

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 6, 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, P.L. 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 let everyone in the flag salute.

Roll Call: Conry, Heinrich, Higgins, Klimko, McDonald, Noone (7:20 pm),
Thompson
Absent: None
Also Present: Ann Kilduff, Borough Clerk; Jasmine Lim, Interim Borough Manager;
Dawson Bloom, Borough Engineer; and Lieutenant Teter

COUNCIL APPEARANCE:

Mayor McDonald introduced Luckson Etienne of Etienne Properties and stated he is the new owner of the properties previously owned by Paramount Properties. L. Etienne stated he purchases under-performing properties and makes them perform through renovations and proper management. He will begin with the Star Plaza and work his way through the five properties.

CORRESPONDENCE:

There was no correspondence at this meeting.

MINUTES:

Regular Meeting Minutes August 2, 2016

Motion was made by Heinrich, seconded by Conry, to approve the Regular Meeting minutes of August 2, 2016.

Ayes: 7 Nays: 0
Motion Carried

Regular Meeting Minutes August 16, 2016

Motion was made by Heinrich, seconded by Conry, to approve the Regular Meeting minutes of August 16, 2016.

Ayes: 7 Nays: 0
Motion Carried

Executive Session Minutes of the Regular Meetings Minutes of July 19 and August 16, 2016 and the Executive Session Minutes of the Special Meeting of July 28, 2016. (Proofed for Content Only)

Motion was made by Heinrich, seconded by Conry, to approve the Executive Session minutes of July 19, July 28, and August 16, 2016.

Ayes: 7 Nays: 0

Motion Carried

AUDIENCE:

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

John Montaverde – Business Improvement District

J. Montaverde updated Council on the flower pots for the downtown area. They will be installed prior to the Festival in the Borough and put into storage during the winter months. He is looking into an “Adopt a Flower Pot” program.

Pete Mulligan – 46-48 Carlton Avenue

P. Mulligan asked for an update on his property. D. Bloom explained a camera was sent through the lines and found them to be clear and not fractured. D. Bloom discussed the inspection and size of the pipes with P. Mulligan and suggested a meeting with the school Superintendent be scheduled to discuss the next steps. P. Mulligan advised Council of high grass and garbage on Carlton Avenue.

Hearing no further comments, a motion was made by Conry, seconded by Thompson, to close the audience portion of the meeting. All were in favor.

Mayor McDonald explained Scott Cassel of Scotty’s Stadium is present and wishes to apply for a catering permit for the Festival in the Borough and the day after. He still needs to obtain the signature of the owner and an insurance certificate. A motion was made by Conry, seconded by Klimko, to approve the application for a catering permit for Scotty’s Stadium pending receipt of the required information.

Ayes: 7 Nays: 0

Motion Carried

REPORTS:

A motion was made by Heinrich, seconded by Noone, to receive and file the following reports:

1. Municipal Court Report – July 2016
2. Fire Prevention Reports – March thru August 2016
3. Washington Township Police Department Report – July 2016

4. Zoning/Code Enforcement Report – August 2016
5. Personnel Report – July & August 2016
6. DPW Report – August 2016
7. Interim Manager’s Report – Week of August 21, 2016

Fire Official Matt Lopez clarified information in some of his reports.

Ayes: 7 Nays: 0
Motion Carried

EXECUTIVE SESSION:

A motion was made by Conry, seconded by Heinrich, to approve Resolution 137-2016 Authorizing Executive Session for the purpose of anticipated contract negotiations at 7:30 pm.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 137-2016
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:

Professional Services 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 come out of Executive Session at 8:12 pm.

Ayes: 7 Nays: 0

Motion Carried

COMMITTEE REPORTS:

Councilman Higgins stated milling and paving of the roads began today. NJ American Water will pave a portion of W. Warren Street after they install a new water main. D. Bloom explained the paving schedule.

Mayor McDonald gave an update on a search for a Borough Manager stating four candidates will be interviewed by Council. Special Meetings will be scheduled for Wednesday, September 14 and Thursday, September 15, 2016 from 6:30 – 8:30 to interview candidates.

OLD BUSINESS:

Resolution 11-2016 – Authorizing 2016 Professional Services Contract with Finelli Engineers for General Municipal Engineering Services (Re-Introduction)

Resolution 11-2016

RESOLUTION AUTHORIZING 2016 PROFESSIONAL SERVICES CONTRACT WITH FINELLI ENGINEERS FOR GENERAL MUNICIPAL ENGINEERING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Finelli Consulting Engineers has submitted a proposal indicating they will provide the above-referenced services at the rates listed in their fee schedule for General Municipal Engineering Services; and

WHEREAS, for budgetary purposed, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$100,000, excluding escrow-related services; and

WHEREAS; any additional work above and beyond the base General Engineering Services charged in accordance with the hourly fee schedule stated above only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, Finelli Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Finelli Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Finelli Consulting Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account: 0-01-20-165-000-028

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Finelli Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers.

Resolution 11-2016 was moved on a motion made by Conry and seconded by Heinrich. Mayor McDonald stated this resolution is being approved with the approved amount of \$100,000.

ROLL CALL: Conry, Heinrich, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Ordinance 8-2015 – An Ordinance Fixing the Salary and Wages for Certain Municipal Officials and Repealing Portions of Prior Inconsistent Salary and Wage Ordinance for the Years Beginning January 1, 2016 (Re-Introduction)

ORDINANCE #8-2015
AN ORDINANCE FIXING THE SALARY AND WAGES
OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING
PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR
THE YEARS BEGINNING JANUARY 1, 2016

SECTION 1. The annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A - FULL-TIME CLASSIFIED

<u>POSITION TITLE</u>	<u>SALARY OR WAGE RANGE</u>
Account Clerk, Keyboarding Clerk2	\$34,624 - \$52,902 AN
Administrative Clerk	\$47,913 - \$73,808 AN
Assistant Municipal Tax Collector	\$41,914 - \$63,353 AN
Building Maintenance Worker	\$42,819 - \$55,239 AN
Clerk1 (NC)	\$20,127 - \$29,930 AN
Code Enforcement Officer/Zoning Officer	\$47,560 - \$65,319 AN
Equipment Operator, Keyboarding Clerk3	\$51,368 - \$66,271 AN
Laborer1 (NC)	\$38,817 - \$51,298 AN
Library Assistant, Keyboarding Clerk1	\$30,563 - \$46,139 AN
Library Director	\$50,000 - \$84,081 AN
Road Repairer3	\$57,315 - \$72,576 AN
Road Repairer Supervisor	\$62,148 - \$75,726 AN
Senior Account Clerk	\$49,908 - \$67,109 AN
Supervising Library Assistant	\$36,947 - \$55,015 AN
Truck Driver (NC)	\$46,074 - \$61,254 AN

SCHEDULE B - PART-TIME CLASSIFIED

Account Clerk	\$8.38 - \$26.50 Hr.
Animal Control Officer	\$2,750 - \$13,316 AN
Building Service Worker	\$8.38 - \$26.50 Hr.
Clerk1 (NC)	\$8.38 - \$26.50 Hr.
Code Enforcement Officer (Title Code #01285)	\$8.38 - \$31.80 Hr.
Code Enforcement Officer/Zoning Officer (Title Code #05897)	\$8.38 - \$31.80 Hr.
Deputy Municipal Emergency Management Coordinator	\$2,000 - \$3,180 AN
Deputy Registrar of Vital Statistics	\$1,500 - \$1,802 AN
Fire Official	\$20.00 - \$31.80 Hr.
Fire Prevention Specialist	\$15.00 - \$26.50 Hr.
Keyboarding Clerk1	\$8.38 - \$26.50 Hr.
Librarian1 (Title Code #07569)	\$18.00 - \$31.80 Hr.
Library Director	\$36.00 - \$59.36 Hr.
Library Assistant (NC-Title Code #07467)	\$8.38 - \$26.50 Hr.
Municipal Recycling Coordinator	\$1,000 - \$3,180 AN
Senior Library Assistant (C-Title Code #03416)	\$8.38 - \$26.50 Hr.
Zoning Officer (Title Code #04338)	\$8.38 - \$31.80 Hr.

SCHEDULE C - UNCLASSIFIED SERVICE

Chief Financial Officer	\$15,500 - \$63,600 AN
Council Members	\$2,000 - \$3,000 AN
Deputy Municipal Clerk	\$8.38 - \$26.50 Hr. or \$50./meeting stipend
Mayor	\$2,500 - \$3,500 AN
Municipal Clerk	\$48,833 - \$82,031 AN
Municipal Department Head	\$15,000 - \$79,500 AN or \$8.38 - \$43.50 Hr.
Municipal Emergency Management Coordinator	\$ 2,000 - \$ 6,360 AN
Municipal Manager (when not combined with Mun. Clerk)	\$80,000 - \$120,000 AN
Municipal Manager (when combined with Mun. Clerk)	\$20,000 - \$31,800 AN
Tax Assessor	\$25,500 - \$48,420 AN
Tax Collector (F.T.)	\$46,623 - \$73,808 AN
Tax Collector (P.T.)	\$14,500 - \$31,800 AN

SCHEDULE D - UNCLASSIFIED SERVICE
(TEMPORARY OR SEASONAL)

Acting or Interim Department Head or Executive Management	\$10.00 - \$53.00 Hr
Assistant Recreation Supervisor(s) (Swim Team)	\$8.38 - \$26.50 Hr.
Cashier	\$8.38 - \$26.50 Hr.
Equipment Operator	\$8.38 - \$26.50 Hr.
Food Service Manager	\$8.38 - \$26.50 Hr.
Food Service Worker	\$8.38 - \$26.50 Hr.
Laborer1 (NC)	\$8.38 - \$26.50 Hr.
Life Guard	\$8.38 - \$26.50 Hr.
Maintenance Worker 1, Grounds	\$8.38 - \$26.50 Hr.
Municipal Department Head	\$17.00 - \$31.80 Hr.
Recreation Supervisor Swimming (Swim Lessons)	\$8.38 - \$26.50 Hr.
Recreation Supervisor Swimming (Swim Team)	\$8.38 - \$26.50 Hr.
Secretary, Board/Commission (Board of Adjustment, Shade Tree, Planning Board, Recreation Department, General Admin.)	\$ 500 - \$4,240 AN or \$8.38 - \$26.50 Hr.)
Supervisor Baths & Pools	\$8.38 - \$26.50 Hr.
Truck Driver (NC)	\$8.38 - \$26.50 Hr.

SECTION 2. Salaries herein shall be payable at the rate fixed in equal installments twice a month. Wages shall be payable twice a month. Any annual salary may be re-calculated to an hourly wage for any position unless restricted by collective bargaining agreement. Any and all fees received by officials and employees of the Borough of Washington shall be paid unto the municipality.

SECTION 3. Any salary and wage ordinance adopted prior to the adoption of this ordinance with provisions inconsistent with the provisions of Section 1 of this ordinance shall, to the extent of any inconsistency and only to the extent of the inconsistency, be repealed.

SECTION 4. In the event the position becomes vacant or no figure is listed, then the figures noted in the column with the heading "salary or wage range" shall be utilized by the appointing authority and any salary or wage paid within this range shall be deemed appropriate and valid.

SECTION 5. The Supervisor of Streets in possession of a valid Certificate as Certified Public Works Manager shall have added to their base pay \$6,000.00 per year to be paid twice per month.

SECTION 6. A public works employee who works eight hours in one day out of title in a job classification with a higher salary or wage range shall be entitled to additional compensation for that day at the rate of his or her current rate of pay plus ten (10%) percent.

SECTION 7. An employee who has medical coverage under a spouse's health benefit plan (not including the NJ SHEBP) and waives participation in the Borough of Washington health benefits program shall be compensated at the rate of \$2,000 per annum prorated to compensate the employee for only those pay periods when the Borough is no longer obligated to make health benefit payments.

SECTION 8. The rates contained herein shall become effective January 1, 2016.

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 Wednesday, November 4, 2015 and that a meeting of the same was held on Tuesday, December 1, 2015 at 7:00 P.M. 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. Having not been properly advertised, said Ordinance was re-introduced on Tuesday, September 6, 2016 and will be considered for final reading and adoption at a meeting of the same Borough Council to be held on Tuesday, October 4, 2016 at 7:00 pm, or as soon thereafter as the matter may be heard, at the Borough Hall, 100 Belvidere Avenue, Washington, New Jersey at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

The re-introduction of Ordinance 8-2015 was moved on a motion by Heinrich and seconded by Conry.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

The Clerk read the Ordinance by title only. A motion was made by Heinrich, seconded by Conry, to approve Ordinance 8-2015 on first reading.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

The Clerk stated the public hearing of Ordinance 8-2015 will be held on October 4, 2016 and the advertisement of the public hearing will be published in the Star Gazette on September 16, 2016.

A motion was made by Heinrich, seconded by Conry, to approve the advertisement of the public hearing.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Ordinance 2-2016 – Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (Public Hearing and Re-Adoption)

ORDINANCE # 2-2016
CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 3.5 % increase in the budget for said year, amounting to \$102,355.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 102,355.61, and that the CY 2016 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Borough Council of Washington Borough held March 15, 2016 and ordered published in accordance with the law. Having not been properly published, said Ordinance is being re-introduced on August 16, 2016 and will be considered for final reading and adoption at a meeting of the Borough Council to be held on September 6, 2016 at 7:00 p.m. or as soon thereafter as the matter may be heard, at the Borough Hall, 100 Belvidere Avenue, Washington, NJ 07882, at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

A motion was made by Heinrich, seconded by Conry, to re-introduce Ordinance 2-2016 on final passage.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald

Ayes: 7; Nays: 0

Motion Carried

Mayor McDonald opened the public hearing of Ordinance 2-2016 and read by title only. Councilman Higgins explained the Ordinance for the public. Seeing no one, a motion was made by Higgins, seconded by Thompson, to close the public hearing of Ordinance 2-2016.

ROLL CALL: Higgins, Thompson, Conry, Heinrich, Klimko, Noone, McDonald
Ayes: 7; Nays: 0
Motion Carried

A motion was made by Heinrich, seconded by Conry to re-adopt Ordinance 2-2016 on final passage.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

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” (Public Hearing and Adoption)

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.

A motion was made by Noone, seconded by Conry, to introduce Ordinance 3-2016 on final passage.

ROLL CALL: Noone, Conry, Heinrich, McDonald

Ayes: 4; Nays: 3 (Higgins, Klimko, Thompson)

Motion Carried

Mayor McDonald opened the public hearing of Ordinance 3-2016 and read by title only. Seeing no one, a motion was made by Higgins, seconded by Conry, to close the public hearing of Ordinance 3-2016.

ROLL CALL: Higgins, Conry, Heinrich, Klimko, Noone, Thompson, McDonald

Ayes: 7; Nays: 0

Motion Carried

A motion was made by Noone, seconded by Conry, to adopt Ordinance 3-2016 on final passage. Councilman Higgins stated there are restrictions in this Ordinance that he does not agree with.

ROLL CALL: Noone, Conry, Heinrich, McDonald

Ayes: 4; Nays: 2 (Higgins, Klimko); Abstentions: 1 (Thompson)

Motion Carried

NEW BUSINESS:

D. Bloom explained the Transportation Alternatives Program (TAP) Grant to Council. After a brief discussion, a motion was made by Higgins, seconded by Klimko, to begin the application process for the federally funded, competitive grant in the amount of \$750,000 to improve Grand Avenue.

Ayes: 7 Nays: 0
Motion Carried

Resolution #128-206 – Cancellation of the 2016 Taxes and Sewer Billing of the Properties that were Foreclosed on by the Borough

**RESOLUTION #128-2016
CANCELLATION OF THE 2016 TAXES AND SEWER BILLING OF THE
PROPERTIES THAT WERE FORECLOSED BY THE BOROUGH
(MUNICIPAL LIENS)**

WHEREAS, The Governing Body authorized foreclosure process on various municipal liens in 2015, and

WHEREAS, this foreclosure process was completed in two stages in December 2015 and January 2016, and

WHEREAS, those foreclosures are still listed on the assessors records as not owned by the Borough, and

WHEREAS, taxes and sewer for 2016 were levied on those properties.

NOW THEREFORE, the Governing Body of the Borough of Washington is authorizing the Tax Collector to cancel principal due on this properties for 2016 for taxes and sewer.

BLOCK	LOT	ADRESS	2016 TAXES	2016 SEWER
6	36	149 N. Lincoln Ave	3,954.38	742.50
31	6	44 Taylor St	3,949.58	742.50
100	51	Marble St	2,380.30	0
100	52	S Wandling Ave	6,383.75	0
101	13.02	W Washington Ave	3,334.87	0
50	5.01	McKinley Ave	2,226.74	0
46	11	McKinley Ave-Rear	211.16	0
46	13	Myrtle Ave	431.91	0
70	21	Myrtle Ave	719.85	0
46	19	Myrtle Ave	451.11	0
46	3.01	McKinley Ave-rear	76.78	0
45	4.02	Route 31 North & Myrtle	377.92	0

77	1	115 railroad Ave	604.67	0
31	8	48 Taylor St	1,847.62	594.00
TOTAL			\$26,950.64	\$2,079.00

Resolution 128-2016 was moved on a motion by Higgins, seconded by Klimko, and approved.

ROLL CALL: Higgins, Klimko, Conry, Heinrich, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 129-2016 – Redemption of a Tax Certificate

RESOLUTION #129-2016
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 \$4,953.73 for taxes or other municipal liens assessed for the year 2014 in the name of Markle, Mitchell A. Sr. & Linda as supposed owners, and in said assessment and sale were described as 20 Sunrise Terrace, Block 44 Lot 50, which sale was evidenced by certificate #15-00027; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-12-16 and before the right to redeem was cut off, as provided by law, PNC Bank 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 \$18,570.17 which is the amount necessary to redeem Tax Sale Certificate #15-00027.

NOW THEREFORE BE IT RESOLVED, on this 6th day of September, 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 **\$39,570.17** (This consists of \$18,570.17 Certificate Amount redeemed + \$21,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 50 from the tax office records.

Resolution 129-2016 was moved on a motion by Conry, seconded by Thompson, and approved.

ROLL CALL: Conry, Thompson, Heinrich, Klimko, Noone, McDonald
Ayes: 6; Nays: 0; Abstentions: 1 (Higgins)
Motion Carried

Resolution 130-2016 – Redemption of a Tax Certificate

RESOLUTION #130-2016
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 MTAG/Cust for Empire VII NJ, P.O. Box 2096, Hicksville, NY 11802 in the amount of \$6,607.44 for taxes or other municipal liens assessed for the year 2014 in the name of Bonjukian, Catherine Haig as supposed owner, and in said assessment and sale were described as 100 Wilson Terrace, Block 71 Lot 20, which sale was evidenced by Certificate #15-00034; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-12-16 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by MTAG/Cust for Empire VII NJ, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$17,107.83 which is the amount necessary to redeem Tax Sale Certificate #15-00034.

NOW THEREFORE BE IT RESOLVED, on this 6th day of September, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to MTAG/Cust for Empire VII NJ, P.O. Box 2096, Hicksville, NY 11802 in the amount of **\$17,107.83**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 20 from the tax office records.

Resolution 130-2016 was moved on a motion by Conry, seconded by Thompson and approved.

ROLL CALL: Conry, Thompson, Heinrich, Higgins, Klimko, Noone, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 131-2016 – Authorizing Execution of Shared Service Agreement

RESOLUTION #131-2016
AUTHORIZING EXECUTION OF
SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court's March

10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

WHEREAS, many of these municipalities (collectively the “Vicinage 13 Municipal Group”) wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

WHEREAS, the Borough desires to participate in the Vicinage 13 Municipal Group; and

WHEREAS, it is anticipated that if each municipality contributes \$1,500, there will be sufficient monies to pay the anticipated trial and discovery costs; and

WHEREAS, a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Vicinage 13 MSSDA”), has been prepared (attached hereto) (a) so that monies can be collected; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

WHEREAS, the Vicinage 13 MSSDA provides that the John P. Belardo, Esq., will serve as the administrator of the Vicinage 13 Municipal Group; and

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

1. The terms and conditions of the Vicinage 13 MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$1,500 is hereby authorized to be expended by the Borough.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid Vicinage 13 MSSDA to memorialize the participation of the Borough and to take any and all actions reasonably required to effectuate said Agreement.
5. This Resolution shall take effect immediately.

Resolution 131-2016 was moved on a motion by Higgins, seconded by Conry, and approved.

ROLL CALL: Higgins, Conry, Heinrich, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 132-2016 – Authorizing and Expenditure to the Consortium for the Municipal Shared Services Defense Agreement

RESOLUTION #132-2016

**RESOLUTION AUTHORIZING AN EXPENDITURE TO THE CONSORTIUM
FOR THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

WHEREAS, the Borough of Washington (the “Borough”) has filed a Declaratory Judgment Action in the Superior Court of New Jersey Hunterdon County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, the Borough entered into a Municipal Shared Services Defense Agreement (hereinafter “MSSDA”) in order to hire Econsult Solutions, LLC to produce an expert report in order to establish the Town’s affordable housing obligation; and

WHEREAS, approximately 250 municipalities within the State also entered into the MSSDA and collectively refer to themselves as the “Consortium;” and

WHEREAS, the Consortium also hired Carl Woodward, Esq. in order to defend a case regarding release of a draft expert report (Docket No. A-002471-15T2); and

WHEREAS, due to the overwhelming opposition and challenges received from opponents in the Declaratory Judgment Action, including Fair Share Housing Center, the New Jersey Builder’s Association, and other intervenors, the municipalities constituting the Consortium are required to contribute \$2,000 more under the MSSDA.

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

1. The amount of \$2,000 is hereby authorized to be expended by the Town for Econsult Solutions, LLC and other experts or attorneys retained by the Consortium.
2. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough and is appended hereto.
3. This Resolution shall take effect immediately.

Resolution 132-2016 was moved on a motion by Higgins, seconded by Thompson, and approved.

ROLL CALL: Higgins, Thompson, Conry, Heinrich, Klimko, Noone, McDonald
Ayes: 7; Nays: 0
Motion Carried

Councilman Higgins explained the COAH resolutions to the public.

Resolution 133-2016 – Authorizing a Public Works Shared Services Agreement for Sharing Public Works Equipment

RESOLUTION #133-2016

RESOLUTION AUTHORIZING A PUBLIC WORKS SHARED SERVICES AGREEMENT FOR SHARING PUBLIC WORKS EQUIPMENT BETWEEN THE BOROUGH OF WASHINGTON AND THE COUNTY OF WARREN

WHEREAS, the Governing Body of the Borough of Washington, County of Warren, is desirous of utilizing public works equipment and public works employees provided by the County to provide public works services, general maintenance and related services, and

WHEREAS, the County of Warren is desirous of providing those services to the Borough of Washington in accordance with the terms of the attached agreement, and

WHEREAS, the Uniform Shared Services & Consolidation Act (N.J.S.A. 40A:65-1 et seq.) empowers the Borough of Washington and the County of Warren to enter into such an agreement.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Washington hereby authorizes the Mayor and Clerk of the Borough of Washington to execute an agreement to share services with the County of Warren.

BE IT FUTHER RESOLVED, that a certified copy of this Resolution be sent to the Warren County Freeholders' Office; Wayne Dumont, Jr. Administration Building; 165 Route 519; Belvidere, NJ 07823.

Resolution 133-2016 was moved on a motion by Noone, seconded by Conry, and approved.

