
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

September 15, 2020

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

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

Absent: Valle

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into 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 Express Times-Warren County Edition and posted on bulletin board, borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Mel Thiel, BID Executive Director, gave the following report:

1. Two business openings are Your CBD Store and 2142 Farm To Market restaurant (formerly Celestine's).
2. Farmers Market extended one week this year. Festivities planned for this Saturday.
3. October 3rd last day of the market which will also be pet appreciation day.
4. Hometown Halloween will be held October 31st from 3pm-5pm with trick or treating with the businesses and a contest for best costume.
5. Hometown Holiday on hold for now, depends on if the Governor extends emergency declaration.
6. Alternative to Hometown Holiday will be having Mr. and Mrs. Santa Clause go around on a fire truck.

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

MINUTES

Motion made by Noone and seconded by Conry to approve the following minutes;

September 2, 2020

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

NEW BUSINESS

Halloween- Discussions ensued regarding the time for Trick or Treat hours.

David Waronker, of Washington Station Ventures,

Mr. Waronker who is the owner of 126 acres between Nunn Avenue and Washington Township, presented an opportunity for the Borough to purchase the remaining land that the borough has already purchased (86 acres). Mr. Waronker stated he is not moving forward to build on the land and wanted to know if the borough would be interested in purchasing the remaining land.

RESOLUTIONS

Motion made by Noone and seconded by Conry to adopt Resolution 2020-131.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2020-131
RETAIL DISTRIBUTION LICENSE
VMI OF WASHINGTON
(ENZO'S RESTAURANT)
LICENSE NUMBER #2121-33-001-005**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-33-001-005

VMI of Washington, Inc.
(Enzo's Restaurant)
328 W. Washington Ave.
Washington NJ 07882

From July 1, 2020 – June 30, 2021, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Duchemin to adopt Resolution 2020-132.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

**RESOLUTION 2020-132
RETAIL DISTRIBUTION LICENSE
LINSKO, INC (SCOTTY'S STADIUM)
LICENSE NUMBER #2121-33-004-007**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-33-004-007

Linsco, Inc.
(Scottys Stadium)
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2020 – June 30, 2021, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Conry and seconded by Cox to adopt Resolution 2020-133.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2020-133
AMENDING
RESOLUTION 2020-23
RETAIL CONSUMPTION LICENSE
PPS Liquors
LICENSE NUMBER #2121-33-003-005

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the applicant due to circumstances beyond his control and after filing for relief from the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control was granted a 12:18 Special Ruling, granting relief dated December 6, 2019; and

WHEREAS, Licensee has received a special ruling from the Director of ABC pursuant to N.J.S.A 33:1-12.39 for 2019-2020 license term.

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

License # 2121-33-003-005
PPS Liquors
3 Winchester Ave
Hackettstown, NJ

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Duchemin to adopt Resolutions 2020-134.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

RESOLUTION 2020-134
SHARED SERVICES AGREEMENT FOR
INTERLOCAL CONSTRUCTION CODE SERVICES

THIS SHARED SERVICES AGREEMENT, made this 18th day of August 2020 by and between:

THE TOWNSHIP OF WASHINGTON, a municipal corporation located in the County of Warren, State of New Jersey, with principal offices located at 211 Route 31 North, Washington, New Jersey 07882, hereinafter referenced as the “Provider “and

THE BOROUGH OF WASHINGTON, a municipal corporation located in the County of Warren, State of New Jersey, with principal offices located at 100 Belvidere Avenue, Washington, New Jersey 07882, hereinafter referenced as the “Recipient.”

WHEREAS, the “Uniform Shared Services and Consolidation Act”, N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Recipient is in need of the services of licensed personnel in order to perform Construction Official duties pursuant to the Uniform Construction Code Act (also referenced as the “services”) within the Recipient’s jurisdiction ; and

WHEREAS, the Provider is willing to assist the Recipient by permitting its personnel to provide the services to the Recipient; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, the Provider and the Recipient (collectively, the “parties”) have negotiated an Agreement for the shared provision of the services within their respective jurisdictions; and

WHEREAS, the terms and conditions of this undertaking are set forth below; and

WHEREAS, the parties have each duly authorized their proper officials to enter into and execute this Agreement.

NOW, THEREFORE, WITNESSETH, the Provider and the Recipient, for the consideration hereafter named, hereby agree as follows:

ARTICLE I: SCOPE OF SERVICES.

A. SERVICES TO BE PERFORMED.

The Provider shall furnish to the Recipient the services of licensed personnel in order to perform Construction Official duties pursuant to the Uniform Construction Code Act within the Recipient’s jurisdiction . The personnel to be provided shall include a Construction Official,

Technical Assistant, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official and Fire Subcode Official, and all necessary inspectors (collectively, the “personnel”), who shall serve as the local enforcement agents of the Recipient pursuant to the Uniform Construction Code Act .

B. DESIGNATION AS GENERAL AGENT.

The Provider is hereby designated the agent of the Recipient for the provision of the services.

C. HOURS OF OPERATION.

The Provider shall provide the services to the Recipient on a part-time basis. The services shall be performed out of the Municipal Offices of the Provider. Which will be the current hours held by the Provider Municipal Office. In the event that the Recipient requests that the personnel perform services that are outside the scope of a normal workday, then the Recipient shall reimburse the Provider for all costs associated with the performance of such services, including any applicable overtime charges.

