

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -August 14, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:00 P.M.

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

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Richard Cushing, Attorney

Absent: Heinrich and Thompson

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.”

CORRESPONDENCE

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

1. Civil Service Commission

MINUTES

Motion made by Noone and seconded by Klimko to approve the meeting minutes of regular meetings; June 19, 2018, July 10, 2018 and July 24, 2018.

Executive Session Minutes: May 15, 2018, May 21, 2018(Special), June 7, 2018 Special and June 19, 2018 (**Proof for content only**).

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

Ayes: 5, Nays: 0
Motion carried.

Mayor Higgins deviated from the agenda and called for a motion to approve the following resolution:

Motion made by Noone and seconded by Valle to approve Resolution 2018-112.

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

Ayes: 5, Nays: 0
Motion carried.

RESOLUTION 2018-112
RESOLUTION AUTHORIZING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 58:27-19 et. seq. AND EXECUTION OF A
WASTEWATER TREATMENT SYSTEM OPERATION AND MAINTENANCE
AGREEMENT

WHEREAS, the Borough’s wastewater treatment system has been operated and maintained by a private operator pursuant to an agreement that expires in November 2018; and

WHEREAS, the Borough has determined that it is in the Borough’s best interest to contract with a private entity for the continued operation and maintenance of the Borough’s wastewater treatment system; and

WHEREAS, the operation and maintenance services are referred to in this resolution as the “Contract Services”; and

WHEREAS, pursuant to the New Jersey Wastewater Treatment Public-Private Contracting Act, N.J.S.A. 58:27-19 et seq. (the “Public-Private Contracting Act”) on January 26, 2018, the Borough issued a request for proposals (the “RFP”) to select a private entity to provide the Contract Services; and

WHEREAS, on March 23, 2018, the Borough received one proposal in response to the RFP from Veolia Water North America Operating Services, LLC (the “Company”); and

WHEREAS, Veolia Water North America Operating Services, LLC is the company that is currently operating and maintaining the Borough’s wastewater treatment system; and

WHEREAS, the Borough and the Company have successfully negotiated a wastewater treatment system operation and maintenance agreement (the “Agreement”); and

WHEREAS, the Agreement has a ten-year term; and

WHEREAS, as a condition to the Borough’s entering into the Agreement, Veolia North America, Inc. will provide a guaranty of the Company’s performance under the Agreement (the “Guaranty”); and

WHEREAS, pursuant to the requirements of the Public-Private Contracting Act, the Borough published notice of a public hearing on the proposed Agreement fourteen days prior to the hearing, held the public hearing on August 9, 2018 and kept the record of the hearing open for public comment for seven days following the hearing; and

WHEREAS, pursuant to the Public-Private Contracting Act, an application for approval of the Agreement must be submitted to the New Jersey Department of Community Affairs Division of Local Government Services (Local Finance Board) for review and approval, and a hearing report must be submitted to the New Jersey Department of Environmental Protection (“DEP”) for its review; and

WHEREAS, the Borough desires to make application to the Local Finance Board for its review and approval of the proposed Agreement, the purpose of which is to ensure that the Borough’s wastewater system is operated and maintained properly and in accordance with all regulatory requirements and the Borough believes: (a) it is in the public interest to accomplish such purpose; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Borough; (c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the application to the Local Finance Board is hereby approved, and the Borough Manager is hereby authorized to submit such application to the Local Finance Board and, along with other representatives of the Borough and advisors to the Borough, to represent the Borough in matters pertaining thereto.

BE IT FURTHER RESOLVED that the Borough Manager is hereby directed to prepare and file a copy of the proposed Agreement with the Local Finance Board as part of such application.

BE IT FURTHER RESOLVED that the Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approvals as provided by the Public-Private Contracting Act.

BE IT FURTHER RESOLVED that subject to the approval of the Agreement by the Local Finance Board as required by the Public-Private Contracting Act, the Mayor or the Borough Manager as his designee is hereby authorized to execute and deliver an agreement with Veolia Water North America Operating Services, LLC and to acknowledge the Guaranty. The Agreement and the Guaranty shall be substantially in the form presented to the Mayor and Council with such amendments, modifications, changes and omissions thereto as the Borough Manager may approve as in the best interests of the Borough.

BE IT FURTHER RESOLVED that the Mayor or the Borough Manager as his designee is hereby authorized to execute and deliver any and all other papers, instruments, opinions, certificates, affidavits and other documents, and to do and cause to be done any and all

acts necessary or proper in connection with or for carrying out this resolution and the execution and delivery of the Agreement.

BE IT FURTHER RESOLVED that the Mayor or the Borough Manager as his designee are hereby authorized to make all filings and submissions, hold all hearings and records, print all reports, make all contract revisions and do or cause to be done any and all other acts and things which may be required by or advisable under applicable law in connection with the review and approval of the Agreement.

COUNCIL APPEARANCE

Audience-Public Comment

Melanie Teal(sp), 21 Belvidere Ave., stated she is the assistant with the BID and has been filling in for John Monteverde as he recovers from surgery. Ms. Teal stated that the borough's festival is slated for September 22nd from 1:00 pm- 10:00 pm.

Ms. Teal introduced Steve Kurchek(sp) in which he helped Ms. Teal put together a song they hope will be the Borough's official song for the Hometown image. Mr. Kurchek performed Hometown Holiday.

Dale Winkler, explained circumstances surrounding the sewage back up into his basement from the recent flooding caused by downpours. Mr. Winkler explained that this has now happened twice in two weeks.

Mayor Higgins asked a representative from Veolia (Shay) and the borough's engineer to assist Mr. Winkler in seeing what the cause is and to assist Mr. Winkler in remedying the situation.

Richard Sherman, stated he is Mr. Winkler's neighbor and this happened to him in 2002 with his property. Mr. Sherman stated he thinks the repair was not done properly and engineered in adequately.

Jenny Winkler, Sunrise Terr., inquired about a tree stump still in her yard and asked if this will be removed. Ms. Winkler also inquired about roads being paved.

Terry Brown W. Stewart St (owner of Empanadas) stated his protest in having Taco Bell coming in as a new business to the downtown area.

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

Ayes: 5 Nays: 0
Motion Carried.

Council Appearance-Ray Rice-Redevelopment Plan

Mr. Rice with his Attorney proceeded to explain the current redevelopment plan and request for a variance relief in having a Taco Bell constructed at the site where the Krauzers used to be. Lengthy discussions involved whether a fast food establishment is allowed and traffic impacts to the surrounding neighbors and businesses.

Mayor Higgins asked the public for input on the proposed Taco Bell:

Ethel Conry, Youmans Ave., spoke in opposition of the Taco Bell stating that it would take away from the small businesses.

Mayor Higgins asked that this issue be put on the next agenda for continued discussions and advised Mr. Rice to bring better visuals so that the public can see the aesthetics of his plans.

REPORTS:

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

Ayes: 5 Nays: 0
Motion Carried.

1. Court -June 2018
2. Warren County Health-July
3. Police-June
4. Managers Report-Amended-June
5. Managers Report-July
6. Code/Zoning/Fire Prevention-July

NEW BUSINESS

ORDINANCES

Motion made by Valle to approve on first reading Ordinance 2018-17 motion seconded by Noone Public Hearing scheduled for September 4, 2018.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5, Nays: 0
Motion carried.

**ORDINANCE 2018-17
AN ORDINANCE AMENDING CHAPTER 42 ‘FIRE PREVENTION CODE’ OF
THE CODE OF THE BOROUGH OF WASHINGTON**

WHEREAS, certain amendments to the Fire Prevention Code of Washington Borough are needed pursuant to the recommendations of the Borough Code Book Committee; and

WHEREAS, the Borough Council has determined to make such amendments;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Chapter 42 of the Code of the Borough of Washington is hereby repealed in its entirety and replaced by the following:

Article 1. Enforcement of Fire Prevention Code of the Code of the Borough of Washington

42-1. Local Enforcement.

Pursuant to Section II of the Uniform Fire Safety Act (P.L. 1983, c.383) the International Fire Code New Jersey Edition shall be locally enforced in the Borough of Washington. All applicable definitions contained in the Uniform Fire Safety Act and the International Fire Code New Jersey Edition are applicable to the Borough of Washington.

42-2. Agency Designation.

The local enforcing agency shall be the Washington Borough Department of Fire Prevention.

42-3. Duties.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the establishment boundaries of the Washington Borough, other than owner-occupied one and two family dwellings, used exclusively for dwelling purposes and building structures and premises owned by the federal government, interstate agencies or the State of New Jersey, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the International Fire Code, New Jersey Edition.

42-4. Life Hazard Uses.

The local enforcing agency established by Section 42-2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs

42-5. Organization

The local enforcing agency established by Section 42-2 of this ordinance shall be under the direct supervision of the Fire Official, who shall report to the Borough Manager.

42-6. Appointments, Term of Office, or Removal.

1. **Appointment & Qualifications of the Fire Official:** The local enforcing agency shall be under the direct supervision of the Fire Official. The Fire Official shall have the following qualifications:
 1. Certified Fire Official/Marshal/Fire Inspector with the State of New Jersey, Division of Fire Safety.
 2. Minimum of 5 years' experience as a certified Fire Inspector/Fire Official/Marshal or Firefighter; further education may substitute for years of experience.
 3. The Fire Official shall be appointed by the Borough Manager upon the advice and recommendation of the Fire Chief.
 - 4.
2. **Inspectors and Employees:** Fire inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Borough Manager upon the recommendation and advice of the Fire Chief. Inspectors shall be appointed for a period of one year. All Life Hazard Use Inspectors will be certified by the state.
3. **Removal from Office:** The Fire Official, fire inspectors and other employees of the enforcing agency shall be subject to removal by the Borough Manager pursuant to State of New Jersey statutes & Civil Service Guidelines.
4. **Appointment of Legal Counsel:** The governing body shall be responsible for legal counsel to assist the agency in enforcing the Uniform Fire Code.

42-7. Board of Appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Warren County in accordance with the Uniform Fire Safety Act, N.J.S.A. 52:27D-206, and Uniform Fire Code, N.J.A.C. 5:70-2.19, entitled "Appeals."

42-8. Establishment and Duties of Department of Fire Prevention.

1. The New Jersey Uniform Fire Code shall be enforced by the Dept. of Fire Prevention which shall be operated under the supervision of the Fire Official.
2. The Department of Fire Prevention shall consist of the following:
 1. The Fire Official who shall be in charge of the Department.
 2. A maximum of five (5) fire inspectors.

The above Official shall be appointed by the Borough Manager, as per their appropriate terms. Any vacancy in the above positions shall be filled for the unexpired term.

3. The duties of the Department of Fire Prevention shall consist of:
 1. Enforcing the International Fire Code New Jersey Edition.
 2. Making any and all inspections as required by law or deemed necessary.
 3. Making accurate reports of any and all inspections and activities of the Department of Fire Prevention.

4. Making recommendations to the appropriate Officials in enforcing or amending the New Jersey Uniform Fire Code.
5. Performing any additional duty which is deemed necessary by the Borough Manager.
6. Conduct the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
7. Make a quarterly report of the Department of Fire Prevention and transmit to the Borough Manager.
8. Investigate any/all calls of alarm or fire within the Borough of Washington.
9. Make an annual report of the Department of Fire Prevention and transmit to the Borough Manager. It shall contain all elements required under the New Jersey Uniform Fire Code, with such statistics as the department may wish to include therein. The report is to be transmitted no later than the fourth Monday of January in the next succeeding year following the year for which the report is made.

42-9. Duties of the Fire Official/Marshal/Fire Inspectors of the Department of Fire Prevention.

The duties of the Employees of the Department of Fire Prevention shall consist of the following:

1. Designating regularly scheduled hours for routine fire inspections.
2. Convening and presiding over meetings of the Department of Fire Prevention.
3. Promulgating and administering a budget for the Department of Fire Prevention.
4. Formulating and implementing a schedule of routine inspections.
5. Maintaining accurate records of the inspection reports and activities of the Department of Fire Prevention.
6. Performing any additional duty which the Borough Manager may assign pursuant to this ordinance.
7. Formulating and implementing a schedule of inspection and implementing a system that will effectively enforce the provisions of the New Jersey Uniform Fire Code.
8. Perform fire prevention education within the Borough of Washington community.
9. When possible, respond to and investigate calls of alarm or fire within the Borough of Washington.
10. Coordination of Fire Pre-Plans with the Borough of Washington Fire Chiefs.
11. Perform all the duties of Fire Official/Marshal as set forth in N.J.A.C. 5:70-3.3.
12. Perform all the duties of Fire Official/Marshal/Fire Inspector as set forth in N.J.A.C. 5:71-3.3 (2012)

42-10. Life Hazard Annual Inspection Required.

Before a certificate of Inspection is issued, the Fire Official or the Fire Official's designated representative shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code. These inspections shall be on a yearly cycle of inspection.

42-11. Non-Life Hazard Inspection Required.

Before a certificate of Inspection is issued, the Fire Official or the Fire Official's designated representative shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code. These inspections shall be on a one year inspection cycle.

42-12. Fee Required.

A certificate of Inspection or permit shall not be issued until the designated fees have been paid. The owners and/or occupiers of all properties and businesses subject to this Article shall be responsible for the payment of the registration/application fee.

42-13. Amount of Fee.

1. The fee schedule for registration of Non-Life Hazard Uses shall be an annually registration fee of:
 1. \$50.00 for 1 sq. ft. to 3,500 sq. ft.
 2. \$75.00 for 3,501 sq. ft. to 6,500 sq. ft.
 3. \$100.00 for 6,501 sq. ft. to 11,999 sq. ft.
2. All registration of life-hazards, non-life hazards, permits & Smoke & CO Inspection fees collected as per N.J.A.C 5:71-2.6(d) shall be appropriated to the local enforcing agency for the enforcement of the code & yearly operations of the Department of Fire Prevention.
3. Fire Lane Fees
 1. Penalty for non-compliance with Section 42-23 parking in a fire lane, as determined by the Fire Official, shall be \$50.00.
 2. All fines shall be made payable to: Borough of Washington or designated agency writing said summons.

The fee for Permits and inspections of Life hazard uses shall be as set forth in the Uniform Fire Safety Act.

42-14. Application for Permit.

Application for a permit required by this ordinance shall be made in such form and detail as the Fire Official shall require. Fee schedules shall be given to the applicant at the time of application depending on the type of permit required. The fee schedule shall be as follows per N.J.A.C. 5:70-2.9 C.

42-15. Unlawful to Fail to Obtain a Permit or Pay Fees.

It shall be unlawful to fail to obtain the permit or pay the inspection fees required by this ordinance.

1. Failure to pay registration fee shall result in a penalty of double the outstanding registration fee, in addition to initial registration fee.
2. Failure to pay application fee for permit shall result in a penalty of double the application fee, in addition to the initial application fee.

42-16. Penalties for Violations.

The violation of any provision of section 42-17 shall be punished by a fine of \$500 or by imprisonment in the county jail for a term not exceeding ninety days (90). Violates of provision section 42-13 through 14 shall be set forth in section 42-15. Each day any violation of this ordinance shall continue, will constitute a separate offense and shall be punishable as such.

Article 2. Certificate of Smoke Detector and Carbon Monoxide Alarm and Portable Fire Extinguisher Compliance (CSDCMAPFEC)

42-17. Existing Structures.

Before any existing single family, two family or multifamily dwelling, on or after the effective date of this ordinance, is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector and carbon monoxide alarm compliance. No dwelling unit shall change occupancy until one or more smoke detectors (or other approved fire alarm system) are installed for each dwelling unit subject to changing of occupancy in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

42-18. Enforcement.

1. The Fire Official of the Borough of Washington, or in his absence or unavailability, an inspector of the department or the Borough Construction Official, shall be responsible for the enforcement of the requirements of this ordinance. Said Fire Official, Construction Official or Fire Inspector, as the case may be, shall inspect and approve all smoke detectors and other fire alarm systems installed in accordance with the provisions of this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.
2. In order to inform prospective purchasers of residential properties within the Borough of Washington that no residential dwelling unit may be sold or rented without first installing (a) smoke detector(s) or such other approved fire alarm system in accordance with the requirements of this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, each and every tax search issued by the Borough of Washington shall contain a statement calling attention to the requirements of this ordinance and shall include a certification for the property owner to execute and deliver to the purchaser at the closing of title, attesting to compliance with the provisions of this ordinance. Such certification form shall be forwarded with each tax search ordered.

- A. The fee to be paid to the Washington Borough Fire Prevention Bureau for the initial or re-inspection and certificate of approval shall be based upon the amount of time remaining before the change of occupant is expected, as follows:
1. Requests for a CSDCMAC received more than 10 days prior to the change of occupant: \$45.00;
 2. Requests for a CSDCMAC received four to 10 days prior to the change of occupant: \$70.00; and
 3. Requests for a CSDCMAC received fewer than four days prior to the change of occupant; \$125.00.
 4. There shall be a \$500.00 non-compliance penalty issued to anyone not applying for or has changed occupancy without said certification.
3. Whenever a smoke detector or other approved fire alarm system is required to be installed by this ordinance, such requirement shall not be considered to have been complied with unless such smoke detector(s) or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the Building Code and Uniformed Fire Code adopted therein by reference) and has been inspected and approved by the Fire Official, the Fire Inspector, or the Construction Official.
4. The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors or other fire alarm system in accordance with the requirements of this ordinance.
5. Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector or other fire alarm system, and who fails to do so in accordance with the requirements of this ordinance, shall be liable for a fine of not more than \$500.00 or for imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.
6. The Fire Official, and in his absence or unavailability, the Construction Official, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this ordinance in order to verify compliance with this ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this ordinance.

7. The Fire Official shall maintain a list of all properties in the Borough of Washington which have had smoke detectors or other fire alarm systems installed in accordance with the requirements of this ordinance and the New Jersey Uniform Construction Code and the Uniform Fire Code. This list shall be kept current as additional buildings within the township are equipped with smoke detectors and other fire alarm systems in accordance with this ordinance.

42-19. False Alarms.

1. **Investigations:** In the case of false alarms which summon the police or fire department to investigate, the Fire Official or Fire Chief shall cause an investigation to be made for the purposes of ascertaining the cause of the false alarm and shall keep a record of such false alarms on file.
2. **Penalties for False Alarms:** In any calendar year period of the following penalties shall apply:
 1. For the first to third false alarm by one person or entity a written warning shall be issued.
 2. For the fourth to twelfth false alarm a fine of \$250.00 shall be imposed for each such false alarm.
 3. For any violation in excess of twelve alarms a fine of \$500.00 shall be imposed for each such violation.
3. **Penalties for Intentional False Alarms:** Any individual intentionally, willfully, or maliciously destroying or injuring any of the posts, alarm boxes or other alarm apparatus owned by the Borough of Washington or intentionally, willfully or maliciously interfering with the operation of same or any part thereof or who hinders or impedes any of the operations intended to be accomplished thereby or who intentionally causes or assists in causing a false alarm shall, upon conviction thereof, be imprisoned in the county jail for a term not exceeding ninety (90) days or shall forfeit and pay a fine not less than \$500.00 and not more than \$1,000.00.
4. All fines and fees collected for the above are to be deposited in a separate dedicated penalty account to serve for training and education for the Washington Borough Fire Department and the Borough of Washington Department of Fire Prevention.

Article 3. Fire Zone Established

42-20. Fire Lanes & Drafting Sites.

1. **Designation:** The Fire Official may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.
2. **Obstruction:** Designated fire lanes shall be maintained and free of obstructions and vehicles at all times. They shall also be appropriately marked as per N.J.A.C. 5-70-3.2-503.

42-21. Compliance with Orders.

A person shall not willfully fail or refuse to comply with any lawful order or direction of any Fire Official or interfere with the compliance attempts of the Fire Official or his designee.

42-22. Snow Removal from Fire Hydrants, Fire Department Connections and Standpipes.

Snow removal from all fire hydrants, fire department connections and stand pipe systems that are located on public or private streets and access lanes or on private property by the property owner shall be completed within twenty-four (24) hours of the end of each snow storm is required

42-23. Parking Regulations.

Except in compliance with the directions of a police officer or posted traffic signal, no operator of a motor vehicle, moped, motorized bicycle or bicycle shall stop or stand or park in any of the following places:

1. Within ten (10) feet of a fire hydrant or fire department connection or stand pipe system
2. In any area marked by yellow or signs indicating the location of a fire zone or fire lane

42-24. Delineation and Marking.

1. Each fire lane shall be striped along the perimeter with a yellow stripe not less than four (4) inches wide.
2. Each fire lane shall be clearly marked on the surface of the pavement "FIRE LANE NO PARKING" in yellow letters no less than twenty-four (24) inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane or fire zone.
3. Each fire lane shall be clearly marked with a metal sign every fifty (50) feet with a minimum of two (2) signs. The metal signs shall be no less than eighteen (18) inches by twenty-four (24) inches with three (3) inch red letters, shall contain a white reflective background and shall read as follows:

FIRE LANE
NO PARKING

42-25. Maintenance of Fire Lane.

The owner of the property where the fire lane is located shall properly maintain any such markings, striping, curbing, and signage in the designated areas at all times. Defacing, tampering with, or damaging any such markings, striping, curbing, or signage or allowing them to deteriorate so as to reduce their effectiveness shall constitute a violation of the chapter.

42-26. Penalties.

Any vehicle owner or person who shall violate any of the provisions of this section or who fails to comply herewith shall for each and every violation and non-compliance respectively upon conviction, be subject to a fine not in excess of \$500.00 and is subject to removal by the

Washington Township Police Department or Washington Borough Fire Official at the sole expense of the owner or operator therefore.

Article 4. Key Box

42-27. Installation.

When a property is protected by an fire protection system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or fire-fighting purposes, the Fire Official may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Official and shall be installed at the expense of the property owner.

42-28. Contents.

The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
2. Keys to locked mechanical equipment rooms.
3. Keys to locked electrical rooms.
4. Keys to elevator controls.
5. Keys to other areas as directed by the Fire Official.
6. Other material as directed by the Fire Official.

All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

42-29. Application.

This subsection applies to both existing and future structures, but shall not apply to any residential units, with the exception of common areas within multi-dwelling residential units.

42-30. Approvals.

1. The Fire Official shall, within 90 days of the effective date of this subsection, develop and submit to the Borough Manager a list of specifications for key boxes. Following approval of the specifications by resolution of the Borough Council, any box complying with those specifications shall be deemed to be approved. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Official to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.
2. Prior to installing any key box required by this subsection, the property owner shall make written request to the Fire Official to designate or approve the proposed location.

42-31. Fees.

The Washington Borough Department of Fire Prevention may recoup the fees incurred by it in connection with the procurement and installation of any necessary key boxes.

42-32. Enforcement.

The Washington Borough Department of Fire Prevention shall be the enforcing agency of this ordinance section. Any person who owns or operates a structure subject to this section shall be subject to penalties set forth in this code for any violation of this section, and the minimum fine for a conviction or a violation of this section shall be \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third or further offense for failure to comply.

Article 5. Fire Watch & Fire Safety Standby

42-33. Intent and Purpose.

Fire safety compliance has always been and continues to be a high priority for the Borough of Washington. Town Officials frequently assess what can be done to assure the safety of all township residents, and to that end, the Borough of Washington deems it necessary to implement fire watch procedures when there exists substantial risks to life, safety and property, including when all or part of the required fire protection systems in Borough structures are intentionally interrupted for repairs and maintenance, not functioning properly, not functioning at all, or when they are damaged or destroyed by fire or other disaster. In certain circumstances detailed herein, the Fire Official, Fire Chief or his designee, is hereby authorized to order a fire watch for the affected structure in order to ensure continued safety of residents during this period.

42-34. Definitions.

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

FIRE WATCH—A temporary measure intended to ensure continuous and systematic surveillance of a building or portion(s) thereof by one or more qualified individuals for the purpose of identifying and controlling fire hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants and notifying the fire department.

42-35. Fire Watch; When Required.

1. A fire watch may be ordered by the Fire Official or The Fire Officer in charge in public and privately owned buildings and or properties within the Borough of Washington under the following circumstances:
 1. Where required fire protection systems are out of service due to system failure, repair, scheduled maintenance, vandalism, etc.; the Fire Official shall be notified immediately and where the Fire Official determines that an imminent hazard exists pursuant to N.J.A.C. 5:70-2.16 an approved fire watch may provide for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Upon restoration of the fire protection system as supported by proper documentation, the Fire Official shall then sign off on the ability to remove such fire watch.
 2. When in the opinion of the Fire Official or Fire Officer in Charge it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.
 3. When required by the Fire Official for building demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means of notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.
 4. A fire watch shall be posted by the Fire Official or the Fire Official in Charge at the following type of events: hot work welding or cutting, fireworks displays, fumigation in gas tight tank or vault, tent, canopy or membrane structures used as places of assembly
2. A fire watch may include the maintaining of posted fire lanes, means of egress, posted occupancy loads, building surveillance for signs of smoke or fire, checking for proper permits, inspecting for proper safety precautions of cooking equipment, and other functions as required by the Fire Official or his assigned designee.
3. Should a fire watch be posted by the Fire Official or the Fire Official in Charge, the party performing the fire watch is then responsible to contact and maintain open communications the Fire Official in Charge actions with such on the status of the fire watch and conditions of the property in question. Proper fire watch procedure forms will be supplied to the Fire Chief. The Department of Fire Prevention shall take responsibility of all posted fire watches and report back to the Fire Chief on the status of the property and fire protection systems.
4. Should the building owner, agent, lessee be unable to post their own fire watch, a fire watch shall be performed by the Washington Borough Department of Fire Prevention. In the event no one of the above agency is available, other qualified individuals may be utilized at the discretion of the Fire Official or the assigned designee. Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official or his assigned designee, who will report to the Manager of the Borough of Washington.

42-36. Fees and Payments.

1. A fire watch shall be paid for by the building owner, tenant, lessee, or organization for which the fire watch is requested or required, as appropriate.
2. All fire watch services not incurred and paid by the Borough of Washington, but performed by the Borough Fire Department and billed through the Borough, shall be billed at the rate of \$35 per hour per person with a minimum of 3 hours per person. There shall be a \$100.00 per hour fee for the use of each Borough vehicle utilized, plus a 15% administration fee.
3. All payments for fire watch services provided by the Borough Fire Department shall be made within 10 days after service is provided.
4. Payments shall be made payable to the Borough of Washington.

42-37. Violations and Penalties.

Any person, partnership, corporation, or other entity that violates the provisions of this article shall be subject to the penalties as set forth in the Uniform Fire Code New Jersey Edition by the Washington Borough Department of Fire Prevention.

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

ORDINANCES-2nd Reading

Motion made by Noone and seconded by Valle to open the public hearing for Ordinance 2018-15.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
 Ayes: 5, Nays: 0
 Motion carried.

**ORDINANCE 2018-15
 AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,
 STATE OF NEW JERSEY, TO AMEND ARTICLE IV, CHAPTER 94 ENTITLED
 “ZONING
 AND LAND DEVELOPMENT” KNOWN AS THE “BOROUGH OF WASHINGTON
 DEVELOPMENT REGULATIONS ORDINANCE” TO PROVIDE FOR THE
 PLANNING BOARD
 TO ASSUME ALL OF THE POWERS, DUTIES AND FUNCTIONS OF THE ZONING
 BOARD
 OF ADJUSTMENT IN ORDER TO ACT AS A JOINT LAND USE BOARD**

STATEMENT OF PURPOSE

The purpose of this Ordinance is to (a) provide that the Washington Borough Planning Board shall now assume all of the powers previously exercised by the Washington Borough Zoning Board of Adjustment in order to act as a Joint Land Use Board; and (b) abolish the previously existing separate Borough Zoning Board of Adjustment;

WHEREAS, the Borough Planning Board and the Borough Zoning Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

WHEREAS, the provisions of N.J.S.A. 40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70; and

WHEREAS, the Borough of Washington has a population of less than 15,000 as established by the 2010 United States national census; and

WHEREAS, the governing body of the Borough of Washington has determined that it is in the best interests of the Borough of Washington to have the Borough Planning Board and the Borough Zoning Board of Adjustment be a unified board where the Planning Board hereafter acts as a joint land use board, exercising all of the powers of the Board of Adjustment,

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

Section 1. As of the Effective Date of this Ordinance, the Borough of Washington Planning Board Shall, in accord with N.J.S.A. 40:55D-25c(1), include those of a Zoning Board of Adjustment.

Section 2. The Washington Borough Planning Board shall exercise, to the same extent and with the same restrictions, all of the powers of the Washington Borough Zoning Board of Adjustment, provided, however, that the Class I and Class III members of the Washington Borough Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

Section 4. In furtherance of the Statement of Purpose of this Ordinance, Section 94-9 (Board of Adjustment) of Article IV (General Provisions), Chapter 94 is amended and revised by retitling the section "Planning Board"; and replacing paragraphs (1) through (3) of subsection A (Establishment and Composition) with the following :

(1) The Planning Board is hereby established consisting of nine members who shall serve for a term pursuant to N.J.S.A. 40:55D-23, except, upon the adoption of this chapter, the present members of the Planning Board now holding office shall continue therein until present terms expire. Each Class I and Class II member shall be appointed by the Mayor. The Class III member

shall be appointed by the Borough Council. Class IV members, of which there shall be six (6) shall be appointed by the Mayor. The terms of all Class IV members first appointed under this section shall be determined so that to the greatest practical extent the expiration of such terms shall be distributed evenly over the first four years after their appointment. The term of each Class IV member shall not exceed four years. The MLUB shall have all the powers delegated to it under the provisions of the Municipal Land Use Law.

(2) Alternate members of the Planning Board may be appointed as follows: one alternate member in Class II; one alternate member in Class III; two alternate members in Class IV. Alternate members of Classes II and III shall be appointed for terms to expire at the same time as the terms of regular members of their respective classes. Alternate members of Class IV shall serve for terms of two years; provided, however, that in the event that two alternate members of Class IV are appointed the initial terms of such members shall be one and two years, respectively. Such alternate members shall be designated by the Chairman as "Alternate No. 1", "Alternate No. 2", "Alternate No. 3" and "Alternate No. 4" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Alternate members of each class shall be appointed by the same appointing authority as regular members of that class.

(3) No Class I and Class III Planning Board member shall participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

Section 4. Section 94-19 (Planning Board) of Article IV (General Provisions), Chapter 94 is hereby deleted.

Section 5. Section 94-20 (Provisions applicable to both Board of Adjustment and Planning Board) of Article IV (General Provisions), Chapter 94 is amended and revised to be retitled "Additional Provisions Applicable to the Planning Board", and to read as follows:

- A. Organization of Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Board shall select a Secretary and Assistant Secretary who may or may not be members of the Board or municipal employees.
- B. Attorney. There is hereby created the office of Planning Board Attorney. The Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Board Attorney, who shall be an attorney other than the Municipal Attorney.
- C. Experts and staff. The Board may employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall authorize expenditures which exceed, exclusive of gifts or grants, an amount appropriated by the governing body for its use.

- D. Rules and regulations. The Board shall adopt such rules and regulations necessary to carry out its duties.
- E. Conflicts of interest. No member shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any member shall disqualify himself, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- F. Meetings.
 - (1) Meetings shall be scheduled no less than once a month, and any meeting shall be held as scheduled unless canceled for lack of applications for development to process.
 - (2) Special meetings may be called by the Chairman or on request of any two Board members, provided that there is notice to the members and public in accordance with all applicable legal requirements.
 - (3) No action shall be taken at any meeting without a quorum being present. All actions shall be by majority vote of a quorum, except where a specified portion of the full authorized membership is required pursuant to N.J.S.A. 40:55D-9, 40:55D-26, 40:55D-34 and 40:55D-70d.
 - (4) All meeting shall be open to the public. Notice of meetings shall be given in accordance with the Open Public Meetings Law, Chapter 231 of the Laws of New Jersey 1975.
- G. Minutes. Minutes of regular and special meetings shall be kept and shall include the names of persons appearing and addressing the Board and of persons appearing by attorney, the action taken, the findings, if any, and reasons therefor. The minutes shall be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes and be charged a fee for their reproduction.
- H. Hearings.
 - (1) Rules. The Board may make rules governing the conduct of hearings. The rules shall be consistent with N.J.S.A. 40:55D-1 et seq., and this chapter. The approving authority may waive the required notices and hearing for minor and exempt subdivisions and site plans except where a variance or conditional use is part of the application.
 - (2) Oaths. The presiding officer or such person as he may designate shall have power to administer oaths or issue subpoenas to compel the attendance of

witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

- (3) Testimony. The testimony of all witnesses shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or indirectly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- (4) Evidence. Technical rules of evidence shall not be applicable, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- (5) Records. The Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- (6) Certified court reporter. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the approving authority shall be at the expense of the applicant, who shall also arrange for the reporter's attendance.
- (7) When any hearing before the Board shall carry to two or more meetings, a member of the board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings, provided that such board member has available to him a transcript or recording of the meeting from which he was absent and certifies in writing to the board that he has read such transcript or listened to such recording.

Section 6. Upon the dissolution of the Zoning Board of Adjustment, any and all references in the Washington Borough Code to the “Zoning Board,” “Zoning Board of Adjustment” or the like shall be deemed to refer to the Planning Board. Any and all references to the Planning Board and Zoning Board of Adjustment, in the conjunctive or disjunctive, shall be deemed to refer solely to the Planning Board.

Section 7. All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Washington Borough Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Washington Borough Zoning Board of Adjustment is hereby abolished.

Section 8. Severability. In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

1. Effective Date. This Ordinance shall take effect as of September 13, 2018, after its passage and publication as required by law.

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

Motion made by Noone and seconded by Klimko to adopt Ordinance 2018-15.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle
Ayes: 5, Nays: 0
Motion carried.

Motion made by Noone and seconded by Valle to open the public hearing for Ordinance 2018-16.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5, Nays: 0
Motion carried.

**ORDINANCE 2018-16
STATE OF NEW JERSEY
COUNTY OF WARREN
BOROUGH OF WASHINGTON**

**AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT
PLAN OF THE BOROUGH OF WASHINGTON**

WHEREAS, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the “Council”) has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

WHEREAS, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. Ordinance #1-2009 and

WHEREAS, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

WHEREAS, several businesses, including a micro-brewery and virtual reality gaming business, have approached the Borough regarding locating within the Downtown Redevelopment Area;

WHEREAS, micro-breweries and retail services are not permitted uses set forth in the Downtown Redevelopment Plan; and

WHEREAS, the Borough believes that the narrow categories of permitted uses in the Redevelopment Area may be limiting or prohibiting revitalization of the Borough’s downtown area; and

WHEREAS, the Borough believes that the location of a micro-brewery in the Washington Avenue Core District and Route 31 Gateway District will attract other retail outlets and services to the downtown area; and

WHEREAS, the Borough believes that permissible retail uses should be expanded in the Washington Avenue Core District and Route 31 Gateway District to include theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics or martial arts, museums and galleries; and

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough's Downtown Redevelopment Plan be amended to now read as follows:

SECTION 1. The following revisions are made to the Borough's Downtown Redevelopment Plan:

Page 32, "Allowable Uses" in the Washington Avenue Core District shall be amended to include: Micro-Brewery (as defined in N.J.S.A. 33:1-10.1b and herein) and Retail Services (as defined herein).

Page 32, a definition of "Retail Services" shall be included as follows: "the rendering of services or entertainment, as opposed to products, to the general public. Retail services include theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics or martial arts, museums and galleries. This definition does not include outdoor services or amusement parks, except those specifically allowed as "Secondary Permitted Uses hereunder."

Page 32, a definition of "Micro-Brewery" shall be included as follows: "Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse; provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a limited brewery license. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to an annual permit issued by the director. The holder of this license shall not sell food or operate a restaurant on the licensed premises. The fee for this license shall be graduated as follows:

to so brew not more than 50,000 barrels of 31 liquid gallons capacity per annum, \$1,250;

to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,500;

to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$5,000;

to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$7,500.

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage. For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection."

Page 32, "Permitted Secondary Uses" shall be amended to read as "Open-air/covered outdoor dining areas for permitted uses."

Page 34, "Allowable Uses in the Route 31 Gateway District shall be amended to include: Micro-Brewery (as defined in N.J.S.A. 33:1-10.1b and herein) and Retail Services (as defined herein).

Page 34, "Permitted Secondary Uses" shall be amended to read as "Open-air/covered outdoor dining areas for permitted uses."

SECTION 2. The Mayor, Clerk, Planner, Engineer, and such other Borough Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance. The Borough Planner and Engineer are hereby authorized to amend the Borough's Downtown Redevelopment Plan in accordance with the provisions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of forty-five (45) days after referral to report on the proposed Ordinance.

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

Motion made by Noone and seconded by Klimko to adopt Ordinance 2018-16.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle
Ayes: 5, Nays: 0
Motion carried.

RESOLUTIONS

Motion made by Valle and seconded by Noone to approve Resolution 2018-104 & 09 and 2018-111

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

RESOLUTION # 2018-104

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 April 17, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$1,097.30 for taxes or other municipal liens assessed for the year 2017 in the name of Pereira, Nancy & Robert as supposed owners, and in said assessment and sale were described as 26 Vannatta Street, Block 94 Lot 22, which sale was evidenced by certificate #17-00031 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-16-18 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 Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,613.13 which is the amount necessary to redeem Tax Sale Certificate #17-00031.

NOW THEREFORE BE IT RESOLVED, on this 10th day of July 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,613.13** (This consists of \$1,613.13 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 22 from the tax office records.

RESOLUTION 2018-109

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 JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$654.73 for taxes or other municipal liens assessed for the year 2016 in the name of Bukosky, Janet supposed owner, and in said assessment and sale were described as 254 East Washington Ave., Block 70 Lot 3, which sale was evidenced by Certificate #17-00021; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-3-18 and before the right to redeem was cut off, as provided by law, Janet Bukosky, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,375.18 which is the amount necessary to redeem Tax Sale Certificate #17-00021.

NOW THEREFORE BE IT RESOLVED, on this 14th day of August 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$2,475.18** (This amount consists of \$1,375.18 Certificate Amount + \$1,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 70 Lot 3 from the tax office records.

RESOLUTION 2018-111

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 JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$146.38 for taxes or other municipal liens assessed for the year 2015 in the name of Parker, Harlin supposed owner, and in said assessment and sale were described as 30 Lenape Trail, Block 101.01 Lot 22, which sale was evidenced by Certificate #16-00085; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-7-18 and before the right to redeem was cut off, as provided by law, Shellpoint Mortgage Servicing, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,695.94 which is the amount necessary to redeem Tax Sale Certificate #16-00085.

NOW THEREFORE BE IT RESOLVED, on this 14th day of August 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$1,995.94** (This amount consists of \$1,695.94 Certificate Amount + \$300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 22 from the tax office records.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-105.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

RESOLUTION 2018-105
A RESOLUTION ESTABLISHING A SPECIAL
PERIOD FOR THIRD QUARTER LOCAL PROPERTY
TAXES IN THE BOROUGH OF WASHINGTON

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 date of June 14th; and

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates can not be changed; and

WHEREAS, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after August 31, 2018, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on September 1, 2018 will be subject to interest charged back to the statutory date of August 1, 2018.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-106.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

RESOLUTION 2018-106
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$3,474.00 which is now available from the other municipalities within Warren County

BE IT FURTHER RESOLVED, that the like sum of \$3,474.00 is hereby appropriated under the caption of Other Expenses – Municipal Alliance.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-107.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

RESOLUTION 2018-107
RESOLUTION GRANTING PERMISSION TO ALLIE’S CUPCAKERY AND CAFÉ TO UTILIZE THE BROAD STREET MUNICIPAL PARKING LOT FOR A FUNDRAISING EVENT SUNDAY, SEPTEMBER 9TH, 2018 WITH A RAIN DATE OF SEPTEMBER 16TH, 2018

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Allie’s Cupcakery to have the Broad Street Municipal Parking Lot be closed to all vehicles other than those authorized by Allie’s during the hours of 6:00 a.m. to 6:00 p.m. on Sunday, September 9th 2018 with a rain date, if necessary, of Sunday, September 16th 2018.

BE IT FURTHER RESOLVED, that the use of the Broad Street Municipal Lot for this event is contingent upon Allie’s Cupcakery providing completed facility use agreement form with an attached certificate of insurance which provides a minimum of \$1 million combined single limit (CSL), with wording specified in the aforesaid agreement.

Motion made by Valle and seconded by Noone to approve Resolution 2018-108.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 4 Nays: 1 (Klimko)
Motion carried.

RESOLUTION 2018-108
RESOLUTION AUTHORIZING A FIVE-YEAR PAVING PLAN FOR BOROUGH OF WASHINGTON STREETS AND ROADS

WHEREAS, pursuant to §75-41.3 of the code of the Borough of Washington, which states that “Whenever the Mayor and Common Council enacts any ordinance or resolution providing for the paving

or repaving of any street, the Borough Engineer shall promptly mail a written notice thereof to each person, firm or corporation owning any sewer main, conduit or other utility in or under said street. Such notice shall notify such persons, firms or corporations that no excavation permits shall be issued for openings, cuts or excavations in said street for a period of five years after the date of enactment of said ordinance or resolution. Such notice shall also notify such person, firm or corporation that application for excavating permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit shall be completed as soon as practicable, and in no event later than the date specified in the permit for the excavation work therefor. During the five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency as described in this article exists which makes it absolutely essential that the excavation permit be issued; and

WHEREAS, the Borough of Washington is desirous of better communication and coordination with various public utilities for the express purposes of economic efficiency in paving and resurfacing operations, as well as the maintenance of smooth pavement which is as free of patches and repairs as is practical; and

WHEREAS, the Borough of Washington hereby commits to formulating and promulgating a five (5) year paving plan, renewing same every calendar year, and making the aforesaid plan available to all authorized public utilities operating within the boundaries of the Borough of Washington not later than January 31st of each year; and

WHEREAS, the Borough of Washington further commits to soliciting feedback and comment from all authorized public utilities operating within the boundaries of the Borough of Washington and utilizing same in consultation with resident input, road condition data, and the Municipal Engineer to continuously evaluate, update, and renew the five year paving plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

Washington, County of Warren that the paving plan attached hereto and made a part hereof shall be made available for public inspection in the office of the Borough Manager, published to the Borough website and social media platform, and sent via certified mail to all authorized public utilities operating within the boundaries of the Borough of Washington not later than August 31st, 2018.

Motion

Motion made by Klimko and seconded by Norris on the 2018 five-year paving plan the draft, that it be pick up where we left off last year tar and chip our streets that were already prepared last year and complete them this year and what is left over with the money, take the streets available to do off our 2018 plan.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 3 Nays: 2 (Higgins & Noone)
Motion carried.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Klimko to pay the vouchers and claims in the amount of \$1,924,787.79 from the current fund and \$ 196,000.09 from sewer.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

Motion made by Noone and seconded by Valle to approve Resolution 2018-113.

ROLL CALL: Higgins, Klimko, Noone, Norris and Valle.
Ayes: 5 Nays: 0
Motion carried.

**RESOLUTION 2018-113
RESOLUTION AUTHORIZING THE PLACEMENT OF A
NON-BINDING REFERENDUM ON THE NOVEMBER 6, 2018
GENERAL ELECTION BALLOT TO ASCERTAIN WHETHER THE BOROUGH OF
WASHINGTON VOTERS WISH TO FORM A JOINT LIBRARY**

WHEREAS, N.J.S.A.19:37-1 allows the governing body of any municipality to ascertain the sentiment of the legal voters of the municipality upon any question of policy pertinent to the government; and

WHEREAS, it is the policy of the State of New Jersey to encourage municipalities to consolidate services and,

WHEREAS, the Borough Council of the Borough of Washington believes that dissolving its free public library in order to unite with another local unit to form a joint free public library would benefit the taxpayers with cost savings and locality; and

WHEREAS, the Borough Council is desirous to begin discussions with the Township of Mansfield regarding the possibility of forming a joint public library; and

WHEREAS, in the absence of the foregoing, the Borough would like to proceed with discussions with other local municipalities who may be interested in forming a joint public library; and

WHEREAS, the Borough Council of the Borough of Washington desires to ascertain the sentiment of Washington's voters at the November 6, 2018 general election, upon the following Question, with the following Interpretative Statement:

Question:

Shall the free public library established pursuant to R.S.40:54-1 et seq., in the Borough of Washington be dissolved, and shall the Borough of Washington subsequently unite with the Township of Mansfield or other local unit in the support, maintenance, and control of a joint free public library pursuant to the provisions of chapter 54 of Title 40 of the Revised Statutes?

Interpretative Statement:

This referendum is non-binding on the Borough Council of the Borough of Washington, with the purpose of the referendum to ascertain whether the Borough of Washington voters would be desirous to have the Borough Council begin discussions with the Township of Mansfield or other interested local units in furtherance of dissolving the Borough of Washington's free public library in order to establish a joint free public library.

A "Yes" vote favors the Borough's efforts to begin discussion regarding the dissolution of the Borough of Washington's free public library in order to establish a joint free public library with the Township of Mansfield or other local unit.

A "No" vote does not favor the Borough's efforts to begin discussions regarding the dissolution of the Borough of Washington's free public library in order to establish a joint free public library with the Township of Mansfield or other local unit.

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

1. That a copy of this Resolution be delivered to the Clerk of the County of Warren with a request that the Question and Interpretative Statement be placed on the November 6, 2018 general election ballot.

2. That a copy of this Resolution be delivered to the Clerk of the Township of Mansfield.
3. That this Question and Interpretative Statement be placed on the November 6, 2018 general election ballot.
4. That the Resolution shall take effect immediately.

COUNCIL REMARKS

Councilman Norris stated that National Night Out was fun for the people and kids.

Councilwoman Noone thanked those involved with the Youmans Ave event for the block party.

Councilwoman Valle reiterated on Councilwoman Noone's comments regarding Youmans Avenue block party and added that the song that was performed tonight was wonderful.

Mayor Higgins inquired about the Safer Routes to School program and asked if the Engineer applies on behalf of the borough. Manager Hall answered in the affirmative.

Mayor Higgins announced a charity softball tournament between the Police and Fire Fighters on August 25th.

Mayor Higgins announced the passing of former Councilman Jone's mother that passed away on August 28th.

Mayor Higgins addressed the letters that are circulating about him and stated it is out of control. The letters questioning his commitment to Veterans according to Mr. Dale Parichuks' letter to the local Veterans chapter. Mayor Higgins announced that he does not support Mr. Parichuk or his supporters.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Valle to adjourn the meeting at 9:18 pm.

Ayes: 5; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk