

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY  
REGULAR MEETING MINUTES  
February 3, 2020~7:30 p.m.

CALL TO ORDER: Council President Feeney.

STATEMENT:

Welcome to the regularly scheduled Public Meeting of February 3, 2020 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in January and this notice has been posted on the Township Bulletin Board and on the Township Web Site.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Council meetings. The fire exits are located through the double doors to your right and through the door on your left. Please silence all cell phones.

SALUTE TO FLAG: Council President Feeney.

ROLL CALL:

Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan, Council President Feeney.

Let the record reflect also in attendance: Mayor Calamari; Township Attorney Poller and Township Clerk Witkowski. Absent: Administrator Tovo.

PUBLIC SERVICE ANNOUNCEMENT read by Council President Feeney.

Taxes were due February 1<sup>st</sup>, grace period is through Monday, February 10<sup>th</sup>. Please note the Tax Office will be open until 7:30 p.m. on Mondays and will only be open until 12:30 p.m. on Fridays in line with the Township's new hours.

2020 Township Baseball and Softball registration is now open online. Please visit the Township website for further information.

PET LICENSING: The late fee of \$5.00 is now in effect, after March 1, the late will be \$25.00. The Clerk's Office has licensed 650 dogs.

CENSUS 2020: In mid-March, households will begin receiving official Census Bureau mail with detailed information on how to respond to the 2020 Census. If anyone is interested in joining the 2020 Census Team, please call 1-855-562-2020 or log onto [2020census.org/jobs](https://2020census.org/jobs).

Sign up for Township email notices by texting the word TOWNSHIP to 22828 and entering your email address.

APPROVAL OF MINUTES: None.

REPORT OF MAYOR CALAMARI

2019 Road Program - The Council has on the agenda tonight a vote to accept the bid and award the contract for the program. The work will commence in April or May, depending on the weather. Unfortunately, the work did not get done last years for two reasons, the Council didn't authorize the bid to go out until more than a full month later than they did in 2018, the new town Engineer needed

time to familiarize himself with our roads. It was better to delay the program for six months rather than have it rushed through.

Intersection – Now with enough information from the County, we are about to commence the property acquisition phase of the project.

DMF- We have started our search for out of town properties to house the personnel and equipment temporarily while the building gets demolished and the soil gets remediated. The temporary location should be identified by March.

New Ambulance and Fire Building – There was a meeting last week attended by myself, Councilman Cumming, the architect, and the members from both organizations to finalize the plan for the building. The architect now has what he needs to prepare the bid specs to go out to bid later this month or next.

Ambulance and Fire Department Annual Reorganization Dinners – It is an honor and privilege to be included in these annual dinners with our spouses to swear in the officers for the new year, and to thank them for all of their service to the Township and its residents.

Town Calendar – I hope you have received the 2020 calendar. I want to recognize Bernadette for being the point person on this project. She consolidates all the information from the Department heads, gets sponsors to defray the cost to the taxpayers, works with the printer on the format and mailing, it is not an easy job.

Recreation – Background checks will take place for the coaches in the next sport of the year, which is Lacrosse, in the Spring.

Website and Facebook – We have a soft release of the new improved Township website and new Township Facebook page. We welcome any feedback about the sites, as they will continue to be tweaked. When I checked the Facebook page over the weekend, we already had 280 people liking/following it, so it seems it is off to a good start.

Commuter Bus – In an effort to help our residents who commute to New York City, and are very frustrated by the poor service of our current provider, we have secured a new bus company to service the Township. Our neighbors in Montvale and Woodcliff Lake work with a new bus company HIP, as of today they are servicing the Township as well. The morning bus to New York City is at 6:15, 7:15, 8:17 and 9:16, the stop is at the intersection of Pascack and Washington, the return buses in the evening are at 4:05, 5:35, 6:40 and 8:00, leaving the City from 41<sup>st</sup> and 9<sup>th</sup> Avenues, the exact address is 401 West 41<sup>st</sup>, much more information is on their website ridehip.com, please check it out. The CEO of Ride Hip will be attending our next Pascack Valley Mayor's meeting to tell us more about what they provide.

CFO – CFO Curran submitted her resignation on Friday, we wish her the best on her future endeavors. We will be starting a search for the position as soon as Administrator Tovo is back in the office.

## REPORT OF COUNCIL

Councilman Cascio stated he has no report this evening.

Council Vice President Cumming stated he is mindful of the fact that Auschwitz was liberated 75 years ago this past week, he was privileged to know someone who helped liberate a camp, as well as survivors, God Bless them. Happy Valentines Day, we are working on several projects at this time, so many he

didn't have time to do some homework for his monthly report, and he apologizes for that.

Councilman DeSena stated it is a shame to see Mrs. Curran leave our Township, he wishes her the best. It did take over five years to fill the vacancy we had with Mrs. Curran, hopefully we will have better luck this time. On Thursday or Friday, he has a meeting with Assemblyman Auth to discuss the new GSP alternative exit on the New Jersey Garden State Parkway, hopefully he will have a report back soon.

Councilwoman Morgan stated on January 21<sup>st</sup> she attended the Recreational Cheerleading Awards Ceremony and End of Season dinner at Season's, we had over 160 people in attendance, 90 of those were children. The cheerleaders received trophy's, they had a really good time, Season's did an amazing job. She would like to thank the parents for supporting the program and huge thank you for the volunteers that make it all possible. We are also looking for volunteers, if anyone is interested in volunteering, please reach out to her or Teresa Alesso, you can also contact via the Township of Washington Cheerleading Facebook Page. Stigma-Free will be having our first planning meeting on Tuesday, February 25<sup>th</sup> from 6:30 pm – 7:30 pm at the library, we are always looking for likeminded individuals who want to raise awareness about mental health, if this seems something you want to be a part of, or just learn more about, please join us. Council President Feeney and herself had the opportunity to meet with the Mayor and the Director of Public Affairs to review additional events for Township residents, there are a lot of exciting ideas and more to come.

Council President Feeney stated she is sorry to Mrs. Curran go, she didn't get a chance to work with her for very long, but wishes her the best. Councilwoman Morgan and herself did meet with Mrs. Velez, there are great plans for the future, and if anyone has any suggestions for events, please submit them to the Council.

#### GENERAL PUBLIC DISCUSSION (Five Minute Time Limit)

A motion was made by Councilman Cascio, seconded by Councilman Cumming to open the general public discussion.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

Council President Feeney advised there is a five-minute-time limit.

Joe D'Urso, 12 Viola Terrace – Mr. D'Urso asked if Viola Terrace is on the Road Program. Mayor Calamari replied he is not sure. Mr. D'Urso spoke of the condition of Viola and perhaps the DMF doing some filling of the potholes. Mr. D'Urso asked if the CFO gave any reason why for leaving, and did she give a two-week notice? Mayor Calamari replied she did not provide a reason, she did give two-weeks-notice, but decided to terminate her immediately as is done in most businesses, but she is being paid for the two weeks. Mr. D'Urso asked if the Administrator and Mayor are looking over the finances? Mayor Calamari replied it is one day old, but yes. Mr. D'Urso suggested reaching out to neighboring towns. Mayor Calamari stated Hillsdale recently went through a search so he will be reaching out to them to see what resumes they may have. Mr. D'Urso thanked Councilman DeSena, he spoke of Woodcliff Lake having an iron clad exit, putting a new exit right by the BMW corporate center, which would alleviate the problem. Mr. D'Urso stated he did apply for the Zoning Board position, but why the Rice Notices? Council President Feeney stated we do have resumes of a few applicants that we would like to go over, discuss it and make the right decision for the Township, it is on the agenda, and will be brought out.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi asked if the Township put out an RFP for a new Auditor? Council President Feeney replied we don't need an RFP for an auditor. Ms. Grimaldi stated she thought Council President Feeney was going out to look for some fresh eyes. Council President Feeney stated we are actually looking for fresh eyes, and have been in contact with three auditing firms, the current Louis Mai, Lerch, Vinci & Higgins, and there is another gentleman she will be interviewing, it will be a Council decision, Lou Mai is doing the current year, it is not a pressing situation. Mrs. Grimaldi asked if there will be any electronic waste events scheduled? Mayor Calamari stated he is guessing that the dates weren't available. Council President Feeney stated we will be bringing in GreenChip. Mrs. Grimaldi stated she is in favor of the name change from DMF to DPW.

Bob Bruno, 697 Hillcrest Road – Mr. Bruno stated based upon the statements that were made at the meeting regarding the Auditor and non-reappointment of Zoning Board members, it was obvious there were discussions prior to that meeting taking place. Council President Feeney stated there were not. Mr. Bruno stated if you look at the tape when the Council Vice-President makes a statement to the Clerk, who asked if we should advertise for Zoning Board members, his comment is "I thought we talked about that last week" that means he talked about putting an ad for Zoning Board members without the Council knowing. He stated Council President Feeney mentioned she is looking for a new auditor for a fresh set of eyes, does that mean Lerch, Vinci & Higgins, Louis Mai, are not fresh set of eyes, so they will not be considered. Council President Feeney stated they will be considered, fresh set of eyes over a certain period of time, so if it has not been done in a few years, your coming back and relooking at the books, it is a fresh set of eyes, new transactions that are going on, along with new processes that have been put in place since those auditors were in house. Mr. Bruno asked who is closing the financial records, the Director of Finance doesn't have the financial astute to do it, who will be doing the books? Council President Feeney stated the CFO gave her notice on Friday, she believes that will be discussed, she is not sure the Mayor has an answer. Mayor Calamari stated he doesn't, since it just happened on Friday, Administrator Tovo is out today, we haven't had a chance to discuss. Mr. Bruno asked do we know the status of the financials, was a rollover done. Council President Feeney replied since this just occurred on Friday, she believes this needs to be reviewed. Mr. Bruno asked if an exit interview was done by Ms. Feeney? Council President Feeney replied she did not. Mr. Bruno asked did Mr. Calamari, did he ask where she went? Mayor Calamari replied no he did not, he cannot say whether Mr. Tovo did or not. Mr. Bruno asked was the Pitman schedule implemented. Mayor Calamari replied correct, by the Police Department. Mr. Bruno stated that was done prior to the PBA Contract being approved, the Council approves schedules or contracts. Attorney Poller stated he did speak with Mr. Wiss, the Memorandum of Understanding did have the Pitman schedule in there, the Council did vote on the Pitman schedule. What is being done now, is the process between the attorney for the PBA and our attorney. The Council, by a majority approved it, but the actual contract itself will be executed, and from what Mr. Wiss stated, it should be available by the next meeting. Mr. Bruno stated if the Pitman schedule was implemented, what is the cost that you are including right now. Council President Feeney stated she will get the information from Chief Skinner; she will get back to Mr. Bruno. Mr. Bruno stated the Council does the budget. Council President Feeney stated Council has not done the budget as of yet this year. Mr. Bruno stated Council doesn't know the cost of the Pitman schedule, it is implemented, but it is being paid right now. Council President Feeney stated she will have to get the information from Chief Skinner. Mr. Bruno stated a Pitman schedule was put in, we don't know what the cost is, you folks are the Council members who approved the budget, that is one thing you do, we don't know whether or not that what they are being paid is included in the temporary

budget. Council President Feeney stated she doesn't currently have that information, if Mr. Bruno would like, she can take the question and get back to him. Mr. Bruno stated he will email her his personal email address. Council President Feeney stated Mr. Bruno has thirty-seconds. Mr. Bruno asked who is going to handle the six-million-dollar project for \$250,000 soil remediation, a million-dollar DMF building, land purchases, intersection, and possible purchase of the swim club. Council President Feeney replied since the CFO resigned on Friday, and Administrator Tovo is currently managing the projects, the other accounting aspects will be dealt with in the future, but since this happened on a Friday, we don't have an answer right now. Mr. Bruno asked if Mr. Feeney will get back to him. Council President Feeney replied yes, she will, she knows what his questions are.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment spoke of herself giving a two-weeks-notice, and not asked to leave, but Ms. Curran was asked to leave when she gave her two-weeks-notice, which is not normal in the Township. She spoke of the calendar not having any names of employees in the Township, in the past the calendars did have the names of employees, which is very important for residents to be able to see who actually works and protects this town. She would like to know if Council spoke of getting rid of the calendar during the past budget meetings. She spoke of who had done the calendar in the past, as well having the calendar completed in January.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to close the general public discussion.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

## ORDINANCES

### Adoption, 2<sup>nd</sup> Reading:

#### Ordinance No. 20-01

#### AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON AMENDING THE COMPENSATION PAYABLE TO CERTAIN EMPLOYEE(S) FOR THE YEAR 2019

A motion was made by Councilwoman Morgan, seconded by Councilman Cumming to approve Resolution No. 20-155 authorizing second reading and opening of Public Hearing for Ordinance No. 20 -01.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

#### Resolution No. 20-155

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 20-01 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON AMENDING THE COMPENSATION PAYABLE TO CERTAIN EMPLOYEE(S) FOR THE YEAR 2019 be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cumming, seconded by Councilwoman Morgan, to close the Public Hearing on Ordinance No. 20-01.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,

Council President Feeney.  
 Nays: None.

A motion was made by Councilman Cumming, seconded by Councilwoman Morgan to adopt Ordinance No. 20-01.

Attorney Poller stated he saw last time that two council members didn't vote for the ordinance, he would like to clarify something, and have Council be aware. Attorney Poller stated this ordinance was requested by the CFO, she sent him a chart of the numbers of various adjustments that had to be made in 2019, in fact in 2019, the Council voted to transfer monies into the positions that we are talking about, which is the Planning Board/Zoning Board Secretary, and the Assistant to the Tax Assessor, it was passed he believes on December 16<sup>th</sup>, Council voted for that, he has the resolution. He then went over that Ms. Curran, very, very carefully, the adjustment was very small, one of the errors was that the person did not get the 1.5% increase, and very small things, but the money was put in by the Council and to make that correct, as we tried to do with other things, it was an amendment to the Salary Ordinance, so Ms. Curran asked that he prepare it. He sent her an email on January 8<sup>th</sup>, which attached the draft amendment of the Salary Ordinance, stated "Judy, attached is the draft amendment to the 2019 Salary Ordinance, which I prepared based on a conversation, these items bear upon what occurred in 2019, of which the Council is aware, please check it over and let me know if there are any questions" Ms. Curran replied "Hi Ken, is it okay to give this to Susan for placement on the January 20<sup>th</sup> Agenda" he wrote back "Yes, Judy, if you have no issues with it." Ms. Curran answered on January 16<sup>th</sup> "No issues." Attorney Poller stated he wanted Council to be aware that it was requested, recommended and approved by the CFO, who did have the knowledge that the Council had passed the resolution, he does this as a reminder, if anyone is confused about what this is about.

Ayes: Councilmen Cumming, Councilwoman Morgan, Council President Feeney.

Nays: Councilman Cascio, DeSena.

Ordinance No. 20-01

AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON AMENDING THE COMPENSATION PAYABLE TO CERTAIN EMPLOYEE(S) FOR THE YEAR 2019

BE IT ORDAINED, by the Township Council of the Township of Washington, that Ordinance 19-11 is hereby amended with respect to the following employee(s) for the year 2019:

1.

<b><u>Land Use Administration</u></b>	<b><u>Rate</u></b>
1. Planning and Zoning Board Secretary	
a. Office Hours – 20 hours per week total	\$27,593.80
Zoning Board - \$13,796.90	
Planning Board - \$13,796.90	
b. Meeting Fee – Attendance Only	\$75/meeting

**Department of Finance**

... Assistant to the Tax Assessor (Part-Time) \$5,901.21"

2. This Ordinance is effective retroactive to January 1, 2019.

3. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

4. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

5. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

Introduction, 1<sup>st</sup> Reading: None

INDIVIDUAL RESOLUTION(S):

Resolution 20-156

2020 Transfer of appropriations-various accounts

A motion was made by Councilman Cascio, seconded by Council President Feeney to approve Resolution No. 20-156.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

Resolution 20-156

2020 Transfer of appropriations-various accounts

WHEREAS, N.J.S.A. 40A:4-58 authorizes the transfer of appropriations during the last two months of any fiscal year, to expend money for any of the purposes specified in the prior year's budget an amount in excess of the respective sums appropriated and encumbered therefore and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose, the governing body may by Resolution, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington that the Deputy Treasurer be and is hereby authorized to make the following transfers in the 2019 Current Fund Budget Appropriations.

<b>Transfers for 02/03/2020 Meeting</b>	<b>Transfer In</b>	<b>Transfer Out</b>
Public Defender #9-01-43-495-200	\$1,000	
Municipal Court O/E Dues, Meetings #9-01-43-490-250		\$250
Municipal Court O/E Furniture & Equipment #9-01-43-490-300		\$750
<i>Court Administrator presented CFO with \$1,000 in invoices for prosecutor for 2019</i>		
Fire Prevention #9-01-25-264-320	\$1,700	
S&W DMF Seasonal Workers #9-01-26-290-160 <i>To pay for fire official</i>		\$1,700
Animal Control #9-01-27-340-000	\$420	
S&W Summer Recreation #9-01-28-370-125 <i>To pay emergency services for Tyco</i>		\$420
<b>TOTALS</b>	<b>\$3,120</b>	<b>\$3,120</b>

RESOLUTIONS/CONSENT AGENDA:

All of the following items have been determined to have the unanimous consent of Council and will be enacted in one motion. Should any item require independent consideration, any Council Member may have such item removed from the Consent Agenda.

A motion was made by Councilman DeSena, seconded by Councilman Cumming to approve the Consent Agenda.

Councilman DeSena requested Resolutions No. 20-157 and 20-159 be pulled.

*\*Vote below is only for Resolution No. 20-158*

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.  
Nays: None.

Resolution 20-158

Authorize confirming contract with approved State co-op vendor for contracting units (Beyer Ford)

WHEREAS, the Township of Washington, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Washington has the need on a timely basis to purchase the following vehicle for the Police Department utilizing State contracts for (4) 2020 Ford Police Interceptor SUV's; and

WHEREAS, the State Contract price is as follows:

Per Vehicle Purchase Price: \$ 45,998.29 Marked Vehicle  
\$ 41,829.50 Unmarked Vehicle

WHEREAS, the Chief Financial Officer will certify that on or about June 1, 2020 that sufficient funds are available in the Current Account; and

WHEREAS, the Township of Washington intends to enter into a Purchase contract with Beyer Ford, 170 Ridgedale Ave. Morristown, NJ 07960 (Cranford COOP #47-CPCPS) and their leasing agent KS State Bank for the Contract cost of \$66,020.51 annually through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW THEREFORE BE IT RESOLVED that the Township Council authorizes the Purchasing Agent to purchase the above listed vehicles from Beyer Ford, pursuant to all conditions if the individual State contracts.

Discussion Resolution No. 20-157

Councilman DeSena stated \$750,000 had been appropriated in the 2019 budget for roadway paving, it was bid with many alternates, why is this being awarded without any of the alternates? Mayor Calamari replied he believes Administrator Tovo and the engineer discussed holding the rest for the 2020 road program, he is not clear on the reason, he did hear them discuss they wanted to roll into the



2020 road program. Councilman DeSena stated he doesn't understand the justification for that, \$750,000 was put into the budget, not all of the monies was spent in 2018, now we are not spending all of the money in 2019, the Council is making a decision to put this money there to be spent, and every year it seems we are always \$100,000 shy, he is not happy about it because two more streets, based on the base bids plus alternates could be paved, and he thinks Council is doing a disservice to the residents by not paving them to the limit that can be done in the budget. He would like to see it tabled until the next meeting, so Council can get an answer from Administrator Tovo. He asked when was the bid taken in? Mayor Calamari replied January 9<sup>th</sup>. A conversation followed on the timeline and obtaining information before the meeting.

A motion was made by Councilman DeSena, seconded by Council President Feeney to table Resolution No. 20-157.

Councilman Cumming asked Attorney Poller what his recommendation is? Attorney Poller replied he doesn't know what the rationale was, he knows the engineer made a report as to why, the analysis, he wasn't privy to the discussions. He will say even if someone doesn't like the idea of the maximum amount being spent, if you do not award the bid, there is no legal justification for rejecting a bid based on that basis, the bottom line is that is not one of the grounds. Councilman DeSena stated he is not saying anything about rejecting the bid, he has no problem with this bid, he just has a problem that monies were budgeted for two years, all of it has not been spent, residents are complaining about streets that need to be paved. Councilman Cumming stated he doesn't want to table this, he wants to get this one out, then spend the additional monies on the additional roads with another bid. Attorney Poller stated that is another approach, award this bid, there is nothing to stop you from going out to bid, getting more money and doing more roads, the money is right there. Council President Feeney stated the options that need to be discussed are to table this, or to vote on this, get another bid, and then to vote on the additional money to be spent. Councilman Cumming stated his request is we go fully ahead with what we have, because it is a very good low price. Councilman DeSena asked why wouldn't we pave more streets? Councilman Cumming replied we will pave more streets, why can't be put out another bid, immediately, for additional streets. Councilman DeSena replied because we know how long it took to get this bid out. We had our Engineer draw up documents that list the primary streets that we agreed to last year, plus all these additional streets which are the next streets on the list to be paved. We received numbers back for those streets, they fall well under what we budgeted as a Council, and instead of awarding the base bid, plus some of the alternates, it was decided to award just the base bid and leave \$150,000 in the bank for the next project. Why is that being done, we have the project now, just add a, b and c or whatever we can add to get to the \$750,000 and be done with it, we have the price already, the alternates are in the bid tabulations. Councilman DeSena stated Alternate A is for Palm Street, Alternate B is for Webster Avenue, Alternate C is for Pershing, and Alternate D is for Calvin, he didn't say all the alternates have to be done, but get us closer to the amount that was budgeted for 2019 in this contract, and be done with it. He stated this can't be done now based on the resolution in front of us, that is why we need to table it and get a new resolution for the next meeting, they will not start until March/April.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan, Council President Feeney.

Nays: None.

Resolution 20-157 **TABLED**

Acceptance of bid and awarding contract for the 2019-2020 road improvement program to American Asphalt & Milling Services LLC

WHEREAS, on January 9, 2020, the Township of Washington, County of Bergen, New Jersey (the "Township") received bids for the repaving of Township roads; that the construction costs for Robinwood Road and Woodfield Road, Section 2 (Finnerty Place to Devon Road) are being funded by the New Jersey Department of Transportation through grants, while the remaining work is being funded by the Township, such project being identified by the Township Engineer as file WT-108 (hereafter "the Project"); and

WHEREAS, the Township received thirteen (13) bids, and the Township Engineer has submitted its recommendation dated January 21, 2020; and

WHEREAS, American Asphalt & Milling Services LLC, with offices located at 96 Midland Avenue, Kearny, New Jersey 07032 (hereafter "American Asphalt") was the lowest responsive and responsible bidder for the work to be performed in connection with the Project with a bid in the amount of \$602,733.21; and

WHEREAS, any award of the bid shall be subject to the review and approval of the New Jersey Department of Transportation; and

WHEREAS, the contract pursuant to the award hereunder shall be charged to Account No(s). C-04-55-919-713 or any other account that may be deemed appropriate by the Chief Financial Officer or her designee, and these funds shall be certified by the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the bid of American Asphalt with respect to the Project be and is hereby accepted conditioned upon the review and approval thereof by the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that upon review and approval of the award by the New Jersey Department of Transportation, a contract shall be awarded to American Asphalt for the Project in the contract amount of \$602,733.21; and

BE IT FURTHER RESOLVED that, subject to review and approval of the award by the New Jersey Department of Transportation, the Mayor is hereby authorized to execute a contract on behalf of the Township with \$602,733.21 for the above stated purpose consistent with said bid; and

BE IT FURTHER RESOLVED that this expenditure shall be charged to Account No(s). C-04-55-919-713 or any other account that may be deemed appropriate by the Chief Financial Officer or her designee.

Councilman DeSena requested Administrator Tovo forward the information to the Township Clerk, so it can be then shared with the Council.

Discussion Resolution No. 20-159

Councilman DeSena stated on page 4 of the bill list, during the 2019 budget meeting, a discussion was held that the calendar would be fully off-set by sponsors, we have a \$4,090 payment being made out of an account, is that a reimbursable account? Mayor Calamari stated he doesn't know off hand, but he will find out, he knows we did get a fair amount of sponsorship, but he just doesn't know the numbers off hand. Councilman DeSena stated we had discussed we would review it to see if it was still worthwhile printing because of the exorbitant cost, we brought it down with the new printer, but we are still paying \$5,000. Council President Feeney asked or is the payment and the

sponsorship off set it? Mayor Calamari replied he doesn't know how it works. Councilman DeSena asked on page 7, do we know what the petty cash withdrawal of \$500 was for? Mayor Calamari replied he doesn't know, Bernadette keeps track of the petty cash account, she has receipts to back them up. Township Clerk Witkowski stated she believes it to restart for 2020, she has to cash out, close it out at the end of the year, then 2020 she starts from scratch now. Councilman DeSena asked is that account reconciled? Township Clerk Witkowski replied as far as she knows it is.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 20-159.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

Resolution 20-159

Payment of Bills, January 17-30, 2020

BE IT RESOLVED, by the Township Council of the Township of Washington as per Ordinance No. 19-25, § 7-61 payment of claims; expenditures, the following is a list of bills paid since the last bill list was submitted, representing the time frame of 01/17/2020 to 01/30/2020:

TOTAL	2019 Reserve	\$123,495.18
TOTAL	2020 Current	\$126,254.84
TOTAL	Capital Fund	\$500.00
TOTAL	Animal Control	0.00
TOTAL	Grant Fund	\$2,395.24
TOTAL	Trust Fund	\$255.00
TOTAL	Escrow Trust	\$2,240.60
TOTAL	Library Contribution paid before 2/4/2020 bill list	\$40,269.37
TOTAL	Dental and Life Insurance paid before 2/4/2020 bill list	\$4,518.92
TOTAL	School Tax paid before 2/4/2020 bill list	\$2,099,168.51
	<b>GRAND TOTAL:</b>	<b>\$3,012,126.11</b>

A motion was made by Councilman DeSena, seconded by Councilman Cumming, to adjourn to the Conference Agenda.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan,  
Council President Feeney.

Nays: None.

Time noted: 8:27 p.m.

/s/ Susan Witkowski  
Township Clerk

/s/ Stacey Feeney  
Council President

Approved: February 16, 2021

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY  
CONFERENCE MINUTES  
February 3, 2020

CURRENT BUSINESS

**I. Administration**

1. project tracker (rt) – Mayor Calamari stated he will try to answer any questions Council may have in Administrator Tovo’s absence. Council President Feeney asked regarding the renovations to the DMF building, the 1.3 million, does it include the soil remediation? Mayor Calamari replied he doesn’t know, but he will get back to Council.

**II. Council**

A. Ordinances and Legislation

1. name change DMF to DPW (sw) – Township Clerk Witkowski stated she gave a sample of an ordinance that was put together last year by Attorney Poller, there is a fee in the Code to make the changes (\$1,900) so she would request Council consider making the change at budget time. A conversation followed on items that currently have DMF, such as vehicles. Council President Feeney stated she is in favor of changing the name, she feels that residents are not aware of what DMF stands for. Councilwoman Morgan stated she agrees. Councilman Cascio stated he doesn’t like the idea of spending the money to change it, residents of the Township of Washington are smart, they can figure out that DMF/DPW is interchangeable, so he would say no. Councilman DeSena stated he would like to take some time to think about it.

2. draft ordinance background checks (kp) – Attorney Poller stated he did the ordinance, moved around a few words, taking out the finger printing reference, which was in one place, the background check, the way it is drafted, doesn’t include fingerprints. The ordinance will be put for introduction on the next meeting’s Agenda (February 18<sup>th</sup>).

B. Financials

1. 2020 budget status (mds) – Councilman DeSena asked Mayor Calamari if the budget is ready for Council to review. Mayor Calamari replied he would like to apologize, the Administrator and himself were doing some last minute changes over the weekend, he had every expectation of printing and having the binders to Council this evening, but with no CFO and with the Administrator out sick, he doesn’t have enough access to Edmunds to be able to do that, nor does he want to. As soon as Administrator Tovo is back, the few corrections that the Administrator and himself made, with Council’s permission, the binders will be sent to Council’s respective homes. Councilman DeSena asked will that be this week, if Administrator Tovo returns? Mayor Calamari replied yes.

2. initiative to set budget meeting dates (sf) – Council President Feeney stated she would like to set up some dates. Township Clerk Witkowski suggested Monday nights since the Council already is scheduled to have meetings on Monday nights. Councilman DeSena stated he does need time to digest it, depending on when Council receives the budget. After a discussion, it was agreed that the budget meetings will be held on Wednesday, February 12<sup>th</sup>, 7:30 p.m., the regularly scheduled Council meeting on February 18<sup>th</sup> and March 2<sup>nd</sup> will include a Budget Agenda.

### C. Miscellaneous

1. recreation background checks from prior years update (sf) – Council President Feeney stated she checked with Mr. Setticase, other Recreation members, and there were no background checks done in 2019 for any rec sponsored programs.

2. light and electrical box at Town Hall update (mds) – Mayor Calamari stated it was fixed on Friday. Councilman DeSena stated it was not fixed on his way in. Mayor Calamari stated the one he was shown on Friday appeared to be fixed we will walk out together at the end of the meeting, so we can all look at it together.

3. Fair Labor Act, summer recreation, attorney follow up (sf) – Attorney Poller stated the last time the meeting was held, there were questions regarding the Fair Labor Standards Act, he does have some answers for Council. The Fair Labor Standards Act does apply, generally, across the board for all employees to be general hourly workers, he did not find any exemption for seasonal workers. There is an exemption for Executive Administrative Professional Computer and outside sales employees, which means if you are under an executive or administrative position, most of the part-time employees that we have fall under that category, Administrator, Clerk, they do not get time-and-half if they work over 40 hours, there is no known prohibition to working over 40 hours under the Fair Labor Standards Act, that would be contractual or terms of employment that the employer set, that has to be worked out with the employee. He stated there was a discussion or a question of can the Township have an ordinance which prohibits employees working over 40 hours, he thinks that is not a good idea. Councilman DeSena stated the question was that the Rec Director works 60-hour weeks. Attorney Poller he should be paid time-and-a-half for any hours over 40. Councilman DeSena asked should he have been paid? Attorney Poller replied yes. Council President Feeney asked can it be put in the ordinance that they cannot work more than 40 hours? Attorney Poller replied he thinks you should not do that, there may be situations where somebody needs to work, is asked to work, he thinks that can be done with the relationship between the employee and us as the employer. Look don't work more than 40 hours, there was a possibility of someone having to stay, because a child is left alone, if there was an ordinance, the person can say they are leaving, that can open up the Township to a liability, he doesn't believe that is the way it should be handled. Mayor Calamari stated he met with the Summer Rec Director last week, as part of kicking off the program, he did ask if anyone other than himself worked over 40 hours, he stated no, he also mentioned late last year that a lot of our surrounding towns are now paying their directors a salary amount, instead of an hourly rate, that will be proposed in the Salary Ordinance this year, going forward. Councilman DeSena asked how do we correct the violation of the Fair Labor Act? Attorney Poller replied the money needs to be paid. Councilman DeSena stated we had him pay us money back. Attorney Poller stated that is because someone did not take into account the Fair Labor Standards Act, the amount of money that was taken back was to make up for the fact that his increase was not approved by ordinance, so therefore that was cured, what was not cured or identified was the Fair Labor Standards Act, additional monies due for overtime, if he worked more than 40 hours. Mayor Calamari stated he will ask our payroll person to go back and come up with a number. Council President Feeney asked can Council have that for the next meeting? Mayor Calamari replied yes. Councilman Cascio asked are parents charged if the child stays later? Mayor Calamari replied that is before and after care. Councilman Cascio stated that should not affect the bottom line, if a person does not come on time, that is tied up on the Turnpike for two hours to get their child, that should cover that situation. Councilman DeSena stated there was before and after care as part of camp, you either registered for camp, before care/camp/after care or just camp/after care, three different menus. Councilwoman Morgan stated we are

talking about something that is outside the norm, if you are stuck outside of what you paid for. Mayor Calamari stated obviously we cannot leave children there no matter what was paid for or not paid for. Council President Feeney stated there is also a late charge. Councilman DeSena stated there are issues, if you are running late, you are going to be charged, which is fair. He asked Mayor Calamari as part of the budget will Council have the total accounting of what the Rec Program brought in and what the actual costs were? Mayor Calamari replied yes.

4. plastic bag ordinance (sf) – Council President Feeney stated she is happy to announce that she is partnering with Councilwoman Morgan and the Green Team to work on a plastic bag ban in the Township, it will be open for discussion, we will be talking to the local businesses to make sure that they understand the process and the ordinance that is going to take place. Councilman Cascio stated since we are discussing it, he is opposed to it, personally. Council President Feeney stated may she ask why? Councilman Cascio replied we are all responsible people, if you get a plastic bag you should dispose of it properly, you cannot stop stupid, and he doesn't like legislating peoples freedom, we don't have many businesses here, he thinks it would be a burden on the small business operator. Councilman DeSena stated he commends both Mrs. Feeney and Mrs. Morgan, he asked for this at the Sine Die meeting, he is glad it is being followed up on. Councilwoman Morgan stated she feels it is important, and if everyone thought, we are all adults, we would not have a pollution problem that we have right now, she feels we need to move forward. Council President Feeney stated the only way we can change is to take action.

5. abandoned houses Pascack Road (mds) – Councilman DeSena stated he asked Mr. Setticase what was being done, he stated it was referred to the Building Department, has there been any update to what is going on? Mayor Calamari stated he would be happy to find out, he didn't know Councilman DeSena reached out to Mr. Setticase, he will follow-up and have an answer at the next meeting. Council President Feeney requested that be added to the next agenda.

6. DMF remediation, Quest Plan, update, attorney follow up (mds) – Attorney Poller stated in his last communication with Quest talked about the Township applying for an extension, he (Quest) recommended February of this year, 2020. Attorney Poller stated he sent him (Quest) and email and he (Quest) wrote "I know I said this February, but this was without looking it up, he was thinking it was this May, just checking your final report is not due until May 2021, not May 2020, so he would wait until after this 5/28 passes and submit the extension. We request for a two-year extension, I have attached the NJDEP listing of filings and due dates for the case for your reference, cannot guarantee approval since you folks already exceeded the time period by two years, NJDEP never contacted you." Attorney Poller stated the cost would be \$1,000, he did advise Administrator Tovo to look at the budget, going forward. Quest also requested the Bashara case material, that also needs to be submitted to DEP, will probably be used as the basis for the delay, that the Township could not get-well access. Mayor Calamari stated a meeting was held last week, Administrator Tovo, member of the DMF, Director of the DMF, and myself, a soft date was set of by the end of June for the DMF to be out of their existing building, he uses the word "soft" because certain things are out of our control, we are hoping to move forward of finding them a new location outside of Township, we do have some good leads, but that is the target date that we are shooting for to have DMF out of their existing building. Council President Feeney requested Council be updated.

7. Census 2020 presentation 2.18.2020 (sw) – Township Clerk Witkowski spoke of promoting the 2020 Census. The Census Bureau is looking for people to get certified to help residents out. The Census can be completed via

mail, online or telephone, only people trained by the Census Bureau will be able to help complete the form. Township Clerk Witkowski would like to ask Council's permission to put information on the website, get information out to the residents. She stated we would like to be part of the voice, to let residents know there are job opportunities and the Census 2020 is here. She stated we are a little town, people still need to be involved, she will also try to get the freeholder to come out and do a presentation. Mayor Calamari stated he did see it on the Facebook page. Township Clerk Witkowski stated she would like to put information on the website along with WCTV. Council is in agreement.

8. household garbage proposal update (mds) – Councilman DeSena stated last October Administrator Tovo brought Council a proposal to eliminate the two vendors from picking up Township garbage, having the Township pick it up for additional revenue, we said we needed it for the budget meetings in order to anticipated costs, he would like to know where we are with that? Mayor Calamari stated he can answer it the best way he can, Administrator Tovo has found out when going out for a garbage proposal, like this, there are many State laws that need to be complied with. He stated we would expect to have it to the Council, if not at the next meeting, the first one in March for review, then it will go out. He stated we have budgeted for about half a year, just polling the other municipalities to see what they are paying, we would look, assuming it is something we go ahead with, once bids are received, that we would start July 1<sup>st</sup>, and we put that much in the budget to cover a half-a-year.

9. forensic audit (sc) – Councilman Cascio asked if the audit has begun or is there an anticipated date? Attorney Poller stated he has information on the payment that was made or was thought to be made. If Council remembers at the last meeting, when the CFO was here, the question came up if you pay a deposit in advance for work that was not done, and generally municipalities cannot do that, retainers is exactly that, a deposit against work that has not been done, the question was is that a payment than can be made? Ms. Curran wrote to our auditor, basically she said “ I was taught that the vendor gets paid when the work is done, I do know that it can be done in a few circumstances, but I am not sure this is one of them.” Attorney Poller stated he did get a copy of that, also he looked into it, came up with the Statutory Administrative Code Provisions, which in his mind said that it couldn't be paid. He stated he write to Lou Mai the following “I looked into this question, as per Ms. Curran's email and thought I would share what I know about paying monies in advance for work without being done first, which is the general proposition, it is not allowed in municipalities.” Attorney Poller stated he also included in the email the Statutory and Administrative Code references. Mr. Mai replied to Attorney Poller “I sent an email to Ms. Curran on December 31<sup>st</sup>, that basically addressed the same items as in the statute you forwarded to me, in most cases municipalities only have prepayments for travel, conference and hotel reservations. I have seen debt service prepaid, but the service has already been delivered. Having said all of this it would appear that this prepayment cannot be made, if you know of any other court decisions to the contrary, I would defer to your opinion.” Attorney Poller stated in the research he has done, as he indicated, it states he cannot be paid. Councilman DeSena asked if anyone reached out to Mr. Chakonis to see if we can amend it? Councilman Morgan asked is this the forensic audit that is going to cost \$10,000? Councilman DeSena replied yes. Councilwoman Morgan stated she definitely doesn't agree with this. She understands it was before her, but she feels Lou Mai already performed an audit, it was addressed, it was written up, everyone was here. It was explained, the necessary corrections were made according to Mr. Mai's audit, so she is not sure that paying \$10,000 is responsible, spending taxpayers money, and it is a lot of money, she would prefer not to continue with it. Now that she is here and we are a new Council, that we take a vote on whether this continues and whether we move forward with the forensic audit. As a taxpayer, she is not comfortable wasting \$10,000 on an audit that has already been done, things were brought out, necessary corrections were

made, it is open discussions for Council. Council President Feeney stated Councilwoman Morgan made valid points, she feels it should be discussed. Councilman Cascio asked was a forensic audit done by Mr. Mai? Council President Feeney asked how does a forensic audit seem different from a regular account? Councilman Cascio asked Ms. Feeney to explain, since she is an accountant? She stated there is a difference, an audit is delving down to the details in the line items of the General Ledger, tracing them back to the invoice, then to the payment, cash out, a forensic audit would do absolutely the same, we shouldn't be paying taxpayers money on things that have already been completed. Councilwoman Morgan stated this is a lot of money, not a \$1,000, she moves not to continue with this. Councilman Cumming stated last time when it was brought up, he was on that Council, he said that he thought, in light of the fact that we paid for an audit, corrections had been made, problems were identified, discussed, the \$10,000 was a waste of taxpayers money, he still believes that at this point, he voted against it at that time, and he stands on that. Councilman DeSena stated we have been talking about this whole debacle with the payment, non-payment, the issues raised with the back-dating of the memos, now we find out we are in violation of the Fair Labor Act with the overtime hours. Council President Feeney stated a Forensic Accountant would not look at Fair Labor, validated the payments out against the cash in the bank. Councilman DeSena stated he cannot speak for the forensic accountant; he agrees it is a lot of money. Councilman Cascio stated you talk about a fresh set of eyes, you want to get another auditor here, so here is a fresh set of eyes. Councilwoman Morgan stated for \$10,000? Councilman Cascio asked how much are you paying Mr. Mai and Mr. Vinci. Councilwoman Morgan stated this is on top of that, she feels it is irresponsible, she asks we vote on it. Council President Feeney stated these items that are also in question, correct me if she is wrong, are already included in the audit by Mr. Mai. Attorney Poller stated yes. Councilman DeSena stated the 2019 audit is not complete. Attorney Poller stated Mr. Mai identified these things in his audit, suggested that the notification be put in that there would be a resolution going to the Council when that occurred. All that happened is that money, which was not available, was taken from the other Department, where the work was done, it was basically someone from one department did the work of another department, they got paid from that other department, the question was how was that handled, it was not 100% handled correctly, Mr. Mai identified that, he recommended that a resolution be given to Council, because he spoke about the Council being aware. Attorney Poller stated there are Forensic Accountants in matrimonial cases, commercial cases, forensic is to go find something, it has already been found, it was brought up by Mr. Mai, discussed, as far as that perspective. Councilman Cascio stated let us say we do not do the Forensic Audit, taking \$10,000 out of auditing for next year. Attorney Poller replied sure you can do it. Council President Feeney stated this is an additional item, that doesn't make any sense, you have the budget set for the Auditor, that doesn't mean you are going to reduce his amount because you are going to pay someone else to take a second look, a second look is a second look, will cost \$10,000, if you are going to do a job twice, would you want to get paid twice? Councilman Cascio stated for the 2021 budget, since \$10,000 will be carried over as surplus, reduce that line item in 2021, so it is a flat rate, if that is the desire, not to move forward with it, that is what he would suggest, it is carry-over for 2021. Mayor Calamari stated it would go back into the surplus, but then it would have to be budgeted again, it would come from surplus. Councilman DeSena stated this was approved by the prior Council in October of 2019, we are finding out what we were told we could vote on, it was reviewed, it was okay, three months later we find out we can't do it. Attorney Poller stated Council wasn't told anything, you did what you did, took a vote, some were for it, not for it, Council voted the way they wanted to vote, if you remember you had a quote of \$10,000 for unlimited, then there was a discussion, it was changed, new letter, things of that nature, then when the discussion came up about the deposit, that was towards the end of the year, there was also an ordinance about



pre-approving bills, meetings that were held, not held, the CFO brought that up, he did receive the answer pretty quickly from Mr. Mai since, sending it to him.

A motion was made by Councilwoman Morgan, seconded by Council President Feeney to discontinue the Forensic Audit. (A “yes” vote is to discontinue, a “no” vote to keep it).

Ayes: Councilman Cumming, Councilwoman Morgan, Council President Feeney.

Nays: Councilmen Cascio, DeSena.

CLOSED SESSION:

Resolution No. 20-160

Personnel – review ZBA applicant resumes; potential property acquisition(s) Intersection and Swim Club

Attorney Poller stated the ZBA applicant resumes will be removed. Councilman Cascio stated that has not been done in the past, why now? Attorney Poller stated he went back to the OPMA, he was not sure that you can actually cover prospective applicants, as opposed to current, the Statute actually talks to in terms of “prospective” as well as “current” he was asked about it and checked the Statute. Councilman Cascio asked what does it state exactly? Attorney Poller stated OPMA Statute states that the if it was an exception, that you could hold closed session, under the general personnel, appointment, it talks as “prospective” as well as “current” you could do it, but there needs to be a Rice Notice.

Council President Feeney stated the vote for Resolution No. 20-160 will be for potential property acquisition(s) Intersection and Swim Club.

Resolution No. 20-160

Personnel – potential property acquisition(s) Intersection and Swim Club

A motion was made by Councilwoman Morgan, seconded by Councilman Cumming to approve Resolution No. 20-160.

Ayes: Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan, Council President Feeney.

Nays: None.

Closed Session

Resolution No. 20-160

Personnel – potential property acquisition(s) Intersection and Swim Club

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act,

the public be excluded from the meeting or portion of the meeting (denoted as an “executive” or “closed” session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection of a. of this section.

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed. **POTENTIAL PROPERTY ACQUISITION(S), INTERSECTION AND SWIM CLUB**

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) of N.J.S.A. 10:4-12, herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

BE IT FURTHER RESOLVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

       The Township Council anticipates that an open session will be necessary.

  X   The Township Council anticipates that an open session will not be necessary.

Time noted: 9:27 p.m.

/s/ Susan Witkowski  
Township Clerk

/s/ Stacey Feeney  
Council President

Approved: February 16, 2021