

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES
June 15, 2020~7:30 p.m.

**PLEASE NOTE THIS IS A VIRTUAL MEETING
WITH REMOTE PUBLIC COMMENT
DUE TO CORONAVIRUS PANDEMIC**

CALL TO ORDER: Council President Feeney.

STATEMENT:

Welcome to the regularly scheduled Public Meeting of June 15, 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.

SALUTE TO THE FLAG: Council President Feeney.

ROLL CALL: Via Conference Call

Councilmen Cascio, Cumming, DeSena, Councilwoman Morgan, Council President Feeney. Let the record reflect also participating via Conference Call: Township Attorney Poller; Administrator Robert Tovo and Township Clerk Witkowski. Not participating: Mayor Calamari.

Public Service Announcement read by Council President Feeney

COMMUNITY MOBILE COVID-19 TESTING for those with or without symptoms will be held on Wednesday, June 24th at the Stonybrook Swim Club, Hillsdale. Please visit the Township website for further information.

CORONAVIRUS

For the latest updates/messages on the Coronavirus, please visit the Township website.

LAST DAY TO REGISTER TO VOTE

Tuesday, June 16th is the last day to register to vote for the July 7th Primary Election. Please visit www.twpofwashington.us under Elections to download the form to submit OR you may call the Clerk's office, Tuesday, June 16th only between 9am-9pm to make arrangements to receive a form and submit, before 9pm.

PRIMARY JULY 7th

UPDATE: All registered Democrat and Republican voters will automatically receive a Vote by Mail Ballot. If you are unaffiliated or inactive, and would like to participate in the primary, you should complete and return the vote by mail application found on our web site. If you have a disability and need an accessible ballot, contact 201-336-7020 or you may in person vote July 7th, in the ADA complaint voting machine, which is only for voters who have a disability. All voting will be at the Senior Center, and if you chose to vote in person, it will be by provisional ballot only. The voting machine will be there as stated for only those with a disability.

ESTIMATED TAX BILLS-THIRD QUARTER 2020, ONLY

Due to COVID19, there are delays from the county providing tax rates, therefore, estimated tax bills are being prepared and will be mailed out. This bill is only for the 3rd quarter/August tax payment. You will receive a separate bill for the remaining quarters of 2020 billing cycle later in the year. Please note that the estimated property tax bill has the same status as a regular bill. The due date is August 1st and the grace period are through August 10th, after which interest will be charged. Please contact the Tax Collector at 201-666-8797 for any questions or concerns you may have. These details will be included in your estimated tax bill mailing for your review.

COACH RESUMES NY CITY BUS SERVICE - Coach USA will resume commuter services to/from the Port Authority Bus Terminal in New York City effective Monday, June 15. For complete information visit the Township website.

PAPER SHREDDING ONLY EVENT

Shredding will take place on: 7/25 from 9 am – 1 pm in the Municipal Complex Parking Lot. Bring your papers to be shredded. NO books, no binders.

MAIL/DROP BOX

A blue drop box has been placed outside of Town Hall for depositing all correspondence addressed to the proper department. *No cash* should be placed in the mailbox and all payments must be in a sealed envelope.

PROPERTY OWNERS

If your property is adjacent to a township owned property and you are interested in purchasing such parcel, please send a letter/email of interest to Mayor Peter Calamari.

SPECIAL COUNCIL MEETING will be held on Monday, June 29th at 7:30 p.m. for the 2020 budget adoption and any other matters on the agenda.

APPROVAL OF MINUTES:

A motion was made by Councilman Cumming, seconded by Councilwoman Morgan, to approve the following minutes:

April 20, 2020 Public Meeting

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

A motion was made by Councilman DeSena, seconded by Councilman Cascio, to approve the following minutes:

April 20, 2020 Conference Meeting

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

GENERAL PUBLIC DISCUSSION (Limit to five (5) minutes)

****TO PARTICIPATE IN THE GENERAL PUBLIC DISCUSSION PORTION OF THE MEETING, PLEASE DIAL IN ON 201-664-4659. YOU WILL BE ASKED TO STATE YOUR NAME AND ADDRESS FOR THE RECORD, AND WE ASK THAT ONLY ONE PERSON SPEAK AT A TIME. PLEASE NOTE THAT AT THE END OF THE GENERAL PUBLIC DISCUSSION, NO MORE CALLS WILL BE ACCEPTED****

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to Open the Public Discussion.

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

Margaret Koesel, 125 Pascack Road – Mrs. Koesel stated she is calling to make a comment, this Township is extremely fortunate to have Susan Witkowski as our Township Clerk, she doesn't get any acknowledgement for all that she has to do during these virtual meetings, she is absolutely amazing, courteous to everyone and knowledgeable, she wanted to put in a good word for Ms. Witkowski since no one else seems to acknowledge

her excellence. Council President Feeney thanked Ms. Koesel for calling, the entire Council and the Administration is very appreciative of that and her services to the Township.

Anthony Conti, 490 Ridgewood Boulevard North – Mr. Conti stated at the last Council meeting Council President Feeney stated she would response to an email that he sent to the Council, to date he has not received a response, how much longer is the response going to take? Council President Feeney stated she was going to response today, she just wanted to clarify a few things, she will send it out after the meeting. Mr. Conti stated the Mayor indicated he was going to announce the location of the DPW, has that been announced? Council President Feeney stated she doesn't have confirmation that it was going to be announced this evening, the Mayor is on vacation this week, which he had scheduled prior to this meeting, she is sure when he gets back it will part of our discussions. Mr. Conti asked, does anyone else have any idea where the temporary DPW location is going to be? Council President Feeney replied that is up to the Mayor to announce, she is not sure all of the negotiations have been finished, at this time we do not have an answer to you. Mr. Conti asked do you or any of the Council members know? Council President Feeney replied again, Mr. Conti, at the present time the Council doesn't have an answer for you, we do not know. Mr. Conti stated so the Mayor is making all of these decisions without consulting Council, is that correct? Council President Feeney stated that is not what she said, what she stated at the present time the Council has not been made aware of what is going on, she doesn't know what decisions the Mayor has made and believes no one on this Council can speak to that. Councilman DeSena stated he disagrees, there are two concept plans prepared by the Borough Engineer showing the two locations for the proposed DMF, which were in our packets at the last meeting. Council President Feeney stated but we do not have an answer, what the decision is on that from the Mayor. Councilman DeSena stated we did receive two locations in our packet. Council President Feeney stated she understands, but we do not have an answer of where the location will be, we don't have an answer to that. Mr. Conti asked what are the two locations? Councilman Cascio stated it is under negotiation, that is the difference. Council President Feeney stated Mr. Conti asked if we have a decision of where the location of the DPW will be, as of right this time and meeting, we do not have an answer for that yet. Councilman Cascio stated Mr. Conti didn't ask for a decision, he asked for the locations, not a decision. Mr. Conti asked what the two locations that are being looked at. Council President Feeney stated if you watched the meeting you will see where those locations are. Mr. Conti asked can you tell me now? Council President Feeney stated it is up for discussion, it is in our packet, if you continue to watch the meeting, you will hear where they are. Councilman DeSena stated actually it will be in Closed Session, so he will not. Mr. Conti stated so it will be in Closed Session during the COVID-19 Pandemic. Council President Feeney stated Mr. Conti at this present time we do not have the locations to give you, no one on this Council has an answer for you on the DPW location, however we are working together to get the answer out. Mr. Conti asked is Council going to do a Closed Session, even though there are specific guidelines saying we should not be having Closed Sessions during the COVID-19 Pandemic, which are mandated by the Governor. Council President Feeney stated the Closed Session guidelines are if it absolutely necessary. Mr. Conti stated the guideline reads is if it was an emergency, health emergency, something along those lines, but not for a location. Council President Feeney stated it is up to the Administration to inform us if we need a Close Session to move something forward. Mr. Conti asked is the DPW location considered an emergency? Council President Feeney replied to answer Mr. Conti's question, yes Council is having a closed discussion, and no, at the present time we do not have an answer for him regarding the location of the DPW. Mr. Conti asked what are the two locations that are being looked at in Closed Session, being that he will not hear it. Council President Feeney replied Mr. Conti we will not discuss that right now, again the Council does not have an answer for you, and your five-minutes is actually at its limit. Mr. Conti stated again, we are doing things in the Township hidden from the public even though the Governor stated not to do that during the Pandemic, but we are going to do it anyway, you are talking over me at this point, so you don't want people to hear it, the Governor stated only if it is health emergency should Council be having some sort of Closed Session, this is not a health emergency. Council President Feeney stated if you read the guidelines, there are other elements that we can have Closed Session for, as soon as we have an answer on the DPW, she is sure the public will be made aware, we are not hiding anything. Mr. Conti stated yes you are. Council President Feeney thanked Mr. Conti for his opinion.

A motion was made by Councilman DeSena, seconded by Councilman Cumming, to Close the Public Discussion.

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

Nays: None.

ORDINANCES

Adoption, 2nd Reading: None

Introduction, 1st Reading:

Ordinance No. 20-08

AN ORDINANCE AMENDING THE REQUIREMENTS FOR CANOPY SIGNS WITHIN THE TOWNSHIP OF WASHINGTON SHOPPING CENTER

A motion was made by Councilman DeSena, seconded by Councilman Cumming, to introduce and pass Ordinance No. 20-08 at first reading by title.

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

Nays: None.

A motion was made by Councilman DeSena, seconded by Councilman Cumming, to approve Resolution No. 20-229.

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

Nays: None.

Resolution No. 20 – 229

WHEREAS, Ordinance No. 20-08 entitled: AN ORDINANCE AMENDING THE REQUIREMENTS FOR CANOPY SIGNS WITHIN THE TOWNSHIP OF WASHINGTON SHOPPING CENTER was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 15th day of June, 2020; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 29th day of June, 2020 at 7:30pm, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 20-08

AN ORDINANCE AMENDING THE REQUIREMENTS FOR CANOPY SIGNS WITHIN THE TOWNSHIP OF WASHINGTON SHOPPING CENTER

BE IT ORDAINED, by the Township Council of the Township of Washington, that Section 194-4.1 (D) of the Code of the Township of Washington is hereby amended as provided hereafter:

1. § 194-4.1 (D) is hereby amended to provide as follows:

“D. All canopy signs located in the pedestrian walkway frontage of the Washington Township Shopping Center building shall not exceed 2 1/2 feet in

length and shall be in style and color to be established by the owner of the Washington Township Shopping Center.”

2. 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.

3. 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.

4. 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)].

INDIVIDUAL RESOLUTION(S): None

RESOLUTIONS/CONSENT AGENDA

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.

Council President Feeney asks, does anyone have any resolution(s) to be removed from consent agenda for discussion? Councilman Cascio stated Resolution No. 20-237.

A motion was made by Councilman DeSena, seconded by Council President Feeney to approve the following Resolutions, with the exception of Resolution No. 20-237.

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

Nays: None.

Resolution No. 20-230

Authorize payment of bills April 30 through May 14, 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 list of claims below have been reviewed and approved by the Department Head, Township Administrator, Mayor and Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized to pay the following list of bills, representing the time frame of 05/29/20 to 06/11/20:

TOTAL	2019 Reserve	\$22,620.31	
TOTAL	2020 Current	\$60,188.30	
TOTAL	Capital Fund	\$1473.75	
TOTAL	Animal Control	\$0.00	
TOTAL	Grant Fund	\$0.00	
TOTAL	Trust Fund	\$0.00	
TOTAL	Escrow Trust	\$370.75	
	GRAND TOTAL:		\$84,652.61

BE IT FURTHER RESOLVED, that the following claims have been paid by the Treasurer prior to the Bill List Resolution, as per Ordinance No. 19-25, since the last bill list was submitted.

TOTAL	WESTWOOD REGIONAL BOARD OF EDUCATION	\$2,099,168.49
TOTAL	TOWNSHIP OF WASHINGTON PUBLIC LIBRARY	\$40,269.37

AT&T	LONG DISTANCE COURT CLERK-2020	12.00	38860
AT&T	LONG DISTANCE CHARGES-2020	104.65	38860

VERIZON	2020-POLICE DESK 201-664-1140	393.64	38859
VERIZON	2020-POLICE 201-664-1157	77.36	38859
VERIZON	2020-COURT FAX 201-664-7194	82.61	38859
VERIZON	2020-ADMIN FAX 201-664-8281	37.43	38859
VERIZON	2019-BLDG FAX 201-666-0338	40.52	38859
VERIZON	2019-FIRE HOUSE 201-666-0750	77.36	38859
VERIZON	2020-ROADS FAX 201-664-6928	37.43	38859
RICOH USA, INC	CLERK COPIER-ADDITIONAL IMAGES	83.89	38874
ACTION DATA SERVICES INC.	2020 PAYROLL PROCESSING -5/31	315.82	38869
BERGEN COUNTY UTILITIES AUTH	2020 DUMPING & RECYCLING	2,184.42	38861
BERGEN COUNTY UTILITIES AUTH	2020 DUMPING & RECYCLING TAX	103.38	38861
PRAXAIR DISTRIBUTION, INC.	DMF-OXYGEN 2020	11.25	38857
WB MASON CO., INC.	Correction Tape BICWOMTP21	4.98	38872
WB MASON CO., INC.	Organizer Tray UNV20020	9.38	38872
WB MASON CO., INC.	Storage Bin SAF2164BL	29.15	38872
WB MASON CO., INC.	DOUBLE SIDED TAPE MMM3136	7.52	38872
WB MASON CO., INC.	STORAGE TOTE STX61528U01C	18.93	38872
ULINE, INC.	CROWD CONTROL RETRACTABLE BELT	605.00	38881
BERGEN COUNTY FUEL/MECHANICAL	2019- VEHICLE FUEL DMF - DEC	2,896.00	38873
BERGEN COUNTY FUEL/MECHANICAL	2019 VEHICLE FUEL FIRE - DEC	224.31	38873
BERGEN COUNTY FUEL/MECHANICAL	2019-VEHICLE FUEL POLICE DEC	1,624.36	38873
BERGEN COUNTY FUEL/MECHANICAL	2019-VEHICLE FUEL POLICE DEC	636.02	38873
AETHER SCIENTIFIC	30 Packs of 10 KN95 Masks	1,011.00	38879
AETHER SCIENTIFIC	FREIGHT	78.40	38879
WB MASON CO., INC.	HAND SANITIZER COVID-19	287.76	38872
WB MASON CO., INC.	FDA CERTIFIED MASKS COVID-19	169.00	38872
WB MASON CO., INC.	SURGE PROTECTOR Item: APWP8U2	36.00	38872
R. O'LEARY PLUMBING & HEATING	INVOICE NO. 9042 3/20/20	280.00	38878
BOSWELL ENGINEERING, INC	EMERGENCY SERVICES I#139925	1,059.75	3455
BOSWELL ENGINEERING, INC	EMERGENCY SERVICES I#139926	414.00	3455
WB MASON CO., INC.	LAZER TONER	176.32	38872
WB MASON CO., INC.	DRIVE	22.00	38872
WB MASON CO., INC.	FILE POCKETS	17.43	38872
WB MASON CO., INC.	MAGNIFIER	33.70	38872
WB MASON CO., INC.	VARIOUS OFFICE ITEMS	31.66	38872
BERGEN COUNTY FUEL/MECHANICAL	2006 FREIGHTLIER M2 SERIES	400.00	38873
BERGEN COUNTY FUEL/MECHANICAL	WATER PUMP	320.00	38873
BERGEN COUNTY FUEL/MECHANICAL	ENGINE COOLANT	56.00	38873
BERGEN COUNTY FUEL/MECHANICAL	THERMOSTAT HOUSING AND/OR	232.00	38873
BERGEN COUNTY FUEL/MECHANICAL	FUEL/WATER SEPARATOR	48.00	38873
BERGEN COUNTY FUEL/MECHANICAL	FUEL FILTER	24.00	38873
BERGEN COUNTY FUEL/MECHANICAL	ENGINE OIL & FILTER(S) CHANGE	80.00	38873
BERGEN COUNTY FUEL/MECHANICAL	WATER PUMP - PARTS	669.30	38873
BERGEN COUNTY FUEL/MECHANICAL	SEAL OIL - PART	20.50	38873
BERGEN COUNTY FUEL/MECHANICAL	TEMPETURE REGULATOR - PARTS	52.00	38873
BERGEN COUNTY FUEL/MECHANICAL	SEAL PRESS - PARTS	12.00	38873
BERGEN COUNTY FUEL/MECHANICAL	SEAL - PARTS	14.00	38873
BERGEN COUNTY FUEL/MECHANICAL	FREEZE PLUG - PARTS	13.00	38873
BERGEN COUNTY FUEL/MECHANICAL	FILTER - 1R0749 PARTS	19.05	38873
BERGEN COUNTY FUEL/MECHANICAL	FILTER - 1R1808 - PARTS	30.00	38873
BERGEN COUNTY FUEL/MECHANICAL	AIR FILTER - PARTS	110.00	38873
BERGEN COUNTY FUEL/MECHANICAL	PRIMARY FUEL FILTER - PARTS	22.00	38873
BERGEN COUNTY FUEL/MECHANICAL	15W40 MOTOR OIL - PARTS	120.00	38873
BERGEN COUNTY FUEL/MECHANICAL	COOLANT - PARTS	77.00	38873
HIGHWAY TRAFFIC SUPPLY	NO FISHING 18X24 CUSTOM	59.58	38865
GATES FLAG & BANNER	USN1525 UNITED STATES NYLON	560.00	38867
BERGEN COUNTY FUEL/MECHANICAL	2020- VEHICLE FUEL DMF - JAN	1,819.20	38873
BERGEN COUNTY FUEL/MECHANICAL	2020 VEHICLE FUEL FIRE - JAN	386.89	38873
BERGEN COUNTY FUEL/MECHANICAL	2020-VEHICLE FUEL POLICE JAN	1,779.95	38873

DURIE LAWN MOWER & EQUIPMENT	Screws/Spring	9.95	38866
WB MASON CO., INC.	Log Books	113.45	38872
WB MASON CO., INC.	Log Books	76.48	38872
ALL MAINTENANCE PRODUCTS, INC.	INVOICE NO. 137277	1,650.00	38876
WB MASON CO., INC.	Rolling Storage Box	90.09	38872
ALL MAINTENANCE PRODUCTS, INC.	INVOICE NO. 137265	850.00	38876
ALL MAINTENANCE PRODUCTS, INC.	EMERALD LATEX PF GLOVES	60.00	38876
WB MASON CO., INC.	HP (CF226A) TONER CARTRIDGE	75.10	38872
WB MASON CO., INC.	SHARPIE FINE POINT MARKERS	3.83	38872
WB MASON CO., INC.	58A (CF258A) Toner Cartridge	146.63	38872
LOUIS C. MAI CPA & ASSOCS.	FINANCIAL STATEMENTS 2019	17,000.00	38877
DANZINGER, LAURA & MILTON	REFUND ESCROW MONIES	370.25	8781
PASCACK VALLEY MAYORS ASSOC	PASCACK VALLEY MAYOR ASSOC 1QT	466.88	38863
Lincoln Ntl Life Ins. Co.	ANNUAL CONTRIBUTION-LOSAP	2,500.00	38870
LERCH, VINCI & HIGGINS	REVIEW TEMPORARY BUDGET	135.00	38868
LERCH, VINCI & HIGGINS	REVIEW ESTIMATED TAX BILLS	135.00	38868
GOOSETOWN COMMUNICATIONS	Quarterly Agreement	600.00	38871
WB MASON CO., INC.	WALL FILE - LEGAL	5.61	38872
WB MASON CO., INC.	SINGLE POCKET WALL FILE, LEGAL	7.11	38872
WB MASON CO., INC.	PORTRAIT WALL FILE POCKET	15.18	38872
IMPAC	2020- VEHICLE FUEL DMF	28.85	38875
PETTY CASH	KEYS FOR CHIEF'S OFFICE	4.88	38858
PETTY CASH	HAND SOAP	7.45	38858
PETTY CASH	OFFICE SUPPLIES - CLERK	13.86	38858
PETTY CASH	ELECTION MAPS	9.56	38858
PETTY CASH	GAS FOR POLICE VEHICLE	25.00	38858
PETTY CASH	ZIPLOC STORAGE BAGS FOR POLICE	10.64	38858
PETTY CASH	LYSOL WIPES - POLICE DEPT.	74.58	38858
PETTY CASH	DMF TRUCK - TITLE/REGISTRATION	60.00	38858
PETTY CASH	CHIPPER - TITLE/REGISTRATION	60.00	38858
ULINE, INC.	Biohazard Waste Can	87.00	38881
ULINE, INC.	Biohazard Trash Liner	51.00	38881
ULINE, INC.	Boxes	28.25	38881
ULINE, INC.	Sharpie Markers	27.60	38881
PSE&G-CCMC	RIDGEWOOD/PASCACK 6504238502	20.17	38864
PSE&G-CCMC	MANHATTAN/PASCACK 7225593102	26.69	38864
PSE&G-CCMC	651 PASCACK RD 7225599909	54.61	38864
PSE&G-CCMC	WASHINGTON AV SCHOO 7225690604	45.60	38864
PSE&G-CCMC	VAN EMBURGH/WASHING 7226200309	13.84	38864
PSE&G-CCMC	670 WASHINGTON AVE 7225774409	99.45	38864
PSE&G-CCMC	CALVIN ST/HUDSON AV 7225781200	6.32	38864
PSE&G-CCMC	670 WASHINGTON AVE 7226067900	214.03	38864
PSE&G-CCMC	670 WASHINGTON AVE 7226067900	417.86	38864
PSE&G-CCMC	670 WASHINGTON AVE 7226067900	103.00	38864
SUEZ WATER NEW JERSEY	FIRE HYDRANT SERVICES JAN-APR	36,299.53	38862
SUEZ WATER NEW JERSEY	WASHINGTON AVE 1000303512222	56.48	38862
SUEZ WATER NEW JERSEY	BRIDGE/GARDNER 10001172011111	109.46	38862
SUEZ WATER NEW JERSEY	LAFAYETTE AVE 10002063021111	165.10	38862
SUEZ WATER NEW JERSEY	350 PASCACK RD 10003303512222	193.22	38862
SUEZ WATER NEW JERSEY	PASCACK MEM FLD 10005651312222	115.89	38862
SUEZ WATER NEW JERSEY	W CROSS CLARK 10007687822222	21.73	38862
MAPLE DIRECT, INC.	POSTAGE-2020 EST TAX BILLS	1,731.50	38880
		\$ 84,652.61	

Resolution No. 20-231

Permitting temporary permits for sidewalk cafes and outdoor restaurant seating during the COVID-19 pandemic shutdown recovery

WHEREAS, restaurants are an integral part of the local economies and social fabric of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the COVID-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, by Executive Order No. 150 (2020) the Governor of the State of New Jersey advanced the State into phase "Stage 2" of the recovery from COVID-19 which allows food and beverage establishments to provide such services in outdoor areas; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume such service in accordance with proper health policies and procedures allowable under state authority; and

WHEREAS, the State of New Jersey, Department of Health (the "State Health Department"), has issued Executive Directive No. 20-014 ("Executive Directive No. 20-014") which establishes protocols for food and beverage establishments offering service in outdoor areas; and

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control (the "ABC"), has issued Special Ruling SR 2020-10 ("SR 2020-10") which establishes a temporary permit process to enable licensees and permittees to acquire a temporary permit to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanent licensed premises (the "COVID-19 Expansion Permit"); and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey as follows:

1. Temporary Permits for Sidewalk Cafes and Outdoor Restaurant Seating ("Temporary Permit") in the Township shall be permitted. Temporary Permits shall be issued by the Business Administrator in accordance with this Resolution. All Temporary Permits issued pursuant to this Resolution shall expire on November 30, 2020 unless extended by the Business Administrator.
2. Temporary Permits issued pursuant to this Resolution shall not require the filing of a Site Plan Application or require Site Plan Approval from the Planning Board.
3. A Temporary Permit issued pursuant to this Resolution must be obtained prior to the creation and opening of any outdoor seating, including where outdoor seating is permitted by a regular Site Plan Approval previously issued by the Planning Board or Zoning Board.
4. A drawing of the proposed Sidewalk Café or Outdoor Restaurant Seating area must accompany an application for a Temporary Permit. No specific form of application for a Temporary Permit is required provided all the information set forth herein is clearly set forth. The application for a Temporary Permit shall contain a drawing showing the location and size of all proposed tables and chairs and distances to other tables and chairs. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations

in any applicable State Health Department Executive Directives or other applicable State Executive Orders or Directives. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey. The drawing need not be drawn to scale. The Business Administrator shall be authorized to ask for additional information in connection with an application for a Temporary Permit.

5. There shall be no fees for handling and issuance of a Temporary Permit.
6. The Township shall expedite the review of all applications seeking to obtain a Temporary Permit for a Sidewalk Café or Outdoor Restaurant Seating area pursuant to this Resolution.
7. The Township's regulations for restaurants and food establishments not otherwise inconsistent with the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit shall remain in full force and effect.
8. Any interpretation of the Township Zoning Ordinances which would otherwise prohibit the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit hereunder pursuant to Executive Directive No. 20-014 or SR 2020-10 is deemed waived.
9. The standards and protocols for the creation and operation of Sidewalk Café or Outdoor Restaurant Seating areas pursuant to a Temporary Permit hereunder are set forth in Executive Directive No. 20-014 which are incorporated herein by reference as if set forth verbatim. Additional or alternate standards and protocols shall be engrafted on the issuance or continuation of any Temporary Permit in conformity with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable State Health Department Executive Directives or other applicable State Executive Orders or Directives.
10. The serving and consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission. A Temporary Permit shall not be required for an ABC licensee to expand its licensed premises pursuant to a COVID-19 Expansion Permit issued pursuant to SR 2020-10.
11. The Township Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance provided same is in conformity with the concept of outdoor seating pursuant to a Temporary Permit.
12. The Township of Washington reserves all rights, privileges and immunities concerning its inalienable ownership over all sidewalks, streets, public lanes, alleys or other public grounds within the Township, whether or not any projection or encumbrance has been permitted to be erected on the same, without any waiver of such rights, privileges or immunities, whether expressed or implied.
13. The Township of Washington expressly reserves the right to require the removal of any or all encroachments of the public right-of-way, and other such encumbrances upon any sidewalk, street, public lane, alley or other public ground that present a danger to the health, safety and welfare of the public.
14. Applicants for a Temporary Permit shall conform with all requirements of the New Jersey State Uniform Fire Code, New Jersey Uniform Fire Safety Act, New

JeOrsey State Uniform Construction Code, New Jersey Public Health Nuisance Code and all other Township ordinances, and state laws, rules, regulations and directives.

15. This Resolution shall be effective as of June 15, 2020 pursuant to Executive Order No. 150.

Resolution No. 20-232

Authorization to rescind resolution 20-225 dated June 3, 2020

WHEREAS, Resolution 20-225 Approval to submit a grant application and execute a grant application with the New Jersey Department of Transportation for the Hudson Avenue and Bridge Street Project was approved on June 3, 2020; and

WHEREAS, the scope of the project has been amended to include the Municipal Parking Lot.

NOW, THEREFORE, BE IT RESOLVED that resolution 20-225 is hereby rescinded.

Resolution No. 20-233

Authorize submission of grant application and execute grant contract, NJDOT for Hudson Avenue, Bridge Street and Municipal Parking Complex parking lot project

NOW, THEREFORE BE IT RESOLVED, that Council of Township of Washington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021- Hudson Avenue & Bridge Street & Muni -00209 to the New Jersey Department of Transportation on behalf of Township of Washington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Washington, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 20-234

Authorize refund of Spring Lacrosse program registration fees paid, minus the cost of the uniforms @ \$60.00 per athlete, not to exceed \$21,415.00

WHEREAS, the Covid-19 pandemic has caused the cancellation of the Township of Washington's Spring Lacrosse program, after registration fees were paid by hopeful participants, and

WHEREAS, the Township's recreation program has previously placed an order to provide uniforms to participants in the amount of sixty dollars (\$60.00) per athlete.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Recreation Director be authorized to issue a refunds to all paying participants the full registration fee paid, minus the amount of the cost of the uniforms ordered, which will be provided to all youth athletes upon delivery to the Township, total amount not to exceed \$21,415.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40a:4-57, N.J.A.C. 5:30-14.5 and any other applicable requirements, I, John Corcoran, Chief Financial Officer of the Township of Washington, have ascertained the availability of funds for such services as determined in the Township's annual budget acct.#0-01-28-370-405; not to exceed \$21,415.00; John Corcoran, CFO.

Resolution No. 20-235

Authorize the Mayor to execute the Reimbursement Agreement in conjunction with the CARES Act

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was enacted, among other purposes, to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency and to combat the economic damage caused to states, counties and municipalities because of COVID-19; and

WHEREAS, Bergen County (the "County") has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse specific COVID-19 related expenditures within the County due to economic damage and hardship caused by COVID-19;

WHEREAS, the County, as the recipient of the Stimulus Funds, has the responsibility to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments;

WHEREAS, the County seeks to provide municipalities within the County access to Stimulus Funds for COVID-19 related expenditures on a reimbursement basis in order to alleviate a degree of the economic damage and hardship caused by COVID-19; and

WHEREAS, the County has the responsibility to establish a reasonable process for the acceptance of an application by a municipality for an eligible reimbursement from the Stimulus Funds, and has proffered the attached agreement (the "Reimbursement Agreement") for acceptance and execution by a municipality seeking reimbursement from the Stimulus Funds; and

WHEREAS, the Township of Washington wishes to avail itself of applying to the County for eligible reimbursement(s) from the Stimulus Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, State of New Jersey that the Township hereby approves and accepts the Reimbursement Agreement; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Reimbursement Agreement and have the Business Administrator and any other appropriate Township officials apply for eligible reimbursement(s) from the Stimulus Funds pursuant to the Reimbursement Agreement and the process established by the County in conjunction with said agreement and the CARES Act.

Resolution No. 20-236

Authorize the inclusion in the Bergen County Community Development Program, July 1, 2021 through June 30, 2024

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of Washington and its residents to participate in said Programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Washington hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024; and

BE IT FURTHER RESOLVED, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

RESOLUTIONS REMOVED FROM CONSENT AGENDA (if necessary)

Resolution No. 20-237

A motion was made by Councilwoman Morgan, seconded by Council President Feeney on Resolution No. 20-237.

Discussion:

Councilman Cascio stated he would like to know from the Administrator what are the amendments to the original agreement. Administrator Tovo stated there was a change to the funding provided by the County, minor changes, short turn around time, approved by July 17, so they could administer the grant programs. Councilman Cascio asked what the amendments? Administrator Tovo replied it was more on the County end, not the Township. Councilman Cascio asked that the date be changed to 2000, it is indicated 200 on the Agenda. Council members have no further questions.

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

Nays: None.

Resolution No. 20-237

Authorize execution of agreement with the County of Bergen to supersede the Cooperative Agreement dated July 1, 2000 and amendments thereto establishing the Bergen County Community Development Program

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, an Agreement has been proposed under which the Township of Washington and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Township of Washington to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township of Washington, that the Agreement entitled “Three Year Cooperative Agreement” (an Agreement superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024 be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

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

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

Time Noted: 9:08 p.m.

/s/ Susan Witkowski
Township Clerk

/s/ Stacey Feeney
Council President

Approved: March 4, 2021

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE MINUTES
June 15, 2020

⌘PLEASE NOTE THIS IS A VIRTUAL MEETING ⌘
DUE TO CORONAVIRUS PANDEMIC

CURRENT BUSINESS

I. Administration

A. Project Tracker (rt) – No tracker included in this week’s packet; update provided at the last meeting. Councilman DeSena requested Administrator Tovo email the project tracker tonight or tomorrow. Council President Feeney requested that the project tracker be discussed at every meeting and be sent to Council. Administrator Tovo replied he will do that. Council President Feeney requested the Clerk include the “Project Tracker” at every Agenda going forward.

II. Council

A. Ordinances and Legislation

1. Draft Ordinance: Amend Chapter 291. Littering to include surgical and medically protective masks and gloves, mandatory court appearance (follow up-kp) – An ordinance was prepared by Attorney Poller based upon the last meeting, there was an appetite to include the masks and gloves as a special, increase fee to \$150, all littering requires a Court appearance. Council President Feeney stated it is a good way to tell people do not make a mess in our Township, she is also in favor of the Court appearance. Council President Feeney requested the ordinance be put on the next meeting for introduction, does any council member have any comments? Councilman DeSena stated he will be voting on this, too much emphasis is being put on it, it is something that people need to police themselves. Councilman Cascio stated the gloves/masks are a biohazard, don’t think those items should be included, he would remove the masks/gloves, but keep the Court appearance. Councilwoman Morgan stated the conversation/discussion came up due to the masks and gloves, are we going to do something to address that separately, because that was one of the discussions. Councilman DeSena spoke of his concern of policing this, our officers are doing a fine job, who is going to enforce this, per agreement the shopping center is supposed to be cleaned every night, all the receptacles are to get emptied as well as street swept, which they don’t do any longer, which is violating the ordinance. He does see them picking up debris manually, up until two years ago there was a street sweeper, and garbage was emptied, now it is being done a lot less, the shopping center should provide more receptacles to put garbage in, as well as get back to being a good neighbor, the berm at the side of the building looks horrible, there are a lot of things going on, as well as quality of life issues for the residents on Finnerty, they have to deal with the noise, trucks at 4:30 a.m., waking up the neighbors on Finnerty, they are not supposed to be there, that is what we should be concerned with as a Council. Council President Feeney stated we are not asking the Police to do anything different; we are not asking them to sit in the parking lot, we are giving them the tools they could utilize, which helps strengthen our ordinance, this is going on in other areas of the Township, not just the shopping center. Councilman Cumming stated this was opened due to a discussion from excess litter from protective masks and gloves, Attorney Poller reworked the ordinance to add more teeth, these are merely tools, we are not going to send a brigade to hunt glove droppers, but is it a tool in our tool box we can use. He would like to add more, for things like grass and houses, he would like to pass it the way it is, giving us more and better tools to keep our Township cleaner, beautiful and healthier. Councilwoman Morgan and Council President Feeney agree with Councilman Cumming. Councilwoman Morgan stated people are responsible, sometimes a reminder is needed. Councilman DeSena agrees, it is a quality of life issue, but

we have bigger ones in the Township, taking a bike ride around Woodfield, the lake, seeing two-foot-high grass at the same house, over and over, seeing garbage strewn around a person's home, he shouldn't have to call the Code Enforcement Officer. Council President Feeney stated we are getting off topic, if needed, we can put this on the Conference Agenda to have Mr. Setticone answer regarding what is going on with the Code Enforcement, she requested the Township Clerk add discussion of ordinance of maintenance of properties in the Township to the next Conference Agenda. Councilwoman Morgan offered to work with Councilman DeSena on this topic. Councilman DeSena stated he knows Councilwoman Morgan walks the same blocks as he does, and she know how disgusting it is, it appalls him that someone could let their property look like for weeks on end, repeat violators, same people over and over again, we should not have to tell Mr. Setticone, because they go to the same house over and over, the first day of each month the house should be reviewed. Councilwoman Morgan stated she does walk a lot, some homes are pristinely kept, if you are a neighbor, notice something, such as a home that was kept up not being kept up any longer, please do a check on them, maybe COVID is affecting them, and they do not have the money, strength, or resources to take care of the property, be a good neighbor. Councilman Cumming stated you can also call the Police Department for a wellness check.

2. No Knock List-newspaper delivery (dm) – Councilwoman Morgan stated a neighbor called with a concern of newspapers in driveways, they end up on the street, get wet, she would like Attorney Poller to explain if something can be done. Attorney Poller stated with 567 municipalities, this subject falls into the category that we could open ourselves for litigation. There is a First Amendment issue involved in the distribution of hand bill, newspapers, when it comes to the First Amendment, the Courts are not inclined to let the towns invoke their police powers to bar the distribution of information and data that way. He did ask the Clerk to ask around, some do not have these types of ordinances, a few do have them, such as Franklin Lakes, the Clerk also did receive a reply from the New Jersey League of Municipalities that he would like to read:

“In the past the courts have consistently struck down these types of ordinances for violating the First Amendment. We suggest your review [Ad World, Inc. v. Twp. Of Doylestown 672 F.2d 1136 \(1982\)](#) with your municipal attorney. Although this case deals with a Pennsylvania municipality's ordinance, it is a Third Circuit case so it is directly applicable to New Jersey. Also see, [Schneider v. NJ](#) a SCOTUS case striking down an ordinance seeking to limit handbill distributions”.

Here is a link to an ordinance for California but we anticipate that this ordinance will be successfully challenged and caution against using it as a sample.<https://www.codepublishing.com/CA/SanCarlos/html/SanCarlos05/SanCarlos0545.html#5.45.040>

Attorney Poller stated Third Circuit includes New Jersey, Pennsylvania, Delaware and the Virgin Islands, the law does govern us. He stated there is an enforcement issue, if the Police see something in a driveway, will they issue a summons, was it something that was ordered or not, if it media companies, publishers, that are protected by the First Amendment, they can start an action against us, there will be litigation, he doesn't think we would stand up against it. He understands the agreement, it really is a slippery slope, it would be an enforcement problem, how to issue a summons, how will it presented, things of that nature, he would say it is a mistake to go down this road. He stated there was one town, wording was something along the line we tried to contact the media organizations to get their cooperation, letting them know we have this ordinance, good luck with that. Councilwoman Morgan asked how was the Township able to do the No-Knock Ordinance/Solicitation? Attorney Poller stated No-Knock/Solicitation is actually walking up and knocking at a door to sell goods, peddlers, things of that nature.

Commercial sale is a different animal than information that is put out by people, our democracy allows for First Amendment dissemination, that ordinance, in addition to the fact that they walk up to your door, they have to get a permit, there is a mechanism that actually stops it, saying you cannot go around knock on someone's door unless you have a permit. Here is the No-Knock list, therefore you cannot go there, his question is are you going to give a permit to newspaper companies, as well as companies that put out town journals, things like that, it is a different thing altogether. Councilwoman Morgan thanked Attorney Poller for the explanation, and apologized to the resident who wanted it done. Councilman Cumming stated in his experience, there would be houses, especially after 2008 that were vacant, the little papers would pile up on the driveway, he put them in his trunk and threw them away, it is as simple as someone picking them up and getting rid of them. He understands the resident's complaint of distasteful litter at the end of the driveway, but we cannot interfere with our Constitutional rights.

B. Financials

1. Funding for DPW building, Ordinance 19-14, \$1.3 million (sf) Council President Feeney stated based on former Councilman Ullman's comments last week, she wanted to include the clarification so everyone can see that it was not on the budget, but according to our auditors, and CFO, it is not required to be on the budget, it is on our books, in Edmunds, which was also confirmed by Mr. Mai. She wants to make sure that all Councilmembers received the information, the printout is through Edmunds, as well as the emails. She stated the accounting has been taken care, the money has been recorded, hopefully this will clarify the issue.

C. Miscellaneous

1. Fresh Grocer/Finnerty Place pedestrian walkway (dm) – Councilwoman Morgan has provided some photos, it is the walkway to the left as you are looking at Fresh Grocer, it is a little pedestrian sidewalk, across the way is Devon Road. Councilwoman Morgan feels there is an extreme safety issue at this point of this pedestrian walkway, personally she was driving down Finnerty Place, five or six boys, young kids, just out of nowhere shot out right into the street. She stated the way that the pedestrian walk is constructed, the walk is covered by trees, as you can see in the photos, in one of the photos there is a vehicle to show exactly what she is speaking about. Her own children are riding around on bikes, she did take them there, and told them when they come out they will be directly into the middle of the street, the driver cannot anticipate this, because they can't see the children or people walking out of there, especially dangerous for those on bikes, it is an accident waiting to happen. She proposes the person who handles traffic issues in the Police Department take a look at this, see what can be done, perhaps a fence can be put up there, so you would have to stop and open it, or a yield sign, it is something dangerous for the motor vehicle operator as well as the cyclist. Council President Feeney asked Administrator Tovo to forward this information to Corporeal Gugger, our Traffic Police Officer. Administrator replied he will pass this on to Corporeal Gugger, and also include the engineer.

2. 184 Finnerty Place correspondence – Council President Feeney stated she believes this was brought to our attention in February regarding the reimbursement of expenses. She asked if the Township Clerk spoke to her? Township Clerk Witkowski replied no, she did not, she hand delivered it in our pick-up box, she has not spoken to her. Councilman DeSena stated he thought Administrator Tovo assured us that it would be paid for back in March. Council President Feeney believes we were asked who was going to submit them, we had to ask to review that back in March. Councilman Cumming stated we requested that the engineer provide us with a brief summary of his viewpoint on all of this to make sure that it was something that would indicate whether we should pay or not. Council President Feeney stated we also asked to see Ms. Lipnick's expenses, that is what she dropped off. Councilman

Cumming stated that is fine, but we haven't seen anything from the engineer that says if the Township is responsible, if we should pay it, that is what he has been waiting for. Council President Feeney does see an email from Administrator Tovo informing Ms. Lipnick that we were going to pay, does Administrator Tovo have the engineer's report? Administrator Tovo replied initially the engineer recommended a reimbursement \$426, the engineer did take a second look and confirmed that the \$426 is the only piece that the Township should be responsible for. Councilman Cumming asked does the Administrator have that in writing, from the engineer? Administrator Tovo replied yes, he has that in an email. Council President Feeney asked that to be forwarded to the rest of the Council, as well as the report. Councilman DeSena asked if these expenses were submitted to our insurance company? Administrator Tovo replied we would not be eligible for reimbursement. Councilman DeSena stated Mrs. Lipnick submitted \$2,500 worth of expenses. Council President Feeney stated the engineer is saying the Township is not responsible for the \$2,500, in order to see what is going on wouldn't he agree Council needs to see the report. Councilman DeSena stated if you read what Mrs. Lipnick has provided us it is well documented that it is from grease from The Fresh Grocer that clogged her sewer line. Council President Feeney stated she doesn't disagree, however, with everything we have discussed as a Council, it is always based upon what the engineer's report states, we cannot pick and choose. This was received June 11, 2020, in order to make the best and fair determination, she doesn't disagree that Mrs. Lipnick may be entitled to more money, but she thinks the engineer's report, in addition to the information we have, will give us an entirely complete picture. Administrator Tovo stated according to the engineer, he was never able to determine a clear cause of the issue at the property, the times the lines were checked there was no grease in the lines, when it comes to the back-flow preventer that was discussed, the engineer is committed that it would have an impact at all, he feels we need to dive into this a little bit further before we come to a conclusion, there will be an reimbursement of \$426, as the engineer is recommending, and continue to get the answers to what is really causing the issue. Council President Feeney asked Administrator Tovo to forward to Council the response from the engineer, she agrees we need to find out what is going on, because Mrs. Lipnick did spend quite a bit of money, we need all the facts, there is also a call out to SUEZ. Councilman Cumming stated Mrs. Lipnick wants to know what the blue marks are on the streets, they are mark-outs for utilities, gas and electric, the 1-800-MARK-OUT is not required to tell the Township what they are doing, who called in, that there cable is out, or whatever other thing is wrong, the Township doesn't necessarily know that is not her breakdown, her problem. Councilman DeSena asked Administrator Tovo, since this is an extremely large of amount for a resident to encumber, can we make sure that Mr. Yakimik provides the response before our next meeting, so Council can make an informed decision. Administrator Tovo replied yes. Council President Feeney asked Administrator Tovo if he has the response? Administrator Tovo replied there was a second piece to the investigation, there is no clear indication as to what the cause is. Council President Feeney stated in order to maintain fairness, if Administrator Tovo could forward those responses from Boswell to Council, we will add this to the next Agenda, as well as get more information regarding this. Council President Feeney asked the Township Clerk put the same documents, as well as additional documents, in the next meetings packets for Council. Councilman DeSena asked has the Tax Assessor chimed in regarding Mrs. Lipnick's assertion about the damage to her property? Council President Feeney replied she doesn't believe so, she asked Administrator Tovo to reach out to the Tax Assessor for a response to give to Council for the next meeting. Administrator Tovo replied yes, he will. Council President Feeney asked has Administrator Tovo reached out to The Fresh Grocer to come and talk to Mrs. Lipnick maybe give her some assistance? Administrator Tovo replied a few months back the Zoning Official did go there and speak to The Fresh Grocer regarding cleaning the grease traps on a more frequent basis, he did receive a positive response, as per the resident's email, she has been seeing more cleaning

of the grease traps. Councilman Cumming stated that was included in our packets. Councilman DeSena asked does our engineer have any reports of when the grease traps were cleaned in the last four years? Administrator Tovo replied he would have to ask, he did backtrack this as far as he could trying to get the history from other sources, again, no matter where you look it didn't give a clear delineation as to what is causing the issue. Councilman DeSena stated he would like to see the two-times minimum cleaning of the grease traps bills for the shopping center so we can prove that it was done. Council President Feeney stated we would have to get that from The Fresh Grocer, this will be put on the next Agenda, as well as more information so Council can make a better and informed decision.

- a. property taxes
- b. reimbursement of expenses

3. COVID testing, June 24, Stonybrook Swim Club, Hillsdale (sf)
Council President Feeney stated there will be Community Mobile COVID-19 Testing for those with or without symptoms will be held on Wednesday, June 24, 2020 for Hillsdale, Emerson and Township of Washington at the Stonybrook Swim Club, 183 Cedar Lane, Hillsdale, New Jersey 10:00 a.m. to 2:30 p.m. for the general public testing, first responders only testing will be from 9:00 a.m. to 10:00 a.m., please bring identification, such as a driver's license, social security card, passport or birth certificate, also needed is proof of Bergen County residency or employment with a municipal or county government, copy of a driver's license or utility, if you have an insurance card, if applicable. The test will be saliva COVID-19 test, please do not eat, drink, smoke or chew gum 30 minutes before arrival. There is also a COVID-19 antibody test which is available only to Bergen County first responders, health care workers and Bergen County community members who had a prior COVID-19 positive diagnostic test who can bring a copy of their positive COVID-19 diagnostic test result. The antibody testing is limited to 100 tests per day. All mobile testing sites are weather permitting. Please visit the Township website for further information.

Council President Feeney read a thank you letter from Kitty Benden & Family – Dad's 101st Birthday-

Dear Mr. Mayor & Council Members,

Naming Dad as the Grand Marshal of the Virtual Memorial Day Parade and including his birthday parade video as part of the Memorial Day Celebration, which enabled all of our family and friends to view the parade is so much appreciated. The videographer from WCTV was wonderful and the final video that resulted from her videoing the parade is fantastic, she truly captured Dad's happiness. I have personally watched the video five times on WCTV.

Kitty Benden & Family

Council President Feeney thanked Daisy for the Memorial Day Parade and to those that submitted videos.

CLOSED SESSION

Resolution No. 20-239

Purchase, lease or acquisition of real property with public funds/pending or anticipated litigation or contract negotiations-Temporary relocation of DPW vehicles and equipment

Councilman Cumming asked who is going to update us on these items?
Council President Feeney replied she believes Attorney Poller and Administrator Tovo.

A motion was made by Councilwoman Morgan, seconded by Council President Feeney, to approve Resolution No. 20-239.

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

Nays: Councilmen Cascio, DeSena.

Township Clerk Witkowski asked Attorney Poller does vote carry to go into Closed Session? Attorney Poller replied yes.

Resolution No. 20-239

Purchase, lease or acquisition of real property with public funds/pending or anticipated litigation or contract negotiations-Temporary relocation of DPW vehicles and equipment

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. **-temporary relocation of DPW vehicles and equipment**

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. **-temporary relocation of DPW vehicles and equipment**

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.

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

Time Noted: 8:45 p.m.

/s/ Susan Witkowski
Township Clerk

/s/ Stacey Feeney
Council President

Approved: March 4, 2021