D. RECIPIENT PROJECTS.

All fees for municipal projects of the Recipient shall be waived provided any required inspections are performed during the Provider’s “on-site” hours of service. In the event that the Recipient requests that the personnel perform services that are outside the scope of a normal workday, then the Recipient shall reimburse the Provider for all costs associated with the performance of such services, including any applicable overtime charges.

ARTICLE II: CONSIDERATION.

A. COMPENSATION.

In consideration for the services to be rendered, the Provider shall collect and receive all permit fees. This sum shall represent payment of salary and benefits for the personnel, which shall be paid through the Provider. Such sum shall also be deemed to include payment for the use of any vehicle(s) owned by the Provider personnel that are used in connection with delivering the services to the Recipient. Fees shall be consistent with the ordinary fees charged by the Provider.

B. REIMBURSEMENT OF COSTS.

The Recipient also agrees to reimburse the Provider for reasonable out of pocket costs incurred by the personnel that are directly related to any additional services provided that are not included in this agreement.

ARTICLE III: AUTHORITY OVER PERSONNEL.

A. AUTHORITY.

During the term of this Agreement, the Construction Official, Subcode Officials and inspectors shall be considered employees of the Provider. While performing services for the Recipient, the Construction Official shall report to the person or persons designated by the Recipient's Mayor and/or Clerk. If there is a change in the chain of command by the Recipient that affects the Construction Official, the Provider's Town's Clerk and Construction Official requests to be notified immediately.

The personnel shall be covered under all applicable personnel policies of the Provider and shall retain any and all rights and benefits that may have accrued from their positions with the Provider.

B. COMPLAINTS.

Any complaints related to the services provided to the Recipient shall be handled per the Providers procedures.

ARTICLE IV: INSURANCE.

During the term of this Agreement, the Provider and the personnel to its general liability insurance policies, as well as to all other applicable insurance policies, for coverage.

ARTICLE V: MAINTENANCE OF RECORDS.

All records relating to the services performed on behalf of the Recipient shall be maintained in the Municipal Offices of the Provider. Upon the completion of or closure of each project or permit, those records shall be returned to the Municipal Offices of the Recipient. A copy of such records will be supplied to the Provider at the request of the Provider's Town's Clerk, or his/her designee.

ARTICLE VI: DURATION OF CONTRACT; TERMINATION; MODIFICATION; DISPUTES.

A. DURATION.

The duration of this Agreement shall endure until four (4) years from the date of the start of services. Notwithstanding the foregoing, by Resolutions of Agreement by both parties, this Agreement may be extended.

B. TERMINATION.

1. This Agreement may be terminated at any time upon mutual Agreement of the Parties; however, unless otherwise agreed to by the parties, such termination shall not become effective for a minimum of six (6) months following the adoption of Resolutions by both governing bodies authorizing the termination.
2. Either party may terminate this Agreement at any time for just cause upon giving the other party three (3) months advance written notice of its intent to terminate.
3. In the event that either party defaults in the performance of any of its obligations under this Agreement after receiving written notice of same and failing to cure such default within thirty (30) days of said written notice, the non-defaulting party shall be entitled to terminate this Agreement.

C. MODIFICATION.

This Agreement may not be changed orally and may only be modified or amended by a written statement signed by both parties.

D. DISPUTES.

Pursuant to N.J.S.A. 40:8A-6(b), the parties agree that any disputes which may arise between them relating to the services to be provided under this Agreement shall be referred to binding arbitration, if the parties are not able to resolve such disputes between themselves. The parties agree to split the costs related to such binding arbitration equally between them.

ARTICLE VII: INDEMNIFICATION; HOLD HARMLESS.

The Recipient shall indemnify and hold the Provider, its officers, employees and agents, harmless from and against any and all claims of whatever nature or type arising from the provision of the services to the Recipient, so long as the actions upon which the demand or claim, or assertion of liability, are founded were performed in the course of carrying out official duties on behalf of the Recipient, and were not out of the scope of performing official duties or performed in bad faith, and did not constitute actual fraud, actual malice, willful misconduct, an intentional wrong or a criminal act. Such indemnification shall include payment of reasonable attorney's fees and costs in the defense of any claim made by a third person.

ARTICLE VIII: CHOICE OF LAW.

Any dispute under this Agreement or related to this Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

ARTICLE IX: ENTIRE AGREEMENT.

This Agreement represents the entire agreement between the parties and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed by all of the parties hereto.

ARTICLE X: SEVERABILITY.

If any part of this Agreement shall be held to be unenforceable, the rest of this Agreement shall nevertheless remain in full force and effect.

ARTICLE XI: WAIVER.

Failure to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant, or condition at any other time nor shall any waiver or relinquishment of any right or power herein at any time be deemed a waiver or relinquishment of the same or any other right or power at any other time.

Motion made by Conry and seconded by Noone to adopt Resolution 2020-135

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.
Ayes: 6 Nays: 0
Motion passes.

**RESOLUTION 2019-135
PLENARY RETAIL DISTRIBUTION
WILLIAMS IRISH TAVERN
LICENSE NUMBER #2121-33-007-004**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-33-007-004
Williams Irish Tavern LLC
101 E. Washington Ave.
Washington NJ 07882

From July 1, 2020 – June 30, 2021, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Conry and seconded by Norris to adopt Resolution 2020-136.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

**RESOLUTION 2020-136
RETAIL DISTRIBUTION LICENSE
PHILBERTS PUB
LICENSE NUMBER #2121-33-005-006**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

License # 2121-33-005-006

Philberts Pub

101 W. Washington Ave.

Washington NJ 07882

From July 1, 2020 – June 30, 2021 provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Conry to adopt Resolution 2020-137.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

**RESOLUTION 2020-137
RESOLUTION IMPOSING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT
WITHIN THE BOROUGH OF WASHINGTON**

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the Borough and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a **suggested curfew** to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department by abiding by the curfew; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore, needs to be regulated to provide for the safety, health, and welfare of all persons within the community.

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 there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 pm from Friday, October 30, 2020 up to and including Sunday, November 1, 2020. Curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick-or-Treat Night shall be observed within the Borough of Washington on Saturday, October 31, 2020 from 3:00 pm to 7:00 pm.

BE IT FURTHER RESOLVED, that due to the uncertainty related to the coronavirus pandemic, any and all guidance provided by the Governor of the State of New Jersey, the Warren County Prosecutor's Office, and/or the Township of Washington's Chief of Police shall be adhered to.

ORDINANCE-1st Reading

Motion made by Conry and seconded by Noone to approve on first reading Ordinance 2020-113.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

ORDINANCE 2020-13

AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON ENTITLED GARBAGE, RUBBISH AND REFUSE

WHEREAS, the Borough of Washington will be assuming the duties of collection and disposal of solid waste beginning January 1, 2021 utilizing the Department of Public Works personnel and equipment; and

WHEREAS, these changes necessitate the amendment of Chapter 47 of the Code of the Borough of Washington in order to promulgate rules and regulations for the collection and

disposal of solid waste;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Washington, County of Warren, State of New Jersey, that Chapter 47 be repealed and replaced in its entirety by the following ordinance:

[HISTORY: Adopted by the Mayor and Council of the Borough of Washington 11-24-1970 by Ord. No. 13-70. Amendments noted where applicable.]

GENERAL REFERENCES

Food-handling establishments — See Ch. 45, Part 1.

Public health nuisances — See Ch. 59.

Soil removal — See Ch. 73.

Streets and sidewalks — See Ch. 75.

Weeds and obnoxious growths — See Ch. 91.

§ 47-1 Short title.

[Amended 5-19-2009 by Ord. No. 4-2009]

This chapter shall be known as the "Rubbish and Recycling Ordinance of Washington Borough."

§ 47-2 Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ALUMINUM CANS

All aluminum containers used for soda, beer and other beverages.

[Added 4-16-1996 by Ord. No. 4-96]

ANTIFREEZE

All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

[Added 5-19-2009 by Ord. No. 4-2009]

ASPHALT ROOFING MATERIAL

Shingles and tar paper made of asphalt and used for roofing.

[Added 4-16-1996 by Ord. No. 4-96]

AUTOMOTIVE BATTERIES

Wet-cell lead-acid batteries from automobiles, trucks, motorcycles, tractors and lawn mowers.

[Added 4-16-1996 by Ord. No. 4-96]

COMMERCIAL AND INDUSTRIAL WASTES

The by-products of building contractors or demolition contractors engaged in the business of the repair and construction of homes or other buildings or structures; by-products or waste or any manufacturing plant; all items traded in as merchandise from commercial retailers and repair services; automobiles and vehicles or parts thereof.

COMMERCIAL USE

An activity involving the sale of goods or services carried out for profit.

[Added 5-19-2009 by Ord. No. 4-2009]

CO-MINGLED RECYCLABLES

Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles.

[Added 5-19-2009 by Ord. No. 4-2009]

CORRUGATED CARDBOARD

Cardboard of the type used to make boxes and cartons, with two outer layers and a waffle inner layer, and brown-paper (kraft) paper bags.

[Added 4-16-1996 by Ord. No. 4-96]

DEMOLITION WASTE

Untreated wood, bricks, concrete, tree stumps, asphalt, pallets and land-clearing debris.

[Added 4-16-1996 by Ord. No. 4-96]

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the current Warren County District Solid Waste Management Plan to be source-separated for the purpose of recycling. These materials include:

[Added 5-19-2009 by Ord. No. 4-2009]

Designated Traditional Materials

Aluminum cans

Designated Nontraditional Materials

Antifreeze

Designated Traditional Materials

Computer paper

Glass bottles and jars — three colors
(clear, green and brown)

Corrugated cardboard

High-grade office paper — white

Magazines and mixed paper

Newsprint

Plastic bottles: PETE - clear and green
(type 1); HDPE - clear and colored (type 2)

Steel cans/tin cans

Designated Nontraditional Materials

Asphalt and concrete pavement, concrete bricks

Automotive batteries (lead acid)

Carpet

Computers

Florescent tubes

Laser and inkjet cartridges

Household batteries as identified in the County Plan

Latex paint

Leaves and yard waste (brush, tree parts)

Nontreated wood

Oil filters

Propane tanks

Scrap metals (including junked autos)

Source-separated metal

Stumps

Textiles/clothing

Tires

Used motor oil

White goods (large appliances)

ELECTRONIC WASTE

A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

[Added 5-19-2009 by Ord. No. 4-2009]

GARBAGE

All refuse, entrails and waste of animals and fish and all vegetable matter which has been or was intended to be used as food; all clam, oyster, crab and lobster shells; and all other material so specified by the State of New Jersey.

GLASS CONTAINER

All bottles and jars made from silica or sand, soda ash and limestone, the product being transparent or semitransparent, with or without color, excluding, however, blue and flat glass, window glass, mirror glass, plate glass, crystal, stemware and light bulbs.

[Amended 1-8-1985 by Ord. No. 24-84; 12-6-1988 by Ord. No. 24-88]

HIGH-GRADE OFFICE PAPER

White bond, copier, computer or ledger paper made from wood fibers. Excluded from this category are envelopes, colored paper, carbon paper, magazines, newspapers, cardboard, glossy papers.

[Added 12-6-1988 by Ord. No. 24-88]

HOUSEHOLD BATTERIES

Any chargeable or nonchargeable dry-cell batteries.

[Added 4-16-1996 by Ord. No. 4-96]

LATEX PAINT

Paint with a water base.

[Added 4-16-1996 by Ord. No. 4-96]

MAGAZINE AND MIXED PAPER

All paper periodicals and catalogs and colored paper, envelopes and junk mail, excluding plastic, cardboard, telephone books and carbon paper.

[Added 4-16-1996 by Ord. No. 4-96]

MISCELLANEOUS RECYCLABLE MATERIALS

Includes materials which would otherwise be classified as solid waste, are not otherwise

defined in this chapter, and are documented as being recycled. It currently is limited to: carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes.

[Added 5-19-2009 by Ord. No. 4-2009]

MULTIFAMILY DWELLING

Any building or structure or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

[Added 5-19-2009 by Ord. No. 4-2009]

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this chapter and any rules and regulations promulgated hereunder.

[Added 5-19-2009 by Ord. No. 4-2009]

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of the Borough of Washington which is not bulky waste or construction and demolition debris.

[Added 5-19-2009 by Ord. No. 4-2009]

NEWSPAPERS

Includes a cheap paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, and having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines, periodicals, newsletters, hard-covered books and catalogs, as well as other paper products of any nature, are not considered newspapers.

[Added 1-8-1985 by Ord. No. 24-84]

OIL FILTERS

A detachable device in a motor vehicle which is part of the lubrication system of an internal combustion engine used to decontaminate oil that contains suspended impurities.

[Added 5-19-2009 by Ord. No. 4-2009]

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PLASTIC CONTAINERS

Polyethylene terephthalate containers (PET), high-density polyethylene containers (HDPE), polyvinyl chloride containers (PVC) and polypropylene containers (PP).

[Added 4-16-1996 by Ord. No. 4-96]

RECYCLABLE MATERIALS

Those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

[Amended 5-19-2009 by Ord. No. 4-2009]

REFUSE or RUBBISH

All solid wastes, exclusive of vegetative wastes and recyclable materials, consisting of both combustibles and noncombustibles, such as paper, wrappings, cardboard, tin cans, rags, glass and other solid waste of a nonvolatile or explosive nature, except commercial and industrial wastes.

[Amended 1-8-1985 by Ord. No. 24-84]

SCRAP METALS

Ferrous and nonferrous metals, including junked automobiles.

[Added 4-16-1996 by Ord. No. 4-96]

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

[Added 5-19-2009 by Ord. No. 4-2009]

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

[Added 5-19-2009 by Ord. No. 4-2009]

STEEL CANS

All disposal cans made of tin, steel or a combination of ferrous metals, including but not limited to containers commonly used for the storage of food products.

[Added 4-16-1996 by Ord. No. 4-96]

TEXTILES

Used clothing, bedding materials, curtains and draperies and other items made from cloth or

cloth-like fabric.

[Added 4-16-1996 by Ord. No. 4-96]

TIRES

Tires from automobiles, motorcycles, trucks, tractors and bicycles.

[Added 4-16-1996 by Ord. No. 4-96]

VEGETATIVE WASTES

Includes all leaves, grass and hedge clippings, straw, thatch, tree branches not greater than four inches in diameter, plant stems and roots, tree stumps not greater than 50 pounds in weight, shrubbery and other similar material not meant for human consumption.

[Added 1-8-1985 by Ord. No. 24-84]

WASTE OIL

Oil drained from vehicle crankcases.

[Added 4-16-1996 by Ord. No. 4-96]

WHITE GOODS

Appliances such as washers, dryers, refrigerators, stoves, dishwashers, air conditioners, trash compactors, water softeners and water heaters.

[Added 12-6-1988 by Ord. No. 24-88]

§ 47-3 Establishment of Utility and Collection and Fees.

Establishment of Utility.

- A. A municipal solid waste utility is hereby established within the Borough of Washington, in the County of Warren, for the collection and disposal of solid waste, to fix the amount and charges for the use therefore and to provide rules and regulations therefore. The municipal solid waste collection and disposal operation, including any appurtenant structures, works, fixtures and equipment relating thereto and all extensions and improvements thereof situated in, constructed or acquired at public expense by the Borough of Washington (the operation), shall hereafter be operated under the direction and control of the Mayor and Council of the Borough of Washington as a publicly owned municipal solid waste utility and shall, for accounting purposes, be a separate entity having its own borrowing capacity, its own separate accounts and its own separate property, whether real, personal or mixed, within the meaning of **N.J.S.A. 40A:4-33** and **N.J.S.A. 40A:26A-1** et seq., amendments thereof and supplements thereto, and all other provisions of other applicable laws.

- B. Garbage and refuse consisting of Type 10 and/or Type 13 Municipal Wastes, except commercial and industrial wastes as defined herein and except in excess of the amounts described/defined in herein, accumulated in the Borough shall be collected, conveyed and disposed of by the Borough or its duly authorized contractor for such purposes (hereinafter collectively referred to as the "collector") in strict compliance with the provisions of this chapter and any other applicable law, rule, regulations, contract or ordinance.
- C. Each Refuse Generating Unit, hereinafter "RGU" shall pay to the Borough a quarterly fee to be established not less than annually by resolution of the governing body for removal of garbage and refuse as defined herein. Any commercial or industrial RGU or any multifamily residential RGU consisting of FIVE (5) units or more wishing to opt out of garbage and refuse collection shall be permitted to do so by providing proof of service in the form of a current and valid contract with a solid waste hauler holding a current and valid solid waste license issued by the State of New Jersey. Further, the proof of service must indicate garbage and refuse pickup of more than NINETY-FIVE (95) GALLONS or ONE HALF (½) CUBIC YARD of Type 10 Municipal Waste per week.
- D. Past due amounts as lien. Garbage fees as provided herein shall be a first lien or charge against the property billed for the services rendered. Any part of the amount due and payable interest shall accrue at a rate of interest equivalent of that established for delinquent garbage fees pursuant to **N.J.S.A. 40:48-2.14** Liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in Section 5 of Title 54 of the Revised Statutes.

§ 47-4 Collection by producers or owners.

This chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse or from contracting with rubbish contractors, provided such producers or owners comply with the provisions of this chapter and with any other applicable law, rule, regulation or ordinance.

§ 47-5 Residential dwelling and commercial establishment compliance requirements.
[Added 5-19-2009 by Ord. No. 4-2009]

- A. Residential dwelling compliance requirements.
 - (1) The owners/occupants of single-family and two-family dwellings shall be responsible for compliance with this chapter.
 - (2) For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.
 - (3) Delinquent payments and suspended service.

At any such time where quarterly payment(s) become(s) past due, collection/pickup will be suspended immediately and without further notice. Owners/occupants of residential dwellings and/or commercial establishments without collection service will be required to remove or otherwise dispose of any and all refuse, rubbish or solid waste from the premises within 72 hours after the receipt of written notice to that effect.

In the event the Borough finds it necessary to provide services for the removal or destruction of the solid waste when the owner or tenant refuses or neglects to remove or destroy the solid waste in the manner and within the time required by this Ordinance §47-4 and §47-5(3), service fees will continue to accrue and past due amounts shall be a first lien or charge against the property billed for the services rendered as set forth in this Ordinance §47-3.

- (4) Violations and penalties notices will be directed to the owner, occupant or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.
- B. Commercial establishment compliance requirements.
- (1) All commercial, business or industrial facilities shall be required to comply with the provisions of this chapter.
 - (2) The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or his designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
 - (3) Annually, every business, institution or industrial facility shall report to the Municipal Recycling Coordinator the recycling activities undertaken at its premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the Municipal Recycling Coordinator.
 - (4) All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed for inspection by any code enforcement officer.

**§ 47-6 Supervision by Manager; authority to regulate collection and disposal.
[Amended 1-8-1985 by Ord. No. 24-84]**

Garbage and refuse accumulated in the Borough shall be collected, conveyed and disposed of by the collector under the supervision of the Borough Manager. The Mayor and Common Council shall have the authority to make necessary and reasonable rules and regulations concerning the

days and times of collections, type and location of waste containers and such other matter pertaining to the collection, conveyance and disposal of refuse and other materials as the Mayor and Council find necessary in the public interest. The Borough Manager shall be responsible for implementing any rules and regulations as adopted.

§ 47-7 Borough provided garbage and recycling carts; preparation of Type 10 and Type 13 garbage, recyclables and vegetative wastes for collection; separation of recyclable materials.

[Amended 12-6-1988 by Ord. No. 24-88]

Garbage, recyclables and refuse shall be prepared for collection in accordance with the provisions hereof.

- A. Borough shall provide the use ONE (1) NINETY-FIVE (95) GALLON black garbage cart and ONE (1) NINETY-FIVE GALLON green recycling cart to each RGU. Carts are the property of the Borough and shall remain with the real property to which they are assigned. Upon sale of the real property the cart shall be conveyed with the real property in the same manner as any improvements upon the property. Each RGU existing at the establishment of this ordinance shall be issued one garbage cart and one recycling cart at the Borough's expense as will any RGU created after the passage of this ordinance. Replacement of any garbage or recycling cart thereafter shall be at the expense of the RGU. The fee for replacement of any garbage or recycling cart shall be established not less than annually by resolution of the governing body.
- B. Excluding bulk items as defined herein with properly affixed stickers, all garbage and refuse must be placed and contained within the Borough issued garbage cart. Non-bulk items placed outside of the Borough issued garbage cart will not be collected and shall be subject to enforcement actions as provided herein.
- C. All garbage, before being placed in the container for collection, shall have drained from it all free liquids or must be securely bagged.
- D. All rubbish shall be drained of excessive liquid before being deposited in the container for collection.
- C. All recyclables as defined herein shall be deposited into container provided by Borough in a manner consistent with single-stream or fully-commingled recycling.
- D. Metal, glass, and plastic containers shall be cleaned and have all paper or plastic labels removed.
- E. All glass shall have metal rings and caps removed and must be cleaned.
- F. Any single-stream recyclables in excess of the capacity of the allotted 95 gallon container issued by the Borough shall be placed in heavy duty plastic or galvanized metal containers provided by the RGU which shall not exceed THIRTY-TWO (32) GALLONS in capacity and shall not exceed FIFTY (50) POUNDS in weight. Single-stream recyclables placed curbside without a container shall not be picked up.

- G. Grass clippings, hedge clippings, leaves, straw, thatch, plant stems and roots and similar material shall be placed in kraft-type bags or heavy-duty plastic or galvanized metal containers provided by the RGU whose overall capacity shall not exceed THIRTY-TWO (32) GALLONS in capacity and further shall not exceed FIFTY (50) POUNDS in weight. All items in this section must be separated from all other garbage, refuse and recyclable materials.
- H. Tree branches not in excess of FOUR (4) INCHES in diameter and not more than FOUR (4) FEET in length may be placed in heavy-duty plastic or galvanized metal containers provided by the RGU whose overall capacity shall not exceed THIRTY-TWO (32) GALLONS in capacity and further shall not exceed FIFTY (50) POUNDS in weight. Alternatively, tree branches not in excess of FOUR (4) INCHES in diameter and FOUR (4) FEET in length may be securely tied with twine consisting of natural fibers only in bundles which shall not exceed FIFTY (50) POUNDS in weight.
- J. All white goods shall be considered bulk or Type 13 waste and separated from all other garbage, refuse, recyclable materials and vegetative wastes. Refrigerators and freezers shall have doors or latches removed prior to placement outside of any building. Refrigerators, freezers, air conditioners and dehumidifiers are not eligible for collection unless written documentation of the removal of coolant by a certified refrigeration technician has been prominently affixed to the unit when placed curbside for collection in addition to a bulk waste sticker as described herein.
- O. Batteries of the dry-cell type shall be placed in sealed plastic bags and brought to an authorized dropoff center for disposal and may not be placed out at curbside for collection. Wet-cell automotive batteries must be brought to an authorized recycling center and may not be placed out at curbside for collection. **[Added 2-18-1992 by Ord. No. 2-92; amended 4-16-1996 by Ord. No. 4-96]**
- P. Loose asphalt roofing material and loose demolition waste including, but not limited to broken drywall, plywood, or wallboard, loose insulation, concrete, blacktop, or other masonry rubble must be brought to an authorized solid waste facility authorized to recycle or process such waste for use, and this waste may not be placed out at curbside for collection. Large intact items such as fixtures (tubs, toilets, sinks, cabinets, doors, windows, etc...) shall be disposed of as bulk or Type 13 waste with a sticker properly affixed as described herein.
- Q. Latex paint may be dried by adding sand or soil to cans such that no liquid remains inside. Completely dried cans of latex paint only may be disposed of as Type 10 waste in the Borough provided garbage container only.
- R. Scrap metal shall be free from all contamination from nonmetallic sources such as ceramic material, glass, plastic, cloth or other such material. Small quantities of scrap metal not in excess of 60 pounds in weight and no greater than six feet in height may be placed out at curbside for collection. Junk automobiles or automobile parts, heavy iron, scrap metal from construction or demolition projects and oversize or overweight scrap metal must be brought to a licensed scrap metal dealer or auto salvage facility and may not be placed at curbside

for collection. [Added 4-16-1996 by Ord. No. 4-96; amended 4-4-2006 by Ord. No. 5-2006]

§ 47-9 Preparation of Bulk Type 13 waste for collection.

- A. Bulk or Type 13 waste is defined herein as large items of waste material, such as appliances, mattresses, children's toys and furniture or other single item which, due to their size, cannot be placed inside the 95 gallon garbage container provided by the Borough.
- B. Bulk or Type 13 waste items shall be placed adjacent to the 95 gallon garbage container issued by the Borough with a "Bulk Waste Sticker" as defined herein affixed to said item and prominently displayed facing out toward the curb in full view of the collection personnel.
- C. Bulk Waste Stickers shall be issued by the Borough for a fee to be established by resolution not less than annually by resolution of the Governing Body. Each bulk waste sticker shall be valid for ONE (1) ITEM and shall be valid on any day designated as a bulk waste collection day by the Borough. Bulk Waste Stickers shall not expire and shall not be refundable.
- D. Bulk or Type 13 waste shall NOT be permitted to be containerized or grouped in a manner so as to allow for the disposal of multiple items with one bulk waste sticker.
- E. No person shall bring garbage, litter, refuse, rubbish or other waste into the Borough of Washington for the purpose of disposing of the same in the Borough of Washington, nor shall any person place garbage, litter, refuse, rubbish or other waste generated outside of the Borough of Washington in any public waste receptacle of the Borough of Washington or in any private receptacle subject to collection and disposal by the Borough of Washington or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings, and other similar items, in public waste receptacles. [Added 5-21-1991 by Ord. No. 12-91]

§ 47-9 Accumulation in proper containers; unlawful deposit.

