

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES -May 1, 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, Noone, Norris, Thompson, Valle.

Also, Present: Matthew Hall, Manager  
Ann Kilduff  
Leslie Parikh, Attorney

Absent: Borough Clerk, Laurie Barton and Councilwoman Robin Klimko

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; April 3, 2018 and April 17, 2018 and executive session April 3, 2018 and April 17, 2018 (Proof for content only)

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

Ayes: 6, Nays: 0  
Abstain: 1 (*Noone for April 17<sup>th</sup>*)  
Motion carried.

**AUDIENCE**

John Monteverde, BID Director, gave the summary of this year’s events for downtown and distributed a calendar. Councilwoman Noone continued giving Mr. Monteverde’s report on the BID and upcoming events.

James Nichols, 49 Lambert St., stated his support for the animal ordinance on tonight’s agenda and stated his concerns also.

Debe Spinks, 40 State St., expressed her concerns with the animal ordinance changes and feeding of animals.

Motion made by Valle and seconded by Thompson to close the audience portion.

Ayes: 6 Nays: 0  
Motion Carried.

### **REPORTS:**

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

1. Washington Borough Waste Water Reports(Veolia)-Dec-Jan-Feb
2. Warren County Board of Health-April
3. Fire Official-March
4. Zoning-March
5. Washington Township Police-March
6. Court-March

Ayes: 6 Nays: 0  
Motion Carried.

### **Discussion**

Manager Hall added pictures to the Zoning report which were of 8 Grand Avenue and the conditions that were present there before it was cleaned up.

### **CORRESPONDENCE**

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

1. Assemblyman Erik Peterson-Revises Local Redevelopment & Housing Law
2. Office of the County Engineer-Warren County-Five (5) Year Road Improvement Schedule
3. Hunterdon Healthcare-Public Officials Forum Invite

Council requested a copy of the proposed bill; Manager Hall will copy and distribute before the next meeting.

### **NEW BUSINESS**

### **ORDINANCES**

Motion made by Heinrich to open the public hearing for Ordinance 2018-07, motion seconded by Valle, all were in favor.

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

Motion made Noone and seconded by Heinrich to adopt Ordinance 2018-07.

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

Ayes: 6, 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 no assignable 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 Noone to open the public hearing for Ordinance 2018-08, motion seconded by Thompson, all were in favor.

Public Comment

James Nichols inquired about lot size. ACO, Robert Lagonera explained the section in question.

Hearing no further public comment, motion made by Noone and seconded by Valle to close the public hearing, all were in favor.

Minor amendments to Ordinance were noted.

Motion made Heinrich and seconded by Noone to adopt Ordinance 2018-08 with changes.

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

Ayes: 6, 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 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 Heinrich to open the public hearing for Ordinance 2018-09, motion seconded by Valle, all were in favor.

Public Comment

Debe Spinks asked if the no parking signs can be made a priority in removing them.

Hearing no further public comment, motion made by Noone and seconded by Norris to close the public hearing, all were in favor.

Motion made Heinrich and seconded by Norris to adopt Ordinance 2018-09.

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

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

Motion made by Noon and seconded by Valle to have Ordinance 2018-09 take effective immediately.

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

Ayes: 5, Nays: 0  
Abstain: 1 (Thompson)  
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 foot 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 point 100 feet easterly therefrom. No parking Fillmore Street South Side beginning at 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.

Motion made by Heinrich to open the public hearing for Ordinance 2018-10, motion seconded by Noone, all were in favor.

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

Motion made Heinrich and seconded by Noone to adopt Ordinance 2018-10.

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

Ayes: 6, Nays: 0  
Motion carried.

**ORDINANCE 2018-10**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$1,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,031,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,210,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$179,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$1,210,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of

\$1,031,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$1,031,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of various roads and locations in and by the Borough, including, without limitation, Grand Avenue and North Prospect Street by the reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), together with all curbing, structures, storm water drainage improvements, catch basins, milling, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specification therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,031,000.

The estimated cost of said purpose is \$1,210,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$179,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a

general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,031,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$242,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All

notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion made by Noone to open the public hearing for Ordinance 2018-11, motion seconded by Norris, all were in favor.

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

Motion made Norris and seconded by Heinrich to adopt Ordinance 2018-11.

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

Ayes: 4, Nays: 0  
Abstain: 2 (Higgins and Thompson)  
Motion carried.

**ORDINANCE 2018-11**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE PUMPER TRUCK BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$35,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a

previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$465,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$465,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional firefighting equipment for use by the Volunteer Fire Company of the Borough, including one (1) fire pumper truck, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$465,000.

The estimated cost of said purpose is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$35,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$465,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$25,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters

in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication

thereof after final adoption, as provided by said Local Bond Law.

Motion made by Heinrich to open the public hearing for Ordinance 2018-12, motion seconded by Norris, all were in favor.

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

Motion made Heinrich and seconded by Noone to adopt Ordinance 2018-12.

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

Ayes: 6, Nays: 0  
Motion carried.

#### Taylor Street-Street Opening

Motion made by Noone and seconded by Heinrich to approve the Taylor Street street opening permit.

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

Ayes: 6, Nays: 0  
Motion carried.

Motion made by Noone and seconded by Valle to approve outdoor tables for Empanada Mamacita.

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

Ayes: 6, Nays: 0  
Motion carried.

#### **RESOLUTIONS**

Motion made by Heinrich and seconded by Valle to approve Resolutions 2018-56 & 57

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-56**

**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 \$1,427.29 for taxes or other municipal liens assessed for the year 2015 in the name of Trimmer, Cindy & Werner, Paul as supposed owners, and in said assessment and sale were described as 39 Broad Street , Block 95 Lot 17, which sale was evidenced by Certificate #16-00069; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-19-18 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 \$4,809.26 which is the amount necessary to redeem Tax Sale Certificate #16-00069.

**NOW THEREFORE BE IT RESOLVED**, on this 1st day of May 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 for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$4,809.26** (This amount consists of \$4,809.26 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 17 from the tax office records.

**RESOLUTION 2018-57**

**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 \$501.09 for taxes or other municipal liens assessed for the year 2015 in the name of Hartrum, Susan as supposed owner, and in said assessment and sale were described as 8 Vannatta Street, Block 94 Lot 19, which sale was evidenced by Certificate #16-00065; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-19-18 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 \$2,021.82 which is the amount necessary to redeem Tax Sale Certificate #16-00065.

**NOW THEREFORE BE IT RESOLVED**, on this 1st day of May 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 for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,021.82** (This amount consists of \$2,021.82 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 19 from the tax office records.

Motion made by Heinrich and seconded by Valle to approve Resolutions 2018-58

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-58**

**RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD & WOOD, LLP FOR CERTAIN WASTEWATER CONTRACT NEGOTIATION AND CLOSEOUT SERVICES**

**WHEREAS**, the Borough Council of the Borough of Washington has a need to contract the services of an Attorney with extensive and specialized experienced in the construction, negotiation, and modification of wastewater treatment plant operations contracts as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

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

**WHEREAS**, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

**WHEREAS**, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$150,000, excluding escrow-related services; and

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

**WHEREAS**, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account: 05-2018-56-502-2-27

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Washington to enter into a contract with Hawkins, Delafield & Wood, LLP as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification, Affirmative Action Statement, and Business Registration Certificate be placed on file with this resolution; and

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

Motion made by Norris and seconded by Valle to approve Resolutions 2018-59

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-59**

**RESOLUTION AUTHORIZING 2018 PROFESSIONAL SERVICES CONTRACT WITH  
CDM SMITH FOR CERTAIN WASTEWATER CONTRACT EVALUATION AND  
NEGOTIATION SERVICES**

**WHEREAS**, the Borough Council of the Borough of Washington has a need to contract the services of a Wastewater Engineer with extensive and specialized experienced in the construction, negotiation, and modification of wastewater treatment plant operations contracts and technical approach evaluation as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

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

**WHEREAS**, the anticipated term of this contract is six (6) months or at the discretion of the Borough Council; and

**WHEREAS**, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$30,000, excluding escrow-related services; and

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

**WHEREAS**, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account: 05-2018-56-502-2-26

**NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Washington to enter into a contract with CDM Smith as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification, Affirmative Action Statement, and Business Registration Certificate be placed on file with this resolution; and

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

Motion made by Valle and seconded by Heinrich to approve Resolutions 2018-60

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-60**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**  
**HEIGHTS EQUITIES INC. ESCROW ACCOUNT HELD IN TRUST**  
**BY THE BOROUGH OF WASHINGTON**

**WHEREAS**, Heights Equities Inc. has requested the return of the funds remaining in their escrow account #7200020842; and

**WHEREAS**, Finelli Consulting Engineers advised they had no objection to the closure of this application;

**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 Heights Equities Inc. the amount of \$6,705.68, plus interest if applicable, to close escrow account #7200020842.

Motion made by Valle and seconded by Heinrich to approve Resolutions 2018-61

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-61**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**

**THE REDEEMED CHRISTIAN CHURCH OF GOD ESCROW ACCOUNT  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, The Redeemed Christian Church of God has requested the return of the funds remaining in their escrow account #7760883400; and

WHEREAS, Finelli Consulting Engineers advised they had no objection to the closure of this application;

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 The Redeemed Christian Church of God in the amount of \$30.25, plus interest if applicable, to close escrow account #7760883400.  
Motion made by Noone and seconded by Heinrich to approve Resolutions 2018-62

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

Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-62**

**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 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$508.71 for taxes or other municipal liens assessed for the year 2016 in the name of Gilbertson, Richard J & Jane F as supposed owners, and in said assessment and sale were described as 53 Washington Square Circle Block 73.01 Lot 41, which sale was evidenced by Certificate #17-00024; and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-26-18 and before the right to redeem was cut off, as provided by law, 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 \$1,205.71 which is the amount necessary to redeem Tax Sale Certificate #17-00024.

**NOW THEREFORE BE IT RESOLVED,** on this 1st day of May 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 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,205.71** (This amount consists of \$1,205.71 Certificate Amount redeemed + \$1,000.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 73.01 Lot 41 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolutions 2018-63

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

Ayes: 6, Nays: 0

Motion carried.

**RESOLUTION 2018-63  
BOROUGH OF WASHINGTON  
COUNTY OF WARREN  
RESOLUTION IN SUPPORT OF THE AMENDED AFFORDABLE HOUSING TRUST  
FUND SPENDING PLAN**

**WHEREAS**, the Borough of Washington’s development fee ordinance establishes and affordable housing trust fund; and

**WHEREAS**, the Borough’s most recently approved spending plan which dictates the spending of said monies (“hereinafter “Spending Plan”) is attached hereto as **Exhibit A**; and

**WHEREAS**, since the adoption of the Borough’s Spending Plan, the Borough has become desirous of furthering proposed development within the Borough and has entered into an Amended Redeveloper’s Agreement with Jade Partners Urban Renewal, LLC (hereinafter “Redeveloper”); and

**WHEREAS**, the Borough has agreed to pay to the Redeveloper the total amount of \$300,000 (\$30,000 per unit) in exchange for thirty (30)-year affordable housing deed restrictions on ten (10) rental residential units. (See **Exhibit B**); and

**WHEREAS**, the Redeveloper will be providing an equal split of low income and moderate-income units; and

**WHEREAS**, at this time, and in furtherance of the Borough’s efforts to meet its affordable housing obligations and to otherwise promote development within the Borough, the Borough seeks to amend its Spending Plan to include payments to the Redeveloper in order to secure affordable housing controls as set forth in the attached Amended Redeveloper’s Agreement; and

**WHEREAS**, on April 13, 2018 such relief was been granted by way of Court Order which is attached hereto as (**Exhibit C**); and

**WHEREAS**, the Borough has prepared its Amended Spending Plan consistent with N.J.A.C. 5:97-8.10 and which provides for a \$300,000 payment to Jade Partners Urban Renewal, LLC, which shall secure thirty-year affordable housing deed restrictions on ten (10) residential rental units in compliance with the Amended Redeveloper's Agreement dated June 22, 2017.

(**Exhibit D**)

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Washington, Warren County, State of New Jersey, authorizes the expenditures as set forth in the Amended Spending Plan; and

**BE IT FURTHER RESOLVED**; that the Amended Spending Plan will be forwarded to the Court and will be part of any housing plan to be adopted by the Borough.

Motion made by Valle and seconded by Noone to approve Resolutions 2018-64

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

Ayes: 6, Nays: 0  
Motion carried.

### **RESOLUTION 2018-64**

#### **A RESOLUTION OF THE BOROUGH OF WASHINGTON FOR THE PURPOSES OF APPOINTING CRAIG BROTONS AS TAX ASSESSOR**

**WHEREAS**, the Borough of Washington desires to appoint Craig Brotons to the position of Tax Assessor for the Borough of Washington effective 5/1/2018 – 6/30/2018 and then 7/1/2018 – 6/30/2022 pursuant to **N.J.S.A. 40A:9-148**; and

**WHEREAS**, upon reappointment on 7/1/2022 Mr. Brotons will become eligible for tenure; and

**WHEREAS**, the Borough of Washington desires to memorialize this appointment in writing regarding the employment of a part-time Tax Assessor through the use of this Resolution; and

**WHEREAS**, by this appointment Craig Brotons is responsible for all of the statutory duties of the Tax Assessor including the settlement and filing of tax appeals; 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 that Craig Brotons is hereby appointed Tax Assessor for the Borough of Washington.

### **VOUCHERS AND CLAIMS**

Motion made by Heinrich seconded by Valle to pay the vouchers and claims in the amount of \$1,506,892.16 from the current fund and \$ 6,674.05 from sewer.

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

Ayes: 6, Nays: 0

Abstention: Thompson abstains from any Fire and EMS bills.

Motion Carried.

### **RECAP**

M. Hall recapped the following:

- Resolution of support and Peterson bill for next meeting.
- Get a copy of the street report to Councilman Thompson

### **COUNCIL REMARKS**

Councilman Norris inquired about curbs, sidewalks and the street getting repairs for Grand Avenue. The discussion turned towards the responsibility of homeowners to maintain their sidewalks when residents on Grand Avenue are getting them done at no cost to them. Lengthy discussions ensued regarding the difference of complete reconstruction and homeowner's responsibility.

Councilwoman Noone the BID did a wonderful job with the festival on April 28<sup>th</sup>. Thanked the police, DPW and everyone who cooperated to make event go very well.

Councilman Heinrich thanked John Monteverde and Councilwoman Noone for the farmers market and what they have been doing.

Mayor Higgins thanked the Green team for the trees. Mayor Higgins recapped his read of Johnny Appleseed book to the children at the school. Mayor Higgins asked if everyone filed their FDS. Mayor Higgins thanked the DPW and Fire Department and thanked Ann Kilduff for filling in for tonight.

**EXECUTIVE SESSION**

A motion was made by Heinrich seconded by Norris to approve a Resolution Authorizing Executive Session for 30 minutes for the purpose of discussing a litigation matter, contract negotiations, with a five-minute break at 8:20 pm.

Ayes: 6 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.

A motion was made by Noone seconded by Thompson to come out of Executive Session at 8:45 pm.

Ayes: 6; Nays: 0  
Motion Carried.

**ADJOURNMENT**

Hearing no further business, a motion was made by Noone seconded by Heinrich to adjourn the meeting at 8:46 pm.

Ayes: 6; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk