

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
September 18, 2018

The regular meeting of the Township Committee was held on this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:30 pm by Mayor Klingel.

SUNSHINE LAW COMPLIANCE – Mayor Klingel noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Star-Gazette and transmitted to the Express-Times, posted at the Municipal Building and a copy is on file in the Clerk’s office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL

Fiore, present; Kovacs, present; Rossi, present; Willan, present; Klingel, present

STAFF PRESENT

Ann Kilduff, Township Clerk; Attorney Michael Lavery; Raina Fox, Deputy Township Clerk; Chief Cicerelle; Eileen Parks, Acting CFO; Andrew Hart, Assistant Superintendent of Public Works; Joseph Rossi, Construction Official

SALUTE TO THE FLAG

A Proclamation to recognize October 6, 2018 as Knock Out Opioid Abuse Day was read by Mayor Klingel.

APPROVAL OF MINUTES

A motion was made by Fiore, seconded by Kovacs, to approve the minutes of the regular meeting of August 21, 2018.

**ROLL CALL:** Fiore, yes; Kovacs, yes; Rossi, yes; Willan, yes; Klingel, abstain

A motion was made by Willan, seconded by Kovacs, to approve the Executive Session minutes of the regular meeting of August 21, 2018.

**ROLL CALL:** Willan, yes; Kovacs, yes; Fiore, yes; Rossi, yes; Klingel, yes

A motion was made by Fiore, seconded by Kovacs to approve the minutes of the special meeting of September 4, 2018.

**ROLL CALL:** Fiore, yes; Kovacs, yes, Rossi, abstain; Willan, abstain; Klingel, yes

ORDINANCES

A motion was made by Fiore, seconded by Rossi, to open to the public Ordinance 18-09, Ordinance of the Township of Washington, County of Warren, State of New Jersey Amending Chapter 64, Development Regulations, Article II, Section 12, “Performance Guarantees and Inspections” of the Code of the Township of Washington – 2<sup>nd</sup>

**Reading, Public Hearing, and Adoption**

**All were in favor.**

Seeing no one, a motion was made by Fiore, seconded by Rossi, to close the public portion of Ordinance 18-09. **All were in favor.**

A motion was made by Willan, seconded by Fiore, to adopt Ordinance 18-09 on second reading.

**ROLL CALL:** Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

**ORDINANCE 2018-09**  
**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF**  
**NEW JERSEY AMENDING CHAPTER 64, DEVELOPMENT REGULATIONS, ARTICLE II,**  
**SECTION 12 PERFORMANCE GUARANTEES AND INSPECTIONS OF THE CODE OF THE**  
**TOWNSHIP OF WASHINGTON**

**Section 1.** Chapter 64: Development Regulations, Article II § 64-12 is hereby repealed and replaced with the following new Guarantees and Inspections section to comply with amendments in the Municipal Land Use Law, N.J.S.A. 40:55D-53 as follows:

**§ 64-12 Guarantees and Inspections.**

**A. General.** The developer shall furnish a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to the public entity, and that have not yet been installed, which cost shall be determined by the municipal engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," N.J.S.A.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

**B. Privately-owned perimeter buffer landscaping.** The performance guarantee shall include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by ordinance or imposed as a condition of approval. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

**C. Temporary Certificate of Occupancy Bond.** In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, building, or phase of development, as a condition of the issuance thereof, the developer shall, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy bond," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, building or phase of development. Upon posting of a "temporary certificate of occupancy bond," all sums remaining under a performance guarantee, required pursuant to § 64-12(A) which relate to the development, unit, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. At no time shall the municipality hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy bond shall be released upon the issuance of a permanent certificate of occupancy with regard to the development, unit, building, or phase as to which the temporary certificate of occupancy relates.

**D. Safety and Stabilization Bond.** In addition to a performance guarantee required pursuant to § 64-12(A), a developer shall furnish to the municipality a separate guarantee, referred to herein as a “safety and stabilization bond,” in favor of the municipality, to be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(1) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(2) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality’s intent to claim payment under the bond.

(3) The municipality shall not provide notice of its intent to claim payment under a “safety and stabilization bond” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

(4) The amount of a “safety and stabilization bond” for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

(5) The amount of a “safety and stabilization bond” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows: 5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

**E. Extension of Time.** The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

**F. Liability.** If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the “Local Public Contracts Law,” N.J.S.A. 40A:11-1 et seq.

**G. Request for List of Uncompleted or Unsatisfactory Completed Improvements.** Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to § 64-12(A), a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request

and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request. The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to § 64-12 (A).

**H. Action by Governing Body.** The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee and the “safety and stabilization bond” relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to § 64-12 (A). This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee and “safety and stabilization bond,” with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization bond” posted may be retained to ensure completion and acceptability of all improvements. For the purpose of releasing the obligor from liability pursuant to its performance guarantee and “safety and stabilization bond,” the amount of the performance guarantee and “safety and stabilization bond” attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization bond” to ensure completion and acceptability of all improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy bond” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

**I. Maintenance Guarantees.** The developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to § 64-12 (A) or § 64-12 (B) or both §64-12 (A) and (B) a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released as follow:

**(1) Amount of Maintenance Guarantee.** The developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: storm water management basins, in-flow and water quality structures within the basins, and

the out-flow pipes and structures of the storm water management system, if any, which cost shall be determined according to the method of calculation set forth in N.J.S.A. 40:55D-53.4.

**(2) Term.** The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

**J. Engineering inspection fees.** The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements: which fees shall not exceed the sum of the amounts set forth in subparagraphs (1) and (2) of this paragraph. The developer shall post the inspection fees in escrow in an amount:

(1) not to exceed 5% of the cost of bonded improvements that are subject to a performance guarantee under §64-12(A) or §64-12(B) or both §64-12(A) and (B); and

(2) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under §64-12(A), which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

(3) **Installments.** For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) **Request for Additional Deposit.** If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (1) and (2) of paragraph (J) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

**Section 2.** All other provisions of Chapter 64 not modified herein shall remain unchanged and in full force and effect.

**Section 3. Severability.** If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This ordinance may be renumbered for codification purposes.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Warren County Planning Board.

A motion was made by Rossi, seconded by Fiore, to introduce to the public Ordinance 18-10, Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend and Supplement Chapter 123, Section 123-32, "Conditional Uses; Special Requirements" of the Code of the Township of Washington – Introduction (2<sup>nd</sup> reading, public hearing and adoption at the October 16, 2018 meeting)

**ROLL CALL:** Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

**ORDINANCE NO. 2018-10**

**ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 123, SECTION 123-32, "CONDITIONAL USES; SPECIAL REQUIREMENTS" OF THE CODE OF THE TOWNSHIP OF WASHINGTON**

**WHEREAS**, the Township Committee of the Township of Washington, County of Warren, State of New Jersey, desires to supplement and amend Chapter 123 of the Code of the Township of Washington in order to update the special requirements for service stations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 123 of the Code of the Township of Washington be supplemented and amended to read as follows:

§123-32, shall be amended as follows:

**Section 1:**

§123-32, subsection G (2) (l) shall be amended as follows:

(l) Intentionally left blank

**Section 2:**

**REPEAL**

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

**Section 3:**

**SEVERABILITY**

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

This Ordinance shall take effect immediately upon final publication as provided by law.

RESOLUTIONS

A motion was made by Rossi, seconded by Fiore to approve Resolution 2018-153 through and including Resolution 2018-164.

**ROLL CALL:** Rossi, yes; Fiore, yes; Kovacs, yes; Willan, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION 2018-153**

**A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY  
AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR  
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 93, LOTS 3, 4 AND 8**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.2 requires that whenever a municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any contiguous to such real property the right of prior refusal to purchase such land; and

**WHEREAS**, the Township of Washington is the owner of certain real property known as Block 93, Lots 3, 4 and 8 located in the Butler Park section of the Township; and

**WHEREAS**, Block 93, Lots 3, 4 and 8 are less than the minimum size required for development under the municipal zoning ordinance and the property is without any capital improvements; and

**WHEREAS**, said property is not needed for public use, and the Township Committee has determined that it is in the best interest of the Township to sell the property; and

**WHEREAS**, the Township sent letters to the adjacent property owners offering the property for sale; and

**WHEREAS**, George Hueber was the only resident who submitted an offer to purchase the property for \$250.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, that:

1. The property known as Block 93, Lots 3, 4 and 8 was offered to all contiguous property owners as required by N.J.S.A. 40A:12-13.2.
2. The said property shall be sold to George Hueber, 1202 Butlers Park Road, Washington, New Jersey 07882.

3. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION 2018-154**

**A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY  
AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR  
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 91, LOTS 1 AND 2**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.2 requires that whenever a municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any contiguous to such real property the right of prior refusal to purchase such land; and

**WHEREAS**, the Township of Washington is the owner of certain real property known as Block 91, Lots 1 and 2 located in the Butler Park section of the Township; and

**WHEREAS**, Block 91, Lot 1 and 2 are less than the minimum size required for development under the municipal zoning ordinance and the property is without any capital improvements; and

**WHEREAS**, said property is not needed for public use, and the Township Committee has determined that it is in the best interest of the Township to sell the property; and

**WHEREAS**, the Township sent letters to the adjacent property owners offering the property for sale; and

**WHEREAS**, Daniel and Carol Wicks were the only residents who submitted an offer to purchase the property for \$5,000.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, that:

1. The property known as Block 91, Lots 1 and 2 was offered to all contiguous property owners as required by N.J.S.A. 40A:12-13.2.
2. The said property shall be sold to Daniel and Carol Wicks, 1201 Butlers Park Road, Washington, New Jersey 07882.

3. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION 2018-155**

**A RESOLUTION OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY  
AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR  
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 94, LOTS 6 AND 7**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.2 requires that whenever a municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any contiguous to such real property the right of prior refusal to purchase such land; and

**WHEREAS**, the Township of Washington is the owner of certain real property known as Block 94, Lots 6 and 7 located in the Butler Park section of the Township; and

**WHEREAS**, Block 94, Lot 6 and 7 are less than the minimum size required for development under the municipal zoning ordinance and the property is without any capital improvements; and

**WHEREAS**, said property is not needed for public use, and the Township Committee has determined that it is in the best interest of the Township to sell the property; and

**WHEREAS**, the Township sent letters to the adjacent property owners offering the property for sale; and

**WHEREAS**, Penelope Schell was the only residents who submitted an offer to purchase the property for \$500; and

**WHEREAS**, Ms. Schell has requested that the property be titled in her daughter, Amy Moczydlowski, using the same address as Ms. Schell, 1218 Butlers Park Road.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, County of Warren, State of New Jersey, that:

1. The property known as Block 94, Lots 6 and 7 was offered to all contiguous property owners as required by N.J.S.A. 40A:12-13.2.

2. The said property shall be sold to Amy Moczydlowski, 1218 Butlers Park Road, Washington, New Jersey 07882.
3. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION #18-156  
A RESOLUTION IMPOSING A HALLOWEEN CURFEW  
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT  
WITHIN THE TOWNSHIP 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 Township; and

**WHEREAS**, the Township 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 Township Committee of the Township 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 Tuesday, October 30, 2018 up to and including Wednesday, October 31, 2018. 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 Township of Washington on Wednesday, October 31, 2018 from 3:00 pm to 7:00 pm.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY**

**RESOLUTION 2018-157**

**A RESOLUTION AUTHORIZING THE RELEASE OF THE REMAINING BALANCE IN THE  
DEVELOPER'S ESCROW ACCOUNTS FOR JOE JUSTO REALTY  
HELD IN TRUST BY THE TOWNSHIP OF WASHINGTON**

**WHEREAS**, Joe Justo Realty, 2 Maplewood Drive, Parsippany, NJ 07054 has requested the release of the balance remaining in escrow account #731211; and

**WHEREAS**, said application has been dismissed without prejudice and clearances have been received from the professionals involved authorizing the release of the escrow account.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey that the balances of the escrow account posted in the connection with the Joe Justo application in the amount of \$2,013.12 respectively be and is hereby refunded to Joe Justo Realty.

**RESOLUTION #2018-158**

**A RESOLUTION OF THE TOWNSHIP OF WASHINGTON,  
COUNTY OF WARREN, STATE OF NEW JERSEY, PLACING A LIEN  
ON BLOCK 52 LOT 9 – 43 HILLCREST AVENUE**

**WHEREAS**, Chapter 50 BRUSH, WEEDS AND GRASS of the Code of the Township of Washington (the Code) provides that whenever the Health Officer of the Township of Washington shall deem it necessary and expedient for the preservation of the public health, safety or general welfare or to eliminate a fire hazard, he shall serve upon the owner and/or the tenant of lands lying within the limits of the Township of Washington, County of Warren, upon which there is brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris, a notice that said item or items must be removed or destroyed within 10 days of service of such notice; and

**WHEREAS**, Chapter 50 ARTICLE I Section 2 C. provides that failure or neglect to so remove or destroy will result in removal or destruction by or under the direction of the Health Officer of the Township of Washington; and

**WHEREAS**, Chapter 50 ARTICLE I Section 2 C. provides that the costs of such removal or destruction shall be charged to the owner or tenant of such land and shall be payable to the Township within 30 days after the date of submission of the charges. AND unless such charges are paid within the thirty-day period, the costs aforesaid shall become a lien upon the lands and shall be collected as provided pursuant to the authority of N.J.S.A. 40:48-2.14; and

**WHEREAS**, the Health Officer of the Township of Washington has duly authorized the Certified Public Works Manager of the Township, per the attached work order, that the owner of the property at 43 Hillcrest Avenue, identified on the tax maps of the Township as Block 52 Lot 9 was in violation of the pertinent section(s) of Chapter 50 of the Code so that it was necessary for the Township to take action to cut high grass and weeds; and

**WHEREAS**, the Township Administrator has certified that the Township incurred costs of \$230.00 to correct the violation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey that under the provisions of Chapter 50 Section 50-3 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$230.00 on the property at 43 Hillcrest Avenue, identified on the tax maps of the Township as Block 52 Lot 9.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION 2018-159  
CHAPTER 159 BUDGET AMENDMENT  
WALMART GRANT FOR EMT SUPPLIES**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Committee of the Township of Washington, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$1,500.00 which is now available from the Walmart.

**BE IT FURTHER RESOLVED**, that a like sum of \$1,500 is hereby appropriated under the caption:

**WALMART EMT GRANT**

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the Walmart for Local Community EMT Program; and

**BE IT FURTHER RESOLVED**, that the Township Clerk will forward a certified copy of this resolution to the Chief Financial Officer for electronic submission to the Director of the Division of Local Government Services.

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION 2018-160  
CHAPTER 159 BUDGET AMENDMENT  
UNITED METHODIST CHURCH DONATION  
FOR THE PURCHASE OF NARCAN**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Committee of the Township of Washington, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$500.00 which is now available from the Walmart.

**BE IT FURTHER RESOLVED**, that a like sum of \$500 is hereby appropriated under the caption:

**DONATION FOR THE PURCHASE OF NARCAN**

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the United Methodist Church for the purchase of Narcan; and

**BE IT FURTHER RESOLVED**, that the Township Clerk will forward a certified copy of this resolution to the Chief Financial Officer for electronic submission to the Director of the Division of Local Government Services.

**Resolution #2018-161  
TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
Redemption Township Chapter 50 Brush, Weeds & Grass Lien- Block 38.05, Lot 12**

**WHEREAS**, lien #132 was placed on this property on July 17, 2018 for costs associated with grass cutting and removal of weeds in the amount of \$405.00. The lien was approved by the township committee and placed on the property by their order according to Resolution #2018-132.

**WHEREAS**, the tax collector has been paid \$408.06 which is the amount necessary to redeem the lien.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of September by the Mayor and Township Committee of the Township of Washington, County of Warren the Township Committee acknowledges the redemption of this lien.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 38.05, Lot 12 from the tax office records.

**Resolution #2018-162  
TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
Redemption Township Chapter 50 Brush, Weeds & Grass Liens- Block 15, Lot 10.07**

**WHEREAS**, lien #16 was placed on this property on July 24, 2017 for costs associated with grass cutting and removal of weeds in the amount of \$155.00. Lien #107 was placed on the property on June 1, 2018 for costs associated with grass cutting and weed removal in the amount of \$380.00. Both liens were approved by the township committee and placed on the property by their order.

**WHEREAS**, the tax collector has been paid \$575.89 which is the amount necessary to redeem both liens.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of September by the Mayor and Township Committee of the Township of Washington, County of Warren the Township Committee acknowledges the redemption of these liens.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel these liens on Block 15, Lot 10.07 from the tax office records.

**Resolution #2018-163  
TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
Redemption Township Held Tax Sale Certificate- Block 86, Lot 5**

**WHEREAS**, tax sale certificate #2016-011 was sold to the township at the tax sale held on December 2, 2016 for delinquent 2015 taxes.

**WHEREAS**, the tax collector has been paid \$22,355.85 which is the amount necessary to redeem this certificate as of September 18, 2018.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of September by the Mayor and Township Committee of the Township of Washington, County of Warren the Township Committee authorizes the Mayor and Township Clerk to sign the authorization for cancellation for township tax sale certificate #2016-011.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 86, Lot 5 from the tax office records.

**Resolution to Cancel 2018 Taxes #2018-164  
TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
Block 82, Lot 15.07**

**WHEREAS**, the owner of the above property filed an application for veteran exemption due to wartime service connected disability which was reviewed and approved by the Tax Assessor effective July 31, 2018 making the property tax exempt at that time. Once the 2018 tax rate was certified it was possible to calculate the total 2018 taxes and the amount of taxes that need to be cancelled.

**WHEREAS**, the amount of 2018 taxes to be cancelled is \$3,289.44.

**NOW THEREFORE BE IT RESOLVED**, on this 18th day of September by the Mayor and Township Committee of the Township of Washington, County of Warren that the tax collector's request to cancel 2018 taxes in the amount of \$3,289.44 on this property is hereby approved.

STAFF ADMINISTRATIVE REPORTS

Chief Cicerelle previously submitted a report. He spoke about the upcoming Community Forum. He sought approval from the Committee to advertise for another Police Officer.

A motion was made by Willan, seconded by Rossi to authorize Chief Cicerelle to advertise as requested.

**ROLL CALL:** Wilan, yes; Rossi, yes; Fiore, yes; Kovacs, yes; Klingel, yes

Mr. Hart previously submitted a report and explained some of the work to be done. Mr. Fiore questioned mortgage companies not maintaining abandoned properties. Mr. Hart plans to meet with Mr. deBoer to discuss a possible solution. Mr. Willan asked about the micropaving of Club House Drive. Mr. Hart stated that he believes it to be done in the Spring of 2019.

Mr. Joseph Rossi updated the Committee on the progress of the college annex and that the medical building has opened.

PUBLIC QUESTIONS AND CONCERNS

Mayor Klingel opened the meeting to the public.

Hearing no comments, Mayor Klingel closed the public portion of the meeting.

OLD BUSINESS

Mr. Fiore updated the Committee on foreclosed properties.

A motion was made by Fiore, seconded by Rossi to approve Resolution #2018-165 – Resolution Authorizing Redemption in Installments of Tax Lien on Block 65, Lot 1.02 (270 Route 31 South)

**ROLL CALL:** Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

**TOWNSHIP OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION #2018-165  
RESOLUTION AUTHORIZING REDEMPTION IN INSTALLMENTS  
OF TAX LIEN ON BLOCK 65, LOT 1.02**

**WHEREAS**, the Township of Washington holds Tax Sale Certificate # 2016-008 and the amount required to redeem totals \$98, 577.25 including interest to August 9, 2018, on property owned by Erhan Yayla and Ismet Turan located at 270 Route 31S (Block 65, Lot 1.02); and,

**WHEREAS**, the owners have requested installment payments to redeem said property; and

**WHEREAS**, N.J.S.A. 54:5-65, et seq. authorizes such installment payments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector, is hereby authorized and directed to accept installment payments in redemption of said arrears and accrued inters in accordance with the following schedule:

- (A) Payment to be made by October 1, 2018 of Ten Thousand and 00/100 dollars (\$10,000.00);
- (B) Twenty-seven (27) equal monthly installments sufficient to pay the balance in full within two and half (2 ½) years of the date of this Agreement, said amount being Four Thousand and 00/100 dollars (\$4000.00) monthly commencing on November 1, 2018, with an adjustment on the last payment, if necessary, for interest due to date of actual receipt of payments;
- (C) Default in any installment payment terminates this Agreement and subjects the property to foreclosure action;
- (D) All property taxes not yet due shall be regularly and promptly made in addition to the payments set forth above. Failure to make any of these payments as they become due shall be considered a default of this Agreement and subjects the property to foreclosure action.

#### NEW BUSINESS

A motion was made by Rossi, seconded by Fiore to hold the Annual Tree Lighting on Saturday, December 15, 2018 at the Washington Township Municipal Building. **All were in favor.**

#### REPORTS FROM OFFICIALS

Mr. Fiore informed the Committee that neither the Recreation Committee nor the Environmental Commission had meetings due to a lack of quorum. He then stated that the Seniors group is doing well.

Mayor Klingel appointed Linda Magyar to the Environmental Commission effective this day.

On behalf of the Committee, Mayor Klingel recognized Mr. Kovacs' 80<sup>th</sup> birthday, wishing him many more.

#### PAYMENT OF BILLS

A motion was made by Fiore, seconded by Rossi, to approve the payment of the bills in the amount of \$4,281,100.16.

**ROLL CALL:** Fiore, yes; Rossi, yes; Kovacs, yes; Willan, yes; Klingel, yes

#### EXECUTIVE SESSION

A motion was made by Fiore, seconded by Kovacs, to approve Resolution 18-166, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance with the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 7:55 pm.

Attorney Lavery stated that the Committee would be discussing a pending litigation matter dealing with COAH, a personnel matter regarding a potential shared service agreement with the Borough, and the noise ordinance.

**ROLL CALL:** Fiore, yes; Kovacs, yes; Rossi, yes; Willan, yes; Klingel, yes

**RESOLUTION # 2018-166**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**WHEREAS**, the Governing Body of the Township of Washington, County of Warren, will be going in Executive Session; and

**WHEREAS**, the meeting is not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12; and

**THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Washington will give a brief summary of meeting upon coming out of Executive Session.

A motion was made by Kovacs, seconded by Rossi, to come out of Executive Session at 9:18 pm. **All were in favor.** Attorney Lavery stated the Committee discussed a personnel matter dealing with a potential shared service agreement with the Borough, a pending litigation matter regarding COAH, and an attorney-client privilege matter dealing with the noise ordinance. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

A motion was made by Willan, seconded by Fiore to introduce Ordinance 2018-11, Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend, Revise, and Supplement Chapter 90, "Nuisances", Section 4, of the Code of the Township of Washington to Limit Noise from Construction Activity - Introduction (2<sup>nd</sup> reading, public hearing and adoption at the October 16, 2018 meeting) as discussed in Executive Session.

**ROLL CALL:** Willan, yes; Fiore, yes; Kovacs, yes; Rossi, yes; Klingel, yes

**ORDINANCE NO. 2018-11**

**ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 90, "NUISANCES," SECTION 4, OF THE CODE OF THE TOWNSHIP OF WASHINGTON TO LIMIT NOISE FROM CONSTRUCTION ACTIVITY**

**WHEREAS**, the Township Committee of the Township of Washington, County of Warren, State of New Jersey, has determined that Chapter 90, "Nuisances," Section 4, "Nuisances enumerated," subsection C, Noise," Part 2 of the Code of the Township of Washington shall be amended, revised, and supplemented to limit construction activity.

**NOW, THEREFORE, BE IT ORDAINED** by the Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 90, "Nuisances," Section 4, "Nuisances enumerated," of the Code of the Township of Washington shall be amended, revised, and supplemented as follows:

**Section 1:**

(e) Construction and operation of construction equipment. The operation, or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 p.m. and 7:00 a.m. or any time on Sunday, such that the sound therefrom creates a noise disturbance pursuant to Section 90-4 c(1).

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 2:**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 3:**

Effective Date. This Ordinance shall take effect upon final passage and publication provided by law.

**ADJOURNMENT**

Hearing no further business to come before the Committee, a motion was made by Fiore, seconded by Willan, to adjourn the meeting at 9:30 pm.

**All were in favor.**

Respectfully submitted,

Ann Kilduff, RMC  
Township Clerk