

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES

December 3, 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 7:35 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of December 3, 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, Arthur Cumming, Michael Ullman and Council President Michael DeSena. Also present: Peter Calamari, Mayor; Ken Poller, Township Attorney; Robert Tovo, Township Administrator; and Susan Witkowski, Township Clerk.

Councilman Bruno arrived at 7:36 p.m.

READING OF TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills paid since the last bill list was submitted representing November 16, 2018 through November 30, 2018:

TOTAL	2017 Reserve	\$20,317.95
TOTAL	2018 Current	\$122,950.19
TOTAL	Capital Fund	\$92,626.20
TOTAL	Animal Control	\$0.00
TOTAL	Grant Fund	\$1,724.27
TOTAL	Trust Fund	\$10,150.00
TOTAL	Escrow Trust	\$45,435.28

APPROVAL OF MINUTES

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

July 23, 2018 Public Meeting Minutes
August 6, 2018 Public Meeting Minutes
August 6, 2018 Conference Meeting Minutes
September 4, 2018 Public Meeting Minutes
September 4, 2018 Conference Meeting Minutes

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

Councilman Ullman asked if a list of Closed Session minutes exists, those minutes which were approved by Council, and can now be released due to the issue being resolved.

Township Clerk Witkowski stated she did speak to Mr. Poller today regarding this. At the end of the year, Mr. Poller goes through the closed session minutes, and advises back of what can be released or not released.

MAYOR'S REPORT, December 3, 2018

Staffing

I am happy to announce we have a full-time CFO starting later this month. We look forward to working with her. We again combined two part-time positions into a single full-time employee, that employee will be filling the positions of Planning and Zoning Board Secretary, and the assistant to the Tax Assessor.

Veteran's Day

We had a ceremony to honor all Veteran's living and deceased. It is held in the 11th hour, 11th day, 11th month of the year. It was decided to make the number 11 significant to honor the end of World War 1, which officially took place on 11/11/1918. If possible, please try to attend future ceremonies to show our living Veteran's that their service and sacrifice is not forgotten.

Senior Bus

Our new Senior Bus has been delivered and will be in service as soon as we get it decaled and permanent license plates.

Holiday Lighting Ceremony

The ceremony was great, we estimate that over 600 people attended. I want to thank our sponsors and everyone on the committee, led by Daisy Gomez Mitchell and as always, the participation of the Fire Department, Ambulance Corp and Police Department. More decorations and entertainment were added from prior years, and we had Santa stick around for families to take pictures with him. Santa will also be making his usual appearance throughout the town on our firetruck the evenings of December 14th on the east side, and December 15th on the west side. Do not forget to support your Fire Department by purchasing your Christmas trees, wreaths, roping, grave blankets and crosses from them.

New Jersey League of Municipalities Conference

Many of us attended the annual conference. It is a great opportunity to network with municipal leaders and representatives from other towns, see what new things vendors have to offer, and attend educational classes.

DMF

Just in time for the upcoming snow season, the DMF recently took delivery of a brand-new heavy-duty pick-up truck with a plow.

Halloween

We had a great event on Colonial Boulevard, closing a small part of the road so children and their friends and families could safely Trick-or-Treat. About 800 people took part in the event. Again, we thank the Ambulance Corps, Fire Department, and Police Department for offering their support to the event. The committee looks forward to moving the event to different locations in future years.

Intersection of Pascack and Washington

We are happy to announce that the owner of the 3 unoccupied houses on Pascack Road is working with the County to tie a commuter parking facility into the redesign of the intersection. We look forward to replacing those homes with a facility that will attract people wanting to move and raise their families here and raising property values in the process.

2018 Road Resurfacing Program

The program has been completed to spite mother nature throwing many delays.

Police Promotions

I was happy to approve the following promotions at the request of the Chief Hooper and Director Cicchetti. Heather Castronova to Detective, Saverio Rio Fasciano to Sargent and Arsenio "AJ" Pecora to Lieutenant. We congratulate them all.

PBA Toy Drive

Please support the Annual PBA Toy Drive by dropping off a new unwrapped toy at the Police Station to help a family in need during the Holiday Season.

New Firehouse and Ambulance Building

We want to thank Councilman Bruno for reviewing the ordinance that we want to use to fund the next stage of the project, to see that it only referred to adding on to the existing building, and making other improvements. We have on tonight's agenda the first reading of changing the ordinance to allow us to also use it for new construction. We look forward to keeping this project moving ahead as another way to show our thanks to all volunteers who dedicate their time and talents to provide these vital services, saving the taxpayers money in the long run.

REPORT OF COUNCIL

Councilman Ullman stated he would like to reiterate Mayor Calamari's comments about Veteran's Day, it was a very nice ceremony. He would like to thank Steve Kohlrieter, and VFW Post 6192 for running the event. It is a little bittersweet because quite a few of the Veterans are aging, and we do see fewer and fewer there. In addition, we do have some new Veteran's following our extended involvement in the middle east and Afghanistan, thanks to them for their service. This Friday, December 7th, is Pearl Harbor Day, 9/11 is fresh in our minds, but we should not forget December 7th as well. He stated he would like to bring to everyone's attention, an excerpt from the Code of the Township of Wayne, regarding the appointment of members to the Police Force as well as promotions of members of the Police Force. He had asked verbally a few times, as well as in writing to the Mayor to understand what the process is that is undertaken by the Chief of Police as well as the Director of the Police Department, and was not provided with a reply. He is providing the excerpt of the Code of the Township of Wayne to everyone and would ask everyone to look at it and consider. He stated his understanding, based on a discussion that took place at a PBA contract negotiation meeting, is that this is within the scope of the Council, the Township of Wayne has a similar structure of government, and he feels it is something that is worth considering. He asked perhaps at the next meeting we can add this as an item for discussion.

Councilman Cumming stated he had the pleasure of going through the firehouse and troubleshooting some of the problems that had occurred with the overhead lights in the bays. The lighting is apparently much improved and he believes we are taking care of problems that ensued with some breakage of a lock and so on. He stated it appears to him, and comments he heard that the lighting is much improved in there, and is all LED and energy savings. He also recently went through the library complex with an engineer from Willdan Energy Services, and Laura Rifkin, the Director of the Library, and we saw how much the lighting has been improved, as well as having a brand-new heating system, a large Lochinvar high quality digitally controlled, that will save them monies. He stated we will now complete this building with LED and mechanicals.

Councilman Bruno stated he has no report, other than it is a nice time of the year. He would like to wish everyone all the best, enjoy your families, friends, and be healthy.

Councilman Cascio stated President 41 passed away on Friday, he was a good public servant, a great President and hopes everyone will keep him in their memory. He stated he had the opportunity to go to the league of municipalities

in Atlantic City, they had a pong contest, and he won the Township a make-over of our basketball court at Memorial Field. They will come down, take a look at it and resurface it for us. He will forward more information.

Council President DeSena stated it was pleasure to attend the Holiday celebration. He thanked the Committee for doing an excellent job. He stated it was an honor to attend the police promotion celebration and appreciates them postponing until he was able to attend. He apologizes to the residents about the leaves, but we are having a hard time keeping up with them, it is on our list of discussion later on. Hopefully, we will get the leaves picked up before the first real snowfall. He asked Mayor Calamari would it be possible for Mr. Azzolina, our engineer, to prepare a report on monthly basis to review, of all the escrows that come in, when they are received and finalized, so residents are not waiting for their permits. Mayor Calamari replied yes, and the CFO will also be asked to keep track of those items.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment spoke of the leaf pick-up schedule. A conversation followed on DMF overtime, which has been occurring, a crew was out all day Saturday, as well as Sunday. Council President DeSena stated the Mayor, the Administrator and himself are reviewing the operations for leaf pick-up and hopefully will have a better system in place next year. Mrs. Ozment spoke of reaching out to other municipalities, as well as the County, and was told that County personnel do pay \$40 per person for their Christmas party. She spoke of receiving an email from the Planning/Zoning Board secretary cancelling the Zoning Board meeting of December 18th, which can only be canceled by the chairman, due to lack of applications. Council President DeSena stated this will be discussed with the Chairman. She also asked why the residents were not informed of the Police Ceremony. Council President DeSena stated it was not a meeting, the Police Department chose to have a separate ceremony. Mayor Calamari stated the DMF, Police Department, Fire/Ambulance Officers have all been invited to the Christmas party.

Marie Gozel, 464 Van Embugh Avenue – Ms. Gozel spoke of the lack of leaf pick-up in her area, as well as not being able to put leaves on the street, but has to pile them on her grass. She stated she resides in a 25 mph road, and the leaves do blow back onto her property. Administrator Tovo stated we did reach out to the Police Department and did come up with a plan for signage, as well as enforcement. He stated Ms. Gozel is in Zone 2, which should be picked up by December 12th. A conversation followed on the past years leaf pick-up schedule.

Dr. Marek Dziarmaga, 448 Prospect Avenue – Dr. Dziarmaga thanked Mayor Calamari for his assistance in the sewer system failure, which has been going on since 2005. He stated the Mayor understood the residents needs and showed action to help the residents within the first year of office. Mayor Calamari thanked Dr. Dziarmaga for his kind words, but Council also deserves appreciation since they approved the funding, it is a team effort.

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

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

Nays: None.

ORDINANCES

Adoption 2nd Reading

Ordinance No. 18-16

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, REVISING, AMENDING AND/OR SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WASHINGTON BY ADDING A NEW CHAPTER, 212 FEES

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-343 authorizing second reading and opening of Public Hearing for Ordinance No. 18-16.

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

Resolution No. 18-343

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-16 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, REVISING, AMENDING AND/OR SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WASHINGTON BY ADDING A NEW CHAPTER, 212 FEES be read on second reading and the public hearing be held thereon pursuant to law.

Seeing none.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 18-16.

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

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-16.

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

Ordinance No. 18-16

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN AND STATE OF NEW JERSEY, REVISING, AMENDING AND/OR SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WASHINGTON BY ADDING A NEW CHAPTER 212, FEES

WHEREAS, the Township Council has determined it to be in the best interests of the Township of Washington to adopt a comprehensive fee schedule to include and consolidate fees, as updated; and

WHEREAS, the Township is engaged in a codification project at this time; and

WHEREAS, it is the opinion of the Township Council that said fee schedule should be adopted in conjunction with the adoption of the Code of the Township of Washington and be designated as a new Chapter 212, Fees;

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

SECTION I: The Code of the Township of Washington is hereby amended, revised and supplemented by adding a new Chapter 212, Fees, as follows:

Chapter 212: FEES

§ 212-1. Chapter 7, Administration of Government.

A. Municipal Public Defender. The application fee for representation by the Municipal Public Defender is \$200, per N.J.S.A. 2B:24-17. (§ 7-43)

B. Office of Recreation. (§ 7-91)

(1) The following fee schedule shall apply to participants in the recreational activities administered through the Office of Recreation:

Program	Fee for First Family Participant	Fee for Each Additional Family Participant
Football	\$190	\$180
Flag football	\$55	\$50
Cheerleading	\$140	\$130
Wrestling	\$135	\$125
Basketball (intramural)	\$155	\$145
Basketball (traveling)	\$170	\$160
Basketball (instructional)	\$50	\$45
Basketball (fall clinic)	\$50	\$45
Lacrosse	\$145	\$130
Lacrosse (instructional)	\$50	\$45
Men's softball	\$45	
Men's basketball	\$45	
Teen Center membership	\$10	per calendar year
Summer recreation program (8:30 a.m. to 2:30 p.m.) (6-week program) (See below for Out-of-Town registration)	\$300	\$290
Summer recreation before- and after-care programs:		
Full before and after care (7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m.)	\$480	\$470
Full before care (7:30 a.m. to 8:30 a.m.)	\$150	\$140
Full after care (2:30 p.m. to 4:30 p.m.)	\$360	\$350
Fee for late pickup (paid at end of week)	\$35	per hour for each participant
Out-of-Town registration, Summer recreation program (8:30 a.m. to 2:30 p.m.) (Includes any participants who are not residents)	\$375	\$365

of either Washington Township or Westwood)

Summer recreation before- and after-care programs:

Full before and after care (7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m.)	\$555	\$545
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Full before care (7:30 a.m. to 8:30 a.m.)	\$225	\$215
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Full after care (2:30 p.m. to 4:30 p.m.)	\$435	\$425
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Fee for late pickup (paid at end of week) \$35 per hour for each participant

Prorated refunds will be issued only during the first two weeks of the program. After the first two weeks of a program, registration fees are nonrefundable.

(2) Nonresidents. There shall be a \$75 per participant fee for any participant who is not a resident of the Township of Washington or the Borough of Westwood.

(3) Refunds. There shall be a \$25 per registration refund fee. Refunds shall only be issued if requested in writing within the first two weeks of a program and during the first week of Summer Recreation. No refund will be issued for Before and After Care after the start of the program. No refunds will be issued for Summer Recreation Trips/Excursions.

C. Recreation Department, facility use fee schedule. (§ 7-93)

(1) Refer to § 7-93 for classification of users.

Athletic Fields Schedule*	Class I	Class IIa	Class IIb	Class III and Class IV	Class V
Baseball/Softball Fields					
Softball and Little League size field (Gardner Field, Clark Field and Sherry Field)	N/C	\$50	N/C** \$40***	\$50	\$115
Full size (60 x 90) ball field (Memorial Field)	N/C	\$40	N/C** \$30***	\$40	\$115
Multipurpose Fields					
Multipurpose field (Memorial Field)	N/C	\$100	\$100	\$100	\$200
Picnic Pavilions (no athletic field use)					
Memorial Field Pavilion					

Up to 50 people, daily rate	N/C	\$50	\$50	\$50	\$115
Between 50 and 100 people, daily rate	N/C	\$100	\$100	\$100	\$190
100+ people, daily rate	N/C	\$150	\$150	\$150	\$265

Municipal Building Facility Use

Jack Wood's Senior Center	N/C	N/C	\$150	\$150	\$300
Community Room	N/C	N/C	\$75	\$75	\$150
Municipal Courtroom/Council Chambers	N/C	N/C	\$75	\$75	\$150

NOTES:

* Athletic Fields Schedule is based on a three-hour block. Additional hours will be prorated.

** During regular baseball/softball season (April to June)

*** Off season

(2) Other service costs in addition to Facility Usage Fee Schedule (based on three-hour block, additional hours will be prorated):

(a) Field lighting at Memorial Field: \$100.

(3) Department of Municipal Facilities (DMF) employee costs (include overtime plus appropriate administrative fees based on current collective bargaining agreement with DMF):

(a) Monday through Saturday: \$65 per hour.

(b) Sundays and holidays: \$87 per hour.

§ 212-2. Chapter 72, Police Department.

A. Police services at various functions; use of Township vehicles and equipment. (§ 72-12)

(1) The fee to be paid to the Township as reimbursement for use of Township vehicles and equipment in relation to off-duty employment, insurance and damage claims (in addition to costs of individual Township personnel, located in § 72-12A):

(a) Pickup truck: \$35 per hour.

(b) Loader: \$90 per hour.

(c) Dump truck: \$60 per hour.

(d) Police car: \$30 per hour.

(e) Police SUV: \$35 per hour.

- (f) Fire Chief SUV: \$35 per hour.
- (g) Assistant Chief SUV: \$35 per hour.
- (h) Barricades, signals and other equipment: \$50 per day.

§ 212-3. Chapter 81, Records.

A. Open public records requests. (§ 81-3)

- (1) Copies of records shall be made available in accordance with the Open Public Records Act upon payment to the custodian of the following fees which shall at all times be consistent with the Open Public Records Act (N.J.S.A. 47:1A-5b), as may be amended from time to time.
 - (a) Letter-sized pages and smaller: \$0.05 per page.
 - (b) Legal-sized pages and larger: \$0.07 per page.
 - (c) Electronic public records: free of charge.
- (2) If the Township can demonstrate that its actual costs for duplication of a government record to be furnished pursuant to the Open Public Records Act exceed the foregoing rates, the Township shall be permitted to charge the actual cost of duplicating the record consistent with the Open Public Records Act.

B. Tax Collector. (§ 81-3)

- (1) Duplicate tax bill: \$1.
- (2) Tax information (other than tax searches): \$0.25 per line item on each page.
- (3) In accordance with the Municipal Land Use Law (Note: See N.J.S.A. 40:55D-1 et seq.), list of names and addresses of property owners shall be provided within the time required by said law at a fee of \$0.25 per name or \$10, whichever is greater. (N.J.S.A. 40:55D-12c)

C. Photographs. (§ 81-3)

- (1) Photographs up to five inches by seven inches: \$3 per photo.
- (2) Photographs greater than five inches by seven inches but not in excess of eight inches by 11 inches: \$5 per photo.

D. Registrar of Vital Statistics. The following fees shall be collected by the Registrar of Vital Statistics: (§ 81-6)

- (1) Marriage licenses: \$28.
- (2) Certificate of domestic partnership: \$28.
- (3) Birth certificates: \$10.
- (4) Marriage transcripts: \$10.
- (5) Death certificates: \$10.
- (6) Domestic partnership transcripts: \$10.

§ 212-4. Chapter 120, Air Pollution.

A. The annual permit fee for an incinerator is \$25. (§ 120-9)

§ 212-5. Chapter 124, Alarm Systems.

- A. Registration of alarm devices. The initial registration and the annual registration charge for alarm devices \$50. This fee shall be waived when the applicant is a homeowner who is 65 or older. (§ 124-3)

§ 212-6. Chapter 128, Alcoholic Beverages.

- A. Annual license fees (N.J.S.A. 33:1-12). Commencing July 1, 2013, the following license fees shall apply: (§ 128-1)

- (1) The annual license fee for a plenary retail consumption license shall be \$2,500.
- (2) The annual license fee for a plenary retail distribution license shall be \$2,500.
- (3) The annual license fee for a club license shall be \$63.

§ 212-7. Chapter 133, Amusements.

- A. License fees for carnivals and circuses are as follows: (§ 133-3)

- (1) For anticipated attendees of 150 or less, a fee of \$150.
- (2) For every additional group of up to 150 attendees, an additional amount of \$100.

- B. Coin-operated amusement devices. Annual license fees are as follows: (§ 133-13)

- (1) For the first device installed at a particular location, a license fee of \$150.
- (2) For each device replacing the first device, a license fee of \$50.

§ 212-8. Chapter 137, Animals.

- A. Dog licenses and registration tags. (§ 137-14)

- (1) The annual dog license fee is \$10, and \$13 for unspayed and unneutered dogs (does not include state fees).
- (2) Late fees. In the event that all dog license fees are not paid within the first 30 days of the commencement of any license period for newly issued licenses, or by January 31 of each year for renewal licenses, an additional fee of \$5 shall be collected from February 1 through February 28; and after such date and thereafter, the additional late fee shall increase to \$25.
- (3) The fee for a replacement registration tag, upon affidavit of a lost registration tag, is \$2.

- B. Cat license and registration tag.

- (1) The annual cat license fee is \$10 (§ 137-26).
- (2) The fee for a replacement registration tag, upon affidavit of a lost registration tag, is \$2 (§ 137-28).

C. Recovery of impounded animals. An owner of a stray dog or other stray animal may obtain the release of such stray dog or stray animal impounded due to an emergency call by the payment of a recovery fee in the amount of \$75. (§ 137-40)

§ 212-9. Chapter 175, Construction Code, Uniform.

The fee for a construction permit shall be the sum of the subcode fees listed in Subsection A(1) through (3) hereof and shall be paid before the permit is issued. (§ 175-3)

A. The building subcode fee shall be:

- (1) For new construction: \$0.05 per cubic foot of building or structure volume. The fee for any accessory building (i.e., shed) shall be \$50. In addition, the sum required under N.J.A.C. 5:23-4.19(b) for the New Jersey State permit surcharge fee shall be collected.
- (2) For renovations, alterations and repairs: \$20 per \$1,000 of estimated cost of work, provided that the minimum fee shall be \$50. For purposes of this section, swimming pools, tennis courts and other outdoor uncovered facilities shall be considered renovations and alterations, and the fee for a construction permit will be based on the estimated cost. In addition, the sum required under N.J.A.C. 5:23-4.19(b) for the New Jersey State permit surcharge fee shall be collected.
- (3) For additions: \$0.05 per cubic foot of building or structure volume for the added portion; provided that the minimum fee shall be \$100. In addition, the sum required under N.J.A.C. 5:23-4.19(b) for the New Jersey State permit surcharge fee shall be collected.
- (4) For combinations of renovations and additions [Subsection A(2) and (3) above]: the sum of the fees computed separately according to each respective section.
- (5) For the demolition of a principal building or structure: \$200, while the fee for the demolition of an accessory building or accessory structure shall be \$50.
- (6) For each square foot of a sign: \$1, provided that the minimum fee shall be \$50, computed on one side only for double-faced signs.
- (7) For any building permit under this subcode: minimum fee of \$50.
- (8) The fee for lead hazard abatement shall be governed by Subsection A(2) above.
- (9) For asbestos abatement, the fee shall be as specified under N.J.A.C. 5:23-8.9(a)1.

B. The electrical subcode fee shall be:

- (1) For one to 25 receptacles and fixtures: \$50. For each additional 25 receptacles and fixtures: \$25. For the purpose of computing this fee, receptacles or fixtures shall include light outlets, wall switches, fluorescent fixtures and motors or electrical devices of less than one horsepower or one kilowatt.
- (2) For the installation of a range or oven: \$15.
- (3) For the installation of a surface unit: \$15.
- (4) For the installation of each dishwasher: \$15.
- (5) For the installation of a garbage disposal: \$15.
- (6) For the installation of a dryer: \$15.
- (7) For the installation of each central air-conditioning unit: \$25.
- (8) For the installation of an elevator: \$125.
- (9) For the installation of each dumbwaiter: \$55.
- (10) For the installation of burglar alarms: \$40.
- (11) For the installation of intercom panels: \$30.
- (12) For the installation of whirlpools/spas and not tubs: \$40.
- (13) For the installation of a swimming pool: for pool filter, motor, accessories and lights: \$25; for the pool bonding: \$50; for pool receptacles and switches: \$25.
- (14) For the installation of a water heater: \$25.
- (15) For the installation of central heat, whether oil, gas or electric: \$25.
- (16) For the installation of baseboard heating units: \$15 for each unit.
- (17) For the installation of thermostats: \$10 for each unit.
- (18) For the installation of heating pumps: \$25 for each unit. For the installation of any other pump: \$25 per pump.
- (19) For the installation of any motor control center/subpanel: \$40.
- (20) For the installation of any electric sign: \$55.
- (21) For each motor or generator: \$20.
- (22) For each service panel or transformer: \$30. For the installation of electric service:
 - (a) Temporary: \$75.
 - (b) One hundred ampere to 150 ampere: \$60.

(c) One hundred fifty-one ampere to 200 ampere: \$70.

(d) Two hundred one ampere to 400 ampere: \$80.

(e) Over 400 ampere: \$200.

(23) For each satellite antenna: \$100.

(24) Electrical work: minimum fee of \$50.

C. The plumbing subcode fee for the installation of each of the following shall be (Note: For the purpose of this subsection, the fees charged are for any additions, renovations or alterations to an already existing structure, i.e., home, commercial building, etc., or for any new construction.):

(1) Water closet: \$15.

(2) Urinal/bidet: \$15.

(3) Bathtub: \$15.

(4) Lavatory: \$15.

(5) Shower: \$15.

(6) Floor drain: \$15.

(7) Sink: \$15.

(8) Dishwasher: \$15.

(9) Drinking fountain: \$30.

(10) Washing machine: \$20.

(11) Clothes dryer: \$20.

(12) Hose bibb: \$15.

(13) Gas piping: \$60.

(14) Fuel oil piping: \$50.

(15) Water heater: \$50.

(16) Domestic boiler/furnace: \$50.

(17) Interceptor/separator: \$60.

(18) Backflow preventer: \$50.

(19) Grease trap: \$60.

(20) Central air-conditioning or refrigeration unit: \$50 per unit.

- (21) Water service: \$50.
- (22) Septic connection: \$50.
- (23) Vent stack: \$15.
- (24) Roof drains: \$25.
- (25) Sewer utility connections: \$50.
- (26) Garbage disposal: \$15.
- (27) Water softener: \$15.
- (28) Indirect connection: \$50.
- (29) Sewer ejector: \$60.
- (30) Solar system: \$60.
- (31) Humidifier: \$15.
- (32) For a plumbing permit: minimum fee of \$50.
- (33) Swimming pool drain: \$50.

D. The fire sub-code fee shall be:

- (1) Installation/conversion of manufacturer's fireplace: \$50.
- (2) Installation of a fuel oil tank up to 2,000 gallons: \$100; over 2,000 gallons: \$250.
- (3) Installation of any residential mechanical equipment: \$25 per unit.
- (4) Installation of commercial mechanical equipment: \$150.
- (5) Installation of one to five residential smoke detectors: \$50; for each additional detector over five, add \$10.
- (6) Installation of one to five commercial smoke detectors: \$100; for each additional unit over five, add \$10.
- (7) Installation of commercial cooking equipment: \$100.
- (8) Installation of a suppression system: \$100.
- (9) Installation of a wall hydrant: \$75.
- (10) Installation of fire sprinkler systems: \$5 per head, with a minimum of \$100.
- (11) Installation of a standpipe: \$30 per riser.
- (12) Installation of hose station: \$30 for each such station.

- (13) Installation of a fire pump: \$125.
- (14) For a fire permit: minimum fee of \$50.
- E. Elevators. The fee for a permit for the installation of an elevator shall be \$300; however, the fee for a permit for the installation of a dumbwaiter shall be \$150. A fee for any semiannual inspection, whether state mandated or otherwise, for either an elevator or dumbwaiter, shall be \$100.
- F. Certificates of occupancy.
- (1) The fee for a certificate of occupancy shall be the greater of \$50 or 10% of permit fees (not including DCA fees).
 - (2) The fee for a certificate of occupancy pursuant to a change of use shall be \$100.
 - (3) The fee for a certificate of continued occupancy shall be \$100.
 - (4) The fee for a temporary certificate of occupancy shall be \$30.
 - (5) The fee for a certificate of clearance for lead hazard abatement shall be \$25.
 - (6) The fee for a certificate of occupancy following the successful completion of an asbestos abatement project shall be as specified under N.J.A.C. 5:23-8.9(a)2.
- G. Removal of building or structure. The fee for a permit for the removal of the building or structure from one lot to another or to a new location on the same lot shall be \$15 per \$1,000 of the sum of the estimated costs for moving, for new foundations, and for placement in a complete condition in the new location, provided that the minimum fee shall be \$50.
- H. Plan review. Whenever the Construction Official, Electrical Subcode Official, Fire Subcode Official or Plumbing Subcode Official shall review plans, the fee for plan review shall be 20% of the amount to be charged for said construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
- I. Report. The Construction Official shall, with all the advice of the subcode officials, prepare and submit to the Township of Washington, Bergen County, biannually, a report recommending a fee schedule based on the operating expenses of the Agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act. (Note: See N.J.S.A. 52:27D-119 et seq.)
- J. New Jersey State permit surcharge fee.
- (1) Amount. The sums required under N.J.A.C. 5:23-4.19(b) for the New Jersey State permit surcharge fee shall be collected for new buildings, additions, and alterations.
 - (2) Remitting and reporting. The municipality shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840B, State Training Fee Report, in accordance with N.J.A.C. 5:23-4.5(e). Fees

remitted shall be for the quarter. Checks shall be made payable to "Treasurer, State of New Jersey."

K. The following sums shall be paid in connection with all new construction:

- (1) The sum of \$1,000 shall be paid prior to site plan review which shall be required in connection with all new construction for site review and site inspections by the Township Engineer. The sum posted herein shall remain on deposit with the Township until the Township Engineer certifies that all site plan review and site inspections have been completed and all vouchers for services rendered in connection with such services have been paid in full, after which time any balance remaining shall be refunded. In the event that the Township Engineer determines during the course of site plan review or site inspections that the amount posted is not sufficient to pay the cost for site plan review and all site inspections, the Township Engineer shall establish an amount to replenish said deposit, and such amount shall be paid to the Township within three days of notification of such amount to the applicant.
- (2) The sum of \$500 as a performance guaranty for completion of all elements of construction and excavation. The sum posted hereunder shall remain on deposit with the Township until the Township Engineer certifies that all elements of construction and excavation have been completed in full and all vouchers for services rendered in connection with such services have been paid in full, after which time any balance remaining shall be refunded.

L. Other miscellaneous charges shall be:

- (1) For each inspection to obtain a certificate of smoke detector compliance: \$25.

§ 212-10. Chapter 223, Vehicles and Traffic.

A. Firehouse parking lot permit. The fee for a permit to park on the parking lot adjacent to and part of the firehouse building is \$100. (§ 223-35)

§ 212-11. Chapter 233, Fire Prevention.

A. Fire Prevention Fee Schedule. (§ 233-4)

**Fire Prevention Fee Schedule
Non-Life-Hazard Registration Fees
Fees apply to each business (income-producing property) at each
street address.**

Class	Building Size (square feet)	Registration		Reinspection Fee		
		Annual Fee	Late Fee	1st	2nd	3rd
1	Less than 1,499	\$100	\$100		\$50	\$100

2	1,500 to 2,500	\$150	\$150	\$50	\$100
3	2,501 to 4,000	\$200	\$200	\$50	\$100
4	4,001 to 8,000	\$250	\$250	\$50	\$100
5	8,001 to 10,000	\$300	\$300	\$50	\$100
6	10,001 to 15,000	\$350	\$350	\$50	\$100
7	15,001 to 20,000	\$400	\$400	\$50	\$100
8	20,001 and over	\$450	\$450	\$50	\$100

Residential Dwelling Registration

Fees apply to each non-owner-occupied residential dwelling at each street address.

Class	Minimum Fee per Unit	Registration		Reinspection Fee		
		Annual Fee	Late Fee	1st	2nd	3rd
9	1 to 4 units minimum	\$100	\$100	\$0	\$50	\$100
10	Per unit over the minimum	\$20				

Residential Dwelling Smoke, Carbon Monoxide and Fire Extinguisher Compliance

Class	Time Frame	Fees
11	10 days or more	\$40
12	9 days or less	\$75
13	Reinspection fee	\$50

Permit Fees

Type I	\$42
Type II	\$166
Type III	\$331
Type IV	\$497

B. Fire watch fees. The following fees shall be imposed when a representative of the Township of Washington Volunteer Fire Department or a state- or federal-certified firefighter is used for the fire watch: (§ 233-13)

- (1) Hourly rate for each individual up to 12 hours: \$30 per hour or fraction thereof.
- (2) Hourly rate for each individual beyond 12 hours: \$50 per hour or fraction thereof.
- (3) Minimum hourly rate shall be four hours.

§ 212-12. Chapter 330, Parking Regulations.

A. The inspection fee for a permit to park a commercial vehicle in a residential district is \$15 per inspection. (§ 330-7)

§ 212-13. Chapter 348, Peddling and Soliciting.

A. License fees for peddlers, distributors and solicitors. (§ 348-14)

- (1) Solicitors: \$25 per year, which is hereby determined to be the reasonable cost of investigating the character and record of such solicitor.
- (2) Distributors: \$25 per year, which is hereby determined to be the reasonable cost of investigating the character and record of such distributor.
- (3) Peddlers: \$25 per day or \$250 per year, and any person securing a license after July 1 shall pay \$125 for the remainder of the year.

§ 212-14. Chapter 360, Property Maintenance.

A. Temporary storage structures. (§ 360-17)

- (1) Permit application fee: \$25.
- (2) Permit fee: \$125.
- (3) One-month extension for temporary storage structure permit: \$50.

§ 212-15. Chapter 373, Sanitation.

A. Fee schedule. The annual fees for the licenses, permits or certificates referred to hereafter are hereby fixed as follows: (§ 373-107)

(1) Food-handling establishments:

Type	Fee
Bakery	\$250

Bone and fat dealer	\$50
Delicatessen	\$250
Food market (fewer than 10 employees)	\$350
Liquor store	\$75
Movie theater concession	\$150
Stationery store	\$75
Supermarket	\$800
Truck peddler (per truck) (exclusive of ice cream trucks servicing Township recreation programs)	\$150
School cafeteria (for profit)	\$200
Packaged food store	\$100
Snack bar (seasonal)	\$115
Food store (non-specified)	\$75
Food or beverage processor or take-out	\$200
School subsidized cafeteria	\$70
Nonprofit organization	\$75

(2) Temporary food:

Type	Fee
1 to 5 days	\$50
Over 5 days	\$100

(3) Restaurants/caterers:

Seating Capacity	Fee
1 to 50	\$200
51 to 100	\$300
101 to 300	\$450
Over 300	\$750

(4) Vending machines for food:

Type	Fee
Per machine	\$55

(5) Non-food-handling establishments:

Type	Fee
Keeping of poultry	\$100
Barbershop/beauty salon	\$100
Laundromat/dry-cleaning store	\$100
Public swimming pool, seasonal (as defined by Chapter IX of the New Jersey State Sanitary Code, per establishment)	\$325
Public swimming pool, year-round (as defined by Chapter IX of the New Jersey State Sanitary Code, per establishment)	\$500
Child day-care center	\$200
Nonfood (non-specified)	\$75
Tanning salons	\$200

§ 212-16. Chapter 379, Sale of secondhand precious metals.

- A. The license fee for a dealer who, through any means, buys, receives, sells or distributes secondhand gold, silver, coins, precious metals or jewelry is \$100. (§ 379-8)

§ 212-17. Chapter 385, Sewers.

- A. Sewer connections and use.

- (1) Registration fee to use sewer cleaning apparatus: \$15 per year. (§ 385-8)

- B. House sewers. (§ 385-36)

- (1) For the issuance of a certificate of registration issued by the Plumbing Inspector: \$50.
- (2) For the reinspection of plumbing or house sewer work caused by the failure of the licensee to comply with provisions of the code or permit issued: \$10.
- (3) For the filing of plans for proposed house sewer work (dry or final for connection to the public sewer): \$5.
- (4) House sewer construction permit. For the permit for construction of a proposed house sewer (dry or final) which will connect to the public sewer, the following fees apply:

Size of House Sewer (inches)	Fee
4	\$10

5	\$15
6	\$20
8	\$40
10	\$60

(5) For the permit to connect the house sewer to the public sewer: \$10.

§ 212-18. Chapter 391, Shopping Carts.

A. Redemption of impounded shopping cart: \$25. (§ 391-5)

§ 212-19. Chapter 415, Solid Waste.

A. Ecology facility.

- (1) The fee for a replacement identification sticker for a noncommercial vehicle is \$10. (§ 415-20)
- (2) The administrative fee for an identification sticker for a noncommercial van or truck is \$10. (§ 415-21)

B. Residential garbage bags sold by Township. The following fee schedule shall apply to the sale of garbage bags by the Township of Washington in connection with residential garbage collection: (§ 415-31)

- (1) Small bags: \$5 for a package of 10 garbage bags.
- (2) Large bags: \$10 for a package of 10 garbage bags.

§ 212-20. Chapter 433, Streets and Sidewalks.

A. The fee for a permit to install, construct, or enlarge a drain or other artificial conduit shall be \$25. (§ 433-12)

B. Street opening permit.

- (1) The permit application fee is \$150. (§ 433-15)
- (2) The Engineer inspection fee is \$350, which covers two inspections, one inspection relating to backfilling and one inspection relating to permanent pavement restoration. (§§ 433-15, 433-20)
- (3) The fee for additional Engineer inspection fees, beyond the first two inspection fees referenced above, shall be \$175 per additional inspection. (§ 433-20)

§ 212-21. Chapter 446, Taxicabs.

- A. The fee for a taxi owner's license shall be \$50 per year for each vehicle licensed hereunder. (§ 446-10)
- B. The fee for a taxi driver's license shall be \$25 per year. (§ 446-10)
- C. In the event that either of the foregoing licenses is applied for and issued subsequent to July 1 in any year, the fee for such license shall be 1/2 of the amount set forth in this section. (§ 446-10)

§ 212-22. Chapter 461, Towing and Storage of Vehicles.

A. Towing and storage of vehicles.

- (1) Application fees. All initial applications shall be accompanied by a nonrefundable fee of \$500 payable to the Township of Washington. A renewal application shall be accompanied by a nonrefundable application fee of \$250 payable to the Township of Washington. (§ 461-4)
- (2) The licensee shall pay to the Township of Washington an administrative fee of \$12 for each vehicle towed. (§ 461-6)
- (3) The licensee shall pay an administrative fee of \$50 for each tow truck that the licensee adds to his fleet during the year. The licensee shall also pay a fee of \$35 for each wrecker driver he adds during the year. (§ 461-6)

§ 212-23. Chapter 465, Trees.

- A. Tree removal permit. Consult Chapter 465, Trees, for escrow requirements. (§ 465-4)
 - (1) The fee for a tree removal permit for the removal of trees which are diseased, dead, partially or completely fallen by acts of nature or which endanger public safety shall be \$25.
 - (2) The fee for a tree removal permit for the removal of trees, other than described in Subsection A(1) and not associated with any subdivision or site plan application, shall be \$100.

§ 212-24. Chapter 471, Vehicles, Abandoned; Display of Vehicles.

- A. The fee to reclaim an impounded vehicle shall be \$25 per day that a vehicle is stored, plus all costs of towing and storage. (§ 471-15)

§ 212-25. Chapter 540, Land Development.

- A. List of property owners. The fee for a list with names and addresses of property owners to whom the applicant is required to give notice shall be \$0.25 per name or \$10, whichever is greater. (N.J.S.A. 40:55D-12c) (§ 540-33)
- B. Variances. If the application for development includes one or more requests for a use variance, a single fee of \$200 shall be paid. If the application

includes one or more requests for a variance but does not request any use variance, a single fee of \$50 shall be paid. (§ 540-87)

- C. Other proceedings before the Zoning Board of Adjustment. If the application for development is made under N.J.S.A. 40:55D-70a and b, a fee of \$50 shall be paid. (§ 540-88)
- D. Upon a request for preliminary review and informal discussion, a fee of \$50 shall be paid. (§ 540-89)
- E. Minor subdivision or minor site plan approval. Upon submission of an application for a minor subdivision approval or a minor site plan approval, a fee of \$250 shall be paid. (§ 540-90)
- F. Major subdivision and major site plan preliminary approval. Upon submission of a major subdivision or major site plan for preliminary approval, a fee of \$750 shall be paid. (§ 540-91)
- G. Major subdivision and major site plan final approval. Upon submission of a plat of a major subdivision or major site plan for final approval, a fee of \$750 shall be paid. (§ 540-92)
- H. See Chapter 540 for deposits and escrow requirements, in addition to the fees noted herein. See § 540-95 for fee requirements related to the resubmission of applications. See § 540-99 for engineering and legal services fees.

§ 212-26. Chapter 565, Soil Removal.

- A. Soil removal permit application fees. (§ 565-7)
 - (1) Ministerial soil moving permit application fee: \$50.
 - (2) Major soil moving permit application fee: \$500.
 - (3) See § 565-7 for deposit requirements and engineering costs.

§ 212-27. Chapter 580, Zoning.

- A. Height of buildings. The fee for the Township Engineer's review, inspection and recommendation for the alteration of the height of any existing building or the height of a new building shall be \$250. (§ 580-3)
- B. Generators. Every application for the installation of a generator to serve a dwelling, building, or other structure shall be accompanied by a fee in the amount of \$25. (§ 580-11)
- C. Community residences for the developmentally disabled and community shelters for victims of domestic violence in the Class A District. The fee for an application for a conditional use permit shall be \$25, plus costs. (§ 580-13)
- D. Certificate of continued occupancy. (§ 580-86)

(1) The application fee for a certificate of continued occupancy is \$100, which shall include the initial inspection and one additional inspection performed.

(2) A fee of \$100 will be charged to the applicant for each subsequent inspection.

(3) The fee for a temporary certificate of occupancy shall be \$100.

E. Outdoor storage of construction trailers, equipment and supplies. The application fee for a permit is \$10. (§ 580-89)

§ 212-28. Chapter 585, Zoning Board of Adjustment.

A. There shall be an application fee payable upon the filing of any application with the Zoning Board of Adjustment or for the rendering of any service by the Zoning Board of Adjustment or any member of its administrative staff as follows: (§ 585-13)

(1) For bulk variances: \$100.

(2) To appeal the Zoning Officer's decision: \$100.

(3) For use variances: \$200.

B. There shall be paid in connection with any Zoning Officer approval request a fee of \$50. (§ 585-13)

C. Development regulation books shall be available at a charge of \$35. (§ 585-13)

D. See Chapter 585 for escrow requirements.

E. List of property owners. The fee for a list with names and addresses of property owners to whom the applicant is required to give notice shall be \$0.25 per name or \$10, whichever is greater. (N.J.S.A. 40:55D-12c) (§ 585-16)

SECTION II:

All ordinances or parts of ordinances inconsistent with this amending ordinance shall be, and they are, hereby repealed to the extent of such inconsistencies only.

SECTION III:

If any section or provision of this ordinance shall be held unconstitutional or invalid by any court, the remaining sections and provisions shall, notwithstanding such holding, remain and be in full force and effect.

SECTION IV:

This ordinance shall be in effect upon passage and publication according to law

Adoption 2nd Reading

Ordinance No. 18-17

AN ORDINANCE REVISING THE REGULATION OF OPEN BURNING IN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-344 authorizing second reading and opening of Public Hearing for Ordinance No. 18-17.

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

Nays: None.

Resolution No. 18-344

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-17 entitled: AN ORDINANCE REVISING THE REGULATION OF OPEN BURNING IN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment asked for an explanation of the ordinance. Mr. Poller stated it allows chimeneas, fire pits, which were prohibited under the previous ordinance.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 18-17.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-17.

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

Nays: Nays.

Ordinance No. 18-17

AN ORDINANCE REVISING THE REGULATION OF OPEN BURNING IN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington as follows:

1. Section 120-5 (C) in Chapter 120 (Air Pollution) of the Code of the Township of Washington is hereby deleted in its entirety.

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)].

Adoption 2nd Reading
Ordinance No. 18-18

AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY FOR THE YEAR 2018

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-345 authorizing second reading and opening of Public Hearing for Ordinance No. 18-18.

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

Nays: None.

Resolution No. 18-345

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-18 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY FOR THE YEAR 2018 be read on second reading and the public hearing be held thereon pursuant to law.

Seeing none.

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

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

Nays: None.

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

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

Nays: Nays.

Council President DeSena-Resolution No. 18-346, An Emergency Resolution providing that Ordinance No. 18-18 may take effect less than 20 days after final passage and approval of the Township Council shall adopt a resolution declaring an emergency and at least 2/3 of members of the Township Council vote in favor of such resolution.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to pass Resolution No. 18-346.

Councilman Ullman asked why is this an emergent issue as of now. Mrs. Witkowski, the Township Clerk, replied it is a little later than last year, which was in August, and the previous year in July. Councilman Bruno asked if this can be done in the beginning of the year. She stated she did have a conversation with the treasurer today, and October 31st is the end of year for the Fire Department, therefore they would have to wait until at least October to do the official payout, and credits for the clothing allowance need to be met. She would like to have this ordinance introduced in July next year, passed in August, so it can be paid out. Councilman Ullman asked if this is not passed this evening, what is the impact. Mrs. Witkowski replied if you pass the emergency resolution, they will be paid, if it is not passed, then they would have to wait 20 days after it is published, 25 days from now for payment. This is a bookkeeping error, which will not happen next year. Councilman Bruno stated the money was

budgeted in the budget, but there was no ordinance until now, he feels the ordinance should occur once the budget is passed. A conversation followed on having the Ordinance in place once the accounting of credits from the Fire Department.

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

Resolution No. 18-346
Emergency Resolution Ordinance 18-18

WHEREAS, N.J.S.A. 40:69A-181(b) provides that an ordinance may take effect less than 20 days after final passage and approval if the Township Council shall adopt a resolution declaring an emergency, and at least two-thirds of all the members of the Township Council vote in favor of such resolution; and

WHEREAS, the Township Council of the Township of Washington has determined that an emergency exists in connection with Ordinance No. 18-18, and that such emergency as well as the general welfare of the Township of Washington would be served by having Ordinance No. 18-18 take effect less than 20 days after final passage and approval;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington that Ordinance No. 18-18 shall take effect immediately pursuant to law upon the adoption of this Resolution by at least two-thirds of all the members of the Township Council.

Ordinance No. 18-18
AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY FOR THE YEAR 2018

BE IT ORDAINED, by the Township Council of the Township of Washington, in the County of Bergen, New Jersey that the clothing allowance rates are hereby established for officers and firefighters of the Township of Washington Fire Department for the year 2018 as follows:

	<u>Per Annum</u> <u>- Payable in</u> <u>November</u>
1. Fire Department Uniform Allowance	
a. Chief of Fire Protection	1,725.00
b. Assistant Chief of Fire Protection	1,000.00
c. Battalion Chief & Captain of Fire Protection	875.00
d. Lieutenant of Fire Protection	775.00
e. Other Firefighters	675.00

Persons holding positions in the Office of Fire Protection as set forth in Section 1 shall be payable provided said persons have had more than 50% attendance at public fire duty & drill. If the person entitled to an allowance is a paid employee with the Township, such allowance will be paid through the payroll system.

2. Fire Department Additional Clothing Allowance

a. Mechanic 375.00

3. Retroactivity – The provisions of this ordinance shall be retroactive to January 1, 2018 at the salaries noted unless otherwise described.

4. 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.

5. All ordinances or any provisions of any ordinance inconsistent with the provisions of this ordinance except prior appropriations for this purpose herein stated, are hereby repealed as to such inconsistencies and not otherwise.

Adoption 2nd Reading

Ordinance No. 18-19

AN ORDINANCE REVISING THE PENALTIES TO BE ASSESSED FOR VIOLATIONS OF CHAPTER 330 OF THE CODE OF THE TOWNSHIP OF WASHINGTON (PARKING REGULATIONS)

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-347 authorizing second reading and opening of Public Hearing for Ordinance No. 18-19.

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

Nays: None.

Resolution No. 18-347

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-19 entitled: AN ORDINANCE REVISING THE PENALTIES TO BE ASSESSED FOR VIOLATIONS OF CHAPTER 330 OF THE CODE OF THE TOWNSHIP OF WASHINGTON (PARKING REGULATIONS) be read on second reading and the public hearing be held thereon pursuant to law.

Marie Gozel, 464 Van Emburgh – Ms. Gozel stated she lives across the street from the Viviano property, which has an old dump truck, as well as a school bus. She would like to know what type of violations are they being assessed. Council President DeSena replied none at this time, once this ordinance is passed, they will. He stated please reach out to our Code Enforcement Official, Joe Setticase.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 18-19.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-19.

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

Introduction 1st 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 Cumming, to introduce and pass Ordinance No. 18-20 at first reading by title.

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

The following resolution, Resolution No. 18-348 was presented and adopted on a motion by Councilman Ullman, seconded by Councilman Cumming.

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

Resolution No. 18-348

WHEREAS, Ordinance No. 18-20 entitled: AN ORDINANCE AUTHORIZING THE IDENTIFICATION OF ABANDONED PROPERTIES AND THE ESTBLISHMENT OF AN ABANONED PROPERTY LIST 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 3rd 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 December, 2018, 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.

Councilman Ullman asked are the fines criminal in nature, and how will they be assessed. Council President DeSena stated it is the Code Enforcement Officers responsibility. The Court takes over if the fine is not paid, a warrant will be issued against the property owner, bank or lienholder. If an outside contractor or DMF does maintenance on the property, it will be filed with the Tax Department as a Tax Lien against the property. Councilman Bruno asked regarding Ordinance 18-19, currently what has been assessed so far in violations. Council President DeSena stated the Property Maintenance Officer will know that. He also spoke of the prior ordinance, and this ordinance, in which the fees are higher and are compounding fees.

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 purposed 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)].

Introduction 1st 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 Cumming, seconded by Council President DeSena, to introduce and pass Ordinance No. 18-21 at first reading by title.

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

Nays: None.

A conversation followed on the amount that was approved last year, in the ordinance, and the monies being available. Soft costs were discussed and the involvement of the engineer. The 5.9 million does not include the demolition of the red house, and the retaining wall. Council would still have a say on any contract which would require additional monies.

The following resolution, Resolution No. 18-349 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

Ayes: Councilmen Cascio, Cumming, Council President DeSena.

Nays: Councilman Bruno, Ullman.

Resolution No. 18-349

WHEREAS, 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) was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 3rd 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 December, 2018, 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. 18-21

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>
<p>(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</p>	<p>986,800</p>	<p>939,810</p>

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
therefor being an initial appropriation for said purpose		
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.

Introduction 1st 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 Cumming, to introduce and pass Ordinance No. 18-22 at first reading by title.

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

Nays: None.

Council President DeSena stated he would like to make the following statement, he is embarrassed by the lack of inaction by our prior Administrator. He asked for this in January when he was put on this dais. Washington Township Baseball has been doing criminal history background checks on every single volunteer since its inception, it was a requirement by Little League, and for our Township Recreation to be not performing a criminal history background check on all volunteers is a disservice to our parents and children in our programs. He

is thankful that, although it took 12 months for approval, it is something that needs to be done. Thank you Administrator Tovo for finally getting this moving.

The following resolution, Resolution No. 18-350 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

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

Nays: None.

Resolution No. 18-350

WHEREAS, Ordinance No. 18-22 entitled: AN ORDINANCE PROVIDING FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR ADULTS INVOLVED WITH YOUTH PROGRAMS 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 3rd 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 December, 2018, 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. 18-22

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 Non-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 non-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 non-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)].

INDIVIDUAL RESOLUTIONS

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-351, Authorize 2018 Transfer of Appropriations.

The \$15,000 is being transferred from the CFO line to the Financial Services line for Lerch, Vinci to close out the books, but the Township is still waiting for a quote from them. The CFO will begin on December 17th, she will not be able to close out the books this year, but she will next year. A conversation followed

on the dollar threshold of \$17,500, which does not pertain to professional services agreement, and the roll over, which should be completed by December 31st, but is not required by statute.

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

Resolution No. 18-351
Authorize 2018 Transfer of Appropriations

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

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington that the Deputy Treasurer be and is hereby authorized to make the following transfers in the 2018 Current Fund Budget Appropriations.

Description	Transfer In	Transfer Out
Financial Services Fees	\$15,000	
Chief Financial Officer S/W		\$15,000
Administration Postage	\$1,000	
Tax Collector, Tax Bills		\$1,000
Elections, Ballots	\$2,000	
Dept. of Law, Other Legal Services		\$1,000
COAH, Planning Fees		\$1,000
Recycling, Green Team	\$3,000	
Uniform Construction, Second TA		\$1,500
Length of Service Awards Program (LOSAP)		\$1,500
Totals	\$21,000	\$21,000

CONSENT AGENDA

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

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

A conversation followed on Resolution No. 18-352. Councilman Bruno requested Resolution No. 18-352 be pulled for further information.

Ayes: Councilman Calamari, Cascio, Sears, Ullman, Bruno.
 Nays: None.

Resolution No. 18-352 (PULLED)
Authorize cancellation of General Capital grant receivables and improvement authorizations

WHEREAS, the following Receivable and Improvement Authorizations are outstanding in the Township's General Capital Fund and have been deemed no longer collectible or available;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, Bergen County, New Jersey that the following General Capital Grant Receivables, Improvement Authorizations be canceled:

General Capital Grant Receivables:

Department of Environmental Protection – Ordinance 06-09
\$255,000.00

General Capital Improvement Authorizations:

Ordinance 06-09 \$367,644.47

Resolution No. 18-353

Authorize Awareness Regional Program (HARP) of Hackensack University Medical Center for the year 2019

WHEREAS, the New Jersey Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Township of Washington (the "Township") enter into service agreements for the services contemplated below without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(1)(a)(1); and

WHEREAS, the Office of Health is required to establish and maintain a program of recognized standards of performance as set forth in the New Jersey Administrative Code, Title 8-Chapter 52, effective as of February 18, 2003; and

WHEREAS, the Health Awareness Regional Program of Hackensack University Medical Center ("HARP") has been selected by the Township of Washington to provide to the Office of Health various services in connection with such standards of performance;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township of Washington approves the health services agreement proposed by HARP which is on file with the township, and hereby authorizes the Mayor to execute said agreement with HARP for the above stated purpose.

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

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

Nays: None.

Time Noted: 8:34 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: March 18, 2019

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

December 3, 2018

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

Council President DeSena requested that Resolution No. 18-351, Authorization 2018 Transfer of Appropriations, be reconsidered by Council, since not having an affirmative vote will affect the closing of the 2018 books. Councilman Cascio spoke of his concerns, since there is no legal requirement for the books to be closed out by December 31st, the new CFO can complete it, he personally feels there is no need to sub it out for an extra \$15,000. Administrator Tovo stated there are two different functions going on, one is properly closing out 2018 and the other is making sure 2019 is on track. He stated having Lerch, Vinci close out 2018 will allow the new CFO to focus on the 2019 budget. A conversation followed on the bid threshold, pay-to-play, which Lerch, Vinci has completed, Council receiving the budget by January 15th, and the involvement of the CFO in the budget process.

A motion was made by Councilman Cumming, seconded by Councilman DeSena to approve Resolution No. 18-351 Authorization 2018 Transfer of Appropriations.

Ayes: Councilman Cumming, Council President DeSena.

Nays: Councilmen Bruno, Cascio, Ullman.

Mayor Calamari requested an adjustment to Resolution No. 18-351, removing the Financial Services Fee, leaving the election fees.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 18-355.

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

Nays: Councilman Ullman.

Amended on the floor 12.03.2018, see Resolution No. 18-351

RESOLUTION No. 18-355

2018 TRANSFER OF APPROPRIATIONS

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

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington that the Deputy Treasurer be and is hereby authorized to make the following transfers in the 2018 Current Fund Budget Appropriations.

Description	Transfer In	Transfer Out
Administration Postage	\$1,000	
Tax Collector, Tax Bills		\$1,000
Elections, Ballots	\$2,000	

Dept. of Law, Other Legal Services		\$1,000
COAH, Planning Fees		\$1,000
Recycling, Green Team	\$3,000	
Uniform Construction, Second TA		\$1,500
Length of Service Awards Program (LOSAP)		\$1,500
Totals	\$6,000	\$6,000

Administration

Project Tracker – Administrator Tovo requested if Council would agree to have the project tracker presented at the 2nd meeting of the month, except during project season, April to October, when it will be presented at every meeting. Council is in agreement. Councilman Ullman asked if paving of the DMF yard is on the radar, he feels it would be money well spent. Administrator Tovo stated he will be receiving information from Mr. Azzolina, and will have an answer at the December 17th meeting. Council President DeSena requested Mr. Azzolina be asked when will the bicycle safe grates and eco-friendly heads be installed on the catch basins.

Best Practices FY 2018/2019 – Will be discussed at the December 17th meeting.

2019 Professionals Pay-to-Play documents for re-organization meeting– The Township Clerk Mayor Calamari to provide a list of professionals, so that pay-to-play documents can be requested for appointment at the re-organization meeting.

Council

Ordinances and Legislation

Prohibition of the sale of marijuana – continuation – Council received the Upper Saddle River Ordinance, as well as the report from Lieutenant Calamari. Council President DeSena asked are we in favor of asking Mr. Poller to prepare an ordinance based on those two items. A conversation followed on the dispensaries, current places in the Township that are selling vaping products, as well as smoking accessories, such as rolling papers, and brand name products, such as JUUL. The enforcement bodies would be the Zoning Board, the Code Enforcement Official. Councilman Ullman stated in my experience, that the term of “item being regulated or banned such as e-cigarette or vaping product” should be very well defined, it should be clear and not subject to interpretation, this helps avoid confusion in an ever-changing market where there is overlapping use of products, as well as their names and terms. Items used to smoke or to introduce nicotine in the body, are also commonly used to introduce marijuana and its associated chemicals. These products are mentioned and defined in some ordinances in various definition sections. It is my suggestion that any effort to ban or regulate the sale of these products have well-constructed definitions in the use of specific trade or brand names. A conversation followed on Lieutenant Calamari’s report. Mr. Poller stated he will go over this with him, and what his recommendations are. Councilman Ullmans stated for the record he does not support moving forward with this. Mr. Poller stated the Council needs to decide if rolling paper should be excluded, even though it might be a cross-over product. Councilman Ullman stated there are flavored cigars. Council President DeSena stated he is against having any paraphernalia in town, he understands Councilman Ullman is a no. Councilman Ullman stated he is a no. Councilman Cumming would like to add paraphernalia. Councilman Bruno stated we need to get an answer on what this all means, he would like to get well-defined definitions. Councilman Cascio stated he would like to wait for more guidance from Lieutenant Calamari. Council President DeSena asked for a draft ordinance for the next meeting, since we have been speaking about this for months. Mr. Poller asked for a vote on

each one, or adding both rolling papers and hookahs. Councilman Cascio stated he is in favor of complete prohibition, and if Council wants to bring stuff back in, it can be done. Council President DeSena stated he is yes to adding both to the ordinance, he asked Councilman Cascio are you a yes to adding both. Councilman Cascio replied yes. Councilman Ullman is a no to both. Councilman Cumming is a yes to both. Councilman Bruno stated he is okay with it.

Use of Facilities – continuation – No updates as of yet.

Financials

Strategic Planning -continuation – Council President DeSena stated the CFO will be attending meetings and the spreadsheets and financials will be forwarded to her.

Miscellaneous

Shared Services, other towns – continuation – Councilman Cascio stated he is working with other surrounding towns to have a set date to meet once a month.

Zoning Board Members, 2019

Said Toro, Regular Member, term expires 12/31/18

Michael LaGratta, Alternate 2, term expires 12/31/18

Council President DeSena stated they are both still willing to serve. Council was in agreement of bringing them both back, they will both be renewals, and a resolution will be prepared for the reorganization meeting, with the terms of expiration of the members, which are staggered.

2019 Meeting Schedule (Council agreed to the following)

Sine Die Meeting date – January 7, 2019 7:30 p.m.

Reorganization meeting – January 7, 2019 7:30 p.m.

Council Meeting dates – A conversation followed on various dates, holidays and with July and August having only one meeting per month. Councilman Ullman requested having two meetings in November.

Councilman Ullman asked is the CFO being paid from November 30th, the date of her appointment papers, even though she is starting late December. Administrator Tovo replied no, the appointment date was set prior, she will start on December 17th.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adjourn to enter into Closed Session at 9:19 p.m.

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

Nays: None

Resolution No. 18-354

Closed Session, Personnel – DMF

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

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

of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

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

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

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

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

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

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

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

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

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

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed

Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

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

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

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

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Cascio	X	Cascio		Cascio	X			
Cumming		Cumming	X	Cummings	X			
DeSena		DeSena		DeSena	X			
Ullman		Ullman		Ullman	X			

Time Noted: 9:19 p.m.


 Susan Witkowski
 Township Clerk


 Michael DeSena
 Council President

Approved: March 18, 2019