- A. No person shall place any garbage or industrial wastes in any street, alley or other public place or upon any private property, whether owned by such person or not, except in proper containers for collection; neither shall any person throw or deposit any garbage, refuse or industrial waste in any stream or storm drain.
- B. Any accumulation of refuse on any premises except in the manner herein provided is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of this chapter.
- C. No person shall cast, place, sweep or deposit any grass clippings, brush, sod or other refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place within the Borough hereafter.

- D. No person shall bring garbage, litter, refuse, rubbish or other waste into the Borough of Washington for the purpose of disposing of the same in the Borough of Washington, nor shall any person place garbage, litter, refuse, rubbish or other waste generated outside of the Borough of Washington in any public waste receptacle of the Borough of Washington or in any private receptacle subject to collection and disposal by the Borough of Washington or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings, and other similar items, in public waste receptacles. **[Added 5-21-1991 by Ord. No. 12-91]**
- E. No person shall deposit household or commercial garbage in the public waste receptacles of the Borough of Washington, except as otherwise provided by law. **[Added 5-21-1991 by Ord. No. 12-91]**
- F. No person who has his or her garbage, litter, refuse, rubbish or other waste collected by the Borough of Washington shall accept for disposal garbage, litter, refuse, rubbish or other waste generated outside the Borough for the purpose of having it collected and/or disposed of by the Borough of Washington or its duly authorized contractor. **[Added 5-21-1991 by Ord. No. 12-91]**

§ 47-9.1 Limitation on amounts per household.
[Added 2-5-1991 by Ord. No. 4-91]

- A. The Borough shall collect and dispose of not more than ONE (1) NINETY-FIVE (95) GALLON container of Type 10 waste, per RGU, per week.
- B. Each RGU shall be permitted to dispose of an unlimited amount of Type 13 or bulky waste as defined herein per designated collection day provided that the Type 13 waste has bulk waste stickers properly affixed thereon.
- C. Type 13 or bulky waste stickers shall NOT be utilized to dispose of Type 10 or regular municipal waste in excess of the NINETY-FIVE (95) GALLONS allotted per week.

§ 47-10 Placement of containers for collection.
[Amended 1-8-1985 by Ord. No. 24-84; 4-4-2006 by Ord. No. 5-2006]

Each RGU desiring to have garbage, refuse, recyclable materials and/or vegetative wastes collected by the Borough or its agents shall prepare the same for collection as prescribed herein at the roadside no earlier than 6:00 p.m. the night before or prior to 5:00 a.m. on the day designated for the collection area. All container MUST be placed at the roadside not later than 6:00 a.m. on the day of collection. Containers may not be left at the roadside after collection. The owner or occupier of the premises is responsible to make sure containers are accessible for collection purposes and that the containers are properly stored away from the roadside when not placed for collection.

§ 47-11 Disposition of other materials.

- A. Highly flammable, corrosive or explosive materials shall not be placed in containers for

collection but shall be disposed of by the owner at the expense of the owner or possessor thereof.

- B. The Manager is hereby authorized and directed to promulgate rules and regulations for the disposal of household furnishings and waste material not included within the definition of "refuse," where such waste material originates within Washington Borough. Any person desiring to dispose of such waste shall do so in strict accordance with such rules and regulations and in accordance with the statutes of New Jersey.
- C. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of "refuse," and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse or waste material from being blown, dropped or spilled therefrom.

§ 47-12 Certain items responsibility of producer or owner.

Disposal of items such as and similar to automobiles, vehicles, parts of vehicles, tires, building materials, sod, soil, concrete, large tree limbs, tree stumps, tree trunks, commercial and industrial wastes shall be the responsibility of the producers or owners thereof.

§ 47-13 Frequency of collections.

[Amended 1-8-1985 by Ord. No. 24-84; 4-23-1985 by Ord. No. 4-85; 12-6-1988 by Ord. No. 24-88; 5-21-1991 by Ord. No. 12-91; 4-16-1996 by Ord. No. 4-96; 5-7-2002 by Ord. No. 7-2002; 5-4-2004 by Ord. No. 8-2004; 4-4-2006 by Ord. No. 5-2006]

- A. Curbside collection of Type 10 waste in all areas of the Borough shall be conducted once per week.
- B. Curbside collection of Type 13 waste in all areas of the Borough shall be conducted once per week coinciding with curbside collection of Type 10 waste. Type 10 waste shall not be collected at any other time.
- C. Curbside collection of single-stream recyclables in all areas of the Borough shall be conducted once per week.
- D. Curbside collection of grass, leaves, branches, brush and other vegetative waste in all areas of the Borough shall be conducted once per week seasonally with the exact dates of collection to be determined annually by the Borough Manager in consultation with the Borough Council and Department of Public Works Supervisor.
- E. The Borough of Washington shall publish, at least annually, a comprehensive schedule and regulation set for all recycling, garbage and bulk trash collections within the Borough.

§ 47-14 Mandatory source separation; exemption from source-separation requirements.
[Added 1-8-1985 by Ord. No. 24-84; amended 12-6-1988 by Ord. No. 24-88; 2-5-1991 by Ord. No. 3-1991; 5-21-1991 by Ord. No. 12-91; 7-16-1991 by Ord. No. 15-91; 2-18-1992 by Ord. No. 2-92; 4-16-1996 by Ord. No. 4-96; 5-19-2009 by Ord. No. 4-2009]

- A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Washington, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants or occupants of such premises. Designated recyclable materials shall be taken to an authorized recycling center or, for recyclable materials for which curbside pickup is provided, placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Washington.
- B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source-separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source-separate from the municipal solid waste stream the specified recyclable materials, if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this section, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and a certification that the designated recyclable materials will be recycled and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 47-15 Prohibition of the collection of waste mixed with recyclable materials; collection by unauthorized parties prohibited.
[Added 1-8-1985 by Ord. No. 24-84; amended 4-23-1985 by Ord. No. 4-85; 5-19-2009 by Ord. No. 4-2009]

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the

uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

- C. Once placed in the location identified by this chapter or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials. Each such instance of tampering, collection, removal or handling of designated recyclable materials in violation hereof shall constitute a separate and distinct violation of this chapter.

§ 47-16 New developments of multifamily residential units or commercial, institutional or industrial properties.

[Added 5-19-2009 by Ord. No. 4-2009]

- A. Any application to the Planning Board of the Borough of Washington for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units, or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must contain, at a minimum, the following:
 - (1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development.
 - (2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.
 - (3) Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.
- B. Prior to the issuance of a certificate of occupancy by the Borough of Washington, the owner of any new multifamily housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

§ 47-17 Enforcement.

[Added 5-19-2009 by Ord. No. 4-2009]

The Municipal Board of Health, the Recycling Coordinator, the Zoning Officer, the Building Inspector, the Housing Officer, or other code enforcement officer, the Police Department serving the Borough of Washington, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this chapter. An inspection

may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material or any material otherwise prohibited for disposal by this ordinance, or in a manner prohibited by this ordinance.

§ 47-18 Violations and penalties.

[Amended 1-8-1985 by Ord. No. 24-85; 9-7-2004 by Ord. No. 14-2004; 5-19-2009 by Ord. No. 4-2009]

- A. Any person, corporation, occupant or entity that violates or fails to comply with any of the provisions of this chapter shall, upon conviction, be punished for each offense by a fine not to exceed \$2,000, by imprisonment for a term not to exceed 90 days in the county jail, or by a period of community service not exceeding 90 days.
- B. Notwithstanding the provisions of Subsection A, any person who violates § **47-9D** of the Code of the Borough of Washington shall, upon conviction, be punished for each such offense by a minimum fine of \$100 and a maximum fine of \$5,000.

OLD BUSINESS

Councilman Norris asked for an update on Ray Rice. Manager Hall stated that Mr. Rice has not been able to secure permits and added that Mr. Rice also has not posted a performance bond for the project.

REPORTS

Motion made by Noone and seconded by Conry to accept and file the Police report from July and August, all were in favor.

VOUCHERS AND CLAIMS

Motion made by Noone seconded by Conry to pay vouchers and claims.

Roll Call: Conry, Cox, Duchemin, Noone, Norris and Higgins.

Ayes: 6 Nays: 0

Motion passes.

RECAP

Manager Hall recapped the following:

- Follow up with the Police Chief regarding trick or treat.
- Speak with Ray Rice tomorrow to get things moving along with project.

COUNCIL REMARKS

Deputy Mayor Conry gave the following remarks:

- Still trying to get the initiative committee together. No date has been set, as soon as one is set council will be notified.
-

Councilwoman Cox gave the following remarks:

- Everything looks good at the CVS job.
- A bad accident occurred on Route 31 and asked if anyone knew how the people involved were.
- Thanked the DPW for help with her neighbor in moving a large television.
- Property in the borough where the affordable housing will go, needs to be mowed.

Councilman Norris gave the following remarks:

- Grass on the sidewalk near the Ray Rice project needs to be cut.
- Police, DPW and the fire department all doing a great job with the pandemic.

Councilwoman Noone gave the following remarks:

- Happy to see progress with Elizabethtown Gas company doing paving on Youmans and Park Avenue and Sunrise Terrace. This is paving that is being done with no cost to the borough.

Mayor Higgins gave the following remarks:

- Friday is bulk pick up.
- Manager Hall advised that the residents can start putting out their bulk waste at 6am on Thursday.

Manager Hall added that this is the last year bulk pick up will be done this way. Starting next year residents will be able to put a bulk item once a month.

Mayor Higgins inquired about training dates for the governing body. Attorney Parikh stated she will get two dates together and send out emails to see which dates best suites everyone to attend.

EXECUTIVE SESSION

Motion made by Noone and seconded by Conry to enter into executive session for contract negotiations and potential shared service all were in favor.

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 ensure 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 Norris seconded by Conry to come out of Executive Session, all were in favor.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Duchemin to adjourn the meeting at 7:58 pm.

Ayes: 7: Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk