

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES

December 17, 2018

The Regular Meeting of the Township Council of the Township of Washington was held at 7:30 p.m. in the Council Meeting Room of the Municipal Complex, 350 Pascack Road, Township of Washington, New Jersey.

Council President Michael DeSena called the meeting at 7:30 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of December 17, 2018 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 website.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and 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 THE FLAG

ROLL CALL

Council Members Councilmen Steve Cascio, Michael Ullman and Council President Michael DeSena. Also present: Peter Calamari, Mayor; Ken Poller, Township Attorney; Robert Tovo, Township Administrator; Judy Curran, CFO; Susan Witkowski, Township Clerk. Absent: Councilman Cumming.

Councilman Bruno arrived at 7:33 p.m.

APPROVAL OF MINUTES

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

September 17, 2018	Public Meeting Minutes
September 17, 2018	Conference Meeting Minutes
September 29, 2018	Special Public Meeting Minutes

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

GENERAL PUBLIC DISCUSSION

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

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

Jim Joyce, President of the Bergen Amateur Radio Association Emergency Communication Group, President of the Golden Seniors, Vito Trause – Mr. Joyce stated after observing communication problems during the parades, the Radio Club purchased 6 Motorola hand-held walkie-talkies as a gift to the Township. The walkie-talkie's have a five-mile range, battery powered, and very simple to use. They will be available to any group who is running any type of event and need communication. There will be a sign-out sheet in the Senior Center for anyone who wishes to use them. The Radio Club also donated the projector and screen, along with putting Wi-Fi for the Seniors in the Senior Room.

Mr. Vito Trause spoke at length of parking problems when the Seniors have their bi-monthly meetings, and the lack of handicap parking. He stated currently there are 100 members, some cannot attend due to lack of parking, since they cannot walk long distances. Mr. Joyce confirmed that the Senior Bus does pick up Seniors on days of meetings. Mr. Joyce proposed marking a few spots "Temporary Parking" on the days the Seniors have meetings. A conversation followed on Township employees parking at the Oritani Bank in the past on the days the Seniors would have their meetings, and reinforcing that going forward. The 2019 Township Calendars will be mailed out as close to January 1st as possible, and does include all meeting dates.

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

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

Nays: None.

Absent: Councilman Cumming.

ORDINANCES

Adoption 2nd Reading

Ordinance No. 18-20

AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF ABANDONED PROPERTIES AND THE ESTABLISHMENT OF AN ABANDONED PROPERTY LIST WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to approve Resolution No. 18-356 authorizing second reading and opening of Public Hearing for Ordinance No. 18-20.

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

Nays: None.

Absent: Councilman Cumming.

Resolution No. 18-356

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-20 entitled: AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF ABANDONED PROPERTIES AND THE ESTABLISHMENT OF AN ABANDONED PROPERTY LIST WITHIN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-20.

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

Nays: None.

Absent: Councilman Cumming.

A motion was made by Councilman Cascio, seconded by Councilman Ullman to adopt Ordinance No. 18-20.

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

Nays: None.

Ordinance No. 18-20

AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF ABANDONED PROPERTIES AND THE ESTABLISHMENT OF AN ABANDONED PROPERTY LIST WITHIN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 360 of the Code of the Township of Washington ("Property Maintenance") is hereby amended by creating Article VII to be entitled "Abandoned Properties" which shall provide as set forth below, and Chapter 212-14 ("Property Maintenance") prescribing fees in connection therewith is amended as set forth below:

1.
"

ARTICLE VII

Abandoned Properties

§ 360-26 Purpose, rights and obligations.

The purpose of this chapter is to notify property owners, lienholders and other interested parties of property within the Township of Washington (the "Township") of the intent of the Township to implement the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq., hereunder, the "Act"), its provisions, procedures, authority and lawful remedies, empowering the Township and its officials to act under the authority of same. This chapter modifies the Abandoned Properties Rehabilitation Act only for purposes of notification, order and context and preserves all substantive rights and obligations of the Act.

§ 360-27 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY

Any property which meets the criteria set forth in Section 360-28 of this chapter.

PUBLIC OFFICER

Any person designated or appointed by the Township to exercise the powers and authority prescribed by this chapter. Unless another person is designated or appointed by the Township to exercise the powers and authority prescribed by this chapter, the Code Enforcement Official shall be deemed to be the public officer hereunder.

§ 360-28 Abandoned property; criteria (N.J.S.A. 55:19-81).

A. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- (3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the public officer pursuant to this section; or
- (4) The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

B. A property which contains both residential and nonresidential space may

be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection A(1) or (4) of this section.

§ 360-29 Nuisance property; criteria (N.J.S.A. 55:19-82).

A. A property may be determined to be a nuisance if:

- (1) The property has been found to be unfit for human habitation, occupancy or use pursuant to Section 1 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3);
- (2) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- (3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Township has secured the property in order to prevent such hazards after the owner has failed to do so;
- (4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- (5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents for the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

B. A public officer who determines a property to be a nuisance pursuant to Subsection A (2) through (5) of this section shall follow the notification procedures set forth in P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.).

§ 360-30 Inventory of abandoned property; list to be maintained; publication in official newspaper; notice to owner of record; challenge by owner (N.J.S.A. 55:19-55).

A. The Township Administrator may direct the public officer to identify "abandoned property" for the purpose of establishing an abandoned property list throughout the Township, or within those parts of the Township as the Administrator may designate. Each parcel so identified shall include the tax lot and block number, the name of the owner of record, if known, and the street address of the lot.

B. The public officer may add properties to the abandoned property list at any time and alternatively may delete or remove properties from the list at any time when the public officer finds that the property no longer meets the criteria of an abandoned property. The abandoned property list shall be maintained by the public officer and shall be available to the Township Administrator and Township Clerk.

C. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by the permits. Removal of certain properties from the abandoned property list may be performed in accordance with any and all provisions of the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:1-78 et seq.

D. The public officer shall establish the abandoned property list by publication in an official newspaper of the Township, which publication shall constitute public notice, and, within 10 days after publication, the

public officer shall send a notice, by regular and certified mail, return receipt requested, to the record owner of each and every property as reflected on the official tax records of the Township included on the published list. The publication shall include the name of the record owner, tax lot and block number and street address. The public officer, in consultation with the Tax Assessor, shall also send out notice by regular mail to any known mortgagee, servicing organization, or property tax processing organization that regularly receives a duplicate copy of the tax bill for the property. The mailed notice shall indicate the factual basis for the public officer's determination that the property is abandoned property, specifying the rules and regulations promulgated and the information relied upon in making such finding. The public officer is further required to satisfy all other prescribed notices and filings pursuant to the Abandoned Properties Rehabilitation Act and entitled to all other remedies and available procedures afforded by same.

- E. An owner or lienholder may challenge the inclusion of his/her property on the abandoned property list as authorized above by appealing that determination to the public officer within 30 days of the owner's receipt of the certified or regular mailed notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is the later, to challenge the inclusion of the property on the abandoned property list. For good cause shown to the public officer, a late challenge shall be accepted by the public officer. Within 30 days of receipt of a challenge, the public officer shall schedule a hearing for a redetermination of the inclusion. Any property included on the list is presumed to have satisfied the criteria for inclusion, and the burden is on the property owner to submit the proper paperwork and/or testimony that can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, which may include but not be limited to photographs and repair invoices, bills and construction contracts. The sole ground for appeal shall be the property in question is not abandoned property. The public officer shall promptly, by certified mail, return receipt requested, and by regular mail notify the property owner of the decision and the reasons therefor.
- F. The owner or lienholder may challenge an adverse determination of an appeal with the public officer pursuant to Subsection E of this section by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to Subsection E of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend.

§ 360-31 Property deemed not abandoned; criteria; certification of abandonment provided upon request (N.J.S.A. 55:19-83).

- A. If an entity other than the Township has purchased or taken assignment for the Township of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) if 1) the owner of the certificate has continued to pay all Township taxes and liens on the property in the tax year when due; and 2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either Subdivision a or b of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

- B. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81).
- C. A determination that a property is abandoned property under the provisions of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
- D. Upon request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subdivision b of N.J.S.A. 54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Sections 4 and 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81 and 55:19-82).

§ 360-32 Removal of property from list of abandoned properties; remediation (N.J.S.A. 55:19-57).

- A. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and Township liens due, including interest and penalties, and:
 - (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and depositing cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
 - (2) By demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which that property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceeding will be taken against the owner or the property.
- B. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Township, which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

§ 360-33 Registration requirements.

The owner and/or creditor of any abandoned property as defined herein shall: 1) within 30 calendar days after the property becomes abandoned property; or 2) within 30 calendar days after assuming ownership of the abandoned property; or 3) within 30 calendar days of receipt of notice by the Township that the property has been added to the list of abandoned properties; file a registration statement for such abandoned property with the public official

on forms provided by the Township for such purposes in the manner set forth below. Failure to receive notice by the Township shall not constitute grounds for failing to register the property as abandoned property.

A. Each property having a separate block and lot number as designated in official records of the Township shall be registered separately.

B. The registration statement shall include the name, street address, telephone number and e-mail address of a person 21 years of age or older, designated by the owner or creditor or owners or creditors as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners or creditors in connection with the enforcement of any applicable code; and the name, street address, telephone number and e-mail address of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

C. The registration shall remain valid for one year from the date of registration.

D. The owner or creditor of an abandoned property shall notify the public official within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.

E. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner, owners or creditor of the abandoned property.

F. The registration statement may include any additional information that the public official may reasonably require.

G. There shall be due and payable a registration fee for each abandoned property added to the Township's list of abandoned properties in accordance with the schedule set forth in Section 212-14. If any registration fee is not paid within 30 days of notification, a lien will be placed on the abandoned property for the amount of same.

§ 360-34 Access to abandoned properties.

The owner and/or creditor of any abandoned property registered under this chapter shall provide access to the Township to conduct exterior and interior inspections of the building or other structures and improvements on the property to determine compliance with municipal codes, upon reasonable notice to the property owner or creditor or the designated agent. Such inspections shall be carried out, except in case of emergent circumstances, on weekdays during the hours of 9:00 a.m. and 5:00 p.m., or such other time as may be mutually agreed upon between the owner or creditor and the Township. If the Township cannot contact the owner and/or creditor, the public officer shall send a notice, by regular and certified mail, return receipt requested, to the record owner of such property as reflected on the official tax records of the Township advising of the date and time the public officer and/or any other Township official will appear at the property to conduct inspections. Failure or refusal of the owner and/or creditor of the property to provide access to the property shall constitute authorization for the public officer and other Township officials to enter upon the property to conduct any inspections of the building or other structures and improvements on the property to determine compliance with municipal codes.

The right to enforce all municipal codes, state law, and all other applicable laws, rules and regulations is expressly reserved by the Township.

§360-35 Ongoing duties of owners and lienholders of abandoned properties.

In addition to all duties and responsibilities of an owner or lienholder of a property under all municipal codes, state law, and all other applicable laws, rules and regulations, the owner and/or lienholder of an abandoned property shall be required to:

- A. Board and secure the principal structure and all attached and unattached accessory structures, garages or similar structures to the end that they are free from current or potential health or safety hazards.
- B. Insure that at all times the exterior grounds of the principal structure, and all attached and unattached accessory structures, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls and driveways, are well-maintained and free from trash, debris, litter, and grass and weed overgrowth.
- C. Insure that at all times the principal structure and all attached and unattached accessory structures, garages or similar structures, and exterior grounds are free from rodents and other vermin and mosquito infestation.
- D. Insure that at all times the exterior grounds are free from the accumulation of debris, uncut vegetation or physical deterioration that has created potential health and safety hazards.
- E. Maintain all structures in a secure and closed condition, and keep the exterior grounds in a clean and well-maintained condition.

§ 360-36 Violations and penalties.

- A. Any owner or in-state creditor who violates any provision of this chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner or creditor and shall be a lien on the property as described in N.J.S.A. 55:19-100.
- B. Any out-of-state creditor who violates any provision of this chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$2,500 for each day a separate violation of this chapter exists. Fines assessed under this chapter shall be recoverable from the owner or creditor and shall be a lien on the property as described in N.J.S.A. 55:19-100. "

2. Section 212-14 (Chapter 360, Property Maintenance) is hereby amended by adding the following provisions thereto:

§ 212-14 Fees.

"

B. Abandoned Properties (§ 360 - 33)

The registration fee for each abandoned property shall be as follows:

- (1) Initial registration fee: \$500.
- (2) First renewal fee: \$1,000.
- (3) Second and subsequent renewal fee: \$2,000.
- (4) If any registration fee is not paid within six months of notification by the Township, the registration fee shall increase by \$1,000."

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

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

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

Adoption 2nd Reading

Ordinance No. 18-21

ORDINANCE AMENDING A BOND ORDINANCE OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, HERETOFORE ADOPTED ON MAY 22, 2017 (#17-04)

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to approve Resolution No. 18-357 authorizing second reading and opening of Public Hearing for Ordinance No. 18-21.

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

Resolution No. 18-357

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-21 entitled: ORDINANCE AMENDING A BOND ORDINANCE OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, HERETOFORE ADOPTED ON MAY 22, 2017 (#17-04) be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-21.

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

Councilman Bruno spoke of having a financial plan to accompany this, and whether the \$450,000 is coming out of ordinances which were previously adopted. Councilman Ullman spoke of his concerns of the burden to the taxpayer in taking on this strategic plan, that being the 20 million. He also spoke of reaching out to Mr. Conley with some questions he had. A conversation followed on the BANS, those coming off the books, the CFO providing those numbers, and funding Robbie Conley Architect, LLC. After further discussion, Council agreed to sign the contract for Conley Architects for the first two phases, totaling \$140,000, with dates at the end of each phase, and with the caveat not to go into the construction design until Council agrees with the financing. A conversation also followed on the regulatory issue with the DMF. Mayor Calamari stated just so he understands, if this ordinance passes, in effect Council is authorizing him just to do the first phase, totaling approximately \$140,000. Councilmen Ullman, Bruno, Cascio, and Council President DeSena are all in agreement.

A motion was made by Councilman Cascio, seconded by Councilman Bruno to adopt Ordinance No. 18-21.

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

Nays: None.
 Absent: Councilman Cumming.

Ordinance No. 18-21

ORDINANCE AMENDING A BOND ORDINANCE OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, HERETOFORE ADOPTED ON MAY 22, 2017 (#17-04)

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The bond ordinance of The Township of Washington, in the County of Bergen, New Jersey, heretofore adopted by the governing body thereof on May 22, 2017 and entitled: "Bond ordinance appropriating \$2,946,123, and authorizing the issuance of \$2,643,927 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Washington, in the County of Bergen, New Jersey" (#17-04) (the "Prior Ordinance") is hereby amended to the extent and with the effect that Section 3(b) thereof shall read as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(b) Construction of a new firehouse in and by the Township on property owned by the Township and located at 656 Washington Avenue, said building being at least equal in useful life or durability to a building of Class A construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including all related structures and appurtenances, the improvement of the site thereof and the demolition of the existing building thereon, and the purchase and installation of equipment, together with all structures, equipment, work and materials necessary, useful or convenient for said building, all as shown on and in accordance with the plans and specifications therefor prepared and filed or to be prepared and filed in the office of the Township Clerk, subject to such variation, modification, addition or alteration as may be from time to time approved by the Township Council of the Township as necessary or desirable in connection with the construction of said building, the appropriation hereby made therefor being an initial appropriation for said purpose	986,800	939,810

Section 2. The Prior Ordinance is hereby amended to the extent and with the effect that Section 4(b) thereof shall read as follows:

“(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 23.88 years.”

Section 3. The Prior Ordinance is hereby amended to the extent and with the effect that Section 4(d) thereof shall read as follows:

“(d) Amounts not exceeding \$900,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.”

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Adoption 2nd Reading

Ordinance No. 18-22

AN ORDINANCE PROVIDING FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR ADULTS INVOLVED WITH YOUTH PROGRAMS WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to approve Resolution No. 18-358 authorizing second reading and opening of Public Hearing for Ordinance No. 18-22.

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

Resolution No. 18-358

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-22 entitled: AN ORDINANCE PROVIDING FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR ADULTS INVOLVED WITH YOUTH PROGRAMS WITHIN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-22.

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

Councilman Cascio stated he does have a comment, this is long overdue. Council President DeSena stated he agrees.

A motion was made by Councilman Cascio, seconded by Councilman Ullman to adopt Ordinance No. 18-22.

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

Nays: None.

Absent: Councilman Cumming.

Ordinance No. 18-22

AN ORDINANCE PROVIDING FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR ADULTS INVOLVED WITH YOUTH PROGRAMS WITHIN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that the Code of the Township of Washington is hereby amended by creating Chapter 15 entitled "Criminal History Background Checks" which shall provide as set forth below:

1. "Chapter 15

CRIMINAL HISTORY BACKGROUND CHECKS

§ 15-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CRIMINAL HISTORY RECORD BACKGROUND CHECK

A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

NONSPONSORED YOUTH PROGRAMS

Any youth programs not sponsored by the Township of Washington but that utilize municipal facilities or have affiliation with a Township-sponsored youth program and having contact with person under the age of 18 years.

TOWNSHIP-SPONSORED YOUTH PROGRAMS

Any programs sponsored by the Township of Washington, including any and all leagues, boards and commissions falling within the purview of or acting for or on behalf of the Township of Washington and having contact with persons under the age of 18 years.

YOUTH PROGRAMS

Any programs that allow for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of the Township other than a parent or caregiver.

§ 15-2 No sponsored youth programs.

- A. Prior to any club or organization not defined as a Township-sponsored youth program being authorized to use Township-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Township of Washington Recreation Superintendent with findings of a criminal background check obtained from the State Bureau of Identification in the New Jersey State Police.
- B. The submission of background check findings must be based upon a check performed within three years of the start of use of the Township-owned facility. In the case of coaches performing duties as employees of a school

district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of Township-owned facilities. In all cases, the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the Township for individuals involved in administering Township-sponsored youth programs. The cost of background checks for individuals not administering a Township-sponsored program shall be borne by the individual or program with which they are participating.

§ 15-3 Township-sponsored youth programs.

- A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Township-sponsored function participated in by children, shall submit sufficient information on forms supplied by the Township of Washington Recreation Superintendent from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the Township of Washington Recreation Superintendent. Based upon the memorandum of understanding executed between the Township of Washington and the New Jersey State Police, the individual applying for the background check shall authorize the Recreation Superintendent to be the recipient of the affirmative or negative response from the State Police based upon the findings of the background check. Individuals involved in a Township-sponsored youth function, and who are required to undergo background checks based upon this chapter, shall not be responsible for the costs involved with obtaining the criminal background check. The Township of Washington shall bear the costs for the background checks for individuals qualified under this section.
- B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The president or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the Township of Washington and shall contain a certification as to the accuracy and completeness of the roster and individuals' names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

§ 15-4 Qualification.

Individuals engaged in providing recreation opportunities for, or on behalf of, the Township of Washington shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Coaches' background check identification cards are required to be displayed while in performance of their duty involving youth programs as prescribed by this Code.

§ 15-5 Disqualification.

- A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Recreation Superintendent shall notify the applicant and the president or leader of the recreation program of affirmative or negative results. The determination of the Recreation Superintendent is based upon § 15-5B of this chapter. Details in the background check that result in a negative determination by the State Police are not afforded to the Recreation Superintendent and are only available to the applicant upon making a formal request to the State Bureau of Investigation.
- B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official

capacity in any function for persons under the age of 18 years held at any Township-owned facilities. Such offenses shall include, but not be limited to:

- (1) In New Jersey, any crime or disorderly persons offense:
 - (a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.;
 - (b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq.;
 - (c) Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;
 - (d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10.
 - (2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection B (1) of this section.
- C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.
- D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any Township-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for no sponsored youth programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-Township-sponsored youth program to subscribe to the requirements of this chapter shall forfeit that program's ability to use municipal facilities.

§ 15-6 Frequency of background checks.

- A. All no sponsored youth programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a Township-owned facility to the extent covered by this chapter. Thereafter, every three years a new background check shall be submitted to the Recreation Superintendent.
- B. All Township-sponsored youth programs that have individuals subject to this chapter shall direct those individuals to the Recreation Superintendent for background checks prior to the individual being able to participate at any function sponsored by the Township of Washington. Thereafter, every three years a new background check shall be submitted to the Recreation Superintendent. Final approval shall consist of the Township of Washington receiving a letter of approval from the New Jersey State Police. Approved individuals are required to display their Township-issued coaches' background check identification card while in performance of their duty involving youth programs as prescribed by this Code.

§ 15-7 Privacy.

Any and all criminal background checks supplied to the Recreation Superintendent shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Recreation Superintendent shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is

necessary to serve their intended and authorized purpose.

§ 15-8 Violations and penalties.

Any person who violates any provision of this chapter shall be subject to the penalties as set forth in § 1-1 of the Township of Washington Code.”

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

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

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

Introduction 1st Reading

Ordinance No. 18-23

AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to introduce and pass Ordinance No. 18-23 at first reading by title.

Council President DeSena clarified the ordinance that Council is voting on tonight is the one before them, which is highlighted. A sentence was added as per the Police Department’s requested this afternoon, which is located in the first paragraph of 580-11.1, Section A, that being the only change from the ordinance provided to Council to the one that is on the dais today. Councilman Bruno stated the ordinance includes rolling papers, who would be responsible for getting those items out of stores. Mr. Poller replied it would be the Code Enforcement Officer, once the ordinance is effective, which is 20 days after publication.

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

A conversation followed if the smoking devices use regular double AA batteries or specialized batteries. Mr. Poller stated a qualifier can be inserted into the ordinance, but he will wait for a definition from Officer Calamari. Councilman Ullman asked if we are opening ourselves to challenges by having a blanket prohibition, making it illegal in the Township. Mr. Poller replied no one knows yet since marijuana has not been legalized in the State, this ordinance includes both recreational as well as medical marijuana. Councilman Cascio stated he did look it up online, and JUUL does use a specialized battery. Councilman Ullman stated it does seem other apparatus do use a regular double AA battery.

The following resolution, Resolution No. 18-359 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Bruno.

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

WHEREAS, Ordinance No. 18-23 entitled: AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 17th day of December, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 17th day of January, 2019, 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. 18-23

AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 580 of the Code of the Township of Washington ("Zoning") is hereby amended by adding § 580-11.1 thereto which provides as follows:

1.

"

§ 580-11.1 Prohibition of sale of marijuana and vaping products and related paraphernalia in all zones.

A. In every zoning district referred to in this Chapter 580 or otherwise in the Township, no land or building shall be used or allowed to be used for the sale or distribution of marijuana (cannabis) products, including, but not limited to, tetrahydrocannabinol ("THC") oil and derivatives, hashish, adulterants and dilutants, which includes retail and wholesale marijuana stores, retail and wholesale marijuana cultivation facilities, retail and wholesale marijuana products manufacturing facilities, retail and wholesale marijuana testing facilities, and the operation of retail and wholesale marijuana lounges or social clubs. All activities related to the abovementioned retail and wholesale uses, such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing, are expressly prohibited within the Township.

B. In every zoning district referred to in this Chapter 580, no land or building shall be used or allowed to be used for the sale or distribution of "vaping products" (as defined herein), which includes the operation of retail and wholesale stores, lounges or social clubs. The term "vaping products" shall mean electronic/vapor inhalation substance products, cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

C. In every zoning district referred to in this Chapter 580, no land or building shall be used or allowed to be used for the sale or distribution of

“marijuana-related paraphernalia” or “vaping paraphernalia” as said terms are defined hereafter:

1. “marijuana-related paraphernalia” shall mean:

a) rolling paper used to roll tobacco, marijuana, cigarettes or cigars;

b) hookahs, which includes pipes commonly, but not always, made of metal, wooden, acrylic, glass, stone, plastic, or ceramic with or without screens, permanent screens, hashish heads, or punctured metal bowls, used for vaporizing and smoking tobacco, flavored tobacco, non -flavored tobacco, shisha, dried fruits, cannabis or other substances in which vapor or smoke is passed through a water basin before inhalation.

2. “vaping-related paraphernalia” shall mean electronic vapor devices and includes any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.”

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

Resolution No. 18-360

Authorize Transfer of Appropriations – Tree removal from rehabilitation of Memorial Field

A motion was made by Councilman Bruno, seconded by Councilman Cascio, to pass Resolution No. 18-360.

Councilman Bruno asked he assumes the CFO is going to handle the closing of the books, since the transfer was not voted on. Mayor Calamari replied correct, that is what the Council asked for so that is what is being done. Councilman Bruno spoke of his concern of the grant receivable change, and what was used to write off the grant receivables. Ms. Curran replied she will look into that, as well as ask the bond counsel. Regarding Resolution No. 18-360, this transfer is for clean up behind the library, as well as secondary clean up at Gardner Field, the money will be encumbered to be available. Twenty trees were taken down behind the library, by nature or by the Township’s hand, and they are all listed, as well as those trees at Gardner Field.

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

Nays: None.

Absent: Councilman Cumming.

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 Bruno, seconded by Councilman Cascio, to the Consent Agenda.

Councilman Cascio stated he would like to pull Resolution No. 18-364 for a separate vote.

Resolution 18-362: Councilman Ullman asked what does the appointment of the Waste Water Collections System Operator cover, is it everything within the Township's border, or the complete system. Council President DeSena replied it is the Township's complete system, everything gravity within the confines of the Township, he is a State licensed operator that handles the Township's system, making sure sewerage is flowing correctly. Councilman Ullman asked does he have any responsibility with the new Viviano property? Council President DeSena replied when constructed he will if there is an issue there. Municipalities need to have a licensed individual, either in house or by paying someone outside to hold that license.

As per Councilman's Cascio request, Resolution No. 18-364 Opposition to Power Plant, will be voted on separately.

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

Resolution No. 18-361

Authorize refund of overpayments from Corelogic in the total amount of \$16,675.23

WHEREAS, overpayments were received from Corelogic, who paid property taxes on behalf of the following properties:

BLOCK/LOT	ADDRESS	AMOUNT
4412/24	347 FERN ST	\$1,638.00
3201/2/CO16B	16 DANBURY CT	\$2,380.78
3201/2/CO11B	11 DANBURY CT	\$2,449.00
2504/8	2002 E GLEN AVE	\$2,606.00
2413/27	353 WILSON AVE	\$2,012.00
2104/10	704 HILLCREST RD	\$736.07
1402.01/14	82 SALEM RD	\$3,058.00
3213/13	573 CHESTNUT ST	\$2,297.00
4424/31	302 MOUNTAIN AVE	\$2,498.38
TOTAL		\$19,675.23

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 \$19,675.23 to Corelogic, Centralized Refunds, P.O. Box 9202, Coppell, TX 75019.

Resolution No. 18-362

Appointment of Waste Water Collection System Operator

WHEREAS, N.J.A.C. 7:10A-1 et seq. requires that the owner of a Waste Water Collection System be licensed by the New Jersey Department of Environmental Protection ("NJDEP") and that the system be operated by a NJDEP-licensed operator; and

WHEREAS, the Township is the owner of a NJDEP-licensed Waste Water Collection System; and

WHEREAS, Keith Durie is an NJDEP-licensed operator and is willing to serve as the Township's NJDEP-licensed operator for an annual amount of \$2,500 from January 1, 2018 through December 31, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby awards a professional service contract to Keith Durie as the NJDEP-licensed operator of record of the Township's Waste Water Collection System without competitive bidding as a professional service under the provisions of the Local Public Contracts Law for 24 months, effective January 1, 2018 through December 31, 2019 at an annual compensation of \$2,500.00, and that said Licensed Municipal Waste Water Collection System Operator is hereby obligated to serve a copy of all reports on the Township Department of Municipal Facilities and the Township Clerk.

Resolution No. 18-363

Authorize appointment of municipal representatives to Bergen County Community Development regional committee

WHEREAS, the Township of Washington has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Governing Body appoint a representative and alternate and that the Chief Executive Officer name a representative and alternate for the FY 2018-2019 term starting July 1, 2018 and ending on June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Steven Cascio as its representative and Arthur Cumming as its alternate and that the Chief Executive Officer hereby appoints Robert Tovo as his representative (*no appointment*) as his alternate to serve on Community Development Regional Committee for FY 2018-2019; and

BE IT FURTHER REOSLVED that an original copy of this resolution be forwarded to Robert G. Esposito, Director, Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor, Hackensack, NJ 07601.

Resolution No. 18-365

Commuter Parking Permits – Firehouse Parking Lot

BE IT RESOLVED, by the Township Council that the Township Clerk is hereby authorized to issue unlimited commuter parking permits for the Firehouse Parking Lot for the year 2019; and

BE IT FURTHER RESOLVED, sixty-eight (68) renewal letters were mailed to current 2018 permit holders; and

NOW, THEREFORE, BE IT RESOLVED, as of December 14, 2018, twenty-two (22) permit tags for year 2019 have been processed.

Resolution No. 18-366

Designating time and place of 2019 Council Meeting

BE IT RESOLVED, by the Township Council that the first and third Monday of each month, in the Municipal Complex Building, Council Chambers, 350 Hudson Avenue, Township of Washington, NJ, at the hour of 7:30 P.M. be designated as the time and place of Council meetings for the year 2019; and

NOW, BE IT RESOLVED, by the Township Council in compliance with the provisions of the Open Public Meeting Act (N.J.S.A. 10:4-6 Et Seq.) that:

Section 1. Except as provided by Chapter 4, Section 10:4-12B, all meetings of the Council shall be open to the public at all times.

Section 2. At every meeting, the public may actively participate during the time designated for that purpose in the order of business and the Council may take formal action.

Section 3. The meetings of the Council shall be held on the dates and times set forth in the scheduled annexed hereto and made a part hereof.

Section 4. Within seven (7) days following the adoption of this resolution, a copy shall be posted on a bulletin board accessible to the public at all business hours at or near the entrance to the Council's meeting room and shall remain so posted until replaced with a duly adopted resolution setting forth any revision thereof. A copy shall be mailed or sent by electronic means to two (2) official newspapers.

Section 5. Upon receipt by the Township Clerk of a written request setting forth the name and address of the person making the request, the Clerk shall send to such person by regular mail, or by electronic means, between the date of such request and December 31st next ensuing, a copy of the meeting schedule referred to in section 3.

The following is the 2019 list of meeting dates as approved by the Township of Washington Township Council at a regularly scheduled meeting of December 17, 2018. Public/Conference meetings are held on the first and third Monday of each month at 7:30 pm, *unless otherwise noted. Meetings are held in the Council Chambers of the Municipal Complex Building, located at 350 Hudson Avenue, Township of Washington, New Jersey. There is the option to take action at every meeting.

2019 COUNCIL MEETINGS

January	7 th Sine Die Meeting 7:30 p.m.
	7 th Reorganization 7:30 p.m.
	21 st
February	4
	*19 th
March	4
	18 th
April	1 st
	15 th
May	6 th
	20 th
June	*5 th
	17
July	*15 th
August	*12 th
September	*3 rd
	16 th
October	7 th
	21 st
November	*6 th
	25 th
December	2 nd
	16 th

Resolution No. 18-367

Authorize Share Services Agreement for purchasing of road salt

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40a:65-1 et seq.) promotes the broad use of shared services as technique to reduce local expenses funded by property tax payers; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40a:65-1 et seq.) allows for any local unit to enter into an agreement with any other local units or units to provide or receive any services that each local participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Washington (the "Township") has a need to purchase and obtain road salt from the County of Bergen (the "County") which has the facilities to store road salt for the Township; and

WHEREAS, the County and the Township seek to enter into a Shared Service Agreement for purchasing and obtaining road salt whereby the County would provide to the Township such material; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approved of the proposed shared services agreement as referenced herein between the Township and the County, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute shared services agreement with the County for the above stated purpose.

Resolution No. 18-368

Authorize Share Service Agreement for purchasing of fuel for municipal vehicles

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40a:65-1 et seq.) promotes the broad use of shared services as technique to reduce local expenses funded by property tax payers; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40a:65-1 et seq.) allows for any local unit to enter into an agreement with any other local units or units to provide or receive any services that each local participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Washington (the "Township") has a need to purchase fuel for municipal vehicles from the County of Bergen (the "County") fuel pumps for the Township; and

WHEREAS, the County and the Township seek to enter into a Shared Service Agreement for purchasing fuel for municipal vehicles whereby the County would provide to the Township such fuel; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approved of the proposed shared services agreement as referenced herein between the Township and the County, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute shared services agreement with the County for the above stated purpose.

Resolution No. 18-364 - Opposition to Power Plant

This resolution came from the Bergen County League of Municipalities. Council President DeSena stated just for everyone's knowledge, a crew from California would like to build a power plant in the Meadowlands to supply Con Edison's requirements for Manhattan, so all the pollution, and everything else that goes with this billion-and-a-half-dollar power plant will be located in our wetlands in the Meadowlands, with an underground pipeline to bring power directly into New York City. He stated many municipalities in Bergen County, as well as the State, are passing resolutions in objection to this, and he did ask Ms. Witkowski to put this on. Councilman Cascio stated he read the data, and does not think the data supports their conclusion.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to pass Resolution No. 18-364, Opposition to Power Plant.

Ayes: Councilmen Bruno, Ullman, Council President DeSena.

Nays: Councilman Cascio.

Absent: Councilman Cumming.

Resolution No. 18-364

Opposition to Power Plant

WHEREAS, Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a \$1.5B, 1,200-MW natural gas-fired power plant in North Bergen, NJ on a 15-acre parcel near Railroad Avenue on the banks of Bellman's Creek. The electric energy produced by this plant would be transmitted by a 6.5 mile, 345-kV underground and submarine cable under the Hudson River via the Susquehanna Tunnel to connect with ConEd's substation on West 49th Street in Manhattan. All of this electricity would be used by ConEd in New York. The project is anticipating permit approvals by the Environmental Protection Agency and the New Jersey Department of Environmental Protection by the end of 2019, and to be operational by 2022;¹ and

WHEREAS, this natural gas plant would be one of the largest sources of air pollution and greenhouse gas emissions in New Jersey;² and

WHEREAS, the Bergen County League of Municipalities has a principal responsibility to protect the health and safety of its residents, businesses and institutions of the County of Bergen; and

WHEREAS, the people and environment of New Jersey have been increasingly subjected to a build-out of natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

WHEREAS, peer-reviewed scientific studies³ link exposure between air pollutants emitted from natural gas infrastructure facilities and neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts. Acute health impacts from these toxic exposures can cause burning eyes, headaches, breathing difficulty and nausea for nearby populations and can exacerbate health problems. Chronic health impacts can include certain types of cancer as well as damage to lungs, liver, kidneys, reproductive, nervous and cardiovascular systems; and

WHEREAS, the American Medical Association acknowledges the hazards of natural gas infrastructure and associated adverse health impacts

WHEREAS, the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area over a long period of time but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

WHEREAS, on Feb. 7, 2010 a gas blow operation was being performed at the Kleen Energy Systems LLC power plant construction site in Middletown, Conn. in which

flammable natural gas was pumped under high pressure through new fuel gas lines to remove debris. During this operation, an extremely large amount of natural gas was vented into areas where it could not easily disperse. Welding and other work was being performed nearby, creating an extremely dangerous situation. An explosion occurred when the gas contacted an ignition source taking the lives of six workers and injuring 50 others⁴; and,

WHEREAS, the top 11 electric plant operators in the U.S. have been fined over \$13.3B since 2000 for 161 environmental violations, and⁵

WHEREAS, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

WHEREAS, gas infrastructure facilities can annually emit into the air hundreds of tons of pollutants including particulate matter, toxic chemicals such as sulfur dioxide, mercury, and criteria pollutants (such as nitrogen oxides which cause smog, acid rain and contribute to ozone production),⁶ some of which are known carcinogens such as benzene and formaldehyde, and can also be sources of radioactive contamination⁷ and are known to increase the severity of asthma and other respiratory diseases. Particulate matter, once inhaled, can affect the heart and lungs and cause serious health effects including lung cancer. Long-term exposure to ozone is linked to aggravation of asthma, emphysema, and chronic bronchitis, and it is likely to be one of many causes of asthma development. Long-term exposures to ozone may also be linked to permanent lung damage, such as abnormal lung development in children. Both ozone and particulate pollution have been linked to premature death, cardiovascular harm and increased susceptibility to infections. Recent studies have also linked air pollution to increases in obesity, diabetes, Parkinson's disease, Alzheimer's and other forms of dementia and stroke.⁸ People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers; and

WHEREAS, people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressors are most at risk—particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations, although under certain weather and terrain conditions, these pollutants can have a wider impact. Some homes in New Jersey are within 3,000 feet of the proposed plant and Harlem/Upper Manhattan (where one in four children suffers from asthma), which is downwind of the prevailing winds, is within 3.6 miles; and

WHEREAS, based on the American Lung Association "State of the Air 2018" report, the counties of Bergen and Hudson, which will be most impacted by emissions from this power plant already have significant populations (in some cases the largest in New Jersey), with pediatric and adult asthma, COPD, lung cancer, cardiovascular disease and diabetes,⁹ whose conditions will only be exacerbated by additional volumes of air pollution; and

WHEREAS, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature organs and detoxification systems¹⁰; and

WHEREAS, methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

WHEREAS, methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe and 86 times that of carbon dioxide over a 20-year timeframe; and

WHEREAS, methane emissions from gas power plants may be considerably higher than previously thought. A 2017 study^{11 12} found that gas-fired power plants released more than 20 times more methane than the facilities had estimated; and

WHEREAS Bergen County and Hudson County (proposed site of the North Bergen plant) already receive grades of 'F' from the American Lung Association for ozone air pollution,¹³ the new plant will increase the concentration of ground ozone, increase the health hazards and risks from this pollutant and make it even more difficult to reduce the level of this pollutant. Conditions such as chronic obstructive pulmonary disease (COPD)—a long-lasting obstruction of the airways—can be exacerbated by even small increases in elevated ozone levels (e.g., an increment of 10 ppb), with a corresponding effect on public health and health care costs. As with chronic lung disease, even a small increase in the previous week's average ozone level has substantial effects on death rates. One study showed that a small (10 ppb) increase in ozone pollution was associated with a 0.52 percent increase in deaths per day. This study found that an estimated 3,700 deaths annually in the U.S. could be attributed to this small increase in daily ozone levels;¹⁴ and

Whereas New Jersey's environmental justice communities already have some of the worst air quality in the nation, building another massive gas power plant will only exacerbate their plight; and

WHEREAS, municipalities to the North and Northeast of the proposed gas-fired plants will be particularly impacted by the Palisades ridge to the East that will prevent pollution from being easily dispersed to the East on prevailing westerly winds; and

WHEREAS, the proposed gas-fired electric plant will be approximately one mile from an existing gas-fired electric plant operated by PSE&G that is already one of the largest sources of air pollution in New Jersey and which already produces over 2 million metric tons of CO2 annually; and

WHEREAS, of the top 10 companies (parent corporations) most penalized for environmental violations in the US, nine are in the petroleum and energy industry and five are in the electric energy production industry (American Electric Power, Duke Energy, Dominion Energy, FirstEnergy and Alliant Energy);¹⁵ and

WHEREAS, the proposed gas-fired plant will produce limited economic benefits to the town of North Bergen and, to a lesser degree, surrounding towns, this will primarily occur during the construction phase¹⁶ (due, in part, to the fact that NJ electrical generating equipment is exempt from property tax) and after that the residents of these towns will continue to incur the health care costs associated with increased pollution for another 30 to 40 years;

WHEREAS, the annual health impacts of burning 1 (one) Bcf/day in the NY/NJ metropolitan are estimated to be:¹⁷

Impact	Incidents per year	Societal Value*	Direct Medical and Other Costs
Premature Mortality	35.3	\$238,712,000	\$10,585,000
Chronic Bronchitis	22.3	\$10,554,000	\$2,700,000
Hospital+ER visits	32.8	\$432,000	\$345,000
Asthma Attacks	724.5	\$43,000	\$42,000

Respiratory Symptoms	32,720	\$1,190,000	\$1,190,000
Work Loss Days	6,374	\$1,160,000	\$1,079,000
Mercury Related	NA	\$12,277,000	\$13,277,000
Total		\$265,369,000	\$29,217,000

*Costs to consumers for which they are not reimbursed.

WHEREAS, an alternative approach to producing electricity from solar panels would avoid all of the environmental and health issues noted in this resolution while still providing new jobs and other financial benefits to local towns and would be in conformance with Governor Murphy's goal to increase the use of renewable energy even if all of the electricity was sold to New York City, could potentially gain local support and should be considered; and

WHEREAS, the NJ Work Environmental Council has stated, "Climate justice is worker justice. We stand together for both worker protections and strong climate policies because we can't have one without the other. An injury to the planet is an injury to us all;"¹⁸ and

WHEREAS, the proposed gas-fired plant will provide electric energy to New York only, residents of Hudson and Bergen Counties and the rest of New Jersey will only incur the health care costs and environmental degradation caused by the plant during construction and operation; and

WHEREAS, the gas-fired power plant represents a direct threat to one of the state's most crucial ecological resources. Wetlands such as the Meadowlands serve many beneficial functions. They are a natural filtration system, purifying our water. They preserve biodiversity by hosting a number of plant and animal species. They play a crucial role in flood mitigation by absorbing storm waters, protecting urban or residential communities in nearby flood zones. The construction of and pollution from the proposed plant could affect quantity and quality of water flows, thereby harming the delicate animal and plant habitats in the wetlands and undermining their critical hydrological functions. The rehabilitation of the Meadowlands, which has been a triumph for the local groups that have worked hard to recover this area, would be squandered in order to provide power to New York City residents; and

WHEREAS, the plant will be within the half mile US DOT Evacuation Zone for oil train derailments which have been known to explode and can only be handled by letting them burn out; and

WHEREAS, location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise. The RPA's Fourth Regional Plan¹⁹ found that "of all the places in the tri-state region challenged by increased flooding from climate change, the New Jersey Meadowlands is at greatest risk." It also concluded that "The Meadowlands are also likely to be one of the first places to be permanently inundated from sea-level rise."; and

WHEREAS, construction would require digging a 40-foot trench through the Meadowlands to connect to Williams' Transco Pipeline, thus risking damage to sensitive wetlands. The connection to the Williams pipeline may require upgrades to the line and expansion of its compressor station at Riverdale risking increases in dangerous emissions from the compressor station; and

WHEREAS, the owners of the proposed gas-fired plant have stated this is being built to replace the energy that will be lost when the Indian Point Nuclear Plant is closed,²⁰ a 2017 study by Hudson Riverkeeper and the Natural Resources Defense Council states, "By 2023, assumed new energy efficiency and required new renewable energy [will] provide as much output as IPEC would have produced."²¹; and

WHEREAS, the proposed gas-fired plant will require 8.6M gallons of sewage discharge wastewater per day which will allow evaporation of chemicals in the water to contribute to the existing levels of air pollution; and

WHEREAS, the proposed plant will require diesel generator backups for winter gas shortage situations which in turn will require storage of 1M gallons of diesel fuel onsite which has inherent risks of spills and leakage which would produce additional air pollution as well as ground pollution to sensitive wetlands and nearby water bodies; and

WHEREAS, the gas-fired plant will require on site storage of chemicals such as ammonia, bleach and acids as well as trucks to supply these products this increases the potential for spills into nearby wetlands and streams; and

WHEREAS, the proposed gas-fired plant will increase the volume of fracked-gas used in New Jersey which will also increase the drilling and associated environmentally destructive activities associated with its production and transport²² as well as increased pressure on New Jersey and the Delaware River Basin Commission to accept fracked waste water for disposal; and

WHEREAS, the proposed gas-fired plant will utilize fracked natural gas thus increasing the amount of energy produced by fossil fuels in direct opposition to Governor Murphy's commitment to moving New Jersey to 100% clean renewable energy usage. This type of massive fossil fuel infrastructure will last for several decades due to its large sunk costs (\$1.5B). This will increase long-term dependence on dirty fossil fuels and their associated environmental damage and health risks and is incompatible with the administration's energy goals. The average New Jersey gas-fired power plants went online 23 years ago and 13 percent of the state's gas plants went online more than 40 years ago.

THEREFORE, BE IT RESOLVED that the Township of Washington in the interest of protecting the residents, businesses and institutions, strongly opposes construction of the North Bergen Liberty Generating power plant.

BE IT FURTHER RESOLVED, that the Township Clerk of the Township of Washington shall forward this Resolution to

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection
- State Senator Paul Sarlo
- State Assemblypersons Clinton Calabrese and Gary Schaefer
- Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Councils, Boards of Health and Environmental Commissions
- League of New Jersey Municipalities
- NJ Advance Media

¹ <https://www.northjersey.com/story/news/environment/2018/04/10/new-power-plant-meadowlands-electricity-nyc/503255002/>

<http://newyork.cbslocal.com/2018/04/25/meadowlands-natural-gas-plant-proposal/>

² New Jersey Sierra Club May 2018 E-newsletter,
<https://spark.adobe.com/page/lcwq37BdNLoxg/>

³ PSE for Healthy Energy Repository for Oil and Gas Energy
Research: <https://www.psehealthyenergy.org/our-work/shale-gas-research-library/>

⁴ <https://www.osha.gov/news/newsreleases/national/08052010>

https://violationtracker.goodjobsfirst.org/prog.php?major_industry_sum=utilities+and+power+generation

⁶ Criteria air Pollutants (CAP), or criteria pollutants, are a set of air pollutants that cause smog, acid rain, and other health hazards. CAPs are typically emitted from many sources in industry, mining, transportation, electricity generation and agriculture. In many cases they are the products of the combustion of fossil fuels or industrial processes.

⁷ Environmental Health Project Report, October 2017: Health Effects Associated with Stack Chemical Emissions from NYS Compressor Stations: 2008-2014: <http://www.environmentalhealthproject-nv.org/>

⁸ <https://www.sciencenews.org/article/list-diseases-linked-air-pollution-growing>

⁹ Numbers of residents in 2017 in each county with the diseases shown:

County	Pediatric Asthma	Adult Asthma	COPD	Lung Cancer	Cardiovascular Disease	Diabetes	Poverty Estimate
Bergen	16,376*	61,021*	47,586*	525*	62,375*	70,715*	63,789
Hudson	11,286	44,533	29,582	379	36,091	40,122	104,660
*Highest volume in New Jersey							

¹⁰ Reducing the staggering costs of environmental disease in children, estimated at \$76.6 billion in 2008, Trasande, L, et al, Health Affairs, May 2011: <https://www.ncbi.nlm.nih.gov/pubmed/21543421>

¹¹ Food & Water Watch

¹² <https://www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane>

¹³ American Lung Association 2018 State of the Air report

<http://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/new-jersey/>

Shows Hudson and Bergen Counties with grade of F for high ozone days and 22 orange days each

¹⁴ https://www.ucsus.org/sites/default/files/legacy/assets/documents/global_warming/climate-change-and-ozone-pollution.pdf

¹⁵

https://violationtracker.goodjobsfirst.org/prog.php?parent=&major_industry_sum=utilities+and+power+generation&primary_offense_sum=environmental+violation&agency_sum=&hq_id_sum=&company_op=starts&company=&major_industry%5B%5D=&all_offense%5B%5D=&penalty_op=%3E&penalty=&agency_code%5B%5D=&pen_year%5B%5D=&pres_term=&free_text=&case_type=&ownership%5B%5D=&hq_id=&naics%5B%5D=&state=&city=

¹⁶ North Bergen Liberty Generating, LLC, Economic and Fiscal Analysis

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjQ7o2U8ezaAhXPwVkkKHbRSAJAQFjAAegQIABAQ&url=http%3A%2F%2Fdocuments.dps.ny.gov%2Fpublic%2FCommon%2FViewDoc.aspx%3FDocRefId%3D%257BCF578449-B169-4EAF-9661-BE1A91A35A3B%257D&usg=AOvVaw2pa9f00UCw90mDPB_Zv620

Shows assumptions and model for financial benefits from the plant.

¹⁷ <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u1997/HCWH%20pipeline%20health%20impacts.pdf>

¹⁸ <http://www.njspotlight.com/stories/18/04/30/op-ed-workers-and-environmentalists-stand-in-solidarity-on-climate/>

¹⁹ <http://library.rpa.org/pdf/RPA-4RP-Places.pdf>

²⁰ <https://www.utilitydive.com/news/mitsubishi-subsiidiary-seeks-permits-for-15b-gas-plant-to-send-power-to-ny/521146/>

²¹ <https://www.riverkeeper.org/wp-content/uploads/2017/03/Clean-Energy-for-New-York-16-121-02-23-2017.pdf>

Important caveat: New York will require an aggressive energy efficiency policy framework in order to secure the improvements needed to obtain the energy efficiency levels modeled in this analysis. Critically, such a policy framework is not currently in place in New York for attaining the levels of energy efficiency contemplated.

²² PSR/CHPNY Compendium 5th Edition (March 2018): http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compendium_5FINAL.pdf

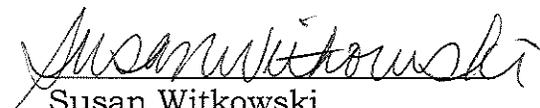
A motion was made by Councilman Bruno, seconded by Councilman Cascio to adjourn to Conference Session.

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

Nays: None.

Absent: Councilman Cumming.

Time Noted: 8:20 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: April 1, 2019

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE PORTION/PUBLIC SESSION

December 17, 2018

Members present: Steve Cascio, Robert Bruno, Michael DeSena, Michael Ullman.
Also present: Peter Calamari, Mayor; Ken Poller, Attorney; Robert Tovo, Administrator; Judy Curran, CFO; and Susan Witkowski, Township Clerk.
Absent: Councilman Cumming.

Administration

Project Tracker – Scott bottles were purchased by the Fire Department and in service. Administrator Tovo is working with Paul Azzolina on the road program, soft costs versus construction costs. Change orders will be compiled and provided. Council President DeSena requested moving forward Mr. Azzolina provide a summary with the number of building issues he responded to in month, and status on projects he is working on. A completion date is being worked on for Woodfield and Sussex. A conversation followed on DOT grant money to be used for signage when a street is completed with DOT money. Councilman Ullman asked is the Radio System Upgrade Analysis being done by a consultant? Administrator Tovo explained there are State, County, and a stand-alone option. The consultant will be making recommendations, testing the systems to see how they would work for the Township, what upgrades the Township would be responsible for, and guide the Township through the licensing and purchasing. The DMF Radios will also be included, and all first responders will be involved in the process. Councilman Ullman asked if he could question both the Fire Director and Fire Chief, since they are present. He asked both if they are satisfied with your involvement to date with this selection, your familiarity with the options, and do you have a preference at this point. Fire Chief Insetta replied yes, they are satisfied and looking at all of the options. They looked the County system several years ago, and weren't happy with that, and want to see what the consultant comes back with regarding the State system, since he is not familiar with that system. Council President DeSena asked if Mr. Azzolina can be asked the status of the ADA curb cuts in the County Roads. A conversation followed on the road program, what roads are left to be done, roads that are cracking in the middle, and how much money is left over. Council President DeSena stated he will provide a list of those roads to the Administrator. A color-coded list of roads which previously paved is being upgraded, and will be presented to Council, as well as put on the website. Solar powered pedestrian signs will be placed at Memorial Field, Pascack Road, the high school, and a movable sign will be targeted at certain locations throughout the year. A conversation followed on putting a sign on Pascack and Washington. Councilman Bruno requested the County be contacted regarding a sign which was put on Washington, across from the bus hut, that is blocking vision heading west coming out of Jackson.

Best Practices, FY 2018/2019 – Submitted every November to the State, and reviewed by Council. A conversation followed on compliance in fixing audit recommendations from 2016, as well as Council not passing a resolution, which does not affect the total score, since the Township is far enough over the threshold in points.

Proposals for Professional Services – Athletic Fields Inventory and Needs Assessment – Council President DeSena asked for this to be tabled until additional proposals are received. Council was asked to look over the one proposal that was received from T&M Associates. Mayor Calamari stated he would like to get at least one or maybe two more quotes. MKW Associates did complete the last one, but did not include speaking to organizations that use the fields.

Leaf Collection update – DMF has completed two full rounds of pick up, and are currently in round 3, which is the mop up phase. DMF will go back to Zones 1-3 and clean up whatever has been deposited at road side after rounds 1 and 2 are completed. Administrator Tovo stated he is pleased and is confident that the DMF will have this wrapped up by the end of the week. The Township is running three loaders, either two garbage trucks and a container or two containers and a garbage truck, three full teams. Three additional seasonal employees have been hired, one started today. There are not enough CDL drivers, only one seasonal has that license, but it will be a condition to new full time hires to get their CDL within one year of employment. Administrator Tovo stated with equipment being down this year, containers worked well for the DMF, but the key is to make sure the equipment is ready, and have personnel that work part time go to full-time. He stated that the DMF does rely heavily on the leaf vacuum, and they did notice once it went out of service that the piece does slow down the DMF, and some piles were just too big for the vacuum. Councilman Cascio stated one of the main focuses for shared service is sharing DMF equipment, and this year we did use Emerson's equipment. The County did lend us some trucks, which were used by the Township's DMF crew. Administrator Tovo stated he will reach out to Paramus for street sweeping once clean up is done by the DMF.

Trees – Councilman Bruno stated he would like someone to look at trees in the Township. Council President DeSena stated it will be discussed for next years budget. Mayor Calamari stated the Green Team will also do a tree evaluation, and come up with a written report for us.

Snow removal plan – A conversation followed on using the \$100,000 in the snow removal fund to outsource the plowing of County Roads, and having the DMF concentrate on the back roads in the Township. Council President DeSena stated a private contractor charges \$450 per hour, as per Hillsdale's agreement, and the County reimburses \$90 per hour. The snow removal fund cannot be used for equipment, only for snow removal/personnel. Administrator Tovo explained how this trust came about. Mayor Calamari stated he did ask that any overtime for snow removal by the DMF has be taken out of that fund. A conversation followed on looking into outsourcing snow removal for County Roads.

Total road dollars spent versus allocated – Administrator Tovo will look into this.

Financial Plan to mirror the Capital Plan – Ms. Curran will look into this.

Quest – The Township has until 2021 to knock down the DMF building in order to remediate. Mr. Poller stated he will be going to trial with the owners of the home in February, since they are opposing the Township access to their home in the future. Quest will be contacted to see if there is any intermediate action the Township would need to do, even though we are compliant. Paul Azzolina will be working with Quest regarding the paving of the DMF parking lot.

Council

Use of Facilities – continuation – Will be continued at the next meeting when Councilman Cumming is present.

Ordinance No. 14-03 amend to include smoke free zones (including but not limited to vaping, e-cigarettes, tobacco, etc.) – Green Team has asked the Council to look into this. Mr. Poller will check with surrounding towns. The Green Team will be asked if chewing tobacco is also included.

Promotions, Police Department, Procedure – Councilman Ullman stated this is not only promotions, but hiring and promotion. Earlier in the year a new officer was hired, along with two rounds of promotions. He had approached the Mayor, to see if the Chief and Director, who are responsible for both, would be available for a meeting. He did hear from Mayor Calamari, but nothing came about. He stated the Clerk has included a copy of the Wayne appointment of members, as

well as promotions. He stated Council has been involved with some of the promotions/hiring, but yet it is behind "Closed Doors" for lack of a better term for the Police Department. He would ask Council look at the documentation from Wayne, which is organized similarly as the Township. He would like this topic on the next meetings Agenda, and at that time have a straw poll taken to see if this is something Council would like to take on. Mayor Calamari stated he did not schedule the meeting because as it was presented, it bordered on personnel issue, but if Council wants to do this in Closed Session, and Rice individuals, he has no problem with that. He also spoke to the Wayne Ordinance, the Wayne Department has over 100 people, there are Police Chief Boards, which gets very expensive, so he does ask Council to keep this in mind when reviewing this ordinance. A conversation followed on "RICE Notices" for individuals in the future, as well as keeping things in "Open Session" as much as possible, regardless of the topic. This subject will be put on the January 21, 2019 meeting.

Financials

Strategic Planning – continuation – Ms. Curran will review.

Miscellaneous

Shared Services, other towns – continuation – Councilman Cascio and Councilman Ullman are working on this.

As per the Township Clerk, the minutes that were provided to Council via their packets were for information purposes only.

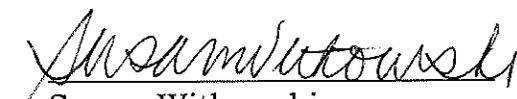
A motion was made by Councilman Bruno, seconded by Councilman Ullman, to adjourn.

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

Nays: None.

Absent: Councilman Cumming.

Time Noted: 9:00 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: April 1, 2019

