discussed the possibility of using the Clean Communities funds to hire extra help for D.P.W.

At this time the Mayor and Council went back into Executive Session for personnel issues. A motion was made by Noone, seconded by Thompson to enter into Executive Session.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 125-2016

AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

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

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

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

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

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

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

_____Investigations of violations or possible violations of the law;

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

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

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

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

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

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

A motion was made by Conry, seconded by Noone, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

A motion was made by Thompson, seconded by Conry to hire a temporary seasonal worker for the D.P.W. out of the Clean Communities fund.

Ayes: 7, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Conry, seconded by Thompson to adjourn the meeting at 9:35 p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk