

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – April 4, 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, Thompson, Valle

Absent: None

Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; Attorney Tara St. Angelo; Natasha Turchan, Chief Financial Officer; and Lieutenant Teter

**EXECUTIVE SESSION**

A motion was made by Noone, seconded by Heinrich, to approve Resolution 2017-96 - Authorizing Executive Session for the purpose of discussing contract negotiations at 7:02 pm.

Ayes: 7 Nays: 0

Motion Carried

**RESOLUTION # 2017-96**  
**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: \_\_\_\_\_ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

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

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

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

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

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

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

A motion was made by Noone, seconded by Valle, to come out of Executive Session at 7:38 pm.

Ayes: 7; Nays: 0  
Motion Carried

Attorney St. Angelo left the meeting at this time.

**ORDINANCES**

**Ordinance 2017-02 – Calendar Year 2017 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45:14) (Second Reading, Public Hearing and Adoption)**

**ORDINANCE 2017-02**

**CALENDAR YEAR 2017**

**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 0.5% 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 2017 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 \$90,030.42 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 2017 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 \$ 105,035.49, and that the CY 2017 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 to pass on first reading at a regular meeting of the Borough Council of the Borough of Washington held on March 7, 2017, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Borough Council to be held on April 4, 2017, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Washington Borough Municipal Building; 100 Belvidere Avenue; Washington, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

A motion was made by Heinrich, seconded by Jones, to introduce Ordinance 2017-02 on final passage.

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

Mayor Higgins opened the public portion of Ordinance 2017-02. Seeing no one, a motion was made by Jones, seconded by Thompson, to close the public portion of Ordinance 2017-02.

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

A motion was made by Heinrich, seconded by Klimko, to adopt Ordinance 2017-02 on second reading.

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

**2017 MUNICIPAL BUDGET**

**Resolution 2017-83 – Resolution Authorizing Increase in Deferred School Taxes for Local School and Regional High School Tax**

**RESOLUTION #2017-83**  
**AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES**  
**FOR LOCAL SCHOOL AND REGIONAL HIGH SCHOOL TAXES**

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Borough at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2016 as follows:

	<u>Deferred Local School Taxes</u>	<u>Deferred Regional High School Taxes</u>
Amount Deferred 12/31/16	2,302,957.14	2,126,628.50
Amount Deferred 12/31/15	2,058,701.16	1,998,813.00
	<hr/>	<hr/>
	<u>244,255.98</u>	<u>127,815.50</u>

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Resolution 2017-83 was moved on a motion by Heinrich, seconded by Klimko, and approved.

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

A motion was made by Heinrich, seconded by Thompson, to open the public portion of the 2017 Municipal Budget.

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

Seeing no one, a motion was made by Heinrich, seconded by Valle, to close the public portion of the 2017 Municipal Budget.

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

**Resolution 2017-95 – Resolution to Amend the Budget**



6. Amount to Be Raised By Taxes for Support of Municipal Budget	5,270,192.96	5,265,539.87
Total Amount to be Raised by Ataxes for Support of Municipal Budget	5,421,827.84	5,417,174.75
7. Total General Revenues	7,985,513.33	7,992,360.24
	<u>FROM</u>	<u>TO</u>
8. General Appropriations:		
a. Operations Within "CAPS":		
Road Repairs and Maintenance-Salaries and Wages	485,000.00	492,000.00
Total Operations ( Items 8(A) Within "CAPS"	2,951,996.63	2,958,996.63
b. Contingent		
	<u>FROM</u>	<u>TO</u>
Total Operations Including Contingent Within "CAPS"	2,951,996.63	2,958,996.63
Salaries and Wages	993,681.78	1,000,681.78
Other Expenses	1,958,314.85	1,958,314.85
(E) Deferred Charges and Other Statutory Expenditures:		
Public Employees' Retirement System	0.00	0.00
Total Deferred Charges & Statutory Expenditures-Municipal Within CAPS	0.00	0.00
Total General Appropriations For Municipal Purposes Within "CAPS"	3,169,593.63	3,176,593.63
(L) Subtotal General Appropriations (Items (h-1) and (o))	7,386,624.27	7,393,624.27
(M) Reserve for Uncollected Taxes	598,889.06	598,735.97
9. TOTAL GENERAL APPROPRIATIONS	7,985,513.33	7,992,394.26

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

Resolution 2017-95 was moved on a motion by Heinrich, seconded by Klimko, and approved.

Discussion

N. Turchan explained the amendment covers the streets and roads portion of the budget.

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

A motion was made by Jones, seconded by Thompson, to adopt the 2017 Municipal Budget.

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

Mayor Higgins explained the municipal portion of the 2017 budget remains flat.

N. Turchan left the meeting at this time.

## **COUNCIL APPEARANCE**

Dr. Frank Mangravite of Wastewater Management provided Council with an informational packet regarding the Wastewater Treatment System and explained its operation and management. He explained the advantages and disadvantages of the process and will discuss contract details in Executive Session.

## **MINUTES**

### **Regular Meeting Minutes of February 21, 2017**

A motion was made by Heinrich, seconded by Klimko, to approve the Regular Meeting minutes of February 21, 2017.

Ayes: 7; Nays: 0

Motion Carried

### **Executive Session Minutes of February 21, 2017**

A motion was made by Heinrich, seconded by Klimko, to approve the Executive Session minutes of the Regular Meeting of February 21, 2017.

Ayes: 7; Nays: 0

Motion Carried

## **AUDIENCE**

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

### **John Monteverde, BID Director**

J. Monteverde spoke to Council regarding the upcoming events including the Arts, Sweets and Craft Festival and the Farmers Market.

### **Terrilisa Bauknight, Library Board President**

T. Bauknight thanked Council for the additional money included in the Library's budget. M. Hall will work with T. Bauknight on guidelines for the June 17<sup>th</sup> Community Event at the Library.

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

Ayes: 7 Nays: 0

Motion Carried

## **REPORTS**

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

1. Washington Township Police Department – Press Release of March 19, 2017
2. Fire Prevention – Monthly Report for February
3. Fire Prevention – Monthly Report for March

Ayes: 7 Nays: 0

Motion Carried

## **COMMITTEE REPORTS**

There were no Committee Reports at this meeting.

## **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)**

### **ORDINANCE #2017-01**

#### **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”**

#### **§\_\_-1 Purpose and Intent**

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and certain other secondhand goods as defined herein by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

#### **§\_\_-2 Definitions**

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity, who either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry comprised of any precious metal or precious stone or gemstone, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant business as defined herein. For the purpose of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“PAWNBROKER” means any person, entity, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PRECIOUS STONE OR GEMSTONE” means any of several gems including the diamond, emerald ruby, and sapphire that historically had a high economic value because of rarity or appearance.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

“SECONDHAND GOODS” means gold, silver, platinum or other precious metals, jewelry comprised of any precious metal and/or precious stone or gemstones, coins, gemstones, gift cards, any tools, cellular phones, GPS devices, computers, computer hardware, television sets, handheld electronics, I-pods, game cartridges, game systems, DVD's, CD's, cameras and camera equipment. For the purpose of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions or real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry comprised of precious metal or precious stone or gemstone, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

### **§\_\_-3 License Requirement for dealers**

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the

jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in § 9.

#### **§\_\_-4 Application process for dealers; approval or denial**

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
  - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
  - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
  - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must

state with specificity the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under § 6(A).

- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period, and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Chief of Police shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation for the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.

#### **§\_\_-5 Identification of seller; recordkeeping requirements for dealers**

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods, acceptable identification as defined above in § 2
- B) Require each seller to execute a “Declaration of Ownership,” which shall contain the following certification: *“My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified good through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct.”*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
- a. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
  - b. the name, address, date of birth, and telephone number of the seller or sellers;
  - c. a photographed record of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
  - d. a photographed record of the seller’s presented acceptable identification, as set forth in § 2, in a format acceptable by the Chief of Police;
  - e. a photographed record of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable;
  - f. the receipt number;
  - g. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
  - h. the price paid for the purchase or pawn of the item(s);
  - i. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
  - j. the time and date of the transaction.
- D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this

chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.

- E) In the event of a database failure, or a dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above in to the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.
- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of the precious metals or other secondhand goods, as well as the articles purchase or received and, where necessary, relinquish custody of the those articles as provided in § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

#### **§\_\_-6 Retention; revocation; other restrictions**

- A) All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least fourteen (14) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5 except for jewelry and precious metals, which must be maintained for at least ten (10) business days or for the statutory period provide in N.J.S.A. 2C:21-36(d). All other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, or modified by the dealer until the fourteen-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being sold.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by

deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

- C) If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.
- D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 5(C).
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 of this chapter.
  - i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
  - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
  - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).

- G) **Revocation.** A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 9.
- i. **Grounds for revocation.** The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
  - ii. **Procedure for revocation.** Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- H) **Appeal.** Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

#### **§\_\_-7 period of license validity**

A license is valid for a one-year period from the date of its issuance. Any fees associated with the mandatory electronic database system shall be the sole responsibility of the applicant.

#### **§\_\_-8 Violations and penalties**

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provision of this

chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

**§\_\_-9 Time limit for conformance; repealer; severability**

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirement governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a 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 hereof.

The Clerk read Ordinance 2017-01 by title only. A motion was made by Heinrich, seconded by Klimko, to introduce Ordinance 2017-01 on first reading.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Thompson, Valle, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

Discussion

Detective Walter Koch was in the audience and discussed fees, photographing and identification requirements, and various other concerns with Council.

Greg Fliegauf, Fliegauf Jewelers, explained his current procedures and his concerns with the proposed ordinance.

David Handley, 667 Creek Road in Bangor, Pennsylvania, stated he works at Get a Grip and feels photographing sellers is an invasion of privacy and discussed with Council and Detective Koch.

John Monteverde, BID Director, stated business owners have previously submitted their input to create the current version of the ordinance.

After further discussion, a motion was made by Heinrich, seconded by Klimko, to retract their previous motions and not introduce Ordinance 2017-01 at this time.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Thompson, Valle, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

**Ordinance 2017-03 – Ordinance Amending Chapter 49 of the General Ordinances of the Borough of Washington, County of Warren, and State of New Jersey in Order to Regulate Door-to-Door Soliciting and Peddling (Second Reading, Public Hearing and Adoption)**

**BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
ORDINANCE # 2017-03**

**ORDINANCE AMENDING CHAPTER 49 OF THE GENERAL ORDINANCES OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, AND THE STATE OF NEW JERSEY IN ORDER TO REGULATE DOOR-TO-DOOR SOLICITING AND PEDDLING**

**WHEREAS**, Chapter 49 of the Code of the Borough of Washington regulates the distribution of handbills and merchandise samples; and

**WHEREAS**, Chapter 49 of the Borough Code must be updated to comply with applicable New Jersey statutes and caselaw; and

**WHEREAS**, the Mayor and Council have determined that additional regulation is needed to prevent fraud, crime, and unethical and dishonest business practices; and

**WHEREAS**, the Mayor and Council have determined that additional regulation will promote safety of Borough residents;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Borough of Washington that Chapter 49 of the Code of the Borough of Washington is hereby amended as follows:

**SECTION 1.** Chapter 49 of the Code of the Borough of Washington is deleted in its entirety, renamed “Peddlers and Solicitors,” and replaced with the following:

§ 49-1. Purpose.

The purpose of this chapter shall be to prevent fraud, crime and unethical and dishonest business practices. The fees charged for the issuance of licenses shall not be considered revenue, but shall be charged for the purpose of covering the expense of investigation and regulating the conduct of licensees.

Nothing herein shall be construed to affect the sale of fruit, vegetables, and farm produce, such as meat poultry, butter and eggs, from premises owned, leased or controlled by the person selling the same.

§ 49-2. Definitions.

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

**MERCHANDISE**

Includes all goods, wares, food, fruit, vegetables, farm products, magazines and periodicals, and all kinds of articles of personal property for domestic use and orders or contracts for services, home improvements or alterations.

### **NON-PROFIT ORGANIZATION**

(1) any organization tax exempt under §501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of the Borough, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups; (4) any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; or (5) any department within the Borough's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves the Borough.

### **PEDDLER**

Any person who goes from place to place by traveling on the streets and roads or from house to house, carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. This definition shall not include integrated and commercial roadside stands.

### **SOLICITOR**

Any person who goes from place to place by traveling on the streets and roads or from house to house, taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales.

#### **§49-3. License Required**

Except as otherwise provided in this chapter, it shall be unlawful for any solicitor or peddler to sell or dispose of, or to offer to sell or dispose of, any goods, wares or merchandise, or to solicit orders for the performance of any service, within the corporate limits of the Borough, without first obtaining a license in compliance with the provisions of this chapter. The license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by a licensed solicitor or peddler for every agent or employee working for him/her.

#### **§49-4. Exemptions and Exceptions.**

A. Any public utility or its employees subject to regulation by the State Board of Public Utility Commissioners, provided that such employees shall display identification badges or cards issued by their employer.

B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

C. Any non-profit organization as defined in §49-2 of this Chapter, including charitable and religious organizations, provided that the means of identification assigned by such organization, if any, is carried by the peddler or solicitor. If no means of identification is assigned by such organization, the peddler or solicitor shall be required to carry a bona fide means of identification, including but not limited to a valid driver's license or other government-issued identification. This exception shall include members or advocates for a non-profit organization engaging in the advocacy or non-commercial, non-for-profit causes, whether or not in connection. This exception also includes any non-profit organization that conducts sales of personal property when the proceeds are applied to the payment of expenses and to the charitable or religious purpose for which the organization exists.

D. Any person intending to distribute non-commercial or not-for-profit handbills, pamphlets, leaflets, circulars, advertisements or printed material, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

E. Any person (a) campaigning for any elected public office or public question, which is to be voted upon in the Borough at a general, special, primary or school board election, or in a national or State election; (b) distributing handbills, pamphlets, leaflets, circulars, advertisements or printed material with respect thereto; or (c) otherwise engaging in political speech, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

F. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.

G. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with the law.

H. Any person selling fruits, vegetables, and farm produce (such as meats, poultry, butter, and eggs) from premises owned, leased, or controlled by the person selling the same.

I. Any person selling goods at a farmer's market in compliance with Section 190-5.1 of the Borough Code.

I. Any person selling food from a mobile retail food establishment as defined in N.J.A.C. 8:24-1.1 et seq., including but not limited to food trucks and ice cream trucks, as long as such person is in compliance with N.J.A.C. 8:24-1.1 et seq and Chapter 45 of the Borough Code.

#### §49-5. Application for License.

Every applicant for a license under this chapter shall file with the Borough Clerk a sworn written application, in duplicate, on a form to be furnished by the Clerk, which shall give the following information:

A. Name and description of the applicant.

B. Permanent home address and full local address of the applicant.

C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.

D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

E. The length of time for which the license is desired.

F. If a vehicle is to be used, a description of the vehicle, its license plate number, its VIN # number, a 4" x 6" photograph of the vehicle, a copy of the registration for the vehicle that is valid for the entire period for which the peddler and solicitor's license is issued, and proof of automobile insurance that is valid for the entire period for which the peddler and solicitor's license is issued.

G. A driver's license or other government issued identification that is valid for the entire period for which the peddler and solicitor's license is issued.

H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the goods or property are located at the time such application is filed, and the proposed method of delivery.

I. A photograph of the applicant taken within 60 days immediately prior to the date of application, which photograph clearly shows the head and shoulders of the applicant and measures two by two inches by two inches.

J. The fingerprints of the applicant.

K. Two business references located in the County of Warren, State of New Jersey, or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate his character and responsibility.

L. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

M. Proof of liability insurance that is valid for the entire period for which the license is issued.

N. A list of all other New Jersey municipalities in which the applicant maintains an active peddling and soliciting license.

#### §49-6. Applications for Exemptions.

In lieu of applying for a license pursuant to Section 49-5 hereunder, a solicitor or peddler may make application by letter to the Borough Council for an exemption from the licensing requirement of this chapter. Such letter shall set forth exceptional circumstances that make it improbable or impractical for such solicitor or peddler to apply for the appropriate license and shall demonstrate that the purposes of this chapter will not be undermined by the grant of such exemption. The Borough Council may place reasonable conditions on any such grant of an exemption, including but not limiting to requiring such peddlers or solicitors to carry identification.

#### §49-6. Application Fee.

At the time the application is filed, a fee in the amount of \$100 shall be paid to the Borough Clerk by bank or cashier's check to cover the cost of processing the application and investigating the facts set forth therein.

#### §49-7. Bond required.

Before a license pursuant to this Chapter shall be issued, Applicant shall execute and deliver to the Borough Clerk a bond in accordance with N.J.S.A. 45:24-5 in the amount of \$1,000. The bond shall be in effect for a period of one year from the date of license issuance, shall indemnify and pay the Borough any penalties or costs incurred in the enforcement of this section and the purchaser of personal property in a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation of the applicant, its agents or employees. The bond shall be in a form approved by the municipal attorney.

#### §49-8. Investigation of applicant.

When the application is properly filled out and signed by the applicant, the original and duplicate shall be filed with the Borough Clerk. The Clerk shall refer the original to the Chief of Police, who shall make or cause to be made such investigation of the applicant's business responsibility and moral character as he deems necessary for protection of the public good.

#### §49-9. Issuance of license; refusal.

A. Grounds for refusal of license.

(1) If as a result of the investigation of the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and the reasons therefor and return the application to the Borough Clerk, who shall notify the applicant that the application is

disapproved and that no license shall be issued. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

(a) Conviction of a crime involving moral turpitude, including but not limited to theft, fraud, aggravated assault, and sexual offenses.

(b) Prior violation of a peddling or soliciting ordinance.

(c) Previous fraudulent acts or conduct.

(d) Record of breaches of solicited contracts.

(e) Concrete evidence of bad character.

(2) In the absence of any such finding, the Chief of Police shall find the application satisfactory.

B. If as a result of the investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, and return the application to the Borough Clerk, who shall issue the license to the applicant. The license shall contain the signature of the Borough Clerk and show the name, address and photograph of the licensee, the class of license issued, the kind of goods or services to be sold, the date of issuance, the length of time the license shall be operative and the license number and other identifying description of any vehicle used in the peddling or soliciting activity licensed.

C. The Borough Clerk shall issue to each licensee at the time of delivery of the license a badge which shall show the nature of the license, the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of 10 feet. During the time the licensee is engaged in peddling or soliciting, the badge shall be worn constantly by him on the front of his/her outer garment in such a way as to be visible to a person facing him.

D. All licensees using automobiles or other vehicles in connection with their business shall have affixed in the rear passenger side window a sticker supplied by the Borough Clerk. The sticker shall bear the words "Licensed Peddler," "Licensed Hawker," "Licensed Solicitor" or "Licensed Canvasser," together with a number and the year for which it is issued.

#### §49-10. Duties of licensee.

Every holder of a peddler's or solicitor's license issued by the Borough Clerk under the authority of this chapter or by the clerk of the county under the authority of N.J.S.A. 45:24-9 shall be required to carry the license with him while engaged within the Borough in the business or activity licensed. He shall produce the license at the request of any official resident of the Borough with whom he wishes to conduct his business or activity. Every peddler or solicitor, shall restrict his selling or soliciting activity within the Borough to the hours between 8:00 a.m. and 7:00 p.m. Licensees and every person referred to in §49-4A on each day of such activity shall notify the police officer on duty immediately before commencing his selling or soliciting activity. If soliciting activities will be conducted on consecutive days, notification need only be made on the first day of such activity and the licensee shall notify the police officer of the length of the soliciting period. Notification shall include a statement as to the general area of the Borough in which the licensee, as well as every person referred to in § 49-4A, intends to conduct or has conducted the activity.

#### §49-11. Prohibitions.

It shall be unlawful for a peddler or solicitor to:

A. Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first having identified himself/herself as a peddler, solicitor, transient merchant, or canvasser registered with the municipality and displaying the license issued therefor.

B. Call attention to his business or to his merchandise by crying out, blowing a horn, ringing a bell, other than the doorbell to a building, or any other loud or unusual noise prohibited by the Borough Code.

C. Conduct or attempt to conduct his or her business at any residence or on any property on which is posted a sign expressly prohibiting the activity.

D. Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.

E. Distribute obscene merchandise or printed material, printed material that advocates unlawful conduct.

F. Litter the streets, public places, or other property within the Borough with any merchandise or printed material.

#### §49-12. Enforcement; Violations and Penalties

A. It shall be the duty of any police officer of the agency serving the Borough to enforce the provisions of this chapter and to require any person seen peddling or soliciting who is not known by the officer to be duly licensed, to produce his peddler's or solicitor's license.

B. Any person convicted of violating the provisions of this chapter shall be subject to a fine not exceeding \$1,000, by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, or by both such fine and imprisonment or community service.

C. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation of the same provision, and who was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon the person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the Code provision, but shall be calculated separately from the fine imposed for the violation of the Code provision.

#### §49-13. Record of licenses.

The Borough Clerk shall maintain a record of all licenses issued under the provisions of this chapter and record therein all convictions for violations and other pertinent circumstances and incidents reported by the Chief of Police.

#### §49-14. Revocation of license.

A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police upon notice to the licensee to the address listed on licensee's application for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.

(3) Any violation of this chapter.

(4) Conviction of any crime involving moral turpitude.

(5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Notice of revocation shall be communicated to licensee by telephone and regular mail at the telephone number and address set forth on licensee's application. If the licensee requests a hearing pursuant to

§49-14, notice of hearing shall be given in writing setting forth the specific grounds of complaint and the time and place of hearing. Such notice shall be sent by regular and certified mail to the licensee at his last known address at least five days prior to the date set for hearing.

§49-15. Appeals to Borough Council.

Any person aggrieved by the action of the Chief of Police or of the Borough Clerk in the denial or revocation of a license shall have the right of appeal to the Borough Council. The appeal shall be taken by filing with the Borough Council, within 14 days after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Borough Council shall set a time and place for hearing of the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided in § 49-13. The decision of the Borough Council shall be final.

§49-16. Expiration and renewal of license.

All licenses issued under the provisions of this chapter shall expire on December 31 of the calendar year in which they are issued. Any license may be renewed without payment of an additional registration fee upon submission by the licensee of a new application in conformity with the requirements of § 49-5 or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring the application completely up to date. A new application or statement in lieu thereof shall be subject to the provisions and standards set forth in § 49-5.

§49-17. Solicitations in Roadways Prohibited.

The Borough shall prohibit all organizations from soliciting contributions in roadways in compliance with N.J.S.A. 39:4-60.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** 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 4.** This Ordinance shall take effect upon final passage and publication according to law.

The Mayor read Ordinance 2017-03 by title only. A motion was made by Noone, seconded by Heinrich, to introduce Ordinance 2017-03 on final passage.

ROLL CALL: Noone, Heinrich, Jones, Klimko, Thompson, Valle, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

A motion was made by Noone, seconded by Heinrich, to open the public portion of Ordinance 2017-03.

ROLL CALL: Noone, Heinrich, Jones, Klimko, Thompson, Valle, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

Seeing no one, a motion was made by Valle, seconded by Heinrich, to close the public portion of Ordinance 2017-03.

ROLL CALL: Valle, Heinrich, Jones, Klimko, Noone, Thompson, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

A motion was made by Noone, seconded by Valle, to adopt Ordinance 2017-003 on final passage.

ROLL CALL: Noone, Valle, Heinrich, Jones, Klimko, Thompson, Higgins  
Ayes: 7 Nays: 0  
Motion Carried

**OLD BUSINESS**

**Resolution 2017-43 – A Resolution to Adjust Sewer Billings in Accordance with Chapter 70, Section 28B of the Code of the Borough of Washington**

**RESOLUTION #43-2017**  
**A RESOLUTION TO ADJUST SEWER BILLINGS IN**  
**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
73/1	A D P P Enterprises Inc. 233 E. Washington Ave. Washington, NJ 07882	Change in Use (2) to (7) E.D.U.'s Effective: April 2017

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this

resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

After a brief discussion, Resolution 2017-43 was moved on a motion by Klimko, seconded by Jones, and approved.

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

Ayes: 7; Nays: 0

Motion Carried

## **NEW BUSINESS**

### **Resolution 2017-84 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 6, Lot 29**

#### **RESOLUTION #84-2017**

#### **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 US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$669.06 for taxes or other municipal liens assessed for the year 2015 in the name of Dieterman, Matthew W. as supposed owner, and in said assessment and sale were described as 40 Carlton Avenue, Block 6 Lot 29, which sale was evidenced by Certificate #16-00011; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-21-17 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 US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,361.24 which is the amount necessary to redeem Tax Sale Certificate #16-00011.

**NOW THEREFORE BE IT RESOLVED**, on this 4th day of April, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,561.24** (This amount consists of \$1,361.24 Certificate Amount redeemed + \$1,200.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 29 from the tax office records.

Resolution 2017-84 was moved on a motion by Noone, seconded by Valle, and approved.

Ayes: 7; Nays: 0

Motion Carried

**Resolution 2017-85 – A Resolution of the Mayor and Council of the Borough of Washington, Warren County to Apply for a 2016 Recycling Tonnage Grant**

**RESOLUTION # 85-2017**

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY.**  
**TO APPLY FOR A 2016 RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2016 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Matthew C. Hall, Borough Manager, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2017-85 was moved on a motion by Noone, seconded by Thompson, and approved.

Ayes: 7; Nays: 0  
Motion Carried

**Resolution 2017-86 – A Resolution Requesting Permission for the Dedication by Rider for Open Space Purposes**

**RESOLUTION #2017-86**  
**A RESOLUTION REQUESTING PERMISSION FOR THE**  
**DEDICATION BY RIDER FOR OPEN SPACE PURPOSES**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of moneys by dedication by rider; and

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:4-39, for the exclusive purpose of depositing and expending funds for the operation of the Open Space Fund established by the referendum in 2016.
2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution 2017-86 was moved on a motion by Noone, seconded by Klimko, and approved.

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

**Resolution 2017-87 – A Resolution of the Borough of Washington Appointing Thomas Feggulis to the Washington Borough Fire Department**

**RESOLUTION 2017-87**  
**A RESOLUTION OF THE BOROUGH OF WASHINGTON**  
**APPOINTING THOMAS FEGGULIS TO THE**  
**WASHINGTON BOROUGH FIRE DEPARTMENT**

**WHEREAS**, there is a vacancy in the Washington Borough Fire Department; and

**WHEREAS**, the Borough Manager of the Borough of Washington has been presented with the application of Thomas Feggulis; and

**WHEREAS**, it has been determined that Thomas Feggulis is qualified for the position.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Washington, County of Warren, State of New Jersey that Thomas Feggulis is hereby appointed to the position of Firefighter in the Borough of Washington, effective April 4, 2017.

Resolution 2017-87 was moved on a motion by Jones, seconded by Klimko, and approved.

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

**Resolution 2017-88 – A Resolution Authorizing for the Release of Funds from Kunja Patel – Park Hill Motel Escrow Account Held in Trust by the Borough of Washington**

**RESOLUTION #88-2017**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**  
**KUNJA PATEL – PARK HILL MOTEL ESCROW ACCOUNT HELD IN TRUST**  
**BY THE BOROUGH OF WASHINGTON**

**WHEREAS**, Kunja Patel, Managing Member, Global Investors Group, LLC, has requested the return of the funds remaining in the Kunja Patel – Park Hill Motel escrow account #7200020854; and

**WHEREAS**, it was verified that there are no outstanding invoices against this account and therefore, it can be closed.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Global Investors Group, LLC c/o Kunja Patel in the amount of \$1,565.16, plus interest, if any, to close escrow account #7200020854.

Resolution 2017-88 was moved on a motion by Noone, seconded by Jones, and approved.

Discussion

Mayor Higgins questioned outstanding invoices and any further billings. M. Hall stated there have been no invoices submitted for several years. Council discussed with M. Hall and Lieutenant Teter.

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

**Resolution 2017-89 – Resolution of the Borough of Washington, County of Warren Supporting Participation in the Sustainable Jersey Municipal Certification Program**

**RESOLUTION 2017-89**

**RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN SUPPORTING  
PARTICIPATION IN THE SUSTAINABLE JERSEY®  
MUNICIPAL CERTIFICATION PROGRAM**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Washington strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Mayor and Council of the Borough of Washington hereby acknowledge that the residents of the Borough of Washington desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, the Borough of Washington wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically- sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path, the Borough of Washington is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Borough of Washington, we have a significant responsibility to provide leadership, which will seek community-based sustainable solutions to strengthen our community.

**NOW THEREFORE BE IT RESOLVED**, that to focus attention and effort within the Borough of Washington on matters of sustainability, the Mayor and Council of the Borough of Washington in the County of Warren wish to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Washington that we do hereby authorize the Borough Manager to serve as the Borough of Washington's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of the Borough of Washington.

Resolution 2017-89 was moved on a motion by Noone, seconded by Klimko, and approved.

Ayes: 7; Nays: 0  
Motion Carried

**Resolution 2017-90 – Memorandum of Agreement between the Borough of Washington and the Communications Workers of America, Local 1032, AFL-CIO**

**Resolution 2017-90**  
**Memorandum of Agreement between the Borough of Washington and the Communications**  
**Workers of America, Local 1032, AFL-CIO**

**WHEREAS**, the Borough of Washington and the Communications Workers of America Local 1032, AFL-CIO, are parties to a collective bargaining agreement; and

**WHEREAS**, the collective bargaining agreement is in full force and effect through December 31, 2018; and

**WHEREAS**, the parties are in agreement that the Borough has outside contracts with vendors covering work related to the repair of Borough vehicles and equipment; and

**WHEREAS**, the parties acknowledge that on occasion member(s) of the CWA bargaining unit perform work related to the repair of Borough vehicles and equipment; and

**WHEREAS**, the parties recognize that such work can sometimes be performed in a more cost-efficient manner when done by Borough employee(s); and

**WHEREAS**, the parties further recognize that repair of Borough vehicles and equipment should be done in as timely and cost-effective manner as possible to the benefit of both the Borough and the taxpayers;

**THEREFORE**, in recognition of the above, the parties enter into the following Agreement:

- Effective 4/1/2017, Ken Hoy shall assume responsibilities related to the maintenance and repair of all Borough vehicles and equipment.
- Ken Hoy shall retain his permanent title of Equipment Operator and shall receive his salary and benefits for that position in accordance with the terms of the collective bargaining agreement.
- In recognition of the additional work related to the maintenance and repair of Borough vehicles and equipment, Mr. Hoy shall receive an annual stipend of \$7,000.00.
- Payment of this stipend shall continue through December 31, 2018.
- All other terms of the parties collective bargaining agreement remain in full force and effect.
- Any dispute arising from the terms of this agreement shall be subject to the contractual grievance procedure.

Resolution 2017-90 was moved on a motion by Jones, seconded by Klimko, and approved.

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

Ayes: 5; Nays: 0; Abstain: 2 (Thompson, Higgins)

Motion Carried

**Resolution 2017-91 – Resolution Authorizing the Advertising of Bids for the Reconstruction of the Mid-Block Crossing**

**RESOLUTION 2017-91**

**RESOLUTION AUTHORIZING THE ADVERTISING OF BIDS  
FOR THE RECONSTRUCTION OF THE MID-BLOCK CROSSING**

**WHEREAS**, the Borough of Washington wishes to reconstruct the existing Mid-Block Crossing, located on East Washington Avenue/NJ Route 57 between Belvidere Avenue and School Street; and

**WHEREAS**, pursuant to **N.J.S.A. 40A:11-3**, items exceeding \$17,500.00 be properly advertised and bids received.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Washington, County of Warren, does hereby authorize the advertising of bids in accordance with the respective specifications.

Resolution 2017-91 was moved on a motion by Klimko, seconded by Jones, and approved.

Ayes: 7; Nays: 0

Motion Carried

**Resolution 2017-92 – Resolution Authorizing the Advertising of Bids for a Stand-By Generator for the Washington Borough Municipal Building and Fire Department**

**RESOLUTION 2017-92**

**RESOLUTION AUTHORIZING THE ADVERTISING OF BIDS FOR  
A STAND-BY GENERATOR FOR THE WASHINGTON BOROUGH  
MUNICIPAL BUILDING AND FIRE DEPARTMENT**

**WHEREAS**, a grant awarded to the Borough of Washington by the Federal Emergency Management Agency (FEMA) provides funds for the installation of a stand-by generator for the Borough Municipal building and fire department, together with all structures, equipment, work and materials necessary therefore or incidental thereto; and

**WHEREAS**, pursuant to **N.J.S.A. 40A:11-3**, items exceeding \$17,500.00 be properly advertised and bids received.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Washington, County of Warren, does hereby authorize the advertising of bids in accordance with the respective specifications.

Resolution 2017-92 was moved on a motion by Klimko, seconded by Thompson, and approved.

ROLL CALL: Klimko, Thompson, Heinrich, Jones, Noone, Valle  
Ayes: 6; Nays: 0; Abstain: 1 (Higgins)  
Motion Carried

**Resolution 2017-93 – Resolution Authorizing Matthew Lopez as Code/Zoning Enforcement Officer and Fire Official for the Borough of Washington**

**RESOLUTION 2017-93**  
**RESOLUTION AUTHORIZING MATTHEW LOPEZ AS CODE/ZONING ENFORCEMENT  
OFFICER AND FIRE OFFICIAL  
FOR THE BOROUGH OF WASHINGTON**

**WHEREAS**, Matthew Lopez has been appointed to the position of Code Enforcement and Zoning Officer and also the position of Fire Official; and

**WHEREAS**, **Section 3-71** of the Borough Code authorizes the Code Enforcement Officer to 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

**WHEREAS**, **Section 3-71** further provides for the position of Code Enforcement Officer to be combined with the position of Zoning Officer; and

**WHEREAS**, **Section 3-71** further provides for the Code Enforcement and Zoning Officer to be appointed as Fire Official at the discretion of the Manager;

**WHEREAS**, **N.J.A.C. 5:71-3.2(b)** directs the Fire Official to ensure that enforcement actions are taken in a timely manner when violations are found and not corrected;

**NOW, THEREFORE, BE IT RESOLVED** that Code Enforcement and Zoning Officer/Fire Official Matthew Lopez is hereby authorized by the Council of the Borough of Washington, in the County of Warren, State of New Jersey to issue summonses, complaints, and penalty assessment notices requiring any person to appear in municipal court to answer charges of a violation or infraction of the Zone and Code Enforcement Ordinances of the Borough of Washington and the Fire Subcode of the State of New Jersey.

Resolution 2017-93 was moved on a motion by Klimko, seconded by Noone, and approved.

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

**Resolution 2017-94 – A Resolution Authorizing the Renewal of a Contract for Public Safety Answering Point (Dispatch and 911) Services**

**RESOLUTION 2017-94**

**A RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT FOR PUBLIC SAFETY ANSWERING POINT (DISPATCH AND 911) SERVICES**

**WHEREAS**, there exists a need for services related to the operation of a Public Safety Answering Point 911 and Dispatch Services; and

**WHEREAS**, the County of Warren has provided the service to Washington Borough at no additional cost; and

**WHEREAS**, the services provided by the County of Warren, Department of Public Safety meet the needs of the local law enforcement, fire, emergency medical services and emergency management community; and

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

1. That the Mayor, Manager and Clerk are hereby directed to complete any and all documents relating to the renewal of the Agreement between the County of Warren and the Borough of Washington relative to the Public Safety Answering Point dispatch and 911 services.
2. There are no additional charges to the Borough or any non-profit emergency service organizations operating within the confines of the Borough of Washington for the use of this service.
3. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with law.

Resolution 2017-94 was moved on a motion by Klimko, seconded by Jones, and approved.

Ayes: 6; Nays: 0; Abstain: 1 (Higgins)  
Motion Carried

**VOUCHERS**

A motion was made by Noone, seconded by Heinrich, to approve the vouchers and claims in the amount of \$723,714.89.

**Discussion**

Deputy Mayor Heinrich would like to see a detailed ledger of the engineering costs to the Mid-Block Crossing. Council agreed.

ROLL CALL: Noone, Heinrich, Jones, Klimko, Thompson, Valle, Higgins  
Ayes: 7; Nays: 0; Abstain: 1 (Thompson – Fire and EMS Only)  
Motion Carried

**MEETING RECAP**

M. Hall will meet the Library Board President and various departments regarding the upcoming event at the Library, work with J. Monteverde and business owners with regards to Ordinance 2017-01, and follow up with the Borough Engineer to obtain a detailed ledger of their fees for the mid-block crossing.

**EXECUTIVE SESSION**

A motion was made by Jones, seconded by Noone, to approve Resolution 2017-97 - Authorizing Executive Session for the purpose of discussing contract negotiations and personnel matters at 9:11 pm.

Ayes: 7 Nays: 0  
Motion Carried

**RESOLUTION # 2017-97**  
**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: \_\_\_\_\_ 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.);

  X   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 Higgins, to come out of Executive Session at 9:53 pm.

Ayes: 7; Nays: 0  
Motion Carried

M. Hall updated Council on the following: JCP&L charges at Borough Park, the upcoming garbage bid specifications, quotes for a new municipal building roof, enrollment in an on-line auction site to sell surplus items, the Stover building repairs, timeclock options, mid-block crossing bid, Co-op membership to purchase DPW equipment, and repairs being done at the Library.

**COUNCIL REMARKS**

Deputy Mayor Heinrich stated there will be a Sewer Committee meeting on April 24<sup>th</sup>.

Councilwoman Noone spoke of the upcoming BID events including the Arts, Sweets and Crafts Festival and the Farmers Market.

Councilwoman Klimko asked M. Hall to follow up with regards to a back-lit sign on a Borough business and stated the Pocket Park has many lights that are not working. Twenty-three cars have been parked for months in the Pocket Park without moving. Councilwoman Klimko discussed the streets ordinance and specifications needed to include on-street parking.

Councilman Thompson recommended buying items in bulk when possible.

Mayor Higgins stated someone will be appointed to control inventory with a Standard Operating Procedure in place. He asked the Clerk to RICE Notice M. Hall to discuss his six-month performance evaluation at the next meeting. Mayor Higgins stated approximately 3,000 eggs will be filled for the Recreation Commission's upcoming Easter Egg Hunt.

**ADJOURNMENT**

Hearing no further business, a motion was made by Thompson, seconded by Klimko, to adjourn the meeting at 10:20 pm.

Ayes: 7; Nays: 0

Motion Carried

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Mayor David Higgins

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Ann Kilduff, Borough Clerk