

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -October 3, 2017**

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

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

Also, Present: Matthew Hall, Manager  
Laurie A. Barton Borough Clerk  
Tara St. Angelo, Attorney

Mayor Higgins led everyone in the flag salute.

Moment of silence was observed for the devastation to Puerto Rico and the victims of the Las Vegas shooting.

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.”

**PROCLAMATION**

Mayor Higgins presented the Domestic Abuse & Assault Crises Center of Warren County with the following Proclamation-recognizing National Domestic Violence Awareness Month (October)

**Domestic Abuse & Sexual Assault Crisis Center (DASACC)  
Proclamation: National Domestic Violence Awareness Month,  
October 2017**

WHEREAS, in 1991, the New Jersey Legislature found and declared that domestic violence is a serious crime against society; and

WHEREAS, domestic violence affects people of all ages, races, genders, income levels, and sexual identities; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, psychological damage, financial barriers, and trouble finding safe housing; and

WHEREAS, everyone should be free from violence; and

WHEREAS, no one should feel unsafe in their own home; and

WHEREAS, domestic violence will not be eliminated without a concerted effort amongst the community at large; and

NOW, THEREFORE, I, Mayor David Higgins of Washington Borough, in conjunction with the Domestic Abuse & Sexual Assault Crisis Center of Warren County, hereby proclaim:

October 2017 as Domestic Violence Awareness Month in Washington and urge residents to work together to raise awareness of this important issue and support those who have been victimized.

## **MINUTES**

Motion made by Heinrich and seconded by Noone to approve the meeting minutes of regular meetings; 09/05/2017 & 09/19/2017 and executive sessions; 09/05/2017 & 09/17/2017 (Proof for content only)

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

Ayes: 6, Nays: 0  
Abstain: 1 (Thompson)  
Motion carried.

## **CORRESPONDENCE**

Motion made by Heinrich and seconded by Valle to receive and file correspondences as noted, all were in favor.

Ayes: 7, Nays: 0  
Motion carried.

## **EXECUTIVE SESSION**

Mayor Higgins announced that at this time they will deviate from the agenda and go into executive session to discuss pending Affordable Housing litigation, personnel and contractual.

A motion was made by Heinrich seconded by Thompson to approve a resolution authorizing executive session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter.

Ayes: 7 Nays: 0  
Motion Carried.

**RESOLUTION**  
**AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

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

(Provision relied upon: \_\_\_\_\_);

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

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

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

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

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

Investigations of violations or possible violations of the law;

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

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

OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's

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

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

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

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

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

Ayes: 7; Nays: 0  
Motion Carried.

### **COUNCIL APPEARANCE**

*Deputy Mayor Heinrich took the Chair during Mr. Dehass's council appearance.*

Bill Dehass, came to discuss the ongoing problem with access to his property next to the railroad. Mr. Dehass insists that the property is borough owned. Lengthy discussions ensued regarding the railroad's responses to emails and the business that keeps blocking the driveway. Manager Hall stated that there is a prescriptive easement concerning the property with the railroad, and the borough cannot jeopardize that easement by signing a lease. Mr. Dehass was advised that in the

future if the business is blocking his driveway he is to immediately call Manager Hall, so that he can get it cleared.

*Mayor Higgins back in Chair*

Rev Bauknight, Library President, asked about the fundraiser and for clarification of what they need for the upcoming event involving alcohol. Manager Hall stated that the vendors who are providing the alcohol or serving it must provide an insurance certificate showing liability, which falls on them.

Discussions of the capital ordinance that gave the library \$35,000 for capital improvements ensued. Mayor Higgins directed Manager Hall to reach out to the auditor and ask him what the library can and cannot do with the \$35,000.00

Hearing no further comments, motion made by Heinrich and seconded by Valle to close the audience portion.

Ayes: 7 Nays: 0  
Motion Carried.

**REPORTS:**

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

Police  
Court  
DPW

Ayes: 6 Nays: 0  
Abstain: 1 (Heinrich)  
Motion Carried.

**ORDINANCES**

Motion made by Heinrich to open the public hearing for Ordinance 2017-15, motion seconded by Noone.

Ayes: 7 Nays: 0  
Motion Carried.

Hearing no public comment, motion made to close public portion by Klimko and seconded by Thompson.

Ayes: 7 Nays: 0  
Motion Carried.

Motion to approve Ordinance 2017-15 made by Heinrich and seconded Noone.

ROLL CALL: Heinrich, Higgins, Jones, Klimko, Noone, Thompson and Valle.  
Ayes: 6, Nays: 1(Valle)  
Motion carried.

#### **ORDINANCE 2017-15**

#### **ORDINANCE AUTHORIZING ACCEPTANCE OF TITLE TO THE POCKET PARK AND MID-TOWN PARKING LOT OF THE WASHINGTON BUSINESS IMPROVEMENT DISTRICT AND AMENDING A PORTION OF CHAPTER 3, ARTICLE VIIIA AND CHAPTER 64, ARTICLE I OF THE CODE OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, the Washington Business Improvement District Management Corporation (the “BID”) is an independent district management corporation formed pursuant to Title 15A of the New Jersey statutes to provide administrative and other services within the District to benefit the businesses, employees, residents and consumers within Borough and to assist Borough in promoting economic growth and employment; and

**WHEREAS**, the BID is the owner of that certain parcel of land and improvements thereon located at 44 East Washington Avenue, in the Borough of Washington, Warren County, State of New Jersey, known and designated as Lots 2, 3.01, 23 & 24 in Block 24 on the Washington Borough Tax Map (hereinafter the “Property”); and

**WHEREAS**, the Property is located within the Washington Borough Business Improvement District (the “District”); and

**WHEREAS**, the BID acquired the Property and was designated as the redeveloper to construct a pocket park/plaza and parking lot upon the Property (the “Park”), pursuant to a Redevelopment Plan adopted on April 7, 2009, under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, and

**WHEREAS**, the construction of the Park is a strategic part of the marketing action plan of the BID to revitalize the Downtown; and

**WHEREAS**, the BID and the Borough Council have successfully worked in a public/private partnership with the BID as the redevelopment agent for the Borough for multiple projects including the adjoining parking lot; and

**WHEREAS**, the parties wished to apply for a grant or grants from the Warren County Municipal and Charitable Conservancy Trust Fund (the “Grant”) to provide funding for the acquisition of public open space and construction of the Park; and

**WHEREAS**, municipal ownership of the Property is one of the prerequisites of the Grant; and

**WHEREAS**, the Grant could be authorized to be issued to the BID to acquire the Property on the condition that the Borough agreed to take title to the Property at a future date; and

**WHEREAS**, to facilitate the Grant and the acquisition of the Property and construction of the Park by the BID, the Borough applied for the Grant for the purpose of the BID’s acquisition of the Property and the Borough agreed to act as the pass through entity and provide the Grant funds to the BID to purchase the Property; and

**WHEREAS**, the BID obtained the Grant, acquired the Property, and constructed the Park upon the Property; and

**WHEREAS**, the BID agreed that, upon completion of the Park it would convey title to the Property to the Borough, subject to the final approval of the Borough Manager, Attorney and Engineer, of the terms and conditions set forth in the Pocket Park Acquisition, Use, Operations, Maintenance and Revenues Agreement, (hereinafter “Agreement”), concerning the use and operation of the Park and the revenues obtained relating thereto; and

**WHEREAS**, the Borough Manager, Attorney and Engineer have approved the terms and conditions set forth in the Agreement, concerning the use and operation of the Park and the revenues obtained relating thereto; and

**WHEREAS**, the BID has completed the Park, and now seeks to transfer title to the Property to the Borough.

**NOW, THEREFORE, BE IT ORDAINED** that the Borough of Washington hereby accepts, from the BID, title to the Property containing the improvements of a pocket park/plaza and a parking lot constructed by the BID thereon; and

**BE IT FURTHER ORDAINED** that the first sentence of subsection (A) (1) of Chapter 3, Article VIIIA, Section 3-55.4, “Powers and Duties of Recreation Commissioners”, be deleted in its entirety and replaced by the following: “To supervise and regulate all parks, playgrounds

and recreational areas belonging to the Borough, except the Borough Pocket Park located on Block 24, Lot 24 of the Borough; and

**BE IT FURTHER ORDAINED** that Section 64-1 of Chapter 64, Article I, "Supervision by Board of Recreation Commissioners", be deleted in its entirety and replaced by the following: "The Board of Recreation Commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased in the name of the Borough of Washington except the Borough Pocket Park located on Block 24, Lot 24 of the Borough, and may adopt suitable rules, regulations and bylaws for the use thereof, and the conduct of all persons while on or using the same subject to the review and approval of the Mayor and Council.

**BE IT FURTHER ORDAINED** that the Mayor, Clerk of the Borough, Borough Treasurer, and any other proper official of the Borough be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance; and

**BE IT ORDAINED** that this Ordinance shall take effect immediately upon publication following final passage.

Motion made by Heinrich to open the public hearing for Ordinance 2017-16, motion seconded by Noone.

Ayes: 7 Nays: 0  
Motion Carried.

Hearing no public comment, motion made to close public portion by Heinrich and seconded by Klimko.

Ayes: 7 Nays: 0  
Motion Carried.

Motion to approve Ordinance 2017-16 made by Heinrich and seconded Klimko.

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

**ORDINANCE 2017-16**  
**AN ORDINANCE AMENDING CHAPTER 85 VEHICLES AND TRAFFIC OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON**

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

**WHEREAS**, there is found to be a need to add and remove certain handicap parking spaces; and,

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

**WHEREAS**, there are other needed changes to the rules for parking trailers and heavy trucks on Borough Streets; and,

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

**Article 1: 85-2 – Definitions**

Recreational Vehicle – A vehicle which is designed primarily to transport persons for recreational purposes instead of transportation purposes, or a vehicle that serves as a temporary dwelling. This may include a vehicle that is self-propelled towed or carried by another vehicle but shall not include camper caps that fit over and atop pickup trucks. This term shall include watercraft motor homes travel trailers all-terrain vehicles and snowmobiles. Transportation trailer – non self-propelled utility trailer used primarily for transportation purposes instead of recreational purposes. This may include landscaping trailers, boat trailers, or any other trailer requiring a NJ Motor Vehicle Commission registration plate, whether such plates are considered private or commercial.

Construction Vehicle Trailer – a vehicle which is primarily used for commercial or residential construction, which is utilized for transportation of building materials and tools of the trade; and bearing the Business Name and address of the commercial business displayed on the vehicle.

**Article II: 85-11: Truck and Trailer Prohibitions and Exclusions:** Amend to read as follows:

No person shall park a truck of 12,500 lbs. GVWR or trailer in any of the off street municipal parking areas without obtaining a permit for the overnight lot parking.

**Article III – 85-12: Truck Exclusions** Amend title as follows:

1. No Trucks over 12,500 lbs. GVWR shall park on any public street within the Borough of Washington for longer than 2 hours.
2. Trucks over 12,500 lbs. GVWR are hereby excluded from all streets within the Borough of Washington except for the pickup and delivery of materials on such streets; except on so designated Truck Routes in Schedule VI of this chapter.

3. No Recreational Vehicles shall be parked on any public street within the Borough of Washington for more than 2 hours.
4. No trailers shall be parked on any public street within the Borough of Washington for more than 2 hours.
5. Construction vehicle trailers are hereby exempted from no parking on any street prohibition provided a permit for overnight parking is obtained from the Borough Manager or his designee.
6. Tractor Trailers are prohibited from parking in municipal lots unless permit is obtained from the Borough Manager or his designee.

### **Article VIII: Schedules**

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

Change: Allegar Street both sides from Broad Street to Gibson's Gym Free Parking Lot.

Change: Cornish Street no parking north side; no parking south side from the corner of Cornish Street and South Lincoln Avenue to a point 130 feet southwesterly therefrom.

Add: Fillmore Street South Side from McKinley to Prosper Way.

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

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

Add: South Prospect either side From Rt. 57 to West Marble Street.

Add: Hann Street both sides entire length.

Change: Jackson Avenue west side street parking.

Add: North Jackson Avenue Ave west side.

Add: South Jackson both sides entire length.

Add: Jefferson Both sides entire length

Change Lower Park Drive South side only from Park Entrance Road to Route 31.

Add: Pohatcong Avenue both sides entire length.

Add: Vanatta Street east side.

Parking Allowed:

Add: The addition of 3 parking spaces East Side of North Prospect Street between the Washington Arms Apartments and the Emergency Exit at the Warren Hills Middle School

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

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Maximum Time</u>	<u>Location</u>
			(minimum)	
East Washington Avenue	Both	8:00 a.m. to 6:00 p.m.	120	From Belvidere Avenue and Broad Street to Jackson Avenue, excepting that portion between a point 35 feet west of the westerly curb line of School Street and a point 86 feet west of the westerly curb line of School Street.
East Washington Avenue	North	6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. Monday through Friday	15	Beginning at a point 35 feet west of the westerly curb line of School Street and a point 86 feet west of the westerly curb line of School Street.

Add: North Prospect no parking for vehicles above 12,500 lbs. GVWR.

In accordance with the provisions of Chapter 85, Article II, Subsection II, no person shall park a vehicle for longer than two hours in any off street and Municipal Parking lots unless an overnight parking permit has been obtained from the Municipal Clerk's Office. In addition, no person shall park a vehicle at any time in any alley.

In addition to all other fines and penalties, a vehicle parked in violation of this section shall be subject to towing cost of which shall be paid for by the owner or the operator of the vehicle before such vehicle shall be released. All persons parking pursuant to parking permit shall comply with all applicable parking and traffic rules and regulations. It shall be in violation of this section to photocopy otherwise reproduce or in any way create a facsimile or counterfeit permit. It shall be a violation hereof to display or otherwise use a permit known to be counterfeit. It shall be a violation hereof to furnish false information or fraudulent documents in connection with an application for a permit. Any person violating the provisions hereof shall be subject to a fine not to exceed \$500 and or imprisonment for not more than 10 days.

## **Article VIII 85-29 Schedule VII One Way Streets**

Amend as follows:

Delete North Jackson Ave

Delete unnamed alley off North Lincoln Avenue South of Warren Hills Middle School

## **Article IX. Snow Emergencies**

### **85-40 Parking restrictions during snow removal periods.**

Amend as follows:

Whenever snow has fallen and the accumulation is such that it covers the streets or highways or thoroughfares, an emergency shall exist and no vehicle shall be parked on the streets or highways of Washington Borough. The above parking prohibition shall remain in effect until after the snow has ceased and the streets or highways or thoroughfares have been plowed and/or treated sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

### **84-41 Removal and Impoundment of Vehicles.**

Amend as follows:

The Police Department serving the Borough of Washington and the Code Enforcement Officer (replaces the Borough of Washington Police Department)

## **Article X Speed Limits 85-43**

Add Lenape Trail Speed Limit 15mph (entire length)

## **Article XIV 85-59 Municipal Parking Lots**

C other lots

(1).

- (a). Delete
- (b). Delete
- (c). Delete
- (d). Change from East Church Plaza to Star Plaza
- (f). Change from North Central Plaza to Pocket Park Plaza
- (e). Delete

(3). Broad Street Plaza, located on the west side of Broad Street, south of the former Public Library building shall be designated two (2) hour parking only between the hours of 8:00 a.m. and 6:00 p.m.

**D. Change from Theater Plaza to Theater/Methodist Church Plaza**

Add: Church parking on Sunday between 7:00 a.m. and 2:00 p.m.

Add: Parking spaces located in the Borough Hall parking lot shall be designated as follows:

Those twelve (12) parking spaces beginning at a point in the northeast corner of the Borough Hall parking lot and continuing 122 feet southeasterly therefrom shall be restricted to employees of the Borough of Washington only between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding official Borough recognized holidays.

Those five (5) parking spaces beginning at a point in the southeast corner of the Borough Hall parking lot and continuing 53 feet northwesterly therefrom shall be restricted to individuals conducting business with the Borough of Washington.

Those six (6) parking spaces beginning in the northwest corner of the Borough Hall parking lot and continuing 63 feet southeasterly therefrom shall be restricted to members of the Washington Fire Department in accordance with their official duties.

Those three (3) parking spaces beginning from a point 63 feet southeast of the northwest corner of the Borough Hall parking lot and continuing 40 feet southeasterly therefrom shall be designated as handicapped parking.

Those four (4) spaces beginning from a point 103 feet southeast of the northwest corner of the Borough Hall parking lot and continuing 47 feet southeasterly therefrom shall be restricted to fifteen (15) minute parking between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding official Borough recognized holidays.

Vehicles parked in violation of these regulations or vehicles outside of official parking spaces delineated by the Borough of Washington will be subject to ticketing and or towing in accordance with § 85-63 and § 85-64 of the code of the Borough of Washington.

**Article XIV: 85- 68 Enforcing Agency:**

Change to Police Department serving the Borough of Washington

Add: and by the Code Enforcement Officer and Crossing Guards so authorized by the Borough of Washington to enforce State, county or municipal statutes, resolutions, ordinances or regulations related to the parking of vehicles within the municipality in accordance with the provisions of **N.J.S.A. 40A:9-154.7 et seq.**

**Article XVI: On Street Parking for Handicapped**

Handicapped parking.

A. Resident handicapped on-street parking.

(1) Purpose:

The purpose of this section is to establish a restricted parking zone, by ordinance or resolution, in front of a residence occupied by a handicapped person, which person has been issued a windshield placard or wheelchair symbol license plates for the vehicle owned by the handicapped person by the New Jersey Motor Vehicle Commission or Division of Motor Vehicles pursuant to applicable law.

(2) Statutory authority:

This chapter is enacted in accordance with N.J.S.A. 39:4-197.6, which does confer upon the Borough a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare.

(3) Criteria:

- (a) The person requesting on-street resident handicapped parking is a resident of the Borough of Washington who shall make application to the Borough of Washington. The application shall be reviewed, and approved or denied, by the Borough Manager. A negative determination may be appealed to the Borough Council if a request from the resident aggrieved is received within 20 days from the date of the declination.
  - (b) The person requesting on-street resident handicapped parking has been issued a wheelchair symbol license plate or windshield placard issued by the New Jersey Motor Vehicle Commission which is properly displayed in either the handicapped resident's vehicle or the vehicle of an immediate family member who also resides at that location. The person requesting on-street parking does not have adequate off-street parking on his/her property.
  - (c) The subject property passes an on-site inspection by the Department of Public Works, which inspection shall determine whether handicapped parking will interfere with the normal flow of traffic or whether there is immediate adjacent off-street parking available to the applicant.
  - (d) The applicant complies with the provisions of N.J.S.A. 39:4-138(o) and 39:4-197.6, regulating handicapped parking in designated spaces.
  - (e) Upon approval of an applicant's request for resident handicapped on-street parking, the Borough will enact an appropriate resolution designating the name of the subject street, the side of that street where the resident resides, and a description of the allowed parking area in front of the subject residence. Such designation shall be within the property lines of the subject residence but otherwise shall be subject to the discretion of the Borough Council or its designee.
- (4) Violations and penalties. Any person improperly parking in a properly designated resident handicapped resident parking space shall be subject to the penalties under N.J.S.A. 39:4-203 and

39:4-207.7, or shall be subject to a fine and court costs not to exceed the maximum established by statute.

(5) In accordance with the provisions of N.J.S.A. 39:4-197.6, a list of on-street locations designated as handicapped parking spaces in front of private residences occupied by handicapped persons shall be maintained in the office of the Borough Manager and be made available for public inspection upon request. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted in these spaces.

Add:

### **Article XVII: Delineated On Street Parking on One Way Streets**

#### **(1) Purpose:**

Where deemed necessary, the Borough shall, after conducting a survey of the street in conjunction with the Borough Manager, the Public Works Superintendent, and the Chief of Police, delineate parking spaces for the purposes of ensuring orderly parking of vehicles. Such parking spaces shall be delineated by white lines extending eight (8) feet from the curbline toward the centerline of the street. Parking spaces shall be at least nineteen (19) feet in length but not more than twenty-two (22) feet in length.

#### **(2) Schedule of Delineated Parking Streets:**

School Street – West side; NJ Route 57 to East Church Street.

#### **(3) Violations and Penalties:**

Vehicles parked outside of official parking spaces delineated by the Borough of Washington on any street listed in the schedule of delineated parking streets herein will be subject to ticketing and or towing in accordance with § 85-63 and § 85-64 of the code of the Borough of Washington.

## **RESOLUTIONS**

Motion made by Heinrich and seconded by Valle to approve Resolution 2017-197.

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

Ayes: 7, Nays: 0

Motion carried.

## **RESOLUTION 2017-197**

**RESOLUTION IN SUPPORT OF THE { F.O.P. } FIBRO  
DYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS INITIATIVE**

**WHEREAS**, Fibrodysplasia Ossificans Progressiva { FOP } is a rare genetic condition in which the body makes additional bone in locations where bone should not form, such as within muscles, tendons, ligaments, and other connective tissues, which in time produces a 'second skeleton' that immobilizes the joints of the body; and

**WHEREAS**, one in every seven Americans suffer from musculoskeletal impairment causing physical disability and severe long-term pain; and

**WHEREAS**, the symptoms of FOP usually begin in the first or second decade of life, with the majority of patients diagnosed by the age of 10 depriving children of normal development; and

**WHEREAS**, FOP is considered an orphan disease whereby it affects so few people and there are less than 12 diagnosed cases in New Jersey and approximately 200 in the nation; and

**WHEREAS**, musculoskeletal research is close to achieving major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and

**WHEREAS**, there is a need for greater awareness of this disorder, its symptoms and the obstacles faced by persons and families affected by this disorder.

**NOW, THEREFORE, BE IT RESOLVED** that the Washington Borough Mayor and Council, in the County of Warren and State of New Jersey, hereby applaud and recognize Gary W. Whyte as an outstanding individual for his tenacious drive to support and help so many within the community for the awareness of Fibrodysplasia Ossificans Progressiva { FOP } and urge the medical community to continue researching for treatment and a cure for this rare genetic disorder.

Motion made by Jones and seconded by Klimko to approve Resolution 2017-198

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

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2017-198**  
**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 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$351.96 for taxes or other municipal liens assessed for the year 2014 in the name of Hicks, Daniel as supposed owner, and in said assessment and sale were described as 20 Grand Ave, Block 13.01 Lot 7, which sale was evidenced by certificate #15-00006; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-13-17 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,931.16 which is the amount necessary to redeem Tax Sale Certificate #15-00006.

**NOW THEREFORE BE IT RESOLVED**, on this 3rd day of October 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$3,131.16** (This consists of \$1,931.16 Certificate Amount redeemed + \$1,200.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 13.01 Lot 7 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolution 2017-199

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

Ayes: 7, Nays: 0

Motion carried.

**RESOLUTION 2017-199**

**OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN  
EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS  
REGARDING THE OPEN PUBLIC MEETINGS ACT AND  
OPEN PUBLIC RECORDS ACT**

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Washington that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

Motion made by Heinrich and seconded by Valle to approve Resolution 2017-200

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

Ayes: 7, Nays: 0

Motion carried.

### **RESOLUTION 2017-200**

#### **RESOLUTION AWARDING THE CONTRACT FOR SOLID WASTE, YARD WASTE AND RECYCLABLE MATERIALS AND COLLECTION AND DISPOSAL SERVICES TO LMR DISPOSAL, LLC**

**WHEREAS**, the Borough of Washington (the “Borough”) issued bid specifications for a contract for solid waste, yard waste, and recyclable materials collection and disposal services; and

**WHEREAS**, at the bid opening on August 31, 2017, the Borough received two responses from LMR Disposal Services, LLC (“LMR”) and Blue Diamond Disposal, Inc., as follows:

#### **LMR Disposal, LLC**

Year	Base Bid	Option #1 (Collection of bulk household waste curbside twice annually)	Option #2 (Collection of bulk household waste once annually at public works garage)
2018	\$264,500	\$19,500	\$8,800
2019	\$264,500	\$19,500	\$8,800
2020	\$264,500	\$19,500	\$8,800

#### **Blue Diamond**

Year	Base Bid	Option #1 (Collection of bulk household waste curbside twice annually)	Option #2 (Collection of bulk household waste once annually at public works garage)
2018	\$300,000	\$36,000	\$48,000
2019	\$309,080	\$37,000	\$52,000
2020	\$318,400	\$38,000	\$56,000

**WHEREAS**, after opening of the bids, the Borough received correspondence dated September 15, 2017 from the attorney for Blue Diamond alleging certain non-waivable defects in LMR's bid; and

**WHEREAS**, by letter dated September 29, 2017 addressed to the attorneys for LMR and Blue Diamond, the Borough Attorney responded to such letter; and

**WHEREAS**, the Borough received correspondence dated October 2, 2017 from the attorney for LMR refuting that any such non-waivable defects existed in LMR's bid and correspondence of the same date from Blue Diamond's attorney reiterating their position; and

**WHEREAS**, at the Borough Council's regular meeting on October 3, 2017, representatives of both LMR and Blue Diamond were offered an opportunity to address the Council; and

**WHEREAS**, at such meeting an attorney for LMR appeared and addressed the Council; and

**WHEREAS**, after consideration of all of the above-referenced correspondence and the presentation by LMR's attorney, the Borough Council decided to award the bid to LMR; and

**WHEREAS**, the Council decided to award to LMR for the Base Bid plus Option #1 and made the following conclusions based upon advice of the Borough Attorney:

1. The failure of LMR to include a Surety Disclosure Statement and Certification for the Bid Bond was a waivable defect because it was proven that its surety, Colonial Surety Company, is licensed to do business in New Jersey.
2. The discrepancy between the bid price written in words and in numbers for Option #1 in LMR's bid is a waivable defect because its bid was still lower than Blue Diamond's bid.
3. LMR's failure to include the approval letter issued in compliance with N.J.S.A. 13:1E-126 is a waivable defect.
4. LMR's failure to LMR's include page 12A of the 2016 Collectors and Brokers Annual Report is a waivable defect.

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

1. The bid for a contract for solid waste, yard waste, and recyclable materials collection and disposal services is awarded to LMR Disposal, LLC with regard to the Base Bid plus Option #1.
2. Subject to the approval by the Borough Attorney as to form, the Mayor and the Borough Clerk are hereby authorized and directed to execute a contract for the same.

#### **VOUCHERS AND CLAIMS**

Motion made by Heinrich seconded by Valle to pay the vouchers and claims in the amount of \$888,071.58 from the current fund and \$ 5,012.12 from sewer.

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

Ayes: 7, Nays: 0

Abstention: Thompson abstains from any  
Fire and EMS bills.

Motion Carried.

### **COUNCIL REMARKS**

Councilman Heinrich commented on how well the festival was put together and added it was good to see everyone there.

Councilwoman Klimko expressed her thoughts and prayers for the victims of the Las Vegas shooting. Councilwoman Klimko discussed the ongoing problems with the shuttle buses from the county.

Councilwoman Klimko inquired about the handi-cap mats on the street corners.

Councilwoman Noone gave thanks to the Police, DPW and Manager involved with the festival and thanked everyone for the farmers market this season.

Councilwoman Valle stated she had a great time at the festival and that there were a lot of people in attendance. Councilwoman Valle stated she was happy to see the minutes posted to the website a lot sooner than what was previously done in the past and thanked the Clerk, Laurie Barton for accomplishing this.

Mayor Higgins discussed the brush being pushed back to the following week for pick up due to the mid-block project. Mayor Higgins requested that it be put on the next agenda for discussion of tickets versus warnings according to the boroughs code book and residents having to take a day off to attend court.

Mayor Higgins touched on the boroughs festival and stated he received positive comments all day regarding the festival. Mayor Higgins discussed two incidents at the close of the festival where one situation was quickly dispersed with no one getting arrested, the police handled it excellently.

The other incident involved teenagers treating the police officers with disrespect. They were at the festival all day long with their bikes riding around, in which there weren't supposed to be. At the end of the night a 14-year old went up to a police officer cursing at him and then running off. The teenager was apprehended. Officer Teter added that the incident was posted on snap chat.

## **EXECUTIVE SESSION**

A motion was made by Noone and seconded by Valle to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:20 p.m.

Ayes: 7 Nays: 0  
Motion Carried.

### **RESOLUTION** **AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

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

(Provision relied upon: \_\_\_\_\_);

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

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

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

\_\_\_\_\_);

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

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

Investigations of violations or possible violations of the law;

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

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

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

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

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

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

A motion was made by Noone seconded by Valle to come out of Executive Session at 8:31 pm.

Ayes: 7; Nays: 0  
Motion Carried.

## **ADJOURNMENT**

Hearing no further business, a motion was made by Klimko seconded by Valle to adjourn the meeting at 8:31 pm.

Ayes: 7; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk