

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 21, 2017

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 pm.

Mayor Higgins 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 Express-Times and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins led everyone in the flag salute.

Roll Call: Heinrich, Higgins, Jones, Klimko, Noone, Valle

Absent: Thompson

Also Present: Pat Titus, Acting Borough Clerk; Matthew Hall, Borough Manager; and Attorney Leslie Parikh

COUNCIL APPEARANCE

M. Hall stated Frank Mangravite’s Council Appearance is postponed until the April 4th meeting.

M. Hall stated members of the Washington Borough Fire Department requested additional time to prepare for their Council Appearance and wished to be postponed until a later date.

MINUTES

Regular Meeting Minutes of February 7, 2017

A motion was made by Heinrich, seconded by Klimko, to approve the Regular Meeting minutes of February 7, 2017.

Ayes: 5; Nays: 0; Abstain: 1 (Noone)

Motion Carried

Executive Session Minutes of February 7, 2017

A motion was made by Heinrich, seconded by Klimko, to approve the Executive Session minutes of the Regular Meeting of February 7, 2017.

Ayes: 5; Nays: 0; Abstain: 1 (Noone)

Motion Carried

AUDIENCE

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

Susan Sloan, 89 Grand Avenue

S. Sloan requested vegetation pick-up continue through April. Deputy Mayor Heinrich suggested extending the fall pick-up until December.

Ethel Conry, 114 Youmans Avenue

E. Conry invited Mayor Higgins to attend the NAACP Banquet on April 28th.

John Monteverde, BID Director

J. Monteverde spoke to Council regarding the business owners displeasure with the snow removal in the downtown area. Mayor Higgins spoke of plans in place to prepare properly for the next snow event.

Angela Giannavola, 87 Washington Square Circle

A. Giannavola stated she is a member of the Homeowners Association and spoke to Council regarding issues in the development including many lights being out and unfinished development which is causing a health hazard. Mayor Higgins stated the concerns will be discussed in Executive Session.

Scott Castles, 15 Belvidere Avenue

S. Castles stated he owns Scotty's Stadium Club and spoke of the issues with snow removal and not having enough parking spaces for his customers.

Edward Rossi, 30 Belvidere Avenue

E. Rossi, member of the Business Improvement District, spoke of the on-going issues with snow removal over the years.

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

Ayes: 6 Nays: 0

Motion Carried

REPORTS

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

1. Washington Township Police Department – Press Release of March 4, 2017
2. Washington Township Police Department – Monthly Report for February
3. Board of Health – Monthly Report for March
4. Municipal Court – Monthly Report for February

Discussion

Mayor Higgins questioned the status of 24 Westgate Apartments as mentioned in the Board of Health Report. M. Hall will follow-up with the Board of Health.

Ayes: 6 Nays: 0

Motion Carried

COMMITTEE REPORTS

Planning Board – Councilwoman Valle stated the President of the Washington Square Homeowners Association came before the Board to discuss the current issues. Mayor Higgins stated the concerns will be addressed in Executive Session.

Streets Committee – Councilwoman Klimko stated eighteen roads are scheduled to be completed this year. More roads will be added to the list pending the availability of funds.

Sewer Committee – Deputy Mayor Heinrich stated a meeting will be scheduled for next month.

ORDINANCES

Ordinance 2017-01 – An Ordinance of the Borough of Washington, County of Warren, State of New Jersey Creating Chapter ____ of the Code of the Borough of Washington Entitled “Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods” (Introduction)

Mayor Higgins stated Ordinance 2017-01 is tabled until a future meeting.

Ordinance 2017-04 - Ordinance Amending the Following Chapters of the General Ordinances of the Borough of Washington, County of Warren, and the State of New Jersey: Chapter 55 Entitled “Littering”; Chapter 59 Entitled “Nuisances, Public Health”; Chapter 91 Entitled “Weeds and Obnoxious Growths”; and Adding Chapters Entitled “Vehicles, Abandoned and Inoperable” and “Vandalism, Graffiti, and Other Property Offenses: Malicious Damage to Property or Persons Prohibited” (Introduction)

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
ORDINANCE # 2017-04**

**ORDINANCE AMENDING THE FOLLOWING CHAPTERS OF THE GENERAL
ORDINANCES OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,
AND THE STATE OF NEW JERSEY:**

CHAPTER 55 ENTITLED “LITTERING;”

CHAPTER 59 ENTITLED “NUISANCES, PUBLIC HEALTH;”

CHAPTER 91 ENTITLED “WEEDS AND OBNOXIOUS GROWTHS;”

**AND ADDING CHAPTERS ENTITLED “VEHICLES, ABANDONED AND INOPERABLE” AND
“VANDALISM, GRAFFITI, AND OTHER PROPERTY OFFENSES; MALICIOUS DAMAGE TO
PROPERTY OR PERSONS PROHIBITED.”**

WHEREAS, the Mayor and Council of the Borough of Washington desires to protect and promote the health of the residents of the Borough; and

WHEREAS, doing so requires amending and supplementing the following chapters of the Code of the Borough of Washington:

- Chapter 55 regarding littering

- Chapter 59 regarding nuisances
- Chapter 91 regarding weeds and noxious plants; and

WHEREAS, the Mayor and Council have also determined that additional regulation of the storage or keeping of abandoned and inoperable motor vehicles will promote safety of Borough residents;

WHEREAS, the Mayor and Council have also determined that additional regulation preventing vandalism and graffiti pursuant to the Municipal Beautification Act (N.J.S.A. 40:48-2.59) will promote safety of Borough residents; and

WHEREAS, N.J.S.A. 40:48-2 permits the Borough to pass, alter, and amend ordinances, rules, or regulations in order to preserve the public health, safety, and welfare; and

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

SECTION 1. Chapter 55 of the Code of the Borough of Washington entitled “Littering” is hereby amended and supplemented as follows;

§ 55-1. Definitions.

A. For the purposes of this chapter, the following words shall have the following meanings:

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle provided by the owner or occupier of private premises.

BOROUGH

The Borough of Washington, in the County of Warren and State of New Jersey.

COMMERCIAL HANDBILL

Any printed or written matter, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment or any activity for the purpose of either directly or indirectly promoting the interest thereof by sale;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the profit, benefit or gain of any person so engaged as advertiser or distributor.

LITTER

Any substance, waste material, garbage, refuse, or rubbish which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or any natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other

packaging or construction material, but does not include the waste of the primary processes of mining or other extracting processes, logging, sawmilling, farming or manufacturing.

NEWSPAPER

Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

PARK

A park, reservation, playground, recreation center or any other public area of the Borough or other public entity devoted to active or passive recreation by the public.

§ 55-2. Litter in public places.

No person shall throw or deposit litter in or upon any street, road, sidewalk or other public place within the Borough, except in public receptacles or authorized private receptacles for collection.

§ 55-3. Manner of placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, road, alley or other public place or upon private property.

§ 55-4. Depositing of litter into public places; sidewalk maintenance.

No person shall sweep into or deposit in any gutter, street, parking lot or public place within the Borough the accumulation of litter from any building or lawn or from any public or private sidewalk or driveway.

It shall be the duty, severally and equally, of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk, curb and gutter abutting the structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter. No person shall sweep into or deposit into any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk, curb and gutter in front and in rear of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 55-5. *Responsibility of Merchants* sidewalk

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, parking lot or public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or parking lot. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter.

§ 55-6. Throwing of litter from vehicles; litter blown from vehicles.

A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough or upon private property.

B. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

C. No person shall drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or which deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 55-7. **Public** Distribution or sale of handbills and newspapers; posting of notices

A. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any sidewalk, street or other public place within the Borough, nor shall any person distribute or sell any commercial handbill or newspaper in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Borough for any person to hand out or distribute without charge to the receiver thereof any noncommercial handbill or newspaper to any person willing to accept it.

B. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, shade tree or upon any public structure or building, except as may be authorized or required by law.

§ 55-8. Placement of handbills or newspapers on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill or newspaper to any occupant of a vehicle who is willing to accept it.

§ 55-9. Placement of handbills or newspapers on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant. Section 55-11B shall apply hereto.

§ 55-10. Placement of handbills or newspapers on posted property.

No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper upon any private premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Advertisements" or "No Peddlers or Agents," or any similar notice indicating in any manner that the owner, occupant or tenant of the premises does not desire to be molested or have his right of privacy disturbed or to have any such handbills or newspapers left upon such premises. Section 55-11B shall apply hereto.

§ 55-11. Placement of handbills or newspapers on inhabited private premises.

A. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper in or upon private premises which are inhabited, except by handing or transmitting the same directly to the owner, occupant, tenant or other person then present in or upon such private premises; provided, however, that in the case of inhabited private premises which are not posted as provided in this chapter, such person, unless requested by the owner, occupant or tenant on the premises not to do so, may place or deposit any such handbill or newspaper in or upon such inhabited private premises if the same is so placed or deposited as to secure or prevent the same from being blown about such premises or sidewalks, streets or other public places and the same is not placed upon the surface of the ground. Mailboxes may not be used when so prohibited by federal postal law or regulations, but private boxes may be used when so provided.

B. The provisions of this section shall not apply to the distribution of mail by the United States or its agents or legally authorized deliverers.

§ 55-12. Litter on private property.

No person shall throw or deposit litter on any occupied or unoccupied private property within the Borough, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 55-13. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 55-14. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not.

§55-15. Construction Debris

A. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate debris or trash at construction areas and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse.

B. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit land to be covered with or contain refuse and debris resulting from construction activities or the demolition of buildings, which refuse or debris has remained on the land for more than 30 days after the completion of construction or demolition. Salvaged building materials neatly stored on the owner's premises shall not be deemed refuse or debris.

§ 55-16. Enforcement.

Enforcement of the within chapter shall be made by regular and special officers of the police agency servicing the Borough of Washington, the Zoning Officer of the Borough of Washington, or any other officer authorized by the Board of Health to enforce this code and chapter; or upon complaint of any citizen or any authorized county or state health department or agency.

§ 55-17. Violations and penalties.

Any person who shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding \$500 or be imprisoned in the county jail for a term not exceeding 90 days, or both, for each offense, in the discretion of the Court. Each day said offense continues shall constitute a separate offense.

§ 55-18. Abatement of offenses; removal by Borough and collection of costs.

A. Any person authorized to enforce the provisions of this chapter is authorized to notify the owner of any property within the Borough or the agent of such owner to properly dispose of litter located on such owner's property in violation of this chapter. Such notice shall be sent by certified mail, return receipt requested, and/or posted on the property.

B. In the event that the owner or agent fails to comply with such notice within five days after receipt of written notice or five days after notice was posted on the property, the enforcing official shall authorize the removal of said litter. The property owner shall be billed by the Borough for all expenses incurred for the removal of said litter. Failure to pay for billed expenses shall constitute a valid assessment against such lands and shall be duly certified to the governing body, which shall examine the certified and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands. If the enforcing official deems the existing condition as an immediate health or safety problem, the removal shall be ordered immediately. If the owner or agent refuses to comply, the Borough shall effect the removal at the expense of the owner.

§ 55-19. Junkyards; exceptions

Nothing in this section shall be constructed to pertain to junk dealers, junkyards, motor vehicle junk dealers, motor vehicle junkyards, wholesale junkyards or wholesale junkyard scavengers duly licensed by the Borough of Washington.

§ 55-20. Litter receptacles required.

A. Litter receptacles and their servicing are required at the following public places which exist in the Borough:

- (1) Buildings held out for use by the public, including schools and government buildings;
- (2) Parks;
- (3) Drive-in restaurants;
- (4) Street vendor locations;
- (5) Construction sites;
- (6) Self-service refreshment areas;
- (7) Gasoline service stations;
- (8) Shopping centers;
- (9) Public parking lots;
- (10) Campgrounds and trailer parks; and
- (11) At special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals.

B. The proprietors of these places or the sponsors of these events shall be responsible for providing, removing and servicing the receptacles such that adequate containerization is available.

SECTION 2. Chapter 59 of the Code of the Borough of Washington entitled "Nuisances, Public Health" is hereby amended and supplemented as;

Article I: Adoption of Public Health Nuisance Code of New Jersey

§59-1 Adoption of Code by Reference

A code defining and prohibiting certain matters, things, conditions or acts, and each of them, as a nuisance; prohibiting certain noises or sounds; requiring the proper heating of apartments; prohibiting lease or rental of certain buildings; prohibiting spitting in or upon public buildings, conveyances or sidewalks; authorizing the inspection of premises by an enforcing official; providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances; and prescribing penalties for violations, is hereby established pursuant to Chapter 188, Laws of 1950. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 59-2 Title.

The said code established and adopted by this article is described and commonly known as the "Public Health Nuisance Code of New Jersey," 1953 Edition.

§ 59-3 Filing of copies.

Three copies of the said Public Health Nuisance Code of New Jersey have been placed on file in the office of the Clerk upon the introduction of this article and will remain on file there for the use of and examination by the public.

§ 59-4 Violations and penalties.

Any person who violates or neglects to comply with any provision of this article or code established herein or notice issued pursuant thereto shall, upon conviction thereof, be liable to a penalty of not more than \$500 for each violation.

Article II: Public Health, Safety, Welfare and Convenience Nuisances

§ 59-5 Statement of purpose.

The purpose of this article shall be to promote the general health, welfare, safety and convenience of the Borough of Washington and the inhabitants thereof by proscribing certain practices and hazards which are, or may be,

nuisances and to permit the appropriate authorities to take appropriate steps to control the practices herein proscribed. The provisions of this article shall be construed as a supplement to the remedies specified in Article I and the code adopted therein, and nothing herein shall be construed so as to repeal Article I of this chapter.

§ 59-6 Definitions.

Wherever the following terms are used in this article, unless otherwise specified, they shall have the following meanings:

BOARD OF HEALTH

The Board of Health of the County of Warren, State of New Jersey.

ENFORCING OFFICIAL

Regular and special officers of the police agency servicing the Borough of Washington, Zoning Officer of the Borough of Washington, the Construction and Building Sub-code Officials of the Borough of Washington, or any other officer authorized by the Board of Health to enforce this code and chapter.

PERSON

Includes an individual, firm, corporation, association, society and partnership and any agent, servant or employee of any of the above.

§ 59-7 Nuisances proscribed.

It shall be unlawful for any person or persons to commit or allow nuisances as hereinafter defined in § 59-8.

§ 59-8 Additional Nuisances enumerated.

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Borough of Washington:

A. Spitting upon any public sidewalk or upon any part of the interior of any public building or public conveyance.

§ 59-9 Enforcement.

The provisions of this article may be enforced by an Enforcing Official as defined herein, or upon the filing of a complaint in the Municipal Court of the Borough of Washington by any inhabitant of the Borough of Washington, either with or without prior notice to the person committing a violation of this article.

§ 59-10 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be liable to a penalty of not more than \$500 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

SECTION 3. Chapter 91 of the Code of the Borough of Washington entitled “Weeds and Obnoxious Growths” is hereby amended and supplemented as follows;

§ 91-1. Certain growths declared public nuisances.

A. All weeds over one foot in height, and all vegetable growths which exhale unpleasant or noxious odors or pollen, and all weeds or vegetable growths that may conceal filthy or unhealthy deposits are hereby declared to be public nuisances.

B. The growth, existence, or presence of poison ivy, poison oak or poison sumac within twenty (20) feet of any property line.

§ 91-2. Failure to abate nuisance.

Any owner, lessee or occupant of any property or any agent, servant, representative or person having control of any property who shall allow or permit such a nuisance as defined in §91-1 of this chapter to continue for a period of 10 days after receipt of such notice of violation shall be liable to the penalties as provided in this chapter.

§ 91-3. Cutting by Borough.

In addition to the penalty provided in §91-5 of this chapter, failure to abate such nuisance within the time provided by this chapter shall allow the Municipal Manager to direct the Borough's work force to abate said nuisance. Nothing in this section shall be interpreted to imply that the Borough is obligated to abate the nuisance.

§ 91-4. Costs to become lien.

The Manager shall certify the costs of abatement of the nuisance to the governing body, which shall examine the certificate and, if found correct, will cause the costs shown thereon to be charges against said land, the amount so charged shall forthwith become a lien upon such land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 91-5. Violations and penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$500. If the violations are not corrected or remedied within ten (10) days after the notice pursuant to §91-2, each day thereafter that the prohibited conditions exist shall constitute a separate offense hereunder.

§91-6. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington.

SECTION 4. A Chapter of the Code of the Borough of Washington entitled "Vehicles, Abandoned and Inoperable" is hereby added as follows:

§ -1. Definitions.

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

ABANDONED MOTOR VEHICLE

A vehicle which has remained on or along the highway or other public property or upon private property without such consent for a period of more than 48 hours or for any period without current license plates.

INOPERATIVE MOTOR VEHICLE

Any motor vehicle incapable of being legally operated or moved under its own power on the public streets and highways of the State of New Jersey.

UNLICENSED MOTOR VEHICLE

Any motor vehicle incapable of being legally driven on the highways of the State of New Jersey or not bearing current license plates or tags or not bearing a current inspection sticker issued by an appropriate licensing authority.

§ -2. License required for open storage.

No person, firm or corporation shall keep any wrecked, dismantled, junked, abandoned or inoperable motor vehicle or any parts thereof in the open upon public or private property unless licensed as a junk shop or junkyard.

§ -3. Storage of inoperable vehicles.

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots or anywhere on residential property, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

A. Because of mechanical or structural defect or damage is incapable of movement under its own power;

B. Does not display a current or valid registration;

C. For any other reason is not capable of safe and lawful operation over the highways of this state.

§ -4. Repair of vehicles on public streets.

No person, firm or corporation shall use the public streets or highways as a repair shop or to make repairs to vehicles other than emergency repairs.

§ -5. Removal from public streets.

A wrecked, dismantled, junked, abandoned or inoperable motor vehicle may be removed from the public streets or highways when 48 hours' notice has been served upon the registered owner, either in person or by mail to the

last known address, to move such vehicle. However, if the vehicle obstructs traffic or is deemed to be a hazard, the police may remove such vehicle without prior notice to the owner.

§ ___-6. Removal from public property.

A written notice to remove within seven days the wrecked, dismantled, junked, abandoned or inoperable vehicle from public property other than public streets and highways shall be served upon the registered owner thereof, either personally or by certified mail. If the vehicle is not removed within the time allowed by such notice, the police may remove such vehicle.

§ ___-7. Unlicensed vehicles.

An unlicensed vehicle on public streets or premises not owned or occupied by the owner of the vehicle shall be deemed abandoned and removed immediately.

§ ___-8. Repossession by owner.

The owner of the removed vehicle may repossess the same at any time prior to sale thereof, upon payment of the costs of removal plus storage charges.

§ ___-9. Disposition of unclaimed vehicles.

Disposition of the vehicle shall be made within the towing company's discretion. The Borough shall notify the registered owner either in person or by mail to the last known address of the address and telephone number of the towing company in possession of the vehicle.

§ ___-10. Waiver of liability.

The Borough shall not be liable for loss or damage during removal, storage, subsequent sale or other disposition.

§ ___-11. Violations and penalties.

Any person who shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding \$500 or be imprisoned in the county jail for a term not exceeding 90 days, or both, for each offense, in the discretion of the Court. Each day said offense continues shall constitute a separate offense.

§ ___-12. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington or any police officer serving the Borough of Washington.

SECTION 5. A Chapter of the Code of the Borough of Washington entitled "Vandalism, Graffiti, and other Property Offences; Malicious Damage to Property or Persons Prohibited" is hereby added as follows:

§ ___-1. No person shall damage, defoul, commit a nuisance, or disturb public property or the property of another so as to create a hazardous condition. No person shall maliciously destroy, damage or injure any person or property, including and not limited to acts considered "Vandalism", "Graffiti," and / or any other malicious mischief.

§ ___-2. Graffiti Prohibited.

A. It shall be unlawful for any persons to apply graffiti to any building, structure, tree, shrub, curb, vehicle, or to other personal or real property (public or private) located within the Borough.

B. Nothing contained within this chapter shall prohibit the enforcement of any other chapter of the Municipal Code of the Borough of Washington.

§ ___-3. Exclusions.

Easily removable markings (chalk or water soluble) on public sidewalks and streets used in connection with traditional children's games, or Borough sponsored events, shall **not** be considered graffiti.

§ ___-4. Section RESERVED.

§ ___-5. Violations and penalties.

Committing an act of graffiti is a violation of this chapter. Violations for committing an act of graffiti shall be charged on a per property or structure basis (one offense for each violation). Violations do not reset over time. Upon conviction, each offense shall have the following penalties applied:

- A. Each person shall be subject to a fine of fifty dollars (\$50.00) for the first offense; one hundred dollars (\$100.00) for the second offense; and one hundred fifty dollars (\$150) for each subsequent offense.
- B. In addition to any fines imposed (or waived), the court shall order the offender to make restitution pursuant to this chapter.
- C. Restitution: Offenders shall make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount (or manner) determined by the court.
- D. In lieu (or as part) of the penalties imposed by this section it is strongly recommended that the court order community service. Community service shall be based on the following minimum requirements:
 1. Offenders shall perform community service based on their level of conviction as follows
 - i. First Offense: Service sufficient to remove the graffiti and restore the property to its prior condition
 - ii. Second Offense: Service sufficient to remove the graffiti and restore the property to its prior condition plus 10 additional days of community service
 - iii. Third (and subsequent) Offense: Service sufficient to remove the graffiti and restore the property to its prior condition plus 20 additional days of community service
 2. Reasonable effort shall be made to assign the offender to a type of community service that is reasonably expected to have the most rehabilitative effect of the offender.
 3. The order period of service shall be performed under the supervision of a community service provider approved by the Chief of Police.

§___-6. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington or any police officer serving the Borough of Washington.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.

The Clerk read Ordinance 2017-04 by title only. A motion was made by Heinrich, seconded by Noone, to introduce Ordinance 2017-04 on first reading.

ROLL CALL: Heinrich, Noone, Jones, Klimko, Valle, Higgins
Ayes: 6 Nays: 0
Motion Carried

Discussion

Council discussed various changes made with M. Hall and Attorney Parikh and would like additional changes made with regards to the towing of vehicles.

Deputy Mayor Heinrich and Councilwoman Noone retracted their previous motions.

A motion was made by Heinrich, seconded by Noone, to introduce Ordinance 2017-04 on first reading with the changes discussed regarding the towing of vehicles.

ROLL CALL: Heinrich, Noone, Jones, Klimko, Valle, Higgins
Ayes: 6 Nays: 0
Motion Carried

The Clerk stated the public hearing of Ordinance 2017-04 will be held on April 18, 2017 and the advertisement of the public hearing will be published in the Star Gazette on March 31, 2017.

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

Ayes: 6 Nays: 0
Motion Carried

Ordinance 2017-05 – Ordinance Amending Chapter 3 of the General Ordinances of the Borough of Washington, County of Warren and the State of New Jersey in Order to Allow for the Appointment of the Code Enforcement Officer as Fire Official (Introduction)

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
ORDINANCE #2017-05**

ORDINANCE AMENDING CHAPTER 3 OF THE GENERAL ORDINANCES OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, AND THE STATE OF NEW JERSEY IN ORDER TO ALLOW FOR THE APPOINTMENT OF THE CODE ENFORCEMENT OFFICER AS FIRE OFFICIAL

WHEREAS, Chapter 3 of the Code of the Borough of Washington (“Borough Code”) establishes the position of Code Enforcement Officer and the duties assigned therein; and

WHEREAS, Section 42-6 of the Borough Code creates the position of “Fire Official” and designates such position as the head of the Borough’s Bureau of Fire Prevention; and

WHEREAS, N.J.A.C. 5:71-3.2(a) states that a municipal fire official “shall be appointed in the manner provided for in the ordinance establishing the local enforcing agency; and

WHEREAS, Section 42-6 of the Borough Code states that the Fire Official shall be appointed by the Borough Manager; and

WHEREAS, the Mayor and Council have determined that it may be desirable under certain circumstances to appoint the Code Enforcement Officer as the Fire Official; and

WHEREAS, The Borough of Washington wishes to reserve the option to allow the Borough Manager to appoint the Code Enforcement Officer as Fire Official; and

WHEREAS, the Mayor and Council have determined that the combination of duties of the Code Enforcement Official and Fire Official will promote efficiency, cooperation, and an enhanced level of service to Borough residents;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Chapter 3 of the Code of the Borough of Washington is hereby amended as follows:

§ 3-71 Code Enforcement Officer

The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall be appointed by the Borough Manager. The Code Enforcement Officer shall perform and exercise all of the powers, duties and functions now or hereafter vested in the Code Enforcement Officer by law or local ordinance and shall be subject to the jurisdiction and control of the Manager. The Code Enforcement Officer may be appointed to the office of Fire Official by the Borough Manager. The salary shall be as provided for in the Salary Ordinance. This office may be combined with the office of Zoning Officer.

The Clerk read Ordinance 2017-05 by title only. A motion was made by Noone, seconded by Valle, to introduce Ordinance 2017-05 on first reading.

ROLL CALL: Noone, Valle, Heinrich, Jones, Klimko, Higgins
Ayes: 6 Nays: 0
Motion Carried

The Clerk stated the public hearing of Ordinance 2017-05 will be held on April 18, 2017 and the advertisement of the public hearing will be published in the Star Gazette on March 31, 2017.

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

Ayes: 6 Nays: 0
Motion Carried

NEW BUSINESS

Resolution 2017-76 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 82, Lot 29

RESOLUTION #76-2017
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 21, 2016 to FWDSL &

Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$654.85 for taxes or other municipal liens assessed for the year 2015 in the name of Miele, Kevin F. Jr./Kurpicki, J B supposed owners, and in said assessment and sale were described as 85 Park Ave., Block 82 Lot 29, which sale was evidenced by certificate #16-00059; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-13-17 and before the right to redeem was cut off, as provided by law, Roundpoint Mortgage Servicing 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 \$1,346.79 which is the amount necessary to redeem Tax Sale Certificate #16-00059.

NOW THEREFORE BE IT RESOLVED, on this 21st day of March, 2017 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 **\$2,646.79** (This consists of \$1,346.79 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 29 from the tax office records.

Resolution 2017-76 was moved on a motion by Jones, seconded by Klimko, and approved.

ROLL CALL: Jones, Klimko, Heinrich, Noone, Valle, Higgins
Ayes: 6; Nays: 0
Motion Carried

Resolution 2017-77 – Resolution Amending Recreation Fees for 2017

RESOLUTION #2017-77
RESOLUTION AMENDING RECREATION FEES FOR 2017

WHEREAS, the Recreation Director, in consultation from the Recreation Commission, have provided the Mayor and Council with a proposed fee schedule Recreation programs and activities; and

WHEREAS, in that fees were reviewed to determine whether they are fair to the public and fairly reflect the reasonable cost of public facilities, taking into account such municipal expenses as wages and benefits, insurance, utility costs, maintenance and repair costs and other unpredictable costs incurred by the Borough to operate the Borough's recreational facilities; and

WHEREAS, the Mayor and Council have reviewed the attached fee schedule as proposed by the Recreation Director and Recreation Commission and wish to memorialize the approval of the 2017 fee schedule, a copy of which is attached to herein and will be posted on the Borough website.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey as follows: The 2017 Recreation Fee Schedule, in the form attached to this resolution, is hereby approved.

2017 RECREATION FEE SCHEDULE AMENDMENTS

Pool Fees –

Add the word “Seasonal” in front of Membership

Individual (Non-Boro) – change the Rate to \$125.00

Family (Boro Residents) – change the Rate to \$200.00

Family (Non-Boro) – change the Rate to \$250.00

Add New Membership Discount categories

- Early Bird – Application received by May 31st - 10% off the regular season price of any membership.
- Military – 10% off any membership. Can be combined with the Early Bird Discount.

Daily – Twilight - in description column (2nd column) delete the word Twilight and add “Adult and child 4 to 17 years old admissions”.

Soccer – Age 5 – change Rate to \$40. Ages 6 & 7 – change rate to \$55. Ages 8 and up – change rate to \$65.

Youth Basketball – K thru 2nd Grade (Clinic) – change Rate to \$35. 3rd Grade thru 8th Grade – change Rate to \$65.

Field fee – in description column add “3rd party”

Lighting at Park – in description column add “3rd party” – Change the Rate to \$20 per hour.

Pavilion/Tent Rental – add “up to 4 hours”

Resolution 2017-77 was moved on a motion by Heinrich, seconded by Jones, and approved.

ROLL CALL: Heinrich, Jones, Klimko, Noone, Valle, Higgins

Ayes: 6; Nays: 0

Motion Carried

Resolution 2017-78 – Resolution Appointing Special Appraiser (BASF)

BOROUGH OF WASHINGTON
RESOLUTION # 2017-78
RESOLUTION APPOINTING SPECIAL APPRAISER

WHEREAS, there exists a need for the performance of special tax appraisal services during the year 2016-2017 which cannot be handled by the Municipal Tax Assessor; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (**N.J.S.A. 40A:11-1, et seq.**) authorizes the hiring of a special appraiser without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

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

1. Sockler Realty Services Group, Inc. is hereby appointed to serve as consultant and special appraiser for the Borough of Washington during the year 2016- 2017 in order to provide services and advice relating the matter of *BASF v. The Borough of Washington*, a matter docketed in the New Jersey Tax Court.
2. The Manager has negotiated a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, **N.J.S.A. 40A:11-5** and **N.J.S.A. 19:44A-20.5**.
4. Adequate funds have been or will be appropriated for the services of special appraiser as certified by Chief Financial Officer.

Resolution 2017-78 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Noone, Klimko, Heinrich, Jones, Valle, Higgins

Ayes: 6; Nays: 0

Motion Carried

Resolution 2017-79 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 2.06, Lot 6

RESOLUTION #79-2017
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 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$568.23 for taxes or other municipal liens assessed for the year 2015 in the name of Domenic, Jeffrey A & Meribeth I as supposed owners, and in said assessment and sale were described as 351 North Prospect Street, Block 2.06 Lot 6, which sale was evidenced by certificate #16-00002; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, Select Portfolio 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 \$1,254.83 which is the amount necessary to redeem Tax Sale Certificate #16-00002. According to Resolution #61-2017, this amount was not fully reimbursed to FWDSL due to an added subsequent payment on the redemption worksheet.

NOW THEREFORE BE IT RESOLVED, on this 21st day of March, 2017 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 **\$151.68** (This consists of the subsequent payment remaining on the Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.06 Lot 6 from the tax office records.

Resolution 2017-79 was moved on a motion by Jones, seconded by Klimko, and approved.

ROLL CALL: Jones, Klimko, Heinrich, Noone, Valle, Higgins
Ayes: 6; Nays: 0
Motion Carried

Resolution 2017-80 – Resolution Appointing Special Accountant

BOROUGH OF WASHINGTON
RESOLUTION # 2017-80
RESOLUTION APPOINTING SPECIAL ACCOUNTANT

WHEREAS, Resolution 2017-24 authorized the engagement of a Special Auditor during the year 2016-2017 for services which cannot be handled by the Municipal Auditor; and

WHEREAS, N.J.A.C. 5:30- 11.6(a)(b)(c) provides for change orders for professional services and extraordinary unspecifiable services; and

WHEREAS, the Special Auditor has encountered the need to investigate beyond the scope of the original contract; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) authorizes the hiring of a Special Auditor without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

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

1. The Manager has negotiated a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
2. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, **N.J.S.A. 40A:11-5** and **N.J.S.A. 19:44A-20.5**.
3. Adequate funds have been or will be appropriated for the services of Special Auditor as certified by Chief Financial Officer.

Resolution 2017-80 was moved on a motion by Klimko, seconded by Noone, and approved.

ROLL CALL: Klimko, Noone, Heinrich, Jones, Valle, Higgins
Ayes: 6; Nays: 0
Motion Carried

A motion was made by Jones, seconded by Noone, to approve Washington Nursery School to conduct a 50/50 Raffle during the BID’s Arts, Sweets, & Crafts Festival on April 29, 2017.

Ayes: 6; Nays: 0
Motion Carried

Resolution 2017-82 – Resolution Appointing a Member to the Recreation Commission

**RESOLUTION APPOINTING A MEMBER TO THE
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 the members of the Recreation Commission for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

Joseph Pinto

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above named person is appointed to the Recreation Commission for a term ending **12/31/2021**.

Resolution 2017-82 was moved on a motion by Klimko, seconded by Heinrich, and approved.

Ayes: 5; Nays: 0; Abstentions: 1 (Noone)
Motion Carried

VOUCHERS

A motion was made by Heinrich, seconded by Klimko, to approve the vouchers and claims in the amount of \$1,452,422.58.

Discussion

Per Councilman Jones' request, M. Hall explained the Engineer bills that date back to 2015 for the Superfund Site. Mayor Higgins questioned the usage of the ballfield lights and water usage at the municipal building and Park. He asked M. Hall to look into these items.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Valle, Higgins
Ayes: 6; Nays: 0
Motion Carried

MEETING RECAP

M. Hall will follow-up with the Board of Health with regards to Westgate Apartments and look into the ballfield lights and water usage. M. Hall will meet with various departments regarding the After Action Plan.

COUNCIL REMARKS

Councilwoman Klimko asked for an update on the timeclocks. M. Hall stated he has been working on them. Councilwoman Klimko will meet with M. Hall regarding paving of the streets and the water issue on West Warren Street.

Councilwoman Noone stated she has been to the NAACP Scholarship Dinner for the past few years. She feels it is a great event with many scholarships given to the community.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION

A motion was made by Klimko, seconded by Heinrich, to approve Resolution 2017-81 - Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:00 pm.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 2017-81

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: _____ 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 Jones, seconded by Noone, to come out of Executive Session at 8:50 pm.

Ayes: 6; Nays: 0
Motion Carried

Attorney Parikh stated the issues at Washington Square were discussed during Executive Session and stated the first step will be to try to get the issues resolved in a timely manner. If that fails, there will be a notice sent the Bonding Company stating that actions will be taken to deal with the performance bond.

Dexter Oxford, 27 Washington Square Circle, stated the issues have been on-going for two and a half years.

Councilwoman Klimko questioned the parking authority for downtown. M. Hall will work on this with Lieutenant Teter.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich, seconded by Valle, to adjourn the meeting at 8:52 pm.

Ayes: 6; Nays: 0
Motion Carried

Mayor David Higgins

Pat Titus, Acting Borough Clerk