Ayes: 7; Nays: 0

Motion Carried

Resolution 134-2016 – Redemption of a Tax Certificate

RESOLUTION #134-2016

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 Actlien Runoff, LLC, 306 Fifth Avenue, Floor 6, New York, NY, 10001 in the amount of \$24,641.60 for taxes or other municipal liens assessed for the year 2014 in the name of Kropywnycki, Lucas

supposed owner, and in said assessment and sale were described as 6 Cleveland Street, Block 30.01 Lot 11, which sale was evidenced by certificate #15-00015; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-1-16 and before the right to redeem was cut off, as provided by law, First American Title Insurance Co. claiming to have an interest in said lands, did redeem said lands claimed by Actlien Runoff, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$28,979.63 which is the amount necessary to redeem Tax Sale Certificate #15-00015.

NOW THEREFORE BE IT RESOLVED, on this 6th day of September, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Actlien Runoff, LLC 306 Fifth Avenue, Floor 6, New York, NY 10001 in the amount of **\$28,979.63**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 30.01 Lot 11 from the tax office records.

Resolution 134-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

ROLL CALL: Conry, Klimko, Heinrich, Higgins, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 135-2016 – Rescinding Resolution #101-2016 – Retail Consumption License for Washington Inn, Inc.

BOROUGH OF WASHINGTON, WARREN COUNTY
RESOLUTION #135-2016
RESCINDING RESOLUTION #101-2016
RETAIL CONSUMPTION LICENSE FOR WASHINGTON INN, INC.

WHEREAS, the Governing Body of the Borough of Washington approved Resolution #101-2016, entitled Retail Consumption License, at a meeting held on June 21, 2016, granting a liquor license to Washington Inn, Inc. t/a Felix’s Tavern, and

WHEREAS, the licensee has failed to take the necessary steps and make the necessary payments to secure a liquor license for 2016-2017 license term within the timeframe allowed by the Division of Alcoholic Beverage Control.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Washington hereby rescinds its approval of Resolution #101-2016.

BE IT FUTHER RESOLVED, that a copy of this Resolution be sent to the Division of Alcoholic Beverage Control; P.O. 087; Trenton, NJ 08625-0087.

Resolution 135-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

Council Discussion:

The Clerk explained the reason for rescinding resolutions 135-2016 and 136-2016.

Ayes: 7; Nays: 0

Motion Carried

Resolution 136-2016 – Rescinding Resolution 98-2016 – Resolution Transferring Retail Consumption License #2121-33-007-002 (Felix’s Tavern) to Williams Irish Tavern, LLC, A Person-to-Person Transfer

RESOLUTION #136-2016

RESCINDING RESOLUTION #98-2016

**RESOLUTION TRANSFERRING RETAIL CONSUMPTION LICENSE
#2121-33-007-002 (FELIX’S TAVERN) TO WILLIAMS IRISH TAVERN, LLC
A PERSON-TO-PERSON TRANSFER**

WHEREAS, the Governing Body of the Borough of Washington approved Resolution #98-2016, entitled Resolution Transferring Retail Consumption License #2121-33-007-002 (Felix’s Tavern) to Williams Irish Tavern, LLC, A Person-to-Person Transfer, at a meeting held on June 8, 2016, and

WHEREAS, the transfer should not have been presented to Council for approval as Williams Irish Tavern, LLC has not received their Tax Clearance Certificate from the Division of Taxation and the required paperwork and payments have not been received by the Division of Alcohol and Beverage Control.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Washington hereby rescinds its approval of Resolution #98-2016.

BE IT FUTHER RESOLVED, that a copy of this Resolution be sent to the Division of Alcoholic Beverage Control; P.O. 087; Trenton, NJ 08625-0087.

Resolution 136-2016 was moved on a motion by Conry, seconded by Heinrich, and approved.

Ayes: 7; Nays: 0

Motion Carried

A motion was made by Higgins, seconded by Klimko, to approve the application for a Social Affairs Permit for St. Joseph's Knights of Columbus Dinner/Dance on October 1, 2016.

Ayes: 7; Nays: 0
Motion Carried

The approval of the request from the NJ After 3 Program at Taylor Street School to designate Borough Hall as their evacuation center in the event of an emergency was tabled until the September 20th meeting.

A motion was made by Conry, seconded by Heinrich, to approve new member Deanna Harrington to the Washington Borough Fire Department.

Ayes: 5; Nays: 0; Abstentions: 2 (Higgins, Thompson)
Motion Carried

A motion was made by Conry, seconded by Heinrich, to approve new member James Sutton to the Washington Borough Fire Department.

Ayes: 5; Nays: 0; Abstentions: 2 (Higgins, Thompson)
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$388,575.56.

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

Council Discussion:

Councilman Higgins questioned invoices to Rutgers University. J. Lim stated these are for DPW classes. Councilman Higgins questioned if the invoices to Blue Diamond were taken from the correct accounts. J. Lim will look into this. Councilman Higgins asked for clarification on a sewer utility payroll amount. The motion was amended to incorporate the exceptions noted by Councilman Higgins.

ROLL CALL: Conry, Thompson, Heinrich, Higgins, Klimko, Noone, McDonald
Ayes: 7; Nays 0; Abstentions: 1 (Thompson–Fire/EMS only)
Motion Carried

RECAP:

J. Lim will look into the bills noted by Councilman Higgins.

Mayor McDonald will set up interviews with the Borough Manager candidates.

COUNCIL REMARKS:

Councilman Thompson reminded everyone to drive safely now that school is open.

Councilwoman Klimko would like the Sewer Department to do clean-outs on a regular basis and would like to see the 2-hour parking in the municipal lot enforced. She would like to see the CLAP program back in the Borough and noted there is a gap between the old and new portions of the pavilion roof. Picnic tables and garbage cans at the pavilion were to have been replaced after the fire. Council discussed. Businesses are putting merchandise out in front of their shops and blocking the sidewalks. J. Lim will ask the Code Enforcement Officer to look into this. Councilwoman Klimko received complaints about people smoking in front of buildings and that sewerage was being pumped out on the street from a building on W. Washington Avenue. Councilwoman Klimko discussed the constant pile of garbage on the corner of Route 57 and Broad Street and spoke about people parking in their driveway while part of their car is blocking the sidewalk. Councilwoman Klimko received calls regarding major renovations being done at a building on W. Washington Avenue and there doesn't appear to be a permit posted in their window. Councilwoman Klimko asked about a signage ordinance. A discussion took place regarding the truncated domes on the sidewalks at intersections. D. Bloom will look into this next year to be sure the Borough is ADA compliant. Councilwoman Klimko and D. Bloom spoke about the zoning issue on the property between Albea and the Auto Body Shop.

Councilman Heinrich reminded everyone the Senior Advisory Committee will be starting their monthly meetings at Borough Hall on September 29th. There is a parking sign on Route 31 near Route 57 which references an old ordinance. Councilman Heinrich would like the municipal buildings assessed to be fitted with LED lighting.

Councilwoman Noone reminded everyone that this is the last month for the Farmers' Market and encouraged everyone to visit.

Councilwoman Conry would like a "Do Not Enter" sign placed near the exit of Family Dollar and stated two ATV's have been racing in the grassy area on Railroad Avenue where children are playing. Lieutenant Teter will look into this.

Mayor McDonald stated the library windows are being replaced. Facing on the stone work is falling off under the windows due to improper grading. The DPW will be re-grading the area near the windows as time allows.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION:

A motion was made by Thompson, seconded by Conry, to approve Resolution 138-2016 Authorizing Executive Session for the purpose of discussing personnel matters and contract negotiations at 9:30 pm.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 138-2016
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;

X 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 Higgins, seconded by Klimko, to come out of Executive Session at 9:48 pm.

Ayes: 7 Nays: 0
Motion Carried

Councilwoman Klimko spoke about Clean Communities monies. Council discussed. Money is available for both programs and employment.

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Thompson, to adjourn the meeting at 9:54 pm.

Ayes: 7 Nays: 0

Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk