

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES
Rescheduled Meeting
December 9, 2019~7:30 p.m.
(December 2, 2019 cancelled due to weather)

CALL TO ORDER: Council President DeSena.

STATEMENT:

Welcome to the scheduled Public Meeting of December 9, 2019 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in December and this notice has been posted on the Township Bulletin Board and on the Township Web Site.

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

SALUTE TO FLAG: Led by Council President DeSena.

ROLL CALL:

Councilmen Cascio, Cumming, Ullman, Council President DeSena.

*Councilman Bruno was absent. Let the record reflect also in attendance: Township Administrator Tovo; Township Attorney Poller; Township CFO Curran and Township Clerk Witkowski. Absent: Mayor Peter Calamari.

READING OF TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills representing November 1, 2019 through November 26, 2019:

TOTAL	2018 Reserve	\$0.00
TOTAL	2019 Current	\$3,617,653.45
TOTAL	Capital Fund	\$36,653.49
TOTAL	Animal Control	\$0.00
TOTAL	Trust Fund	\$24.56
TOTAL	Grant Fund	\$0.00
TOTAL	Escrow Trust	\$2,561.60

APPROVAL OF MINUTES

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

July 22, 2019 Special Public Meeting (rb)

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

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

August 12, 2019 Regular Meeting (rb)
August 12, 2019 Conference Meeting (rb)

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

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

August 26, 2019 Special Public Meeting

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

*Councilman Bruno arrived at 7:35 p.m.

PRESENTATION: Green Team

Tom Sears – Thanked the Council giving him the opportunity to speak before the Council, I would like to bring everyone up to date on what the Green Team has accomplished and plans to do, thank you Council for passing the Environmental Purchasing Policy that was a big win for the Green Team on our dashboard. We are in the process of talking to the New Jersey Forestry for seedlings this year, there will be an update in another month on what will be offered. One of the items we had on our objective this year was the dog park, three spots have been picked out and walked with Boswell Engineering, we have not heard back from them regarding the locations that we had picked, we do have some sponsors waiting along with calculations, maybe someone can reach out to Boswell for us so we know we stand. The three locations are Sherry Field, Gardner, and down off of Beech Street, there is a little area between Hillsdale and the Township, Beech and Birch. Thanks to the Boy and Cub Scouts for handing out the Mosquito Control Flyers, 400 flyers were handed out to the residents along the lake and waterways. We had our Community Garden this year, the Seniors were given over seventy pounds of tomatoes and vegetables, over twenty pounds of different herbs. Mr. Bliss (Bethany Church) will give the Green Team more property, if we wish. For our “Safe Street Program” the Township received the Silver Certificate, we are aiming for the Gold Certificate next year. Council President DeSena offered his assistance regarding “Safe Streets to Schools.” Obtaining the Gold Certificate would move the Green Team into a higher bracket for more money. The Green Team portion of the Tree Management Program has been completed, we are now in the second phase, we met with the auditor, reviewed the public properties, and will be doing a write-up, the Green Team will be sitting down with Council, the third phase will be driving around the Township, making recommendations, things of that nature. PSE&G took down a lot of trees, I don’t think they will be replacing them. I would like to thank the Green Team members, each of them added their particular part to the project. In our water way clean up this year, we removed 359 pounds of debris out of Sherry and Gardner Field, that was the final count the County, great job by the community, the high school kids and the Green Team. The next program will be the Styrofoam Recycling Project, we joined the Bergen County Hub, which includes several towns in north Bergen County, the Township was one of the towns that were awarded a \$3,000 grant to purchase a Styrofoam recycling bin, it will be installed and secured in place this weekend. The Styrofoam that we will be recycling is called EPS Styrofoam, it is the hard type of Styrofoam that comes with the package that a TV is in, or any type of furniture, it breaks apart, the County and the State has declared this a hazardous material. We were lucky to get our grant in, eight towns received the recycling bins, and the bags. Thanks to Ms. Curran and to our Town Clerk Witkowski, they both stepped up, this will

make the Township a better place. Bulletins were given to WCTV, Facebook, signs will be posted alongside of the bin. Thanks to Ms. Curran we were able to calculate the number of miles to drop it off at the facility, cost of labor, it was included into the budget that was sent out to the County, it was accepted, we will have a free ride throughout out grant to transport the Styrofoam. Englewood, Paramus or the County may be the new drop-off center for this type of Styrofoam. Paramus reached out to the Green Team to discuss a plastic bag ordinance; they have a meeting within the next two-weeks to discuss how to go forward. We have a new project called Fill-it-Forward, we met with Dr. Gonzalez, as well as the principals of the high Schools, we are working with Mary in the middle school environmental group. The Fill-it-Forward Project is every student has a water bottle, on the bottle is a digital sticker, and every time the bottle is filled, they can scan the digital sticker (bar code), it will register that they filled their water bottle and every time the water bottle is scanned, two cents will go into a fund dedicated to a water project in a third world country. We will get a monthly report on how many times the water bottles have been scanned, that will give us an idea of how much we are saving plastic wise. This is going to be done in the middle school and high school, IHA will also be asked if they wish to participate. If each student scans a water bottle three times a day, the schools have a water filtration system, thirty-one pounds of plastic will be saved in a day, in one year we will save 11,315 pounds of plastic going into the environment, it is a great project. Thanks to the Council we were able to start a fund-raiser, we have five-year-plan, which includes the data base, extra water bottles and the labels that will be handed out. The whole project costs about \$10,000. He sat down with Oritani's Charitable Fund, if the Green Team raises \$5,000, they will match the \$5,000. This weekend we did a Shake-a-Can, and a fundraiser, we raised \$1,000. If someone would like to donate, please send a check to the Township of Washington Green Team, 350 Hudson Avenue, everything is controlled by our CFO and Treasurer, we met with them, they gave us the procedures to follow, we handed everything off to them, everything will be purchased through them. Again, thank you to Ms. Curran for the guidance and Ms. Witkowski for getting us forward on this project. Our cleanup is April 25, 2020, going back to Lincoln Park, we did a short trip up there, there is dumping going on again in that area. We have a tree planting project going on at Sherry Field and Gardner, we spoke to our Tree Management contact who gave us the proper trees to plant, the State Forestry was contacted to see if they would get us a particular type of tree at a lower cost. The Township missed a grant for the oil recovery bin, he will go down there tomorrow to see what we can do. The Green Team is working hard every day, they are doing great things for this Township, Ms. Grimaldi joined us and helped us with the Tree Management, as well as the other members. Thank you very much for supporting the Green Team. Councilman Ullman stated you mentioned you walked through Lincoln and noticed dumping, do you think it's you know the occasional resident dropping a can of soda, or is it someone using it as a dumping ground. Mr. Sears replied it seems to be a gathering point for some locals, kids, a lot of beer cans, it is back in the woods. He stated we did notice down in Sherry Field, where the leaves are there seems to be some local landscapers that are dumping back towards the wetlands, we noticed the tracks back there again. Councilman Ullman asked does Mr. Sears need anything else from the Council, Administration to move forward with any of these initiatives? Mr. Sears replied we can use \$4,000 to finish the water project, we should find out at the end of this month about the new grants that are being offered. Green Team members are attending Rutgers for CEU's to keep our standing with the State, we are one of the highest ones right now. Councilman Cumming, Dan Scudieri and himself attended classes as these CEU units keep us underneath the State Tree Maintenance Laws, which is a great thing. We are actually working with the school now to see if some of their maintenance personnel can attend these classes, because it would help us. Dr. Gonzalez has been outstanding working with the Green Team, we have been supporting them on their projects. We have a meeting with in the Middle School Environmental Group, on Wednesday, at 7:30 a.m. with 20 of their students.

They have a project that they are trying to do, that we are supporting, that will crush 600 Styrofoam trays into a little block, the machine is about \$20,000, it is not recyclable because it is waste, but they can get rid of x number of cans, bags, it goes into the dump. Hopefully with the County the Township will get the large machine for our Styrofoam. Councilman Ullman asked Administrator Tovo would the Grant Writer be able to assist the Green Team? Administrator Tovo replied certainly, he will also introduce Mr. Sears to the Grant Writer.

REPORT OF MAYOR *Not in attendance due to a commitment made prior to rescheduling of the meeting*

REPORT OF COUNCIL

Councilman Ullman stated he would like to acknowledge the DMF on the work they have been doing with the leaves and snow. Last Saturday they were on Van Embugh with the vac, cleaning the leaves, widening the road to make it passable, coming back a little later pre-salted, plowed, back there on Monday, Tuesday picking up the rest of the leaves, they have four crews out this weekend with the vac, leaf pusher, the Township does look good. In looking at the Agenda, he saw the Project Tracker was not on the Agenda, he does want to address certain things. On August 12th we were given a series of documents about the Washington Township Police Department Policies and Procedures, he did have a question on the subject of over-time, outside detail allocations, billing, he wasn't sure if these were adopted or in affect. He did reach out to Administrator Tovo on a few occasions, finally did speak. The Police sent a note that was unsigned but it did speak to their interest in a policy. The document provided has a number of areas that are of a concern to him, he doesn't know if they will be incorporated into any final policy but they talk about outside detail rates, which are based on years, Sergeant Salary, he is assuming there is a floor in the rate, officers with longevity or those officers that have base salary higher than a Sargent are paid based on their individual time and rate half, he thinks that is probably appropriate, but his concern is we are not taking advantage of new officers that have a lower salary, they are automatically being paid at the Sergeant's salary. The other thing is that the Special Officer, who he doesn't believe is a Police Officer, are going to receive compensation at the outside detail rate, which is a Sergeant's salary, if that is the plan, it sounds like they are making a salary outside of the contract, providing for a salary over and above what has been agreed in the contract, to be clear, the Washington Township Police Department Memo states that they are aware of this. His concern is it does say Policies and Procedures for the Township, if that could be noted when these meetings do take place, these are codified, we are ensuring that no one is getting more than they are entitled to, they should get what they are entitled to, but he doesn't think they should get paid over and above what they are entitled to. Councilman Bruno raised at the last meeting a discussion about the Summer Recreation Director, as a side and after the fact, he mentioned the Assistant Director, he wanted to ensure that Attorney Poller was aware that he had captured that. Attorney Poller stated yes, he is aware. Councilman Ullman stated he had a question about Town Day, he knows Council Presidents DeSena was critiqued quite a bit by a number of members of the public, we did have Ms. Velez come to speak to Council, addressing Town Day, which he appreciated. Ms. Velez did make a comment at one point about us not being Westwood, being able to turn down donations, that sort of prompted him to review some documents that he had received as part of an OPRA Request. It turns out the Township did turn down a donation from a business in the Township, someone wanted to donate \$1,500 it was returned to that individual, in looking at the list, the \$1,500 would have been the second highest donation after Oritani Bank. Council President DeSena asked does it state why it was returned? Councilman Ullman replied it does not, there is a note where an employee is asking Ms. Velez, did we get the check from Exxon for \$1,500, then there is a table in the back that indicates originally donated \$1,500 but return on 10/4 by the WTPD, but it doesn't explain

why. He doesn't know why we would turn down a donation from a legitimate business in the Township, in good standing, perhaps we can find that out, are you aware of that Administrator Tovo? Administrator Tovo replied he is not. Councilman Ullman requests that Administrator Tovo relay that to the Mayor and if he could advise us why we are returning donations from businesses. Administrator Tovo replied will do. Councilman Ullman stated the last thing is the security system in Town Hall, access control he believes is how it is defined. On October 21st, he had made an OPRA Request, specific to the access control, asking for business requirements, bid specifications, bid advertisements, copies of bids received, electrical diagrams supporting the work performed to date, copies of bills, purchase orders, checks issued, and things of that nature. In reading through the documentation, he is concerned how this project got off the ground, where it is going, what the ultimate goal is, \$6,800 was paid to vendor for wiring, the last few updates we need to determine the next steps. He stated in his opinion, if we are paying out \$6,800 for wiring, we should know what the next steps are. It was noted that the initial project for approximately \$90,000, which was noted at the September 3rd meeting by Administrator Tovo, that there was a working estimate of \$90,000 for Enterprise, then it came down to \$40,000, he would like to understand what the \$90,000 was, what we are looking to achieve, we would understand if there were business requirements, but there aren't. He stated we paid \$6,872 to a vendor, Planet Networks, there is an estimate with a note to pay \$20,000 for cabling completion, that was approved on July 18th, he is trying to understand why we are approving a \$20,000 payment for cabling, when the cabling only cost \$6,800. We were given a lesson in OPRA and OMA over the weekend, so he is coming to the Council to discuss it, so it is not done behind closed doors. There are a series of emails that go back and forth between members of the Administration and the vendor, there is a sort of let's see how we proceed, let's do it sort of on the fly, give me a price to install it and let's see where we land, there is a question about a request for a wireless duress button, why are we putting it in, what purpose does it serve, it seems that no one knows, or is not clear in this correspondence. There is also a note (reading) "I am putting the finishing touches on the quote, when I looked at the other companies quote, I noticed a wireless duress button, what purpose would that serve?" He is trying to understand why we would share quotes among companies, this should be somewhat competitive if we are trying to get the best price for the Township (reading) "I had originally budgeted for access control, I would like to ballpark it at \$15,000, that was before I had hard pricing from you and the other vendors, now that the budget is approved, I am looking to find the balance." He would think if we are going to spend \$50,000, or \$90,000 of taxpayer's money we should know what we are doing, why we are doing it, have bids out, get bids back, have firm quotes. He asked do we typically pay deposits on work? Ms. Curran replied that is now allowed. Councilman Ullman asked can a contract be written as work is complete, payments are made? Ms. Curran replied she has never seen that before, when you go out to bid, you have progress billing, you have a change order, you are paying it partially, going down, never seen it if you didn't have a bid. Councilman Ullman stated there is a possibility that some of this could be taken out of context (reading) "The original estimate you provided on March 28th, can you change the title from estimate to quote" is that just a bookkeeping issue, are we trying to advance something, or are we trying to get a quote so we can pay. If we have paid \$6,800 for wiring, we don't know what the steps are, we have a problem, this needs to be looked at, we probably should go out to bid, have business requirements, get a bid, if we are going to move this forward, we have to have a full understanding of where we will wind up, what we are actually asking for.

Councilman Cumming stated we just observed Pearl Harbor Day, he was privileged to be able to stand on the deck of the Missouri where the Peace Treaty ending the war was signed, it was a thrilling to moment to stand where he had seen on newsreel footage. The Green Team was very active on Saturday, he put on his warmest clothes, went out to the intersection, people were nice and

generous to him, monies were put in the can, it was wonderful, monies were raised. He had a recent interaction with the Building Department in the Township, he had excellent response and service out of them. As he understands the tree lighting was a tremendous success, he apologizes for not attending, he was resting his back. The HVAC Management System is slightly delayed but coming along, Administrator Tovo and Mr. Lawlor are helping him with an updated list of equipment so that we get everything done properly, he received two quotes that were different. He stated the turf blankets have been installed at Memorial Field, looking at greener pastures.

Councilman Bruno stated this could possibly be his last report, he would like to thank all of those that supported him throughout the four years, as well as his three campaigns. He and his wife Sandy have lived in the Township since 1984, raising two boys here, actively volunteered our time for years, he is not planning on going anywhere at this time. He feels there was so much accomplished, is delighted that the taxpayers were able to feel some relief, with four years of municipal tax decreases, the proper use of over five-million-dollars of cash sitting idle for years. As he was recently told, do the math, it's a lot of taxpayer dollars, for which we were all double taxed. It has been a tough road, knowing what he knows now allows him to stay on top of things, whether he is sitting on this side of the room or in the audience, he will not allow the resident to be taken advantage of, there is still too many hands in our pockets, but the good news is that the State agencies are aware, there is active dialogue taking place. He would like to thank his wife Sandy, who has always been there, sometimes for him has been the voice of reason. We hope no family ever endures the level of personal attacks that we went through, which seem to be continuing. He learned a long time ago that in life people who are trying to bring you down are already beneath you, so to all you folks out there, Merry Christmas and have a Happy and Healthy Holiday.

Councilman Cascio stated he attended the League of Municipalities down in Atlantic City for municipal employees, elected officials, he would like to share some things that he will also speak to the Township Clerk when he gets the chance. There are many programs that the State and Federal Government have for municipalities to help us out. There is the Department of Local Aid and Economic Development, that helps with funds with roads and other things that we can use with the municipality, such road programs, highway safety funds, bike-ways, there is a lot of money out there, hopefully the Township can tap into that. He requests the Township Clerk make copies for the Council, Administration of the information. He is disappointed with the Administration this year, we did tax the residents \$700,000 to improve the roads in the Township, when he was going around campaigning he did say monies were put in the budget, local roads are going to get done, he became a liar because that is not the case this year, no roads were paved but tax dollars were collected. He is embarrassed by this and hopefully next year if we put money in for roads it will get spent, at this point he doesn't want to put more monies in until those monies that were put in are spent on the roads, just a little warning, we don't like our residents double-taxed, hopefully this Administration will get on the ball, if monies are given, please spend it. Getting back to the vendors, there is one called Green Chip, they have programs where they collect our electronic waste for free, but they make monies selling the plastic goods for recycling. We did have a program with Westwood a few years ago, where we gave them \$1,200 per year, they were collecting our electronic waste, a good deal somehow that went by the wayside, so hopefully that vendor can be contacted, we can move forward. There is an organization called New Jersey Recreation and Parks Association, which help municipalities manage their parks and recreation departments, hopefully we can contact them, get them on board, since our rec department can be more efficient. The other thing that caught his interest, as a physician is a fund that New Jersey has for the Division of Disability services, called New Jersey Traumatic Brain Injury Fund, at times there are car accidents, slips and falls,

there is a resource that can get the person physical therapy, physiological evaluation, speech therapy, cognitive services and pharmaceuticals (reading some facts) “Motor vehicle collisions and falls are among the top causes of TBI, most requested service is cognitive therapy, a case manager is assigned. The average award through this fund is \$8,200 towards physical therapy, with a lifetime cap of \$100,000. This fund serves over 2,500 residents in the State of New Jersey.” If you know someone, or you have had a brain injury from an accident, please contact them, use the resources that the State has, we get taxed a lot residents should be able to use some of those tax dollars. The League was excellent this year, a lot of information. Council President DeSena, Clerk Witkowski also attended, there was a lot to learn, a lot of resources to use and bring back to the Township. One of his goals as a councilperson is to do that, to make sure the residents get the services that they are paying for, we are paying for them, there is nothing free out there, as you all know.

Council Presidents DeSena thanked Mr. Sears for his Green Team presentation, all of the things the Green Team has done this year. The Tree Lighting Ceremony was wonderful, thank you to all the volunteers and Ms. Velez’s group for getting that done. It was a wonderful event, very well attended, proud to be a resident that night, it brought the Community together even more. He would like to congratulate the new Chief of Police, Mr. Skinner, and Captain Calamari and Mr. Pecora for being in the running for our new leadership in our Police Department.

GENERAL PUBLIC DISCUSSION (Five Minute Time Limit)

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

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

Nays: None.

Mike Werfel, 880 Crest Place – Mr. Werfel spoke of his concern of the of the increase in Social Security payments, his opinion being that going from part-time employee to a full-time employee does not impact on Social Security payments, increases in a salary does. Ms. Curran stated it does have to do that it was full-time employees, she didn’t prepare the budget, she believes what happened is there were part-time employees the previous year, the amount of social security that was spent the prior year was looked at, not taking into effect that there will be full-time employees in the year of 2019. You take the salary, times 7.65 percent, they did not think about the higher salary, since they are now full-time. Mr. Werfel asked how does that happen, it is a really simple calculation. Ms. Curran replied she doesn’t do the budget. Administrator Tovo stated we are looking into where the mistake was made. A conversation followed on who currently does payroll, which is the Payroll/Purchasing Department. Mr. Werfel spoke of some online postings by Mayor Calamari, emails between Mayor and Council and using the Township Clerk as a go between. Attorney Poller explained you don’t want three council people to be on an email, that is a majority of the Council, discussing business would be a violation of OPMA, but if the Mayor wants to get something to the Council, he can send an email to the Township Clerk, she can send the email to the council people, but there cannot be a discussion. Councilman Bruno stated \$23,000 was approved for Social Security, which equates to \$380,000 of salaries, salaries that were paid that were not budgeted, along with improper budgeting. He doesn’t think the Payroll Clerk has ever provided that number to the Council for the budget, it usually comes from the Administrator, he asks the question at every budget meeting if the calculations of Social Security are the function of the payroll, next year more due diligence needs to be made, there are some salaries that reach a point where it might affect Social Security.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi thanked Councilman Bruno and Ullman for their four years of diligence to our Township and wishes the Councilmembers elect all the best of luck. Ms. Grimaldi asked if the Closed Session includes litigation and Viviano. Attorney Poller replied he didn't ask for it. Council President DeSena stated the Council did. She asked has the Township gotten any final decision from the Special Court Master or the Court about how many units the Township is going to be required to have under COAH. Attorney Poller replied no, the Township has a Settlement Agreement, we are waiting for the report, T&M communicated with the Court Master today, she was expecting to have the report in mid-December, all of our materials are before the Court Master. The Township needs thirty-days for a Notice for a Compliance Hearing, we have been extending the Immunity Date, each time the date changes the Township has to request an Extension of the Immunity time period so no developer can sue while this is pending, there have been many extensions due to the process with the Court Master. He did see an email today stating the she would have her report the beginning of January, again this is not the Township, he would like to get this done also. Ms. Grimaldi stated the Township received \$200,000 in a State Grant recently for the re-surfacing of Ridgewood Road, which Ridgewood Road is that? Administrator Tovo replied it is the extension, it is not the County Road, it is the public road.

Julie Lipnick, 184 Finnerty Place – Ms. Lipnick stated she agrees with Councilman Ullman, she has never seen the DPW work as hard as they did on Friday, not only did they clear the streets, the piles of leaves, they were chopping ice, they are exemplary employees. She attended the dedication of the James Stickel Memorial at the library, which was awe inspiring. She understands going forward the Memorial Day and Veteran's Day services will be taking place at the library, but she asks not to forget the Vets listed on the board at the foot of Town Hall. Council President DeSena stated he believes the Honor Board and Monument will be moving to the location at the library, the VFW will be providing a gazebo there. She missed the phone call she received from Gottenhiemer's office regarding the Post Office, she did call back, they will be back to the office on Wednesday, so hopefully then a meeting can be set up. She was appalled and disgusted at the verbiage; disgusting language Planning Board Member Vinny Vinagre used on social media due to someone else voicing an opinion. She would like Councilman Bruno to stay, despite the comments, she also applauds Councilman Ullman for his four years. She hopes Councilman Bruno will be the Director of Finance, he has done an outstanding job with our tax dollars, she doesn't believe the newly elected councilwomen will be as transparent as Councilmen Bruno and Ullman.

John LoRusso, 335 Jackson Avenue – Mr. LoRusso thanked Council for their time and service, are there any plans to replant trees to replace those that were cut down along the back wall of the Township parking lot. Council President DeSena replied it has been delayed. Administrator Tovo stated the property owner wants them planted in the Spring, contact him so his property can be addressed as well. A conversation followed on doing the entire back line, putting the trees on the resident's property, what type of trees should be planted. Council President DeSena suggested planting Green Giants, which grow a foot-and-a-half per year, and will be 10-12 feet tall in two years. Administrator Tovo stated he already spoke to Mr. Sears about putting a purchase order together with the Green Team.

Kevin Doyle, 655 Fern Street – Mr. Doyle thanked the Council for their very impressive hard work that was put into 2019 for our Township. He spoke of 2019 being an important for our Township, many issues had to be addressed, some were and were not, he would to thank Council for how hard and tireless they worked to provide the residents of the Township with dedicated services. This is very important town in the Pascack Valley, he is proud to be a resident of his hometown. He would like to thank Councilmen Bruno and Ullman for their

four years of dedication to our Town Council providing services that were desperately needed, and wishes good luck to the newly elected councilwomen who will be joining our Township Council in 2020, hopes in 2020 we will continue to move our Township in the right direction.

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

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

Nays: None.

ORDINANCES

Adoption, 2nd Reading: None

Introduction, 1st Reading: None

RESOLUTIONS/CONSENT AGENDA:

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

Resolutions 19-319, 19-320, and 19-321 were pulled for discussion.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolutions 19-317, 19-318, 19-322.

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

Nays: None.

Resolution 19-317

Authorize Mayor to execute Shared Service/Interlocal agreement with the Borough of Westwood for Teen Night Program

BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, State of New Jersey that the Council hereby authorizes the Mayor to execute the attached Shared Services Agreement referable to the Teen Center, January 1, 2020 and terminating December 31, 202

Resolution 19-318

Authorize refund of overpayment of Q4 property taxes, Block 2505, Lot 7, 993 E. Glen Avenue, in the amount of \$4,325.00

WHEREAS, an overpayment for Q4 2019 property taxes was received from FIT Agency LLC, who paid on behalf of Block 2505, Lot 7, 993 E. Glen Avenue, in the amount of \$4,325.00; and

WHEREAS, under N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer (Budget 9-01-95-004-000); and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Tax Collector be authorized to issue a refund in the amount of \$4,325.00 to FIT Agency LLC, 29 Peters Place, Red Bank, NJ 07701.

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40a:4-57, N.J.A.C. 5:30-14.5 and any other applicable requirements, I, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained the

availability of funds for such services as determined in the Account #9-01-95-004-000. Total Certified Amount Not to Exceed: \$4,325.00; Judith Curran, CMFO

Resolution 19-322

Rejection of all bids for contract for memorial Field and Gardner Field Basketball Court renovations

WHEREAS, on October 4, 2019, the Township of Washington, County of Bergen, New Jersey received bids for the Memorial Field & Gardner Field Basketball Court Renovations (the "Project") pursuant to Advertisement for Bids and the related Notice to Bidders and invitation to Bid including Contract Documents and Specifications (referred to as "Bid#19-01"); and

WHEREAS, the Project is being partially funded through the following grants:

(a) a 2016 Municipal Program Park Improvement Program Grant awarded by County of Bergen Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund in the amount of \$13,500.00; and

(b) a 2015 Municipal Program Park Improvement Program Grant awarded by County of Bergen Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund in the amount of \$21,093.00; and

WHEREAS, the original specifications provided for completion of the Project on an expedited basis, which requirement is no longer required and which may have had an impact on the bids received, and other requirements and specifications have changed; and

WHEREAS, all bids may be rejected if the Township wants to substantially revise the specifications for the goods and services required in connection with the Project;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that all bids received by the Township in connection with the Project under Bid#19-01 be and are hereby rejected.

Discussion Resolution 19-319

Authorize submission of application for FY2020-21 Bergen County Community Development Grant application in the amount of \$50,000 to be used for ADA Improvements to Sherry Field Project

Council President DeSena stated this is a great asset, where the County will provide additional funds. Before he was elected to Council, former Mayor Sobkowitz asked for a project in getting the ADA spaces and parking at both Clark and Gardner Fields. We received numerous compliments from other towns when they come to play baseball that we have this ADA parking right by the fields, it has been a wonderful asset and hopefully the County will come through and give us this money so Sherry Field can have an ADA walkway and parking spaces.

Discussion Resolution 19-320

Resolution calling for study commission to review the Open Public Records Act

Councilman Ullman asked the Township Clerk to explain this. Township Clerk Witkowski stated because Senator Weinberg is not going away any time soon, teeter-tottering on the way things should be presented, OPMA as well as OPRA. The Municipal Clerk's Association of New Jersey put out a resolution for all of the towns to take a look at and present to their governing bodies, to get a Commission together, directly, sit down, review, discuss it with Ms. Weinberg,

trying to have some better resolution. A number of organizations have tried to no avail, so maybe going through a Commission this will help understand the process, what the Clerk does day to day, our needs and so forth. Councilman Ullman asked is Township Clerk's Witkowski view a positive, negative or indifferent, or she would like to see it studied as a Clerk. Township Clerk Witkowski replied she thinks it is going to help because Senator Weinberg has been talking about this for years, she will start with a list, shortens it, increases it, something needs to be done because we are on a teeter-totter, we would like her to understand our feelings as Clerk's, what we go through on a day to day basis, we are trying to be transparent, we want transparency, but their needs to be a mutual understanding, presentations, a new Commission might pull us together a bit. Councilman Bruno asked the does the Township Clerk have statistics of what we provide as compared to other towns, such as OPRA. Township Clerk Witkowski stated Teaneck is up for a lawsuit in denying things, she never wants to be in that situation, we fluctuate with our numbers, increasing every year. She only goes to Attorney Poller if it is something she cannot handle, she will present it to him, he will get back to her. Township Clerk Witkowski stated requests, such as Property Record Cards, do not take that much time, but then there are things that are more detailed and in depth, we only have one person. Attorney Poller stated his observation is because OPRA gives access contractors, people throughout the State or the Country, there are commercial companies that just OPRA things to get information for bidding purposes, business opportunities, so it is not only the local resident that the problem of OPRA, and what it was originally designed to facilitate, but the problem is it is being abused, there are people that send OPRA requests all the time, that take hours of time, along with companies that actually that file complaints with the GRC, that want to file lawsuits, so it does take time and resources away from the Clerk's office, as well as the other offices the Clerk has to go to. The request is made to the Township Clerk, she has to go to the proper department for the document, that department has to give the documents.

Discussion Resolution No. 19-321
Awarding contract to Administrative Agent

Councilman Bruno asked was the contract awarded? Attorney Poller replied it states they are going to be awarded a contract, but the contract will depend on the Court Master, what they will be doing for us, there is no money involved, it is just we are designating our Administrative Agent. Ultimately, he will come up with the document itself, depending upon what is required in terms of our plan, what has to be done for us, it is a step that is needed to be done to get the Court Master to sign off on our plan, to get our Judgment of Repose. Councilman Bruno stated in the next to last sentence it states "The Mayor is hereby authorized to execute such contract." Attorney Poller stated there is no contract right now, it gives the Mayor authorization to sign a contract with these people, the specifics are not out there yet. Councilman Bruno asked if Council would see the contract? Attorney Poller replied yes. Councilman Bruno stated number #6 states compensation. Attorney Poller stated we will put that in the contract. Councilman Bruno it states attend meetings as required, will the Township pay for that? Attorney Poller replied they had a breakdown, some things are paid for by the developer, some things are paid for by different people, it is not a question of saying it is coming out of the budget, it could come out of the Trust Funds, that kind of a thing.

A motion was made by Councilman Ullman, seconded by Councilman Cumming to approve Resolution No. 19-319, 19-320 and 19-321.

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

Nays: None.

Resolution 19-319

Authorize submission of application for FY2020-21 Bergen County Community Development Grant application in the amount of \$50,000 to be used for ADA Improvements to Sherry Field Project

WHEREAS, the Township of Washington wishes to file a FY2020-21 Bergen County Community Development Grant application in the amount of \$50,000.00, which will be used for Americans with Disabilities Act (ADA) Improvements to Sherry Field Project; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Council of the Township of Washington endorse and support this application because it is in the best interest of the Township of Washington; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF WASHINGTON THAT:

1. The Mayor and Council of the Township of Washington hereby endorse and authorize the filing of a 2020-21 Bergen County Community Development Block grant application for the Improvements to the Sherry Field Project.
2. Upon receipt of the Grant Agreement from Bergen County Community Development, the signature of the Mayor and/or any other municipal official, or their successors in said titles, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.
3. A copy of this resolution shall be sent to the Director of Bergen County Community Development so that the Sherry Field Improvement Project may be expedite

Resolution 19-320

Resolution calling for study commission to review the Open Public Records Act

WHEREAS, the Township of Washington strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Township of Washington has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, Township of Washington received and responded to four-hundred-and-fifty-seven (457) OPRA requests in 2017, four-hundred-forty-one (441) OPRA requests in 2018, and to date has received and responded to three-hundred-and-thirty-nine (339) OPRA requests as of September 1, 2019; and

WHEREAS, Township of Washington municipal staff has spent approximately fifty-one-hours (51) responding to OPRA requests received in 2019 to date, and a yearly average of approximately seventy-hours (70) since 2017; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of Township of Washington appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Representatives Holly Schepisi and Robert Auth, Senator Gerald Cardinale, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Resolution 19-321

Awarding contract to Administrative Agent

WHEREAS, the Township of Washington is in need of administrative agent services which involves certain knowledge and experience in the field, and the Township has determined to solicit proposals for such services; and

WHEREAS, the Township has advertised its request for proposals for the provision of administrative agent services, and has received several responsive submissions which have been reviewed and evaluated by the Township's Department of Law and Department of Administration in accordance with its solicitation request, including the following criteria:

1. Familiarity with the Township of Washington and its affordable housing portfolio;
2. Demonstrated experience with COAH approved approaches to affordable administration;
3. Experience and reputation in the field of affordable housing administration;
4. Education and/or special accreditations in the field of affordable housing administration;
5. Availability of sufficient personnel and other resources to provide the services required;
6. Compensation proposal;
7. Ability to attend Township of Washington Council meetings, if required; and
8. Other factors which may be in the best interest of the Township of Washington including familiarity with the housing stock and related matters pertaining to Bergen County; and

WHEREAS, it has been recommended to the Township Counsel that Community Grants, Planning & Housing, 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512 ("CGP&H") be awarded an administrative agent service contract, consistent with the Township's obligations under resolution of its municipal affordable housing obligations; and

WHEREAS, the Township has determined to award an administrative agent service contract to CGP&H in accordance with the procurement process described in the Township's solicitation request; and

WHEREAS, such contract shall be charged to such accounts as deemed appropriate by the Chief Financial Officer or her designee, and these funds shall be certified by the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that an administrative agent services contract in form and substance satisfactory to the Township shall be and is hereby awarded to CGP&H; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute such contract on behalf of the Township with CGP&H for the above stated purpose; and

BE IT FURTHER RESOLVED that this expenditure shall be charged to such accounts as deemed appropriate by the Chief Financial Officer or her designee.

Councilman Ullman requested to add Terminal Leave Payout, on the Conference Agenda, he had circulated a document previously. Council President DeSena stated we will add that under Miscellaneous, number 7.

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

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

Nays: None.

PUBLIC SERVICE ANNOUNCEMENT read by Council President DeSena

SANTA ON THE FIRETRUCK - Santa will be starting his visit to the Township at 1:00pm on Sunday, December 15th. He will cover both sides of town on this day.

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

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

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

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

E-MAIL NOTICES

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

Time Noted: 8:51 p.m.

/s/Susan Witkowski
Township Clerk

/s/ Michael DeSena
Council President

Approved: October 5, 2020

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE MINUTES
Rescheduled Meeting
December 9, 2019~7:30 p.m.
(December 2, 2019 cancelled due to weather)

CURRENT BUSINESS

Administration

II. Council

- A. Ordinances and Legislation
- B. Financials

1. AXA Advisors, 457 plan (sw) – Township Clerk Witkowski stated while attending the New Jersey League of Municipalities she spoke to the AXA Group, they had sent something earlier this year they had not heard back, she indicated she would sent it back to Administration to see if it can be considered again. It appears that we are one Township/Towns that doesn't have the AXA Advisors in the Pascack Valley. They would like to have a chance to come in and put their plan out there, there is no pressure to join, but to have people, competition and a little bit of choice. Township Clerk Witkowski had mentioned it to the Administrator and Mayor before putting it on the agenda, and they both thought it was worthwhile. She can put a resolution together for the next meeting agenda as another option for employees. Council agrees.

2. 1033 program sample resolution (rt) – Administrator Tovo stated resolutions for this program were approved in past years, but now they are requiring addendums to the last resolution. On page 2 there are highlighted materials; they need to be added as per the Federal Government specifically the items the Township is allowing to purchase. Council President DeSena requested this be on for the next meeting.

3. Executed purchase order Chakonis Pettit LLC (Council) – Council President DeSena asked was the purchase order sent out, do they have their check, have they started? Administrator Tovo replied it has been sent out, he has had correspondence with Mr. Chakonis to reach out to him in the event he needs anything. Typically, with a new vendor, additional documentation is needed to put them in the system, the Administrator signed it a day or two after the Council President did and the Mayor. He stated one of the difficulties with new vendors in Edmunds, is gathering information before moving on. Councilman Bruno asked when you put in a new vendor into the system, a vendor number is given, and a W-9 is needed? Administrator Tovo replied we need a W-9, BRC, and a few other items, he believes he has it all now. Councilman Bruno asked when will Chakonis have a check? Administrator Tovo replied he believes by weeks end; he is not sure the timing of where this falls as far as the Council approving checks. Council President DeSena stated that will not start until January.

C. Miscellaneous

1. 2020 draft council meeting dates (sw) – The Township Clerk put together a list of meeting dates for 2020, this list was shared with the two new councilwomen, they did receive packets. Councilman Cumming stated there were concerns brought up to him regarding January 20th, that is Martin Luther King, Jr. Day, perhaps that meeting should be rescheduled. Township Clerk Witkowski stated Town Hall is not closed, but the meeting can be moved to that Tuesday, last year the meeting was held. A conversation followed on working on the dates in January, publishing it for the calendar, residents being upset due to the calendar being given at the end of the month. Councilman Ullman stated he didn't think there would be a calendar. Administrator Tovo stated funding is being reduced due to sponsorship covering a majority of it. Council President DeSena stated he is okay with the dates. Councilman Cascio stated it has always

been held on that date, we only don't hold it unless there is an election, or a Holiday where the offices are closed. Councilman Cumming stated he has no overwhelming problem with it. January 20th will be left on the calendar. Council was in agreement with the meeting dates of 2020.

2. Sine Die Meeting/Reorganization meeting date (sw) – Township Clerk Witkowski stated if she not mistaken, she doesn't believe a Sine Die/Reorganization Meeting has been held on the 1st, but new members to Council and the Mayor have been sworn in that that date. After a conversation, Councilman Cascio agreed to be sworn in on the January 1st date, along with Councilwomen Elect Feeney and Morgan, with the Re-organization meeting/Sine Die meeting being held on Monday, January 6th.

3. 2020 Council professional appointments (sw) – Township Clerk Witkowski stated she has spoken to Attorney Poller today, the suggestion was to send the Pay-to-Play documents to all the professionals we have now, get it in house, if something were to change we would go in that direction, if it stays the same we would at least have the documents, get them on board instead of waiting another month or two.

a. Pay to play documents – Council is in agreement.

b. Zoning Board Members-letters of intent, December 2 – Township Clerk Witkowski stated the Letters of Interest were put out today and received interest from one member to return to the board. This morning she e-mailed all three saying if they are interested to please put it in writing by December 31st and she would present to the new Council for consideration.

4. Municipal Consent, Cross River Fiber *follow up* (kp) – Attorney Poller did speak with the representative, we are working on putting into the contract Police expenses, as well as any other ancillary expenses that the Township will have, that is moving forward.

5. Vape Shop (mds) – Council President DeSena stated it is a very touchy subject, the Planning Board lost in Court, the Township dropped the ball because the ordinance wasn't done when we said we were going to do it, waited too long, the buck stops here. Attorney Poller stated if you are going to talk about recourse, that needs to be discussed during Closed Session. Council President DeSena stated they did receive approval; they can open up whenever they want. Attorney Poller stated the Court did rule in their favor, but he doesn't know they have an intention to actually move forward at this point, no one knows that yet.

*6. Opinion Borough Attorney (council) – Attorney Poller stated Council will have it in their packets on Friday.

7. Additional item: Terminal leave payout (mu) – Councilman Ullman stated at the last meeting Councilman Bruno raised a question about the calculation, he requested from Administrator Tovo, which was provided, the documentation from the existing contract, the calculation of the payout, and other items which would be necessary to do make that determination. He did an analysis, it is strictly his opinion, but he did come up with a third number, which he did share with Council President DeSena, who in turn shared with the rest of the Council. Council President DeSena stated he had Township Clerk Witkowski share it, he didn't want to send it because he didn't want to be accused of violating OPMA. Councilman Ullman stated his question is, what is the way to move this forward, again, it is strictly his opinion, but he thinks based on the interpretation of the contract, his calculation has some merit, because you cannot use two different bases. There was a terminal bank that the Chief had, which was a number of days, there is language in the contract that talks to 35-hour week, which equates to a 7-hour day, which equates to 7 hours times that bank is the hours paid. Councilman Ullman stated he doesn't understand how we can use two different bases, how is this addressed. Attorney Poller stated let me just say from the start, he has not been involved in this, has not seen anything about this other than seeing an email today. He wants to be clear, he has not been involved in the calculations, consultations, anything on the contrary, if Council wishes, he doesn't have to do this, but he is offering it, seems to him that someone has to look at the contract, how the calculations were made and make a legal determination of what amount of money was due, it could be

done by him, or the labor attorney, it doesn't make a difference to him. Council President DeSena asked is it something that Mr. Wiss should look at? Attorney Poller replied it doesn't seem to him to be a labor intense thing, it is mostly just a calculation, he hasn't been involved in it, doesn't necessarily want to get involved. Council President DeSena stated the gentleman submitted the voucher, with what appears to be what Councilman Ullman came up with, the voucher was changed to add tens-of-thousands of dollars. Attorney Poller stated he doesn't know anything about this, doesn't know what happened, he was not consulted, all he is saying is if you want him to look at it, he will be happy to look at it, if you do not want him to look at it, Council would like Mr. Wiss to look at it, he will look at it. This is the kind of thing when you applying the contractual basis for what someone is entitled to, hours, rates, and numbers, it doesn't seem to be rocket science, but again if Council doesn't want him to do it, he will be happy turn it over to Mr. Wiss or he will do it. Councilman Ullman asked as the Township attorney, should he have been engaged earlier in this process? Attorney Poller replied no, plenty of people are paid plenty of things on compensation, not everything has to go through him, if someone sees an issue where they need a legal interpretation they would ask him, otherwise Ms. Curran is here, there are plenty of financial people involved, the Administrator is here. Councilman Ullman asked there is a new contract that is contemplated for the Police, it has not been signed yet, that changes the total hours that those individuals work, if they carry a terminal bank into a new contract, what is the impact of that. Council President DeSena asked aren't we eliminating that? Administrator Tovo replied it has already been eliminated. Council President DeSena stated there is no terminal leave yet, we paid it out, either they were going to take it, capped at this year's salary or get it paid out, all agreed they wanted it paid out, this is the last terminal leave payment that is going to be made. Administrator Tovo stated that is correct. Council President DeSena stated anyone who is entitled to terminal leave payment, it has already been made. Councilman Bruno asked is it a fact that they have been paid? Administrator Tovo replied we don't have all the paperwork in yet, but all the checks have been cut. Councilman Bruno asked so they have not been paid? Administrator Tovo replied no. Councilman Bruno asked the question is, when is it that they are going to get paid? Administrator Tovo replied when we get the appropriate paperwork from them, they will get paid. Councilman Bruno asked what rate will they be paid, what are the hours per week that they are going to be paid at? Administrator Tovo replied he would have to check what the hours are. Council President DeSena stated it was agreed it would be a 2019 payout, it is a 2019 payout, whatever they had in 2019. Councilman Ullman stated they are operating without a contract, but that contract is back-valued to January 1, 2019, what is the calculation? Administrator Tovo replied based on the 2019 salary. Councilman Ullman asked what about the hours? Administrator Tovo replied it would be their number of hours times their hourly rate, if your question is how did we come to that figure, he would have to look at the contract to see what the hours per week or are, he believes it is a 37.5 hour workweek, so it is based on that number, Pitman will not be effective until January. Council President DeSena asked will there be enough time to get the contract in place? Administrator Tovo replied it is his understanding it is almost done. Council President DeSena asked will we have to have a Special Meeting to get them on board, since we only have one more Council meeting scheduled? Administrator Tovo replied he will reach out to Mr. Wiss tomorrow. Councilman Bruno stated a Memorandum of Agreement was signed months ago, this needs to be incorporated into the contract, we still don't have a contract. Administrator Tovo stated the attorneys are the ones that handle the contract. Councilman Bruno stated the attorney has the Memorandum of Agreement that was signed, they signed, we countersigned, all agreed, he did ask the question who were the signatories, which was three or four months ago, now we have no contract. He stated either the attorney is not doing his job, someone is not telling him to do it, or it is intentionally being stalled, he doesn't know what the answer it. Administrator Tovo stated none of the above, he would imagine the scheduling

between the two attorneys may have been the difficulty there. Councilman Bruno stated all the points that are supposed to be made in the contract have been finalized, those points should have been taken and incorporated into the contract, why is it taking four months. Administrator Tovo stated the lawyers take that and they put into the contract, he will ask tomorrow why it took so long. Councilman Bruno stated ask him where is it. Administrator Tovo stated as he was told, it is nearly complete. Council President DeSena asked Administrator Tovo to let the Township Clerk know if a Special Meeting needs to be scheduled, if is not ready for Monday, December 16th. Councilman Bruno stated he doesn't understand the delay, he does see bills from Mr. Wiss that we are paying, he doesn't know what he is doing, but apparently no one is incorporating this into a contract, but someone needs to tell the attorney, he doesn't mean Attorney Poller. Attorney Poller stated he is not involved, but it has been a while. Councilman Bruno stated the prior Chief had a contract, does the new Chief have a contract? Administrator Tovo stated there is no contract, he has not requested one as of yet.

CLOSED SESSION:

Resolution No. 19-323 Viviano Property

A motion was made by Councilman Ullman, seconded by Councilman Cumming to approve Resolution No. 19-323.

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

Nays: None.

Closed Session

Resolution No. 19-323

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) of N.J.S.A. 10:4-12, herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **Viviano property**

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

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

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

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

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

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

Time noted: 9:17 p.m.

/s/ Susan Witkowski
Township Clerk

/s/ Michael DeSena
Council President

Approved: October