

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -April 3, 2018

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

Roll Call: Heinrich, Higgins, Klimko, Noone, Norris, Thompson, Valle.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

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

MINUTES

Motion made by Heinrich and seconded by Valle to approve the meeting minutes of regular meetings; March 6, 2018 and March 20, 2018 and executive session March 20, 2018 (Proof for content only)

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris Thompson and Valle

Ayes: 6, Nays: 0
Abstain: Klimko
Motion carried.

AUDIENCE

Stan Prador, JCP&L Representative, gave a lengthy report on the two recent storms that caused power outages throughout the area and borough. Mr. Prador explained the criteria for power to be restored to large and small areas, stating that critical facilities are first to be restored.

Ken Dimarco(sp), Washington Gardens, asked that a sidewalk be extended on Route 57, citing he has almost been hit and cited it being a safety issue for pedestrians.

Hearing no other public comment, motion made by Heinrich to close the public portion, motion seconded by Valle, all were in favor.

REPORTS:

Motion was made by Heinrich seconded by Valle to receive and file the following reports:

- Recreation-February Revenue
- Police
- Zoning/Code Enforcement/Fire Official
- Manager's Report-February
- Warren County Board of Health-March

Ayes: 7 Nays: 0
Motion Carried.

CORRESPONDENCE

Motion made by Heinrich to receive and file the following correspondences, motion seconded by Valle, all were in favor:

1. Langen-Berry Global-Response Action
2. Marjory Stoneman Douglas High School

COMMITTEE REPORTS

Senior Advisory Councilman Heinrich reported that a total of 25 people went to the Sands Casino on Saturday. Heinrich noted that not as many people signed up compared to last year. The River Lady Cruise cutoff to sign up is April 15th.

Sewer, Heinrich reported that the committee met twice between the meetings and discussed the current sewer contract.

ORDINANCES 2nd Reading

Motion made by Heinrich to open the public hearing for Ordinance 2018-04, motion seconded by Noone, all were in favor.

Hearing no public comment, motion made to close the public portion made by Noone and seconded by Heinrich, all were in favor.

Motion made by Heinrich to adopt Ordinance 2018-04, motion seconded by Noone.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris Thompson and Valle

Ayes: 7, Nays: 0

Motion carried.

ORDINANCE 2018-4

AN ORDINANCE AMENDING CHAPTER 64 OF THE CODE OF THE BOROUGH OF WASHINGTON- RECREATION PROGRAM FEES

BE IT ORDAINED by the Borough Council of the Borough of Washington, in the County of Warren, and State of New Jersey as follows:

SECTION 1. The Borough of Washington Recreation Department (“Recreation Department) is authorized to recommend fees for participation in its programs/events in accordance with the following schedule.

SECTION 2. The Recreation Director, or his/her designee, will schedule dates, times and locations for the following programs/events. The fee for participation in the program/event for each registrant shall be within the following parameters:

Recreation Program/Event		Minimum	Maximum
Fees Apply for all Boro Administered Programs up to and including the 2nd child (50% for 3rd child and no fee for 4th child and beyond)			
Girl's Softball: 2nd Grade thru 8th Grade			
	ALL	\$35	\$100
Karate/Self-Defense - Ages 5 thru 12			
	ALL	\$35	\$100
Easter Egg Hunt: Ages 3 to 6th Grade	No Charge		
Swim Team: Ages 5 to 18 Team Member	ALL	\$50	\$100
Swim Lessons: Ages 3 and Up	ALL		
	Group Lessons	\$40	\$100
	Semi-Private Lessons	\$50	\$100
	Private Lessons	\$60	\$100
*Pool Fees			
Seasonal Membership (All memberships half price after August 1st)			
	Individual (Boro Resident)	\$75	\$125
	Individual (Non-Boro)	\$75	\$125
	Family (Boro Residents)	\$150	\$300
	Family(Non-Boro)	\$150	\$300
	Senior Citizens (ALL)	\$0	\$50
Pool Membership Discounts			
	Early Bird		
	Military (Active /Veteran)		
Daily			
Adult		\$6	\$10
Child (4 to 17 years old)		\$4	\$8

Child (up to 3 years old)		\$0	\$0
Senior		\$0	\$8
Twilight (after 6pm)	All Adult & child 4-17 yrs old admisstion	\$3	\$6
Teen Pool Party		\$3	\$10
Water Aerobics	Member	\$5	\$40
	Non Member	\$5	\$40
Soccer: Kindergarten to 8th Grade			
	Age 5	\$35	\$50
	Ages 6 & 7	\$35	\$100
	Ages 8 and up	\$45	\$100
Field Hockey: 2nd to 6th Grade	ALL	\$35	\$100
Men's Basketball	Team Sponsor	\$200	\$600
Individual Participant	ALL	\$40	\$75
Adult Baseball	ALL	\$20	\$100
Adult Softball	ALL	\$20	\$100
Movies in the Park	No Charge		
Youth Basketball: K thru 2nd Grade (Clinic)	Clinic only	\$30	\$60
3 rd Grade thru 8 th Grade	ALL	\$40	\$100
Street Hockey: Kindergarten to 8th Grade			
	ALL	\$35	\$100
Usage Fee – Field/Game Day – 3rd Party (Field Fee Included in Registration Fee for all Boro Administered Programs)	Daily Fee	\$45	\$500
Field Fee Based on Field Maint/Prep			
Lighting at Park	Per Hour	\$15/hr	\$55/hr
Sport Clinic Programs		\$35	\$100
Party Rental (Pool Hours)	Members		
	Non-Members		
Party Rental (After Hours)	50 People	200	300
	51-100 People	300	400
	Over 100 People	400	500
Pavilion/Tent Rental	Up to 4 hours	\$25	\$100
Equipment Use Fee		\$5	\$300
Summer Recreation Programs		\$0	\$1000
Special Events		\$5	\$1000
5K Run/Walk		\$5	\$60

***For any Daycare or Child Care Organization that takes the children to the pool for part of the day, the rates listed above will apply, however the chaperones (up to 4 adults) will be free.**

SECTION 3. By no later than March first of each year the Recreation Director shall evaluate the costs and expenses for operating each Program/Event and make a recommendation to the Mayor and Council and Manager as to the amount to be charged for participation in the Program/Events presented by the Recreation Department, which shall be within the range of fees established by this ordinance. The Borough Council shall review the Recreation Program/Event Fee recommendations made by the Recreation Director in order to establish the current year Recreation Program Fee Schedule, which shall be adopted by the Mayor and Council via resolution annually.

SECTION 4. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 5. This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law.

Motion made by Noon and seconded by Heinrich to make Ordinance 2018-04 effective immediately.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris Thompson and Valle

Ayes: 7, Nays: 0
Motion carried.

Motion made by Heinrich to open the public hearing for Ordinance 2018-05, motion seconded by Noone, all were in favor.

Public Comment

Debe Spinks, State St., inquired if this was in anticipation for next year in charging residents for bulk pick up.

Hearing no other public comment, motion made by Noone and seconded by Thompson to close the public portion, all were in favor.

Motion made by Noone and seconded by Klimko to adopt Ordinance 2015-05.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris Thompson and Valle

Ayes: 7, Nays: 0
Motion carried.

ORDINANCE 2018-05

**AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF
WASHINGTON – GARBAGE, RUBBISH, AND REFUSE AND ADDING § 47-9.2
“COLLECTION OF BULK HOUSEHOLD OR TYPE 13 WASTE”**

§ 47-9.2 Collection of Bulk Household or Type 13 Waste

- A. The Borough shall, at its discretion through negotiation with the Borough’s duly authorized contractor, provide for the disposal of bulk household or type 13 waste as defined in N.J.A.C. 7:26-2.13(g), subject to the requirements set forth by the duly authorized contractor, the Warren County Pollution Control Financing Authority, and the New Jersey Department of Environmental Protection.
- B. The Borough may, at its discretion, require stickers to be affixed to bulk household or type 13 waste for disposal. Stickers may be provided free of charge to each household in the Borough, but the Borough reserves the right to collect a fee for stickers. In the event that fees are charged, the Borough shall charge a fee of not less than \$25 and not more than \$35 per sticker and the exact fees shall be set by Resolution of the Mayor and Council not less than annually.
- C. In the event that fees are charged, residents may redeem any unused stickers within 60 days of the date of the last bulk household waste collection day occurring in the calendar year. No refunds will be provided after the sixty-day period has expired.

NEW BUSINESS

ORDINANCES-1st Reading

Motion made by Heinrich to approve on first reading Ordinance 2018-07 motion seconded by Noone. Public Hearing scheduled for May 1, 2018.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Motion carried.
Ayes: 7, Nays: 0
Motion Carried

ORDINANCE 2018-07

**AN ORDINANCE TO REPEAL CHAPTER 23
AMUSEMENT DEVICES, COIN-OPERATED**

WHEREAS, Chapter 23, Amusement Devices, Coin-Operated was adopted by the Mayor and Council of the Borough of Washington 12-30-1980 by Ord. No. 18-80; amended in its entirety 11-9-1982 by Ord. No. 37-82; and

WHEREAS, coin-Operated Amusement Devices, in the form described therein now exist only

as novelty items and amusement arcades described therein no longer exist as a viable economic enterprise; and

WHEREAS, Chapter 23 in its current form serves as a hindrance to economic development in the B-1 and B-2 districts;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Washington that Chapter 23 be repealed in its entirety:

[HISTORY: Adopted by the Mayor and Council of the Borough of Washington 12-30-1980 by Ord. No. 18-80; amended in its entirety 11-9-1982 by Ord. No. 37-82. Subsequent amendments noted where applicable.]

§ 23-1 Definitions.

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

AMUSEMENT ARCADE

Any person, firm, corporation, partnership, association or club who as the owner, lessee or proprietor has under his or its control any amusement games in excess of five at his or its place or premises, or at which such coin-operated amusement devices are placed or kept for use in play or on exhibition for purposes of use or play.

COIN-OPERATED AMUSEMENT DEVICE

Any amusement machine or device, including motion-picture machines, operated by means of or set in motion by deposit therein of a coin, token, slug, wafer, disk or other like article for the purpose of amusement or skill and for the playing of which a fee is charged. This term shall not include vending machines in which gaming or amusement features are not incorporated, nor does this term include any coin-operated mechanical music devices commonly known as "jukeboxes."

PROPRIETOR

Any person, firm, corporation, partnership, association or club who as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or at which such coin-operated amusement device is placed or kept for use or play or on exhibition for the purposes of use or play.

§ 23-2 License required.

No person, firm, corporation, partnership, association or club shall engage in the business of a proprietor of coin-operated amusement devices or moving-picture devices, as the term is herein defined, without first having obtained the proper license therefor, after written application therefor, in accordance with the terms of this chapter for said business for the place or premises in or at which said business shall be conducted and carried on.

§ 23-3 Application for license.

A. An application for license hereunder shall be filed in writing with the Borough Clerk on a form to be provided by the Borough and shall specify:

- (1) The name and address of the applicant and, if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses.
 - (2) The addresses of the premises where the licensed device or devices are to be operated, the area on said premises where the licensed device or devices are to be located, and the character of the business that is carried on at such place.
 - (3) The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number and the number of devices to be licensed. In the event that there is no serial number or there is no manufacturer's name, the name of the maker or builder thereof and the address of the maker and builder thereof.
 - (4) The name and address of the owner of the device or devices, if other than the proprietor.
 - (5) Whether or not a license to sell alcoholic beverages for consumption on premises has been issued for the premises and, if so, the type and number of the license.
 - (6) Whether or not the applicant or the principal officer or the operator thereof, if the applicant is not a natural person, has ever been convicted of violating any statute or Borough ordinance involving gambling or moral turpitude and, if so, details of the conviction.
- B. The proper license fee shall accompany such application. Application for license hereunder shall be first referred by the Borough Clerk to the Council, which shall make or cause to be made by the Chief of Police such investigation as deemed necessary. If the application is approved by the Council, the license shall be issued by the Clerk, and the Clerk shall remit the fee to the Treasurer. If the license is denied, the fee shall be returned to the applicant. All licenses under this chapter shall expire on December 31 following their issuance. The license shall be posted in a conspicuous place in the establishment of the licensee. Such license shall be nonassignable and nontransferable and shall apply only to the premises for which such license is issued.
- C. During the period of any one license year, if the owner or operator of any business licensed hereunder shall remove or replace any device as defined in this chapter, he may amend his application to delete any device so removed or replaced and substitute any new device acquired by him.

§ 23-4 **License fees.**

- A. The license fee for said business shall be based on the number of machines requested in the original application or reapplication, as the case may be. Said fee shall be \$35 per machine, per annum. There shall be no fee charged when the coin-operated amusement devices are rotated in stock, so long as the total number of machines has not increased since the previous application. On the anniversary date of the original application or reapplication, the licensee shall provide the Borough Clerk with a sworn statement indicating the number of machines to be licensed. **[Amended 11-17-2008 by Ord. No. 13-2008]**
- B. For purposes of this section, existing licenses shall expire on January 1 next following the date of the adoption of this section, which date shall be deemed the application or

reapplication date for purposes of Subsection A herein.

§ 23-5 Number of devices per premises limited.

- A. No more than five coin-operated amusement devices, as described in this chapter, shall be licensed for operation on or at any business premises licensed to sell alcoholic beverages for consumption on premises for every 1,500 square feet of public floor area.
- B. Any amusement arcade, as defined in this chapter, upon making its application for coin-operated amusement devices must have a health and safety inspection of the premises to determine the maximum number of machines which would be able to be placed in said arcade, so no health or safety hazard would reasonably be created. The health and safety inspection above mentioned shall be performed by the appropriate officials of the Borough of Washington, at a cost to be paid by said applicants.

§ 23-6 Location restricted.

- A. No coin-operated amusement device shall be located in any premises within 200 feet of a church or other religious institution or a public or private school. The distance shall be measured from the nearest entrance of the premises on which the mechanical amusement device is located or is sought to be located along the route that a pedestrian would normally walk.
- B. Amusement arcades and coin-operated amusement devices shall be allowed only in the B-1 Highway Business District or B-2 Central Business District Zones in the Borough of Washington as referred to in § 94-80 and § 94-81 of the Zoning and Land Development Code of the Borough of Washington.

§ 23-7 Refusal to grant licenses.

Upon receipt of the report of the Chief of Police, the Mayor and Council shall act upon said application and may refuse to grant a license in any and all cases where it shall determine that a person who has been convicted of a crime is interested, either directly or indirectly, in the application for such license or in the operation of said business or the place or premises in or at which said business is proposed to be conducted and carried on under said license.

§ 23-8 Display of license required.

No coin-operated amusement device shall be placed, operated, maintained or used until the proprietor's license issued pursuant to this chapter shall be posted in a conspicuous place in the premises where the device is operated or maintained.

§ 23-9 Additional requirements.

- A. The licensee shall at all times maintain good order upon the licensed premises and shall not permit, suffer or allow any disturbance, congestion or loitering upon the licensed premises.
- B. Any licensee shall not permit, suffer or allow any person to bid or gamble in any form or manner on the licensed premises and shall prevent any immoral or illegal conduct from occurring.
- C. No licensed premises shall be without adequate sanitary facilities or contain any fire safety

or health hazards.

- D. Every coin-operated amusement device shall at all times be in clear view upon the premises wherein it is located.

§ 23-10 Revocation of license.

The Mayor and Council may revoke any license for sufficient cause after notice and public hearing. It shall be sufficient cause for the revocation of any such license if such mechanical games, skill or entertainment or coin-operated amusement shall be used for the purposes of gambling, wagering or betting, whether with or without the knowledge of the licensee thereof.

§ 23-11 Seizure and destruction of devices.

If any machine required to be licensed under this chapter is utilized for any illegal purposes, the same may be seized, impounded and destroyed if the licensee shall plead or be found guilty in connection with any criminal charge relating to the illegal use of such machine.

§ 23-12 Violations and penalties.

- A. Any person, as defined hereunder, partnership, firm, association, corporation or other business entity who shall violate any term or provision of this chapter shall, upon conviction thereof, be subject to imprisonment in the county jail or in any place provided by the Borough of Washington for the detention of prisoners for a term not exceeding 90 days or to a fine not exceeding \$500, or both. Any person who is convicted may, in the discretion of the Magistrate by whom he was convicted, in default of any fine, be imprisoned in the county jail or place of detention provided by the Borough of Washington for any term not exceeding 90 days. Each day that a violation of a term or provision of this chapter shall continue shall constitute a separate offense.
- B. In addition to the foregoing, the Borough may institute and maintain a civil action for injunctive and other relief.

Motion made by Noon to approve on first reading Ordinance 2018-08 motion seconded by Klimko. Public Hearing scheduled for May 1, 2018.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Motion carried.
Ayes: 7, Nays: 0
Motion Carried

ORDINANCE 2018-08
AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WASHINGTON:
CHAPTER 35 “DOGS AND CATS” AND ADDING CHAPTER 35A
“AGRICULTURAL ANIMALS”

WHEREAS, the Mayor and Council believe it necessary to amend certain portions of

Chapter 35 of the Code of the Borough of Washington; and

WHEREAS, the Mayor and Council further believe it necessary to regulate the keeping of certain agricultural animals in addition to cats and dogs by creating Chapter 35A of the Code of the Borough of Washington; and

BE IT RESOLVED, by the Council of the Borough of Washington that Chapter 35 Dogs and Cats be amended as follows:

Amend § 35-4 Licensing fees; proof of sterilization and rabies inoculation; exception; penalty for late payment to include annual licensing fee for dangerous dogs:

- (5) Dog, found to be potentially dangerous pursuant to N.J.S.A. 4:19-23, as amended: \$500.

Add sub-section "H" on limitation of number of licensed animals:

- H. Limitation of licenses. No person or household shall own or harbor more than six (6) dogs or cats of six months of age or older or more than one litter of pups or kittens or combination thereof. Those persons who currently own or harbor more than six (6) dogs or cats or any combination thereof properly licensed and registered at the time of passage of this ordinance shall be permitted to continue to harbor, own, and license said animals until such time as the animals have died or been sold, transferred, or otherwise conveyed to another person and/or household. Any person newly acquiring or conveying more than six (6) dogs or cats of six months of age or older or more than one litter of pups or kittens or combination thereof after the passage of this ordinance shall be subject to any and all fines and penalties provided for in **§ 35-23** of this ordinance.

Add § 35-22.2 **Feeding of Cats and Dogs Outside of Primary Structures:**

- A. Purpose. The purpose of this section is to protect the health, safety and welfare of all those frequenting this municipality by preventing the needless health hazards and nuisances caused the outdoor feeding of cats and dogs including by not limited to: the spread of feral dog and cat feces upon public and private property located within the Borough, the spread of rabies among feral dogs and cats permitted to roam at large, and the attraction of nuisance animals such as raccoons, skunks, and possums as well as dangerous predators such as coyotes and black bears.
- B. Feeding of cats and dogs outside of primary structures prohibited; responsibility of owner.
 - (1) No person, agency or institution shall at any time cause, suffer or allow any person, agency, or institution to make food available for the purposes of feeding dogs or cats in any location other than the primary structure located on the property owned or leased by the person, agency, or institution thereon.
 - (2) No person, agency or institution shall at any time cause, suffer or allow any person, agency, or institution to make food available for the purposes of feeding dogs or cats in any location on any property not owned or leased by the person, agency, or institution thereon.

- (3) No person, agency or institution shall make food available for the purposes of feeding dogs or cats upon any publicly owned or controlled property including but not limited to, lands controlled by: The Borough of Washington, The County of Warren, The State of New Jersey, and/or the United States Government.
- (4) Any person who shall violate any provision of this section shall be subject to a fine of not less than \$50 nor greater than \$100 for each offense.

Amend § 35-23 **Violations and penalties to include:**
[Amended 1-8-1974 by Ord. No. 34-73]

- A. **35-4 35-5, 35-7, 35-8, 35-9 or 35-16** of this chapter or with the rules and regulations promulgated by the State Department of Health pursuant to N.J.S.A. 4:19-15.14 shall be liable to a penalty of not less than \$5 nor more than \$50 for each offense, to be recovered by and in the name of the Borough of Washington; except that, for the first offense in case of violations of §§ **35-2, 35-3, 35-5 and 35-7** of this chapter, the penalty shall be not less than \$1 nor more than \$50, to be recovered in the same manner.
- B. Any person who violates or refuses to comply with any part of any of the following sections, namely §§ **35-17, 35-18, 35-19, 35-20, 35-21, and 35-22** et seq. of this chapter, shall be subject to a fine not exceeding \$500 or to imprisonment for a period not exceeding 90 days, or both, in the discretion of the court.

BE IT FURTHER RESOLVED, by the Council of the Borough of Washington that Chapter 35A be created in order to regulate the keeping of agricultural animals:

Add: Chapter 35A – “Keeping of Agricultural Animals:

Chapter 35A
KEEPING OF AGRICULTURAL ANIMALS

§ 35A-1 **DEFINITIONS**

A. The words hereinafter defined shall have the meanings herein indicated for the purposes of this chapter, as follows:

AGRICULTURAL ANIMAL

Any animal other than a dog or cat as defined in this chapter whose ownership and keeping is not otherwise regulated by the State of New Jersey or the United States Government and that lives primarily outdoors and/or outside of a primary structure on any property located within the Borough.

ANIMAL UNIT

Unit of measure equaling 1,000 pounds of live animal weight.

BOROUGH

The Borough of Washington, in the County of Warren.

CHICKEN

Any female or hen domesticated subspecies of the red junglefowl, also known as *Gallus gallus domesticus*. and specifically excluding males or roosters, and guinea fowl.

CHICKEN ENCLOSURE

Any chicken house, chicken yard, chicken coop, chicken run, or other structure or combination thereof for the harboring and keeping of any chickens.

§ 35A-2 Maximum number of chickens, minimum requirements for shelter; location of shelter; lots 3.99 acres or less.

- A. The keeping of chickens shall be restricted to 1-4 family residential properties. Nothing in this ordinance shall be construed to permit the keeping of chickens on multifamily residential properties or any commercial or public property.
- B. Chickens kept within the Borough shall be required to be housed in a chicken enclosure providing adequate shelter and protection from wind, precipitation, sun, cold, and heat with not less than 3 square feet of interior space per chicken. Chickens shall be permitted to “free range” on residential property provided the property is enclosed by a fence not less than four (4) feet in height and free of any opening large enough to permit passage of a chicken of any size. Chicken enclosures located on unfenced properties shall be required to include a completely enclosed chicken run attached thereto which provides ten (10) square feet of space per chicken as well as protection from predators on the top, bottom, and sides constructed of wire cloth, woven wire, or like material. Verification of adequacy of fences and/or chicken enclosures and runs shall be subject to approval by the Zoning Officer with the advice and consent of the Animal Control Officer.
- C. Chicken enclosures on any lot shall be located not less than 75’ from any dwelling house located on any property other than the dwelling house occupied by the owner of the chickens enclosed therein and shall further be located in accordance with any and all regulations regarding the permitting, construction, and location of accessory structures provided for in section **§ 94 Zoning**.
- D. Chicken enclosures shall be kept in a clean and sanitary condition which will prevent them from becoming a nuisance or annoyance or interfering with the general well-being of other residents of the Borough.
- E. The keeping of chickens within the Borough of Washington shall require a license, issued by the Borough Clerk and zoning approval for a chicken enclosure must be obtained as a prerequisite before a chicken keeping license can be issued.
- F. For all lots 2.99 acres in area or less, the keeping of not more than six (6) chickens shall be permitted. No other type of agricultural animals may be kept on lots of 2.99 acres or less.
- G. For all lots 3.0 acres to 3.99 acres, the keeping of not more than four (4) chickens per acre shall be permitted. No other type of agricultural animals may be kept on lots of 3.00 acres or less.

§ 35A-3 **Maximum number of animals, minimum requirements for shelter; location of shelter; lots 4.0 acres or more.**

- A. The keeping of agricultural animals of any kind as defined in this chapter for any purpose, with the exception of chickens as defined in this chapter and subject to certain regulations contained herein shall be expressly prohibited on lots less than 4.0 acres. On lots of 4.0 acres or more, the keeping of the equivalent of 0.25 Animal Units per acre shall be permitted.
- B. In accordance with foregoing section A with regard to Animal Units per acre only the following animals or variants of animals listed herein shall be permitted to be housed on lots of 4.0 acres or more:
1. Horses, miniature horses, or ponies
 2. Dairy or beef cattle
 3. Sheep
 4. Goats

Any animal or variant not specifically listed herein shall not be permitted to be housed on lots of 4.0 acres or more.

C. Animals listed in foregoing section B must be provided with not less than one (1) securely fenced acre subject to zoning approval by the Zoning Officer in accordance with section § 94 **Zoning** with the advice and consent of the Animal Control Officer.

D. The keeping of animals listed in foregoing section B within the Borough of Washington shall require a license, issued by the Borough Clerk and zoning approval for an animal enclosure must be obtained as a prerequisite before an agricultural animal keeping license can be issued.

§ 35A-3 **Licensing Fee.**

- A. Persons wishing to keep agricultural animals permitted by this section shall pay a licensing fee annually as follows:
- (1) Agricultural Animal License-lots 3.99 acres or less, \$15.
 - (2) Agricultural Animal License-lots 4.0 acres or more, \$25.

§ 35A-4 **Non-Conforming Lots or Animals.**

Any person owning, harboring, or keeping agricultural animals not specifically permitted by this ordinance, or owning, harboring, or keeping agricultural animals in such a manner inconsistent with this ordinance, shall be required upon passage of this ordinance to dispose of, relinquish, or otherwise convey said animals in order to comply with this ordinance.

§ 35A-5 **No Slaughter of Animals.**

No person shall slaughter any agricultural animal regulated under this ordinance for any purpose.

§ 35A-5 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not more than \$500 or by imprisonment in the county jail for a term not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter, and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.

Motion made by Noon to approve on first reading Ordinance 2018-09 motion seconded by Valle. Public Hearing scheduled for May 1, 2018.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Motion carried.
Ayes: 7, Nays: 0
Motion Carried

ORDINANCE 2018-09
AN ORDINANCE AMENDING CHAPTER 85 VEHICLES AND TRAFFIC OF
THE CODE OF THE BOROUGH OF WASHINGTON

WHEREAS, the Mayor and Council believe it necessary to amend certain portions of Chapter 85 of the Code of the Borough of Washington; and,

WHEREAS, there is a need to accommodate changes to various street parking designations; and,

BE IT RESOLVED, by the Council of the Borough of Washington that Chapter 85 Vehicles and Traffic be amended as follows,

Article VIII: Schedules

85-23 Schedule 1: No parking: Amend as follows:

Change: Cornish Street no parking north side; no parking south side from the corner of Cornish Street and South Lincoln Avenue to a point 102 feet southwesterly therefrom.

Add: No parking Fillmore Street South Side from McKinley to Adams Street. 15 minute loading zone beginning at the southeast corner of Fillmore Street and Adams Street and continuing to a point 100 feet easterly therefrom. No parking Fillmore Street South Side beginning at a point

100 feet east of the southeast corner of Fillmore Street and Adams Street and continuing to the southwest corner of Fillmore Street and Prosper Way.

Delete: State Street south side from Grand Avenue to North Lincoln Avenue.

Delete: Flower Avenue to both sides from Rt. 57 to a point 210 feet northerly therefrom.

Article VIII: 85-26, Schedule IV: Time Limit parking Certain Hours – Amend as follows;

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Maximum Time (minimum)</u>	<u>Location</u>
East Washington Avenue	Both	8:00 a.m. to 6:00 p.m.	120	From Belvidere Avenue and Broad Street to Jackson Avenue, excepting that portion between a point 25 feet west of the westerly curb line of School Street and a point 86 feet west of the westerly curb line of School Street.
East Washington Avenue	North	6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. Monday through Friday	15	Beginning at a point 25 feet west of the westerly curb line of School Street and a point 86 feet west of the westerly curb line of School Street.

RESOLUTIONS

Motion made by Heinrich and seconded by Norris to open the public hearing for Resolution 2018-47.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
 Ayes: 7, Nays: 0
 Motion carried.

BOROUGH OF WASHINGTON
RESOLUTION 2018-47
RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2018 was introduced and approved on the 20th of February , 2018 and
 WHEREAS, the public hearing on said budget has been held as advertised, and
 WHEREAS, it is desired to amend said approved budget, now
 THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, that the following amendments to the approved budget of 2018 be made:

	(((((
<u>RECORDED VOTE</u>	<u>Aves</u>	<u>Nays</u>	<u>Abstained</u>	<u>Absent</u>	<u></u>
(INSERT LAST NAMES)	(((((
	(((((
			<u>FROM</u>	<u>TO</u>	
Anticipated Revenues:					
1. Surplus Anticipated			650,000.00	675,000.00	25,000.00
Total Surplus Anticipated			650,000.00	675,000.00	25,000.00 ✓
Summary of Revenues:					
1. Surplus Anticipated			650,000.00	675,000.00 ✓	25,000.00 ✓
Subtotal General Revenues			2,518,576.00	2,543,576.00	25,000.00 ✓
6. Amount to Be Raised By Taxes for Support of Municipal Budget			0.00	0.00	0.00
Total Amount to be Raised by Ataxes for Support of Municipal Budget			0.00	0.00	0.00
7. Total General Revenues			8,083,294.08	8,108,294.08	25,000.00 ✓
			<u>FROM</u>	<u>TO</u>	
8. General Appropriations:					
a. Operations Within "CAPS":					
Recreation and Education - Other Expenses			76,328.00	81,328.00	5,000.00
Total Operations (Items 8(A) Within "CAPS"			3,072,912.00	3,077,912.00	5,000.00
			<u>FROM</u>	<u>TO</u>	
Total Operations Including Contingent Within "CAPS"			3,072,912.00	3,077,912.00	5,000.00 ✓
Salaries and Wages			1,076,925.00	1,076,925.00	0.00
Other Expenses			1,995,987.00	2,000,987.00	5,000.00
Total General Appropriations For Municipal Purposes Within "CAPS"			3,304,412.00	3,309,412.00	5,000.00 ✓
(A) Operations Excluded From "CAPS"					
Maintenance of Free Public Library			156,500.00	176,500.00	20,000.00
Total Other Operations- Excluded From "CAPS"			156,500.00	176,500.00	20,000.00
Total Operations - Excluded From "CAPS"			2,775,246.00	2,795,246.00	20,000.00
Detail:				0.00	
Salaries and Wages			0.00	0.00	0.00
Other Expenses			2,775,246.00	2,795,246.00	20,000.00
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"			4,097,503.00	4,117,503.00	20,000.00
(O) Total General Appropriations-Excluded From "CAPS"			4,097,503.00	4,117,503.00	20,000.00
(L) Subtotal General Appropriations (Items (h-1) and (o))			7,401,915.00	7,426,915.00	25,000.00
(M) Reserve for Uncollected Taxes			0.00	0.00	0.00
9. TOTAL GENERAL APPROPRIATIONS			8,083,294.08	8,108,294.08	25,000.00

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.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing bod on the 20th day o March

Certified by me

_____, 2018

Municipal Clerk

Hearing no public comment, motion made by Noone and seconded by Valle to close the public portion. All were in favor.

Motion made by Heinrich and seconded by Norris to adopt Resolution 2018-47.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0

Motion carried.

Motion made by Heinrich and seconded by Norris to adopt Resolution 2018-34.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 6, Nays: 0, Abstain: 1 (Klimko)

Motion carried.

RESOLUTION 2018-34

2018 Municipal Budget

of the Borough of Washington, County of Warren for the fiscal year 2018

Revenues and Appropriations Summaries

Summary of Revenues	Anticipated	
	2018	2017
1. Surplus	\$ 650,000.00	\$ 912,500.00
2. Total Miscellaneous Revenues	\$ 1,468,576.00	\$ 1,381,974.11
3. Receipts from Delinquent Taxes	\$ 400,000.00	\$ 400,000.00
4. a) Local Tax for Municipal Purposes	\$ 5,410,409.05	\$ 5,265,539.87
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$ 154,309.03	\$ 151,634.88
Total Amount to be Raised for Support of Municipal Budget	\$ 5,564,718.08	\$ 5,417,174.75
Total General Revenues	\$ 8,083,294.08	\$ 8,111,648.86

Summary of Appropriations		2018 Budget	Final 2017 Budget
1. Operating Expenses:	Salaries and Wages	\$ 1,076,925.00	\$ 1,013,681.78
	Other Expenses	\$ 4,771,233.00	\$ 4,799,322.11
2. Deferred Charges & Other Appropriations		\$ 231,500.00	\$ 219,497.00
3. Capital Improvements		\$ 325,000.00	\$ 473,000.00
4. Debt Service (Included for School)		\$ 997,257.00	\$ 1,007,412.00
5. Reserve for Uncollected Taxes		\$ 681,379.08	\$ 598,735.97
	Total General Appropriations	\$ 8,083,294.08	\$ 8,111,648.86
Total Number of Employees		F/T 13 & P/T 23	F/T 11 & P/T 23

2018 Dedicated Sewer Utility Budget		
Summary of Revenues	2018	2017
1. Surplus	\$ -	\$ 238,972.14
2. Rents	\$ 2,200,000.00	\$ 2,200,000.00
3. Miscellaneous Rents		

4. Miscellaneous	\$ 29,365.74	\$ 48,000.00
Total Revenue	\$ 2,229,365.74	\$ 2,486,972.14

Summary of Appropriations		2018	2017
1. Operating Expenses:	Salaries and Wages	\$ 126,000.00	\$ 126,000.00
	Other Expenses	\$ 1,300,000.00	\$ 1,113,900.00
2. Capital Improvements		\$ -	\$ -
3. Debt Service		\$ 293,365.74	\$ 877,433.14
4. Deferred Charges & Other Appropriations		\$ 10,000.00	\$ 9,639.00
5. Surplus (General Budget)		\$ 500,000.00	\$ 360,000.00
Total General Revenues		\$ 2,229,365.74	\$ 2,486,972.14

Balance of Outstanding Debt			
	General	Sewer Utility	Utility - Other
Interest	\$ 679,863.33	\$ 44,255.00	
Principal	\$ 5,901,081.64	\$ 526,549.24	
Outstanding	\$ 6,580,944.97	\$ 570,804.24	\$ -

Motion made by Heinrich and seconded by Norris to adopt Resolution 2018-48.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2018-48

RESOLUTION AUTHORIZING ASSIGNMENT OF MUNICIPAL LIENS

WHEREAS, N.J. S. A 54:5-114 authorizes assignment by a municipality of tax sale certificates for the value lower than the amount due on each such certificate of sale; and,

WHEREAS, Light Properties LLC, has presented an offer to purchase, by assignment the following certificates listed below:

Certificate Number	Address	Block and Lot	Owner of record	Amount of Bid for certificate net of subsequent
17-00007	67 Carlton Avenue	Block 16 Lot 1	KJCO Enterprises LLC	\$8,500.00
17-00012	234 Belvidere Ave	Block 35 Lot 41	Linda Ann Best	\$3,000.00
17-00017	20 Sunrise Terrace	Block 44 Lot 50	Mitchel A Sr & Linda Markle	\$4,500.00
17-00031	26 Vannatta Street	Block 94 Lot 22	Nancy A & Robert Pereira	\$300.00
17-00032	33 W. Washington Ave	Block 95 Lot 3	Jade Partnership Washington, LLC	\$1,500.00
17-00033	27 W. Washington Ave	Block 95 Lot 4	Jade Partnership Washington LLC	\$3,000.00
16-00078	76 S Lincoln Ave	Block 98 Lot 28.01	Kristin H & William G Rowlands	\$5,000.00

Being not the full amount of the certificate not including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Washington Borough hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment documents to effect assignment of the above-referenced certificates of sale.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

Motion made by Heinrich and seconded by Norris to adopt Resolutions 2018-49 and 50.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2018-49

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 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$503.41 for taxes or other municipal liens assessed for the year 2016 in the name of Dieterman, Valencia A. as supposed owner, and in said assessment and sale were described as 58 West Church Street Block 11 Lot 9, which sale was evidenced by Certificate #17-00005; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-20-18 and before the right to redeem was cut off, as provided by law, EastWest Bank claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,199.94 which is the amount necessary to redeem Tax Sale Certificate #17-00005.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of April 2018 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 Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,499.94** (This amount consists of \$1,199.94 Certificate Amount redeemed + \$300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 11 Lot 9 from the tax office records.

RESOLUTION 2018- 50

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 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$640.36 for taxes or other municipal liens assessed for the year 2016 in the name of Hicswa, Andrew Jr. & Diane J. as supposed owners, and in said assessment and sale were described as 24 West Johnston St. Block 20.02 Lot 5, which sale was evidenced by Certificate #17-00008; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-28-18 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro

Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,343.61 which is the amount necessary to redeem Tax Sale Certificate #17-00008.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of April 2018 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 Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,943.61** (This amount consists of \$1,343.61 Certificate Amount redeemed + \$600.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 20.02 Lot 5 from the tax office records.

OLD BUSINESS

Manager Hall explained the purpose of the letter addressed to the Planning Board with regard to changing a zone involving coin operated games.

Motion made by Heinrich and seconded by Noon authorizing the Manager to send the letter to the Planning Board regarding re-zoning.

Ayes: 7 Nays: 0
Motion Carried.

Manager Hall discussed the request for signs prohibiting engine breaking within the borough and explained the DOT's stand on the issue. The DOT will not place signs nor do they recommend being placed on highways, as they consider engine breaking a safety issue.

Motion made by Heinrich and seconded by Noone to not proceed with the ordinance of allowing signs for engine breaking.

Ayes: 6 Nays: 1 (Valle)
Motion Carried.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Klimko to pay the vouchers and claims in the amount of \$1,959,650.94 from the current fund and \$ 7800.49 from sewer.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0
Abstention: Thompson abstains from any
Fire and EMS bills.
Motion Carried.

RECAP

M. Hall recapped the following:

- Reach out to the DOT regarding a sidewalk installation along Route 57
- Send letter to Planning Board-recommend zoning change

COUNCIL REMARKS

Councilman Norris asked if the State Street ordinance has to go through the whole adoption process to amend. Councilman Norris thanked the Fire Department, DPW and Police on recent storms and their work for making it safer.

Councilwoman Klimko wished everyone a belated Happy Easter. Councilwoman Klimko inquired about crossing guard training on parking enforcement. Manager hall responded that it would cost an extra \$25,000 in the budget to implement.

Councilwoman Valle discussed the new machine repairing potholes in the borough. Councilwoman Valle added that it made the roads smoother and safer.

Councilman Heinrich thanked the ACO for the work he has been doing and with help in preparing the ordinance for chickens.

Mayor Higgins stated a street committee meeting will be held on the 9th at 6:00 P.M.

Mayor Higgins asked if the generator was operational yet. Manager Hall responded that it isn't at this time.

Mayor Higgins also thanked the Fire, Police and DPW departments with their work in recent storms.

EXECUTIVE SESSION

A motion was made by Heinrich seconded by Noone to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 7:55 with a five-minute break.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

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

acted upon; and

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

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

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

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

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

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

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

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

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

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

_____ Investigations of violations or possible violations of the law;

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

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

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

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing

that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

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

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

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

Return to Regular Session

A motion was made by Heinrich seconded by Noone to come out of Executive Session.

Ayes: 7; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich seconded by Valle to adjourn the meeting at 8:50 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk