

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES
December 16, 2019~7:30 p.m.

CALL TO ORDER: Council President DeSena.

STATEMENT

Welcome to the regularly scheduled Public Meeting of December 16, 2019 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: Lead by Council President DeSena.

ROLL CALL:

Councilmen Cascio, Cumming, Ullman, Council President DeSena

Absent: Councilman Bruno

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

READING OF TOTAL LIST OF BILLS: None.

APPROVAL OF MINUTES: None.

GENERAL PUBLIC DISCUSSION (Five Minute Time Limit)

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

Ayes: Councilman Cascio, Cumming, Ullman, Council President DeSena.

Nays: None.

Absent: Councilman Bruno.

Councilman Bruno arrived at 7:32 p.m.

Bob Bachmann, 758 Chestnut Street – Mr. Bachmann provided a copy of a letter he will be referencing while speaking to Council. His property borders on Hillsdale, he would like to bring a number of concerns to Council's attention. This June a 50X100 border lot owned by Hillsdale was offered to Habitat for Humanity, this lot has functioned as a storm water sump for both Hillsdale and the Township for over four decades. Water enters an underground storm drain and above ground water flows into it from the lower adjacent properties in the Township and Hillsdale. If Habitat for Humanity were to build on this lot, many Township and Hillsdale residents would be adversely impacted, the main concern is drainage. It is likely several of our basements would be flooded because the sump drainage lot would be disturbed, we are also concerned with our property values. There is also the concern of the safety of their children, by the residents of the Township who bought their homes on this portion of Chestnut Street, so their children could play, learn to ride their bikes in the dead end, not be exposed to the traffic of a through street. Council President DeSena

asked has there been an application submitted to make this a through street? Administrator Tovo replied there is no application before us. Council President DeSena stated he believes he spoke to Mr. Bachmann months ago, there is no application before this Council or Mayor to make Chestnut Street a through street. Mr. Bachmann stated he realizes that, Mayor Ruocco of Hillsdale also stated it would not be a through street, but we do not believe him, he is not open and transparent because he never let his own residents know that he was giving this to Habitat for Humanity. In the resolution that Hillsdale passed in June, they said it was by eminent domain, but at a Planning Board meeting he stated it was not by eminent domain. Council President DeSena stated he just wants to let Mr. Bachmann know, as well his neighbors, that there is no application, the DOT would have to ask us for permission to make Chestnut Street a through street. Council President DeSena confirmed again with Administrator Tovo that the application was not received. Administrator Tovo replied quite contrary, Hillsdale said they had no intention. Council President DeSena asked do we have an application on file requesting the Township's permission to make Chestnut Street a through street? Administrator Tovo replied we do not. Mr. Bachmann stated he understands that, he also knows that Mayor Ruocco said it would not be a through street, but do not believe him because he was not open and transparent with some other things. Mr. Bachmann stated as he was saying, people bought the properties because it is a dead end, they are concerned that it might become a through street, but as he understands there is no application made. There are other concerns, which are listed in the letter he has provided. Council President DeSena questioned if have these concerns been provided to the Hillsdale Planning Board. Mr. Bachmann replied he tried to, but was cut off. The reason he is before the Council is because Mayor Calamari has never responded to this letter, the letter was also hand delivered to Mr. Tovo, but it went no further than that. Mr. Tovo did state it was a true 50X100 is owned by Hillsdale. He does have another map, which he provided, that shows at one point, the Township had that piece of land. We would appreciate the courtesy of a meeting with the Mayor to enlist his help with this water problem, the negative impact which would ensue if Habitat accepts the Hilldale offer. As of last Wednesday, when he spoke to Maureen Cameron of Habitat, she stated they had accepted, he doesn't know if he believes her either, because she has had six months to do something about it. They have had Habitat people coming and looking at it. He doesn't think that this has been handled in an open and transparent way.

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

Ayes: Councilman Bruno, Cascio, Cumming, Ullman, Council President DeSena.

Nays: None.

ORDINANCES

Adoption, 2nd Reading: None

Introduction, 1st Reading: None

INDIVIDUAL RESOLUTIONS:

Resolution 19-324 Authorize 2019 Transfer of Appropriations

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-324.

Councilman Ullman asked the transfers in, are these covered by our Salary Ordinance, we are transferring money for payment, salary and wages, the

question he has will we exceed the salary ordinance for these lines, these individuals or for these positions? Administrator Tovo stated he did not prepare this; he only saw this today. Ms. Curran stated the Planning/Zoning Board Secretary, Tax Assessors Clerk were given a raise, as she discovered that it was not actually in the adopted budget and it is not in the Salary Ordinance. She will be getting paid that amount of money, and recommends revising the Salary Ordinance, that would be the correct procedure, the same person has the three positions. Councilman Ullman stated he understands we are not going to discuss, probably until Closed Session, the Memo. He asked Attorney Poller can we pay above the Salary Ordinance that is in place, without action by the Council? Attorney Poller replied as with the last issue, you saw these are not easy questions, it takes a certain amount of looking into. Councilman Ullman stated there is an ordinance, that is somewhat black and white, without going into the details of the individual, but asking in general? Attorney Poller replied in general right, you are not supposed to. Councilman Ullman stated there is an ordinance, it is presented to the Council, it is approved, it should have some alignment to the budget, that how it has been done, although there may be breaks, but in theory. Attorney Poller stated in theory, yes. Councilman Ullman stated they should not be paid until the Salary Ordinance is amended. Attorney Poller stated until some action is taken. Councilman Ullman asked what is the proposed action, if this is approved. Attorney Poller replied he is seeing this for the first time, he would like to find out more about these numbers, where they come from, what was paid, you have to go back to the Personnel Action records. Council President DeSena asked should this be tabled? Attorney Poller stated there is a whole bunch of things that he has to look at before he gives an answer. Councilman Cascio asked how did these numbers come about, were they tabulated? Ms. Curran replied she has been looking at the payroll, we only have until the end of the month to make transfers, S&W has to be the correct amount for 2019 when you make a transfer. She was looking at the payroll records, figuring out the payroll for the rest of the year, there was not enough in those line items. She did compare it to the Personnel Action Form which was higher than what was in the Salary Ordinance. Councilman Cascio stated we are at the point now, the way it is without looking at the Personnel Action Form, this person is on schedule to get paid what is in the Salary Ordinance, is that correct? Ms. Curran replied yes, well actually no, the increase has been given all along, but it does not match the Salary Ordinance. Councilman Cascio asked at this time, is this person plus or minus what is in the Salary Ordinance? Ms. Curran replied she is plus, more would be added to get to the correct number, we would not have enough to pay her, we cannot overextend on an S&W line item that is not allowed. Councilman Cumming stated on the presumption that we are going to pass a revised Salary Ordinance for these people, should we not transfer the money in anticipation, otherwise it does no good to have a Salary Ordinance, and no money in the account. Council President DeSena stated he doesn't understand why there is a Salary Ordinance and it is not being followed. Councilman Cascio stated every ordinance in the Township should be enforced, if we have an ordinance that we are not following there is no reason for us to be here to pass ordinances. He understands if there is an error, reducing the salary ordinance in the beginning when we go through budget time, we know what the number is, put the number in there. At the end of the year it should be spent 100%, sometimes people leave mid-way, the position becomes terminated, but the money should be spent, we are picking monies, there is no sense in having numbers. Ms. Curran stated she thinks it might have been overlooked, she doesn't know. Councilman Cascio stated he understands these might be overlooked, but it worries him that we are not following ordinances, if it has to be amended, he understands. Councilman Ullman stated there is a note "1.5% raise given, but not in adopted budget" are we trying to catch up the Salary Ordinance to the budget or the budget doesn't reflect it, and the Salary Ordinance doesn't reflect. Ms. Curran stated it is both the adopted budget and the Salary Ordinance, it doesn't matter, but the Personnel Action Form does. Councilman Ullman stated the budget and the Ordinance are silent on it, but a

Personnel Action Form was given with the 1.5%. Councilman Cascio asked when was the Personnel Action Form produced? Ms. Curran stated she believes around June or July. Councilman Cascio asked prior to the Salary Ordinance being passed? Ms. Curran replied she thinks the Salary Ordinance was passed already. Administrator Tovo stated it comes after that. Council President DeSena stated he is going to say yes, it is only \$891, it should not have happened, but it happened, it is a small amount, but it is not right.

Ayes: Councilman Cumming, Council President DeSena.
 Nays: Councilmen Bruno, Cascio, Ullman.

Resolution 19-324 NOT PASSED
Authorize 2019 Transfer of Appropriations

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.

Transfer for 12/16/19 Meeting	Transfer In	Transfer Out
Elections O/E Misc. 9-01-20-121-500	\$300	
Law Tax Appeals Appraiser 9-01-20-160-210		\$300
Food for poll workers		
S&W Registrar and Health Secretary 9-01-27-330-160	\$1	
Police Dept. Traffic Lights 9-01-240-550 Per payroll clerk due to rounding		\$1
S&W Planning Board Secretary 9-01-21-180-110	\$250	
DMF Sign Expense 9-01-26-290-380		\$250
1.5 % raise given but not in adopted budget		
S&W Zoning Board Secretary 9-01-21-185-110	\$250	
DMF Sign Expense 9-01-26-290-380		\$250
1.5 % raise given but not in adopted budget		
S&W Tax Assessor's Clerk	\$90	
DMF Sign Expense 9-01-26-290-380		\$90
1.5% raise given but not in adopted budget		
Totals	\$891	\$891

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 Cascio, seconded by Councilman Cumming to approve the Consent Agenda.

Councilman Ullman stated he has a question about Resolutions 19-325 and 19-326, if you look further down at 19-329 and 19-330, the Township has a withdrawal from the rec, issuing a refund, a fee is taken to process that, in the event of an overpayment, it is not the Township's fault, should we or can we charge a processing fee? Looking specifically at 19-325, duplicate payment was made, can we charge a fee for that processing error? Ms. Curran stated she has never seen that done before as Tax Collector; it would have to be in an ordinance. Something like this happened, it was a sale or refinance, they had the title company and bank paid at the same time, but she believes it would have to be in the ordinance to charge a processing fee. Councilman Ullman stated we have a process of charging a resident \$25 because their child backed out of a program, we have to do the same process, passing resolutions, cutting checks. Attorney Poller stated it might be an Administrative Fee, title companies pay, duplicate payments, you do not need an ordinance to charge the Administrative Fee, as long as there is nothing in the Tax Code, he doesn't see a reason why it couldn't be done.

Ayes: Councilman Bruno, Cascio, Cumming, Ullman,
Council President DeSena.
Nays: None.

Resolution 19-325

Authorize refund of Q4 tax overpayment, Block 4308, Lot44, 390 Walnut Street in the amount of \$2,468.00

WHEREAS, Title Mark LLC paid Q4 2019 property taxes in the amount of \$2,468.00 on behalf of Block 4308, Lot 44, 390 Walnut Street. Subsequently, a duplicate payment was also received from CoreLogic for the same property, resulting in an overpayment.

WHEREAS, under N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer, and;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Tax Collector be authorized to issue a refund in the amount of \$2,468.00 to CoreLogic, Centralized Refunds, P.O. Box 9202, Coppell, TX 75019.

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, Judith Curran, 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.#9-01-95-004-000, not to exceed \$2,468.00; Judith Curran, CMFO

Resolution 19-326

Authorize refund of Q4 tax overpayment, Block 3305, Lot 72, 182 Sussex Road in the amount of \$463.69

WHEREAS, Doyal & Lui-Lui Lam, owners of Block 3305, Lot 72, 182 Sussex Road, paid their 2019 annual property tax bill in full. Subsequently, a Homestead Rebate for \$463.69 was credited to their account for Q4 2019, resulting in an overpayment; and

WHEREAS, under N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Tax Collector be authorized to issue a refund in the amount of \$463.69 to the above. (Budget 9-01-95-004-000)

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, Judith Curran, 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.#9-01-95-004-000, not to exceed \$463.69; Judith Curran, CMFO

Resolution 19-327

Authorize refund of engineering, soil and performance bond escrow, Block 3407, Lot 63, 112 Sussex Road, in the total amount of \$2,013.25

WHEREAS, Michael Lincoln & Saloumeh Rezai posted engineering, soil and performance bond escrow monies for work on Block 3407, Lot 63, 112 Sussex Road; and

WHEREAS, the Construction Code Official has issued approval, C.O. 18-397, dated 8/28/2018; and

WHEREAS, outstanding invoices due the Township Engineer, from his invoice dated 12/3/19, have been encumbered for payment; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of escrow (\$13.25) and the performance bond (\$2,000.00) to the above, in the amount of \$2,013.25.

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, Judith Curran, 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.# LINCOLN01; LINCOLN02; PBLINCOLN1, not to exceed \$2,013.25. Judith Curran, CMFO

Resolution 19-328

Authorize refund of engineering escrow, Block 3408, Lot 38, 378 Walnut Street in the amount of \$24.25

WHEREAS, Russel & Shelly Rothstein posted engineering escrow monies for work on Block 3408, Lot 38, 378 Walnut Street; and

WHEREAS, the Construction Code Official has issued approval, C.O. 19-097, dated 11/6/19; and

WHEREAS, outstanding invoices due the Township Engineer have been encumbered for payment; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of escrow in the amount of \$24.25 to the above.

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, Judith Curran, 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.# ROTHRUSSO1 not to exceed \$24.25; Judith Curran, CMFO

Resolution 19-329

Authorize refund of recreation fees, Megan DePiero for Flag Football in the amount of \$255.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Megan DePiero
28 Gabriel Way

Washington Township, NJ 07676

Refund for Flag Football	\$280.00
Administration Fee:	(\$ -25.00)

TOTAL Refund Amount: \$255.00

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, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained the availability of funds for such services as determined in the Township's non-budget acct.#9-01-95-017-000, not to exceed \$255.00; Judith Curran, CMFO

Resolution 19-330

Authorize refund of recreation fees, Jennifer Pena for Cheerleading in the amount of \$115.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Jennifer Pena
667 Kennedy Drive
Washington Township, NJ 07676

Refund for Cheerleading	\$140.00
Administration Fee:	(\$-25.00)

TOTAL: Refund Amount: \$115.00

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, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained the availability of funds for such services as determined in the Township's non budget acct.#9-01-95-017-000, not to exceed \$115.00; Judith Curran, CMFO

Resolution 19-331

Authorize the police department to participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both

enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW, THEREFORE BE IT RESOLVED by the Township Council (Bergen County), that the TOWNSHIP OF WASHINGTON POLICE DEPARTMENT is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2020 to December 31, 2020; and

NOW, THEREFORE BE IT FURTHER RESOLVED that TOWNSHIP OF WASHINGTON POLICE DEPARTMENT *LEA* is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the *LEA*, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the TOWNSHIP OF WASHINGTON POLICE DEPARTMENT *LEA*, without restriction; and

NOW, THEREFORE BE IT FURTHER RESOLVED that TOWNSHIP OF WASHINGTON POLICE DEPARTMENT *LEA* is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes: (1) Automobile, sedan, (1) Automobile, wagon, (1) Breaching ram, (3) Carrier, Cargo, (1) Carrier, Command Post, (3) Truck, cargo, (10) Truck, carryall, (2) Truck, command reconnaissance, (2) Truck, dump, (3) Truck, maintenance, (2) Truck, panel, (2) Truck, stake, (10) Truck, utility, (3) Truck, van, (5) Utility Vehicle, (3) off road, (1) Helmet, police, (1) Helmet, safety, (5) Light Armored *Vehicle* ;and

BE IT FURTHER RESOLVED that the TOWNSHIP OF WASHINGTON POLICE DEPARTMENT *LEA Official* shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the TOWNSHIP OF WASHINGTON POLICE DEPARTMENT *LEA* shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2020 to December 31, 2020.

Resolution 19-332

Authorize participation in a Deferred Compensation Plan, Section 457 administered by AXA-Equitable

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Township of Washington (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a deferred compensation plan and Service Agreement; and

WHEREAS, the Employer made written requests for proposals from two or more contractors including AXA-Equitable and Mutual of America for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Program Rule N.J.A.C. 5.37; and

WHEREAS, the following contractors submitted proposals:
AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable"); and

WHEREAS, the Township of Washington reviewed the proposals and met with the representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Township of Washington that

- a) effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable and assigned the plan identifier: 89-PD-AXA120616 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

It is hereby acknowledge that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

- b) The CFO is authorized to execute the Service Agreement (bearing the identifier: 96-SA-AXAEquitable-091318 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

- c) the CFO is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

The undersigned hereby certifies that this is a true copy of a resolution duly passed by the Mayor and/or Council of the Township of Washington at a meeting held on December 2nd, 2019 and a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Resolution 19-333

Authorize the 2019 Sine Die and 2020 Reorganization meeting for January 6, 2020

BE IT RESOLVED, by the Township Council, the 2019 Sine Die Meeting be held on January 6, 2020 at 7:30 p.m. located at the Municipal Complex Council Chambers, 350 Hudson Avenue, Township of Washington, NJ; and

BE IT FURTHER RESOLVED, the 2020 Annual Reorganization Meeting be held on January 6, 2020 at 7:30 p.m. or as soon as the matter can be reached.

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

Ayes: Councilmen Bruno, Cascio, Cumming, Ullman,
Council President DeSena.

Nays: None.

PUBLIC SERVICE ANNOUNCEMENT read by Council President DeSena

CHRISTMAS TREE SALE Township of Washington Fire Department, be sure to stop by and support our fire department who will be selling Christmas Trees, Wreaths, Roping, Grave Blankets and Crosses for all your holiday needs.

ANNUAL PBA TOY DRIVE - 2019 If you wish to donate, NEW UNWRAPPED toys for children they can be dropped off at the Township of Washington Police Department until December 17th.

2020 COMMUTER PARKING RENEWALS have been mailed out. In order to avoid a summons, the 2020 Commuter Parking Tags must be displayed on vehicles by Monday, January 6, 2020.

2020 PET LICENSING RENEWALS will be mailed out between Christmas and New Year's.

STYROFOAM COLLECTION BIN – The Township of Washington Green Team is starting a new Styrofoam recycling program. The program was funded by a grant from the State of New Jersey. Please visit our website for further information.

e-mail NOTICES

Residents are invited to sign up for email notices by texting TOWNSHIP to 22828 and entering your email address.

Councilman Cumming – On a more positive note, he would like to thank the Washington Township Fire Department for bringing Santa around the Township see the children, great job, thank you.

Time noted: 7:53 p.m.

/s/ Susan Witkowski
Township Clerk

/s/ Michael DeSena
Council President

Approved: October 5, 2020

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE MINUTES
December 16, 2019

CURRENT BUSINESS

I. Administration

A. 1. Project Tracker (rt)

Administrator Tovo stated the following on the project tracker:

Capital Projects

2019 Road Program – 2019 Road Program to include Phase II of Woodfield Road, the package has been out, the bid opening will be on January 9, 2020.

Intersection – Latest revisions by the County are in review by Boswell. Councilman Cascio asked what is the revision by the County? Administrator Tovo stated it is the stacking lane on Washington, going westbound, it has been increased, longer than originally anticipated, the concern there it would impact the Emergency Service Building, it does not, it may have an impact on other properties. Councilman Cascio asked when was the latest revision received? Administrator Tovo replied last week. Councilman Cascio asked other than Boswell, is anyone else reviewing it? Administrator Tovo replied currently Boswell is reviewing so we can see if there is a tax impact, or further property impact for any residential properties, then we would be able to reach out to them, show them the new plan, new impact. Councilman Cascio asked is anyone else reviewing it, the contract was signed by the Mayor and returned to the County. Administrator Tovo replied no. Council President DeSena stated he thought that was done in September, was the SSA sent to the County in September? Mayor Calamari replied yes, that was. Council President DeSena stated we are saying the agreement between the Township and the County, the Shared Service Agreement, someone advised us in the last two days it is not executed, they don't have it. Mayor Calamari stated he would like to know who advised who. Council President DeSena stated we asked for a copy, they don't have a copy, do we have a copy of the executed SSA? Administrator Tovo replied he thought we did; he will look into it. Councilman Cascio stated he would like that copy emailed, where are we with the negotiation with the acquisition of land? Administrator Tovo replied this revision does require us to go back to one property owner, we are still negotiating with another in regards to placement of poles, one property where poles have to be placed, one we have to go back to with the new revised stacking lanes, two separate issues. Councilman Cascio asked because of an increased area we have to utilize, is that correct? Administrator Tovo replied that is correct, they are aware that it has changed, we are still waiting for the full impact from Boswell so we readjust the numbers. Councilman Ullman asked regarding the poles, we don't have the right to put a pole in the right-of-way on piece of property? Council President DeSena replied yes, you do, but if you widen the road, you do not have the right to put it on private property, that you don't own yet. Councilman Ullman asked it is anticipated that this pole would reside on private property? Council President DeSena stated it wouldn't once we take the property, right now we can go down Pascack Road and put all new poles up, but then when we widen Pascack Road, who is going to pay \$25,000 to move each one of those PSE&G, brand-new, seventy-foot poles, it would have been nice to have the property already so they can be put in the right location. Councilman Ullman asked, based on the latest revision, we have to acquire property on at least two residents? Administrator Tovo replied correct, two that we are aware of. Councilman Cascio asked is Administrator Tovo in possession of the revised schematics? Administrator Tovo replied he is. Councilman Cascio requested that they be forwarded to the Township Clerk so they can be sent to

Council. Administrator Tovo requested that we wait until Boswell does a deeper dive on it, so it makes more sense. Councilman Cascio stated he would like to see what they have; he would like to see what the difference is. Administrator Tovo replied ok.

Radio System Upgrade – Met with the end users, as well as our consultants on it on December 6th, it looks as if the County Radio System would be a very promising option for us, so we are doing our due diligence that it will meet all of our needs today, going into the future, and what that contract would potentially look like.

Council President DeSena stated going back to page 1, back in October we were supposed to have a meeting with Boswell, with their DPW/DMF Superintendent to discuss the renovations to the DMF building. Administrator Tovo stated he has not met personally with that person, but our engineer has, he is preparing information for us. Council President DeSena asked have we received any information? Administrator Tovo replied not as of yet. Council President DeSena stated time is ticking, March of 2021 is around the corner. Councilman Ullman asked have we reached out to the State about deferring that date, what the impact is? Council President DeSena asked Attorney Poller can we get an extension of that? Attorney Poller replied he can contact the State to see what is involved. Councilman Ullman stated the reason he is asking there was a plan/request to make a property acquisition to support the rehosting of the DMF, if we can move the DMF temporarily into the firehouse, once the new firehouse is built and rehost the DMF there we don't have to acquire property, we don't have to acquire property, build new, we could possibly, through rehosting of the DMF, work on this site, without that added expense, he thinks he asked back in October if that could be explored, perhaps we could. Attorney Poller stated he will call Quest.

Basketball Courts – Councilman DeSena asked if this project has been re-bid, Administrator Tovo replied, not yet.

Back to Radio System Upgrade – Councilman Ullman asked what does the County Radio System entail, are they hosting something, integrating with them, do handsets need to be redone, the cars, the home base there, the home base in the Fire Department what is the scope of that, and how does it compare to the other options? Administrator Tovo replied we would be utilizing their frequencies, for the end user, it would appear the same, except the Township still doesn't own the radio system, there will still be a need for upgraded P25 radios for all personnel, both mobiles and portables. We do avoid the major capital cost of going with the State system which would require we put our own computer system here in the Township because their signal is not strong enough. The third option would be building out our own, upgrading our current system, which again would be more costly than going with the County. Council President DeSena asked have PD, FD and DMF had a County radio that they used for a 30-day period, as we did with the other systems? Administrator Tovo replied all of the testing of the radio capability has been done by the Police, since they are more mobile than anyone else, they were able to get the testing done more quickly, but they have had the County radio, they are ok with it. Councilman Ullman asked would there be a need for repeaters to reach the far corners of the Township? Administrator Tovo replied not provided by us.

Firehouse – Councilman Ullman asked what is the status of the firehouse? Administrator Tovo replied the architect is still working on the revisions, there are some minor changes, here or there, nothing substantial, he is just moving closer so they can put out the bid. Councilman Ullman asked when can we expect a bid spec, or a package that can be sent out to bid? Administrator Tovo replied January or February of 2020. Councilman Ullman asked when will it be

shovel ready if it goes out the end of January, February 1st? Administrator Tovo replied all he can say is Spring of 2020.

Grant Writer – The Grant Writer has submitted an application for ADA parking plans for Sherry Field, it is a matching grant with the County, also working with the library on a renovation grant, may or may not be matching, depending on the grant successfully get awarded, along with starting to prepare a grant package for a dog park at Sherry Field. There are two other sites, they agreed to use the site that would be more appealing. More grant opportunities will open up in early 2020.

Court Room Upgrade/Security – The walkthrough metal detector has been ordered through a State contract vendor, just waiting on a delivery date.

Wood Chipper – Has been received by the Township, it will not be in use until training by the manufacturer can be performed. It was indicated at the league conference it will be after leaf season, all the proper PPE have been ordered.

Property line trees – Everyone that lives in that area will be contacted, planting will be in the Spring. One of the options is purchasing of the trees and planting them on the resident's property. Councilman Cumming asked who will be providing the warranties on the trees? Administrator Tovo replied it has not been discussed. Councilman Cumming stated the Spring is the worse time to plant trees, they will die in July from the heat, that is his concern, he stated it was suggested to him green giant or arborvitae would be the best, he would like to go in that direction. Councilman Cascio spoke of his concern of planting the trees in resident's property, not the Township's, who is going to maintain them, he understands having them off our property for equipment. Councilman Ullman asked what is the status of the lights, junction boxes, are they on the punch list, is the contractor coming back? Administrator Tovo replied yes, there is some seal coating that needs to be done on the back of the Police Building, and the lights that are currently there cannot be matched, the engineer is working on a new light, that will replace all of those. Councilman Ullman asked will the junction box be fixed? Administrator Tovo replied he did not see it. Councilman Cumming stated it is a four-inch by four-inch phenolic box hanging off the wall of the Police Station, which was part of that project.

Ridgewood Road – Council President DeSena stated the Township has received a \$200,000 grant from the New Jersey Department of Transportation to pave Ridgewood Road, it is the Township portion of Ridgewood Road, not the County Ridgewood Road, Linwood to East Glen. The other item in our packet was a letter received from Mrs. Nicholson regarding saving the Township Swim Club, Mr. Mayor do you have anything to add to that? Mayor Calamari replied not at this time. Council President DeSena stated we have been in talks with them, but to no avail.

II. Council

- A. Ordinances and Legislation
- B. Financials

1. 2020 budget status, due January 15th – Administrator Tovo stated the budget process has begun, we are confident that we will have, at least a portion of the budget by the States prescribed date by the Division of Local Government Services. He stated every year the DLGS revises the dates that those initial budgets are due to the governing body, they should be coming out shortly. Council President DeSena stated he believes it will be probably in February. Councilman Ullman asked who is running the budget process, doing the budget work sheets, having meetings? Administrator Tovo replied the work sheets are prepared by the Department Heads, reviewed by him and/or the Mayor. Councilman Ullman asked will the CFO be involved at some point? Administrator Tovo replied yes.

2. COAH, continuing process

a. cost to taxpayer/end game (rb) - Councilman Bruno stated he thought this would be done sometime in July/August, now it seems to be extended to 2020, is there an end game to what it will cost the taxpayers? Attorney Poller stated we have done all the work on our end, the ordinances, our spending plan, everything was submitted to the Court Master, we are now waiting for our reports, which she has said was hoping for December, it looks like it will be early January. Our immunity has been extended to January 31st, because it is in her ballpark to give the report, there has never been a problem in getting an Extension of Immunity. Attorney Poller stated he thinks we are at the final turn. All that has to be done is her report, he doesn't believe there will be any revisions or changes for the simple reason she has been brought along with all of our changes, requests, revisions, so he expects her to approve what we have done. We have a 30-day notice for the Compliance Hearing, once that is conducted, the Judgement of Repose is granted, we are really close. He stated as far as the cost, if you recall our consultant did advise, that some reimbursement for monies can be looked to from the trust funds arising from the Development Fee Ordinance. He is looking forward to the recapture of something back to the Township for expenses, or if not that, then defraying of ongoing costs that we might have, he thinks we are in excellent shape. He stated we did get a reduction on the fee for additions, we went to the Court Master, reduced the charge from 1.5 to 0.5. Council President DeSena stated that is great, all of the people putting on additions in the future will be happy.

3. PBA-16-month negotiations/pitman- no discussion with council (rb) - Council President DeSena asked will Council have the contract before the end of the year? Administrator Tovo replied our attorney just received this contract the beginning of last week, is currently being reviewed by him. He stated in conversation with both our attorney and the PBA, the delay was caused by the PBA attorney, for about a month, due to other obligations. Council President DeSena asked will Council have to have a special meeting? Administrator Tovo replied he cannot answer that, he is waiting for Mr. Wiss to get back to him on his review.

4. Improper quoting and PO procedures (council) - Council President DeSena stated he apologizes, it is not the entire Council that wanted this on the Agenda, also the "misuse of taxpayer money" that is not the entire Council. Councilman Bruno stated Councilman Ullman read a series of emails at the last Council meeting, that basically, as far as he was concerned, and he believes we all were, there was a lot of improper quoting, not processing bids properly, vendors being told what the amounts should be, versus getting quotes. He stated his question is are we going to control these procedures next year, within the Municipal Law Guidelines. Councilman Cascio stated we can take a look at the ordinances, see what we can or cannot do, tighten them up. He stated right now there is no SOP, and if there is an SOP it doesn't seem like it is being followed. He stated he would urge the incoming Council, present Council to look at those procedures, come up, by Ordinance, so it is done properly, he is sure we can agree on how it should be done, and make sure the Administration is following those procedures, at this time nothing has been followed to a degree of certainty in any area. Mayor Calamari stated he takes exception to nothing is being followed. Councilman Cascio stated he is speaking, that is how he feels, and he didn't say never followed, rarely followed, he will change his word. Councilman Ullman stated his question is to both Attorney Poller and Ms. Curran, we have rules, regulations, statutes that govern quite a bit of this, bid laws, contract laws, what is the process. If we believe something is not being done properly, there could be an explanation that needs to be surfaced, but until that review is taken, when you have a pile of emails, there are comments, documents are reviewed, and if they are reviewed as a stand alone document, they say one thing, if you review them in their entirety, they may say something different. He stated if there is a comment that the contractor looked at the other quotes, to get his number to him that is a conflict of interest, he doesn't know at

what level it is in terms of being criminal, not criminal, if it results in disqualifying that vendor, he doesn't know and how do we find that out. He stated when we see requests made to pay \$20,000 for cabling, when the final bill is \$6,872, how do we get to \$20,000. Council President DeSena stated we may have to contact the Department of Local Government Services, or the League, asking for their opinion. Councilman Ullman stated we have an Attorney that sits on this dais, that represents the Township, not only represents the Administration, he represents the Council, and Taxpayers, he would like to know what is the process. Mayor Calamari stated a statement was made that procedures are never, seldom or never followed, do you have any idea how many purchase orders go through the Township each day, each week to make that statement that they are never or seldom followed. Councilman Cascio asked does the Mayor want an exact number? Mayor Calamari asked for a percentage of those that are never or seldom followed? Councilman Cascio stated if they Mayor wants him to go through a weeks-worth, two-months worth, he will give the Mayor an exact number, he will be happy to do that. Mayor Calamari stated before Councilman Cascio makes statements, that should have been done ahead of time, before that statement was thrown out there. Councilman Cascio stated he is sure he will find something. Mayor Calamari asked Administrator Tovo or Ms. Curran, can you hazard a guess of how many are never or seldom followed, maybe one-tenth of one-percent if that. Ms. Curran replied it is hard to say, you would do a review, it is a hard number to come up with. Mayor Calamari stated he knows of about three or four, out of all those that were processed, corrections had to be made. Ms. Curran stated she also would say if you had a \$100 item, versus something that is a \$40,000 item, that would make a big difference as to how it was handled. Attorney Poller stated purchasing has nothing to do with the Council, so he doesn't know what kind of ordinance you are speaking about, because the ordinances you would pass would have nothing to with bidding, purchasing, things of that nature. He stated we are governed by the Local Public Contracts Law, which is pretty straight forward, there are bidding requirements, and it is statutory, it has nothing to do with the Council, so that whole approach of legislating what Council is going to do has nothing to do with this at all. He stated if there is a problem with purchasing, and he knows there are a lot of purchase orders that go out and over the years a lot of purchasing have gone out, there is one issue, the cabling issue, of course no one is giving it to him to look at, he has not seen emails, no one has said for him to look at that, he has looked at other things, but not that. He stated of all the purchase orders, talk that he hears about this is not followed, that is not followed, normally if there is some sort of a legal problem, someone gives him a call, asks him to get involved, comment on it or address it. He stated he has not had calls about purchase orders, or procedures not being followed, and something has to be done, he is not saying he gets involved in purchase orders every day, because he doesn't, it is not something he normally gets involved in, he doesn't approve purchase orders, he is not involved with the purchase orders, but it is difficult to even comprehend the general statement that purchase orders are not being followed or procedures are not being followed. He stated all he is going to say is if things are not followed, he would ask that they be referred to him to take a look at, because that is the first area of exploration, he can tell you very honestly that you look at something, very often it is a snapshot of what someone said, or a piece of paper, he is not talking about anyone in particular or any issue, if you get a snapshot of something and say this is not done right, it doesn't mean that it was not done right, it means that there is a question about it, it needs to be analyzed. If there is an issue, it should be addressed, but it shouldn't be left to just go on without it being referred to him to at least take a look at. He stated as far as procedure is concerned, with all due respect to DCA, all of these places, the first approach should be inhouse to see if there is an issue, if there is a resolution of the issue, how to address it. Council President DeSena asked Attorney Poller to review this cabling issue. Attorney Poller replied certainly he can review it. Councilman Cumming stated there are procedures that always have been very clear, in all the towns and County, there are classes, ways of

doing things, it is not the wild west, it is not done like that, it should go to Attorney Poller at this point, be laid to rest for the time being.

5. additional meeting, budget transfers (sw) – Township Clerk Witkowski stated in speaking to the CFO, she has alerted her that there will be another set of budget transfer by the end of the month. She stated in speaking to Attorney Poller it is not the time or the place to do it at a Sine Die meeting, it should be under this current, 2019 Council, not the 2020 Council. She would like everyone to be aware of it, there might be other things that come up between now and then. There has been a transitional period with the new procedure regarding the bill list, the Finance Department might want to put a bill list in front of the Council, possibly that night to close out 2019, she stated the date we are looking at is Monday, December 30th. Council is in agreement, the Township Clerk was asked to advertise a Special Meeting Monday, December 30th meeting at 7:30 p.m. Council President DeSena stated hopefully the Police contract can be added to that meeting. Administrator Tovo stated he is on vacation the 30th. Council President DeSena asked Administrator Tovo if we can still get the contract to approve it? Administrator Tovo replied if it is ready. Mayor Calamari stated he is hearing this for the first time that additional transfers are needed, it was stated it was told from Ms. Curran to the Clerk, he asked Administrator Tovo is he aware of these transfers? Administrator Tovo replied he is not. Mayor Calamari asked why aren't he and the Administrator aware of these transfers before the Clerk is? Ms. Curran replied she asked the Township Clerk if a meeting could be put on or not, she was going to find out. Mayor Calamari stated if Ms. Curran knew there were going to be transfers, as was just said, don't you think the Administration should know about them first. Ms. Curran replied if you want her to do that, she will do that. Township Clerk Witkowski stated the transfers may not be necessary after Ms. Curran finishes her work, but in case we need anything, since Attorney Poller stated it cannot be done at a Sine Die, we can do it. Ms. Curran stated a transfer is needed because there is another payroll issue, it had to do with people getting a salary, it is not correct in the ordinance. Mayor Calamari stated this is the first time we are hearing this, on the Administration side. Township Clerk Witkowski stated her original goal, if there was anything, just put a placeholder.

C. Miscellaneous

1. Personnel Issues - Councilman Bruno stated we have discussed personnel issues for years, as well as a merit system for employees, it supposedly was going to be worked on. He stated the other items are really just personnel issues, whether or not we have procedures in place for these types of situations. Council President DeSena asked does the employee handbook handle? Attorney Poller replied some of them he is sure. Administrator Tovo stated the current handbook does not handle the merit system, it does cover disciplinary action, doesn't know if it covers police incident reports, elimination of positions is covered to some degree, termination documentation to some degree, retaliation/retribution would be under whistle blower, which is covered, both in the old version and the new one. Council President DeSena asked he understands the employee handbook has a computer/internet social media portion. Attorney Poller replied he believes so. Council President DeSena asked does that pertain to every single person whether they are an employee or board member, because they have a Township email address, he was asked that question. Attorney Poller replied he would have to look at that, re-read it and take a look. Councilman Bruno replied the answer is yes. Council President DeSena stated someone said as a board member they did not receive an employee handbook, so therefore not abiding by it. Attorney Poller stated he will look into it.

- a. merit system (rb)
- b. disciplinary action (rb)
- c. police incident reports (rb)
- d. elimination of positions (rb)
- e. termination documentation (rb)

- f. retaliation/retribution (rb)
- g. whistle blower (rb)
- 2. misuse of taxpayer money, abuse of power, perjury (council)
- 3. Recycling Contract, status of
- 4. Garbage Contract, status of – Council President DeSena asked

do we have a sample of the recycling contract and garbage contract, that we will need for the budget, it was discussed months ago, so we can get it out to bid by the new year. Administrator Tovo stated there have been some changes by the State, which caused us to modify the actual bid format. Recycling and garbage is going to go out sometime in the Spring so that we are ready to award. If we chose to award, about mid-year, that way we not absorbing the full impact of this change, in one year, so we are on track to still do that. Councilman Cascio asked will the current contract be in effect until we go out to bid? Administrator Tovo replied our vendors right now agreed to a month to month, until we go out to bid. Councilman Ullman asked who is the recycling vendor at the moment? Administrator Tovo replied Buldo. Councilman Ullman asked and they continue to perform that function for the Township? Administrator Tovo replied yes. Council President DeSena asked Buldo and Waste Management are the only two vendors that can pick up Township trash? Administrator Tovo replied correct.

Councilman Ullman stated he understands the Mayor had a concern about Ms. Curran speaking to the Clerk before notifying the Administration, some of the concerns that he has about the wiring project really are also about the transparency in some of the discussions, such as the Township computer server, once we were advised that it had been ordered, the PO had been drawn, ordered, waiting, when a request was made for the PO through an OPRA, it suddenly became that it wasn't ordered. He asked was the Mayor aware of that, and did the Administrator let the Mayor know what had been reported for months on end, wasn't in fact happening. Administrator Tovo replied he is not sure you're asking the question, but he will gladly answer that, he had email contact with our IT vendor, instructed him to order the server, the parts that go along with that, after some time when he had not seen the server or heard from him, he reached out to him again and was informed that a fellow Township employee had told him that we were ordering it ourselves, that was news to him, and the IT vendor never reached out to him to confirm that, so the whole process had to be restarted. Councilman Cumming stated it was a miscommunication, pure and simple, no conspiracy, it was simple mess-up, miscommunication. Councilman Ullman asked was there a miscommunication of the wiring of Town Hall, there are a number of updates, those two in particular, that he has asked multiple times about, the story gets drawn out, it suddenly changes over time, maybe for the right reasons, maybe for the wrong reasons, again here it is. Councilman Cumming stated that was referred to Attorney Poller, so it will be handled.

Ms. Curran stated she would like to ask a question about procedures, when it comes to this transfer, she was informed that the Business Administrator and Mayor do not see the Agenda until the day of the meeting, is that so? Administrator Tovo replied for his part, that is correct. Ms. Curran asked you also Mayor Calamari? Mayor Calamari replied he gets it emailed Friday afternoon. Council President DeSena as does Attorney Poller. Ms. Curran stated Attorney Poller, she hopes he doesn't mind, but she is going to put him on the spot, she emailed him about this problem with this ordinance, with the amount, also concerning another person, Attorney Poller called her and the Clerk on two separate occasions saying that he would not get involved because there was another personnel issue, so she took the steps that she needed because at the end of December she has to be able to book that payroll, she cannot override the S&W line item, she did go to Attorney Poller for advice, you told her you would not give her advice, the same goes for the Township Clerk, she stated she is not going to get blamed for this, she wants everyone to know. Attorney Poller asked is this the one that he said we could do this after January 1st. Ms. Curran replied that was for the other person, she stated she doesn't like to have accusations

when she is going to the attorney for advice, that is what she is told. Attorney Poller stated when a question came up about doing a transfer, since he is not involved with transfers, he stated that is fine, the Township Clerk stated there was a reason for it, he stated if there was a reason for it, the Council is going to want to have the back-up and to have Ms. Curran do a memo of some kind of what is about. Ms. Curran stated that is what she did, she did ask Attorney Poller about changing the Salary Ordinance in the memo. Attorney Poller stated the bottom line is that he is not the one to make the determination that there is going to be a change, he recommended something different than what is being followed now. Ms. Curran stated Attorney Poller told her to email the Council, she stated when she does that, she gets in trouble from Administration for emailing the Council on her own, she did tell Attorney Poller that. Attorney Poller stated all he said was to do the memo, if there was going to be a transfer, to do the memo. Ms. Curran stated Attorney Poller told her that he does nothing without approval from Council, and she told Attorney Poller that she doesn't email the Council, because when she does that, she gets in trouble from Administration, she would like someone to tell her what is she supposed to do with her role, because she is getting confused, she is getting attacked by everyone, and she is tired of it. Attorney Poller stated Ms. Curran is part of the Administration, you're under the Department of Finance, that is and administrative role. Ms. Curran asked what is she supposed to do, not answer Council questions, not email the Council, she is finished, because Attorney Poller gave her no advice for this situation, he did not, he told her he wasn't going to get involved because there was a previous personal issue that he was bringing on board, that you felt was unfair, we all know what that issue is. Attorney Poller stated he was not going to say to change an ordinance without being told to do an ordinance to change a salary, that is correct, he doesn't do things on his own. Ms. Curran stated she is going to ask the Mayor and Administration then, Attorney Poller told her to email the Council, but when she emails the Council without their approval, there seems to a problem, is she right Council? Councilman Ullman replied yes. Councilman Bruno replied yes. Ms. Curran asked what is she supposed to do, she wants to know, does she give all transfers to the Mayor and Administrator Tovo, does she give the bill list to them, any kind of correspondence, year to date financials to approve ahead of time, does everything go to them first, that is what she wants to know because she wants to be able to do the right thing, and not get in trouble for doing the wrong thing. Attorney Poller stated Ms. Curran is an administrative employee, the way he sees it, the way it is supposed to operate is that there is supposed to be disclosure to the Administrator, he is not saying not to the Council, through the Clerk as well, he is not saying Ms. Curran is supposed to just give information just to the Administration and the Council doesn't get anything, he had an open policy of, at least his view, there is access to information. He stated under our form of government, generally, requests of Administrative employees are supposed to go through the Administration, under the Faulkner Act that is how it works. Ms. Curran stated show her the Code and she will follow it, does the Code. Attorney Poller stated Ms. Curran is an Administrative employee, he doesn't see any reason why Ms. Curran you would be doing anything that isn't at least going to the Administration in the first instance, things can go to the Council as well, obviously if there is a request for a transfer, the Council is going to get that and they should get it. Ms. Curran stated she has been told if a councilperson calls her or emails her, she is to tell Administration first before she responds to anything, a phone call or an email, is that the case also? Attorney Poller replied technically speaking yes, the contact for the Administrative employees, by Statute and Code, is through the Administration, Council should be making their request through the Administration, that is the way it is supposed to operate, maybe if that is the way it was operating, there would not be all this confusion, but that is the way it is supposed to operate, there is supposed to be information coming from the Administration to the Council, Council is not supposed to be kept in the dark if they are requesting information, but they are not supposed to be reaching out to the Director of Recreation, the Director of the Fire Department,

the Director of whatever, and have direct communications with Administrative employees, that is under our form of government, that is not the protocol, the protocol is they make the request to the Administration. He stated he gathers that plenty of requests he supposes, came to Ms. Curran directly, he can understand Ms. Curran responding, but that is not the way it is brought up. Ms. Curran stated when a councilmember requests something of her, do you know how long it takes to send something to get approved, remember about a phone call, email, it is very time consuming, she is one person, but if that has to be done, then fine, but she doesn't want to get in the middle of anything, that she didn't do this or that, even when it comes to terms of budget preparation. She stated there was a big to do about that, there are different things in the Code, Administration does this, the CFO does this, the Director of Finance does that, she has read all sections of it, it is very conflicting, she thinks that does needs to be examined. Attorney Poller stated he doesn't think it is that conflicted, he went over that pretty carefully with the Codification. Ms. Curran stated when you look at it is very confusing what the CFO has to do and the Director of Finance, she is not the Director of Finance. Attorney Poller stated he works for the Township, so therefore he is part of the Administration, but he actually does work for the Council, he reports to the Council and he reports to the Administration. He stated Ms. Curran and himself, more than any, have the most fluid situations of the employees in the Township. Council Presidents DeSena stated that is when we asked the CFO be like Attorney Poller, and Administrator Tovo, where Ms. Curran would be the Director of Finance, that is the link we are missing, Attorney Poller automatically becomes Director of Law, Administrator Tovo becomes Director of Administration by holding that title, where Ms. Curran, there are things in the Code, that says the Director of Finance shall do this, but there is no Director of Finance, so it falls on Ms. Curran's shoulders, but she is not the Director of Finance. Attorney Poller stated that is not the issue, the issue is communication, the issue would be line of communication, not what position she has, Ms. Curran's position is fine, she has the top dog position for Finance, she is the CFO, period. Council President DeSena asked Attorney Poller to look at what is says in there. Councilman Cascio asked if he has a question about Finance, he can contact Ms. Curran directly? Attorney Poller replied no he should not, you go to the Administration, he stated the Council is supposed to deal with employees of the Township through the Administration, if you look at our Code, that is what it says. Councilman Cascio asked if he wants information from Ms. Curran, does he call the Mayor, does he call Administrator Tovo, does he call Attorney Poller? Attorney Poller replied you would call Administrator Tovo, he is the Administrator, the Administrator is the head of the operation. Councilman Cumming stated it would create absolute management havoc if every single councilperson, with every little question, goes to one of the employees in the DMF, for him to ask about the grounds care at Memorial Field, that is inappropriate, it is confusing for the employee, manager and it is bad manners of him, he doesn't do that. Councilman Ullman stated Councilman Cumming should speak, and maybe Mayor Calamari would like to share his thoughts on it, you will recall, under the prior Administration, Mayor Calamari and Mr. Sears were camping out in the DMF, and when Ms. Sobkowicz spoke to them about it, they continued, it was with the Superintendent that went to Ridgewood, he cannot think of his name, they dealt with him all the time on any number of subjects, when it was brought up it fell on deaf ears, Attorney Poller is correct in stating it, but sometimes actions speak louder than words, by Mayor Calamari, his actions. Mayor Calamari requests a ten-second comment. Township Clerk Witkowski requests a five second-comment. Council President DeSena stated Township Clerk Witkowski may go first. Township Clerk Witkowski stated one of things we did work through, a situation that occurred about six months, it was agreed upon that if the Council needed some information, it would go through the Administration, via Mr. Tovo or the Mayor, then it come back through the Council, that is what we have been trying very hard to do, there are times there are things that are given on time, and sometimes it takes longer than necessary. She stated another thing she would like to add,

is the conversation about the budget transfer, Ms. Curran will be out tomorrow and Thursday, she herself will be out Thursday and Friday, so Ms. Curran did need to come to her and say what do we do if there are needs at the end, she hopes it clears up a little bit of that, it is not that they sat down and talked about a budget transfer. Ms. Curran stated she does have another question. Attorney Poller stated if Ms. Curran has questions, he doesn't think at a Council meeting we need to sit here and Ms. Curran ask him questions about how to do her job, and who to report to. He stated he will be happy to sit down with her personally, any time she wants, he will go through the Code and Statute with her, if she has a lot of questions about how your reporting responsibilities are, he will sit down with her. Ms. Curran stated she has two questions right now, these transfers came up because the person that does the payroll came to her, so now in a case like that, she is not really under her, does she say go to Administrator Tovo, that is what she wants to know, because she comes to her, and the same thing goes with the Tax Collector, she comes to her also. Attorney Poller stated he will be happy to discuss this with Ms. Curran, however, if someone has an issue and they are the Administration, payroll is the Administration, they are coming to Ms. Curran, Ms. Curran is the Administration, so they have a question, so if Ms. Curran has a question, or it has to go up the chain of command, yes, Ms. Curran goes to the Administrator, that is where it is supposed to get resolved, it doesn't get resolved by calling someone on the Council. Ms. Curran asked should that person go directly to Administrator Tovo and not to her, because she doesn't report to her, the same thing goes with the Tax Collector. Attorney Poller replied there is reporting and there is interaction, you don't have to be the supervisor of someone to interact with them, he has plenty of interaction with everybody in this government, they don't report to him, he doesn't report to them. Ms. Curran asked if she notices something is not right, does she report that to Administrator Tovo? Attorney Poller replied yes, absolutely. Mayor Calamari stated a comment was made that he "camped out at the DMF" he never remembers camping out at the DMF, the DMF is not a place where anyone enjoys spending time, so again, he would like a definition of what that means, that he "camped out at the DMF." Councilman Ullman stated he believes the Mayor was a regular visitor to the DMF, involved with questioning employees, their supervisor, as to what was going on, because Mayor Calamari was actually given reports at the meetings about it, so Mayor Calamari speaks of a reporting line and being the head of the Administration, wanting all items, all discussions to go through him or his designee, Administrator Tovo, and he is just pointing out what appears to him to be a bit of hyperarchy on that. Mayor Calamari stated he disagrees with Councilman Ullman's opinion.

Council President DeSena stated there is no Closed Session tonight, there will be a Closed Session at the next meeting, Attorney Poller's memos will be discussed. Councilman Ullman stated he would ask that be added to the Agenda. Councilman Ullman asked can we reach out to Attorney Poller if we have any questions. Attorney Poller stated it was confidential when he gave it to Council, he has no problem with making it public, it is fine with him.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adjourn.

Ayes: Councilmen Bruno, Cascio, Cumming, Ullman,
Council President DeSena.

Nays: None.

Time Noted: 8:53 p.m.

/s/ Susan Witkowski
Township Clerk

/s/ Michael DeSena
Council President

Approved: October 5, 2020