

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

REGULAR MEETING MINUTES

July 2, 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 7:31 p.m. by reading the following statement

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of July 2, 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 Web Site.

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 Steve Cascio, Arthur Cumming, Michael Ullman and Council President Michael DeSena. Also, present: Peter Calamari, Mayor; Mary Anne Groh, Administrator; Ken Poller, Attorney, and Susan Witkowski, Township Clerk. Councilman Bruno arrived at 7:33 p.m.

READING OF TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills representing June 1, 2018 through June 30, 2018:

TOTAL	2017 Reserve	\$916.25
TOTAL	2018 Current	\$2,288,621.39
TOTAL	Capital Fund	\$25,728.88
TOTAL	Animal Control	\$0.00
TOTAL	Trust Fund	\$33,514.05
TOTAL	Grant Fund	\$12,973.48

APPROVAL OF MINUTES

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

March 12, 2018 Closed Session Meeting Minutes
March 17, 2018 Closed Session Meeting Minutes
March 26, 2018 Closed Session Meeting Minutes

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to suspend the rules and the order of business.

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

Nays: None.

MAYORS PROMOTIONS- POLICE DEPARTMENT

Captain Richard Skinner
Corporal Vincent Montalbano
Corporal Richard Parsells
Probationary Police Officer Clayton Kenney

Chief Hooper – Chief Hooper thanked everyone for coming out tonight. This is a proud moment for him in the four years he has been Police Chief. We are a small department, we do not have many opportunities. The officers involved are very qualified officers, and he is very proud of all of them. Director Cicchetti sends his condolences that he could not make it, so he will proceed with the promotions.

Appointment of Clayton Kenny-Probationary Police Officer

Clayton Kenny is a lifelong resident of the Township of Washington. Clayton has been a dispatcher with the department for four years, a Police Officer, Class I and an active member of the Police Department since 2012 where he is currently serving as a Line Officer.

Before becoming a member of the Township Police Department, he graduated Bergen Community College with an Associates in Criminal Justice and is currently pursuing his Bachelors degree at Thomas Edison State University.

Officer Kenny has assisted with the Community Policing Unit by participating in the Pascack Valley Junior Police Academy, Special Olympics Torch Run and Coffee with a Cop Program.

The oath of office was administered by Township Clerk, Susan Witkowksi, RMC.

Appointment of Officer Richard Parsells-Corporal

Officer Richard Parsells is a lifelong resident of the Township where he resides with his wife Anne, and his two children. Officer Parsells has been a member of the Township Police Department for 18 years, an active member of the PBA Local 206 and is currently serving as the Vice President. He is also a former member of the Township of Washington Ambulance Corp.

Before becoming a member of the Township Police Department, he graduated Assumption College with a Bachelor's in Criminal Justice.

Officer Parsells is assigned to the Patrol Division and the Bergen County Rapid Deployment Force.

His assignments in the Department are:

Firearms Instructor
Domestic Violence Liaison
Medicine Drop Coordinator

As a member of the Community Policing Unit Officers Parsells has participated in the Special Olympics Torch Run, the Polar Bear plunge and the American Cancer Society Relay for Life.

Officer Parsells has been the recipient of the MADD Award for DWI Education and Enforcement, a Unit Citation Award and is the recipient of multiple CPR/AED Save Awards.

The oath of office was administered by Township Clerk, Susan Witkowsi, RMC.

Appointment of Officer Vincent Montalbano-Corporal

Officer Vincent Montalbano is a resident of the Township of Washington with his wife Jennifer and his three children. Officer Montalbano has been a member of the Township of Washington for 18 years. Officer Montalbano is also on the board of the Township of Washington Baseball Association where he is a t-ball, softball and baseball coach. He also is a member of the Knights of Columbus. Police Officer Montalbano also assisted the American Cancer Society organize and implement the First Relay for Life in the Pascack Valley.

Officer Montalbano graduated Kean University with a Bachelors in Education. Before becoming a member of the Township Police Department, he was a high school teacher.

Officer Montalbano is assigned to the Patrol Division.

His assignments in the Department are:

Field Training Officer
Alco test Liaison
Car Seat Technician
Juvenile Officer
Truancy Officer
DARE Instructor

As a member of the Community Policing Unit, Officer Montalbano initiated for the children of our community the DWI Education Program in conjunction with the Westwood Regional School District. Officer Montalbano also is an instructor for the Pascack Valley Junior Police Academy. For several years he has conducted safety presentations for the elementary school children in our community.

Officer Montalbano has been the recipient of the MADD Award for DWI Education and Enforcement, a Unit Citation Award and is the recipient of the CPR/AED Save Award.

The oath of office was administered by Township Clerk, Susan Witkowski, RMC.

Appointment of Officer Richard Skinner-Captain

Captain Richard Skinner is a life-long resident of the Township of Washington where he lives with his wife Elena and son, Luke. He has spent the last 25 years proudly serving and protecting the residents of the Township of Washington.

Prior to joining the Police Department, Rich served his Country as a Sergeant in the United States Marine Corps.

He holds a Master of Administrative Science Degree from Fairleigh Dickinson University, with a Bachelor's Degree in Public Administration.

Captain Skinner is a founding member of the Bergen County Rapid Deployment Force where he currently serves as a platoon Commander and Chemical Agent Trainer.

As a former member of the Bergen County Prosecutors Officer Computer Crime Task Force, Rich was active in the investigation and arrest of child predators on the Internet.

Rich is also a former D.A.R.E. and School Resource Officer. He served on the New Jersey State D.A.R.E. training team and was an executive board member of the New Jersey D.A.R.E. Officers Association.

Captain Skinner currently oversees the Patrol Division, and training. He is a Police Motorcycle Officer, certified by the North Carolina State Highway Patrol.

Community Policing has been the highlight for Captain Skinner. In 2000, he started the Township of Washington Police Academy. This program has grown over the last 18 years to become the Pascack Valley Junior Police Academy, with over 100 students attending each year. He has also helped several other Police Departments to start their own Junior Police Academy Programs. He recently enjoyed the opportunity to assist several of our young officers starting new Community Policing Programs and looks forward to transitioning further duties.

In his off-duty time, Rich coach's youth football and baseball here in the Township of Washington.

Awards Captain Skinner has received:

Township of Washington Police Meritorious Service Award
PBA 206 President's Unit Citation
Two (2) - End DWI Awards
Three (3) - CPR Life-Saving Awards
Bergen County Chief's Association 9/11 Service Award
2002 Knights of Columbus Police Officer of the Year
2013 North Jersey Regional Crime Prevention Officer of the Year
2014 Irish Echo Leaders in Law Enforcement Award
2015 Knights of Columbus Community Service Award

The oath of office was administered by Township Clerk, Susan Witkowski, RMC.

Chief Hooper – Chief Hooper thanked everyone for coming out tonight, this concludes the appointments for the Police Department.

Chief Inetta – Chief Inetta stated in January there was a vacancy for the Lieutenant spot. Chris Campo was serving as Vice-President, while performing firefighter and association work. Chief Inetta made the recommendation to the Director, and it was approved.

APPOINTMENT – FIRE DEPARTMENT

Christopher Campo, 4th Lieutenant

The oath of office was administered by Township Clerk, Susan Witkowski, RMC.

MAYOR'S REPORT-July 2, 2018

Heat Wave Cooling Center

As everyone knows, we are in the middle of an extensive heat wave, please check on your neighbors. From now until the rest of the season, any day that is 90 degree or higher the Senior Center will be opened as a cooling center.

Contaminated Recycling

We are still receiving notices from our recycling company that our recyclables are being downgraded and extra charges are being assessed due to excess contamination from people putting their recyclables in plastic bags. We will have someone driving around at random placing stickers on any recyclables that do not meet the requirements, including any plastic bags and those will be left behind.

Shredding and E-Recycling Event

Due to the popularity of this event, and the traffic generated, future events will now take place at the high school parking lot. We appreciate the school allowing us to use that location. We will also be doing random checks at the events to

verify residency.

Intersection

Emails were exchanged with the contact at the County this morning. There is no change in the status, and the County has everything they need from the Township and are continuing their work on it. They are not yet able to commit to a time frame.

Ambulance

The President and Captain of the Ambulance Corps have notified me that they are going to take the town up on its offer of moving to the existing fire house property, assuming that everything goes forward with the plan to either renovate or replace the existing firehouse building. We are working with the architect that did the needs study for a date for them to make a proposal at an upcoming Council meeting.

2018 Road Program

We are now in the bidding process for this year's work.

Code Enforcement

Our new Code Enforcement Official started today. He will be driving around town proactively looking for violations. In most cases, for the month of July he will just be issuing warnings.

2018 Junior Police Academy

It was a pleasure to attend the closing graduation ceremony of the academy. In addition to many other things they did and learned during the week, we wish to thank the American Heart Association for their donation of individual CPR Training kits, and to Bob Stickel of Lifesavers, for the CPR Training that was provided.

High School Graduation

I was happy to be on the field in the receiving line to congratulate the 2018 high school graduating class. I know they are well prepared and will do well in their future endeavors.

Becton Regional High School

Speaking of high school graduation, on behalf of the Township, I would like to thank Becton Regional High School formerly, East Rutherford High School on honoring our local hero Vito Trause with his high school diploma, 75 years after he should have received it. They had the following to say about Vito: Vito, a World War II P.O.W. and Army Veteran, made the decision to leave high school on November 30, 1943 to fight for our country, instead of enjoying his high school teenage years. The school was able to locate Vito's actual report card that had his withdrawal date and the reason for the withdrawal just stated "Army." Instead of enjoying his junior and senior years in high school, he was captured by the Germans and spent a year as a German Nazi P.O.W. The German soldiers made him work under harsh and horrific conditions until he was liberated by the allied forces. As he often referred to as the unofficial Mayor of Washington Township, I am honored to share that title of Mayor with him.

REPORT OF COUNCIL

Councilman Ullman stated he wanted to thank the Washington Township Volunteer Ambulance Corps, they had their wet down last Sunday, he was fortunate enough to attend and also took a tour of their new ambulance, it is a quite a piece of technology. He wants to thank them for inviting him and all the work they do in support of our residents.

Councilman Cumming stated last month he remarked that the meeting took place on "D" Day, this month we are about to celebrate our Independence Day, and this would happen to be the second day of the Battle of Gettysburg, which took place in temperatures, such as those we experienced for three days in the beginning of July, this was one of the most significant battles of the civil war and a turning point in that war. Firstly, and perhaps most importantly is the fact at the last meeting when Jim Hanson asked him for a report on Memorial Field, he had not thought to give one, it was just an assignment to me. The reason for not reporting was we took off with perhaps less success than the Wright Brothers, part of the reason was this winter was cold, snow lingered on for quite a while, until May 15th, which is the usual planting period. After the election and assignment by the Mayor, since he has some very limited Horticultural qualifications, he has been trying to make a silk purse out of Memorial Field. He found a reliable contractor who administered the proper and appropriate chemical program after soil tests were taken from all the fields, except Clark. Clark is handled by another organization and appear to be doing a good job. He has a couple of conversations with Mr. Hanson, which have lead to much greater understanding of the conditions than he has previously had. We had a late start and a very difficult case over at Memorial, along with some misinformation. He owes the athletic people, specifically lacrosse, an apology and this is that apology. One of the very good things that have come out of this, is that he has he now a lot more information, for the Mayor and himself, in order to proceed through the rest of the season, and the events. Several of us have walked the field together, and have had a very enlightening discussion. We are now moving forward with a plan of action. He hopes that the field will be in the best shape that it can be given the demands that are made on it, that are made on us and the weather. We will now move forward with great help from our athletic folks, who are so dedicated to their various causes, as we are in making life better in every way that we can in the Township. He is really impressed by the sincerity, dedication and passion that his athletic friends show toward their endeavors in their areas, and looks forward to working with them and their full cooperation in the future.

He has completed submission of the Energy Audits, with the assistance of Laura Rifkin, Director of the Library, and Rich Miras, from the Ambulance Corp. He was able to submit the last two Public Service Grant Applications for lighting, mechanical upgrades in our Borough buildings. We are at the point where we will be scheduling a meeting this week to discuss the upgrades that are recommended and approved, and look forward to bringing this back in the near future with more information, after a discussion with their consultants and engineers. This is a free energy survey in lighting, heating and cooling upgrades from PSE&G.

He stated he will be going to meetings with Tom Sears and Dan Scudieri to further the purposes of the Green Team for forestry and our parks, he is glad to bring these types of things to the town for all the children, seniors and residents.

Last week he was thrilled to be present at the graduation exercises for the 18th Junior Police Academy, which is the last one Rich Skinner will be handling. Sitting next to his friends, Lou Lamatina, the Mayor of Emerson, and Peter Calamari, the Mayor of the Township, while Lieutenant Skinner officiated. The 106 young people graduated after a spectacular week, which anyone would have been excited to participate in. He met one of the Emerson Police Officers, who stated he had a great week working with our people, and expect to have twice as many children as candidates next year. With all of the negative influences in the world, this is a wonderful positive influence. There is so much energy and dedication put into this one week every year making a huge impression on our young people. He realizes his off the cuff last meeting at the field, and the audit that he had forgotten to thank Dan Scudieri, the Director of Municipal Facilities who put in a full day during the energy audits, as well as Gerard Casey of the

DMF.

Councilman Bruno stated he does not have much to report, but he still thinks we have a long laundry list of to do's, as well as some action items that need to be taken care of. Hopefully, we will start tackling the items one by one. The financials are out, we can start analyzing the reserves again, trying to get money back into the town, and analyze exactly where we are financially.

Councilman Cascio stated no report this evening.

Council President DeSena stated he would like to thank the Township of Washington Ambulance Corps for the invitation, but he was not able to attend. He would like to thank everyone for the support they have been receiving. Being on the dais is a very difficult task sometimes, but we are doing the best we can to get our intersection improved. Mayor Calamari and himself have spent a lot of time on the phone with the county, the project is moving forward. Hopefully soon we will have the drawings and plans for review, we have made leaps and bounds on other things, with the Fire Department study, and so forth, we are moving ahead. Thank you everyone on the dais for all of their hard work in the six months we have been together.

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.

Peter Neary, 276 West Place – Mr. Neary distributed flyers regarding the upcoming Concert Series, which begins on July 13th. He spoke of last years concert, which was a success, and he thanked the former Mayor, as well as Chief Hooper and Chief Ehrenfels for believing this could be done in a safe and orderly fashion. He stated they did extract some lessons from last year's event, such as band sound checks, exiting residents safely, and a bit more lighting at the back of the field, which will all be done this year. He thanks the Council in advance for this support, and encourages their participation at each of these events, and part of our Agenda calls for each of your introduction by the Mayor during his welcome. He stated we want residents to feel free in this atmosphere to approach the Mayor and Council at these events, not only for feedback on the concert series, but also other concerns in the Township. He thanked the Mayor, spoke of this event's theme of "Safe & Simple," a designated food pick-up location, as well as Memorial Field being the best venue. All concerts will be 3 sets of 45 minutes, except for Jersey Sound Oldies, which will only be two sets. Concerts will begin at 7:30 pm and end at 10:30 pm. There is a weather clause in each of the contracts, that postponements are done jointly by 2:00 pm on the day of the concert, and a new date will be jointly agreed upon. He stated he would like to thank his partner on the Committee, Bill Biliias, Fire Director; Fire Chief Pete Insetta; Paul Langone and Joe Camporeale, who are both electricians by trade, and will run a line directly to the stage so no generators will be necessary. He also thanked the Police Department for being such an outstanding partner every step of the way, the DPW, the Mayor, the Administrator, Dina Burke and members of her team. He also thanked those that volunteer for clean-up after the event. He stated he is very proud of the cooperation between all township departments to make sure this is a great event for our Township families. He invites all of the residents to come out with chairs, blankets, visit the shopping center, grab food and beverage of choice, and come sit, dance and sing with your friends and neighbors. Councilman Ullman thanked Mr. Neary and his team for bringing this type of event to the residents, but asked if he is getting the support from township funds, and does he foresee any gaps. Mr. Neary stated there will be a full report generated. Mayor Calamari stated we already have the support

of two sponsors on board, who have been very generous. We are in communication with two other vendors who we expect support by the end of this week, which will cover a good amount of cost for the events. Councilman Ullman stated this is a good investment for the Township, and he would support the use of funds if any gaps need to be closed. Council President DeSena thanked Mr. Neary and his team for all of their hard work, and looks forward to the concerts. Mr. Neary replied it is a lot of fun, and hopes to see Council members attending so they can meet different people, and here what they have to say.

Beatrice Napier, 324 Hudson Avenue – Mrs. Napier stated she did not know the Ambulance Corps arrangement was agreed upon. Mayor Calamari replied he received word from the President/Captain, that the Ambulance Corps decided to move forward with the offer. A conversation followed if there were any plans to reuse the building where the current Ambulance Corps is located, and if the neighbors on Jackson Avenue were made aware of the move. Councilman Cascio asked if meetings were held and if Ambulance members were polled. Mrs. Napier replied meetings were held to talk about it, but they were going to talk about it again.

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

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

Nays: None.

ORDINANCES

Adoption 2nd Reading

Ordinance No. 18-08

AN ORDINANCE AMENDING RECREATION PROGRAM ACTIVITIES AND FEES

A motion was made by Councilman Ullman, seconded by Councilman Cascio, to approve Resolution No. 18-249 authorizing second reading and opening of Public Hearing for Ordinance No. 18-08.

Resolution No. 18-249

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-08 entitled: AN ORDINANCE AMENDING RECREATION PROGRAM ACTIVITIES AND FEES be read on second reading and the public hearing be held thereon pursuant to law.

Mary Anne Ozment, 960 Adams Place – Mrs. Ozment asked who will these kindergartners and 1st graders cheerleaders cheer for and who recommended the program? Administer Groh replied she believes it is flag football, since the age group is the same. Council President DeSena replied the Recreation Director suggested the program, the participants will receive a t-shirt and headband.

A conversation followed on the Director being advised to look at the fees, and if any changes need to be made a six-week lead time is needed.

A motion was made by Councilman Ullman, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 18-08.

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

Nays: None.

Abstain: Councilman Bruno.

A motion was made by Councilman Cascio, seconded by Councilman Ullman to adopt Ordinance No. 18-08.

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

Nays: None.

Abstain: Councilman Bruno.

A motion was made by Councilman Ullman, seconded by Councilman Cumming, to pass Resolution No. 18-250.

Councilman Ullman asked why is this emergency resolution is needed, since to him this does not qualify as an emergency. Mr. Poller stated this is not necessarily an emergency. It is vehicle to have the 20-day period moved up and have it effective immediately. It can be done for any reason Council feels necessary requiring a two-thirds vote, not a majority vote, with a separate vote. Mr. Poller explained the variety of reasons it can be done such as a program, and the effective date, even though it is passes now, would take it past when the program starts, and the monies need to be collected. Historically, it has been used in order to expedite the effective date. Councilman Ullman asked if there are additional advertising costs. Mrs. Witkowski replied no.

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

Nays: None.

Abstain: Councilman Bruno.

Resolution No. 18-250

Emergency Resolution Recreation Fees/Cheerleading

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 the improvements authorized by Ordinance No. 18-08, and that such emergency as well as the general welfare of the Township of Washington would be served by having Ordinance No. 18-08 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. 18-08 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.

A conversation followed on the request made to the Recreation Director/Superintendent about the fees, and an answer has not been received as of yet. The Clerk was asked to resubmit the request, and copy Council/Mayor on the request. The Clerk asked Mr. Poller if that was allowable. Mr. Poller replied yes, that is fine. Councilman Ullman asked for an analysis of cost versus revenue be provided. The Clerk replied she will include that. Councilman Cascio stated Council did discuss doing Trust Fund for each individual activity, so we understand where the fees are going for each sport, which needs to be looked at in the future. A conversation followed on doing a trust for the recreation program, and not a separate account for each program.

Ordinance No. 18-08

AN ORDINANCE AMENDING RECREATION PROGRAM ACTIVITIES AND FEES

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Section 5-92(B) of Article XVI of the Code of the Township of Washington ["Department of Recreation"] be and is hereby amended by adding the following program and applicable fees to the Township's recreation programs as follows:

"

<u>PROGRAM</u>	<u>Fee for First Family</u> <u>Participant</u>	<u>Fee for Each Additional</u> <u>Family Participant</u>
Mighty Might Cheerleading	\$50	\$45"

2. If any section, subsection, 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 ordinances 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. 18-09

AN ORDINANCE AUTHORIZING TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to approve Resolution No. 18-251 authorizing second reading and opening of Public Hearing for Ordinance No. 18-09.

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

Nays: None.

Resolution No. 18-251

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-09 entitled: AN ORDINANCE AUTHORIZING TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES be read on second reading and the public hearing be held thereon pursuant to law.

No comments.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to close the Public Hearing on Ordinance No. 18-09.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Ullman to adopt Ordinance No. 18-09.



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

Ordinance No. 18-09:

AN ORDINANCE AUTHORIZING TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES

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 12 therein entitled "Defense and Indemnification" which shall provide as follows:

1. "Chapter 12

DEFENSE AND INDEMNIFICATION

§ 12-1. Indemnification.

Except as hereinafter provided, the Township of Washington (hereinafter referred to as the "Township") shall provide for indemnification and legal defense of any civil action brought against any present or former official, employee or appointee of the Township arising from an act or omission falling within the scope of their public duties.

§ 12-2. Exceptions.

The Township shall not indemnify any person against the payment of punitive damages, penalties, or fines, but may provide for the legal defense of such claims in accord with the standards set forth herein. The Township may refuse to provide for the defense and indemnification of any civil action referred to herein if the Township Council determines that (a) the act or omission did not occur within the scope of a duty authorized or imposed by law; (b) the act or failure to act was the result of actual fraud, willful misconduct or actual malice of the person requesting defense and indemnification; or (c) the defense of the action or proceeding by the Township would create a conflict of interest between the Township and the person or persons involved.

§ 12-3. Intent.

The terms of this ordinance and the definition of official, employee and appointee are to be construed liberally in order to effectuate the purposes of this ordinance except that these terms shall not mean:

- a) any person who is not a natural person;
- b) any person while providing goods or services of any kind under any contract with the Township except an employment contract;
- c) any person while providing legal or engineering services for compensation; and
- d) any person who as a condition of his or her appointment or contract is required to indemnify and defend the Township and/or secure insurance.

§ 12-4. Cross-Claims and Counterclaims.

For purposes of this ordinance, the duty and authority of the Township to defend and indemnify shall extend to a cross-claim or counterclaim against said official, employee or appointee. However, if such official, employee or appointee files a counterclaim, third-party claim, or any similar claim in the legal proceeding in which such official, employee or appointee is being indemnified by the Township, the Township shall not be obligated to provide counsel to pursue any such claim, or to reimburse said person for any attorneys' fees or costs attributable to said claims.

§ 12-5. Criminal Proceedings.

In any criminal proceedings, the Township may provide for the defense of a present or former official, employee or appointee, if the Township Council concludes that such representation is in the best interest of the Township and that the person to be defended acted or failed to act within the scope of such person's public duties.

§ 12-6. Exclusive Control.

Whenever the Township provides for the defense of any action set forth herein, and as a condition of such defense, the Township may assume exclusive control over the representation of such person defended, and such person shall cooperate fully with the Township. The Township may provide for the defense pursuant to this ordinance by authorizing its attorney to act on behalf of the person being defended or by employing other counsel for this purpose or by asserting the right of the Township under any appropriate insurance policy that requires the insurer to provide defense."

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. 18-10

AN ORDINANCE AMENDING CHAPTER 245 "ZONING" OF THE CODE OF THE TOWNSHIP OF WASHINGTON ADDING PROHIBITED USES TO SECTION 245-57

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to approve Resolution No. 18-252 authorizing second reading and opening of Public Hearing for Ordinance No. 18-10.

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

Nays: None.

Resolution No. 18-252

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-10 entitled: AN ORDINANCE AMENDING CHAPTER 245 "ZONING" OF THE CODE OF THE TOWNSHIP OF WASHINGTON ADDING PROHIBITED USES TO SECTION 245-57 be read on second reading and the public hearing be held thereon pursuant to law.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment thanked Council for the amended ordinance. She asked will this also have an Emergency Resolution. Council President thanked Mrs. Ozment for the suggestion.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to close the Public Hearing on Ordinance No. 18-10.

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

Nays: None.

Mr. Poller stated one of the requirements of the Zoning Ordinance, is that it has to go to the Planning Board for review and makes a recommendation. The Council will consider the Planning Board's recommendation, if you choose not to follow them, you have to have a majority to vote, but also Council needs to list why you are not following them, that is how the Land Use Law is set up. Mr. Poller went over the report from the Planning Board, the first thing had to do with the banning of sex adult entertainment shops. There is a body of law regarding those kinds of institutions, that you cannot or should not have an absolute town wide ban on adult entertainment, because it may be a violation of the First Amendment Rights, which was discussed with the Planning Board Attorney and there is case law on this. We are not banning the entire town, we are saying it should not be in one of the Districts, which is a Retail District. In that respect, it is a different approach than an actual ban, there is an argument of why, there is a movie theatre, there are candy stores, kids there, traffic, and those are the reasons why it should not be there. If you take a much more developed town, such as Elizabeth, they would say no adult entertainment in residential, maybe not in a retail zone, but they may put it in the industrial zone, in locations where it is not really exposed to other uses, people, etc. The Township is a lot different, someone may say you are banning it in the retail zone, but you are not banning it in the residential zones. The recommendation from the Planning Board reads as follows "The Board agreed that the Township should not issue an outright ban, but rather, should study the map to determine what areas are appropriate to allow this use" it also states "A public ordinance of barring it 1,000 feet of a residential zone." Mr. Poller stated if Council is not going to study the map, he believes it is a limited zone and there are reasons why the retail zone is being looked at and focused on. Mr. Poller stated there was an issue of banning the sale of any vaping material, and drug paraphernalia rolling papers. The Planning Board is recommending a total ban from any store in that zone. It is currently written "The retail or wholesale sale of vaping products, or paraphernalia, or the use thereof on said premises" it does take care of the concern in the retail zone. Mr. Poller is not exactly sure what the last clause is referring to, it is in there already, and limited to the zone, drug paraphernalia is speaking of marijuana related paraphernalia, irrespective of use. Drug paraphernalia may be more expansive, there are other materials that are involved with drugs, that would not be associated with marijuana. Councilman Ullman stated a complete ban cannot be done throughout the town, but there is an ordinance before us for commercial, which would meet the needs of the Council if that is what they wanted because if it was in a residential or other area it would have to go before the Zoning Board, potentially. Councilman Ullman stated he does not understand the last paragraph, and questions as to how it relates to the ordinance as it is written, we do have one store outside of the zone that sells rolling paper, sells hookahs that could be used or considered

drug paraphernalia, who is the enforcement agency. Rolling paper is a tobacco product, if people choose to roll marijuana that is their choice, cigarettes or cigarillos, people can smoke them or make a blunt. Councilman Ullman asked what is the impact and how is this going to be enforced. He stated it is clear to him what Council is looking to achieve, he personally does not support it, but if Council is going to do it, and there are enough votes to carry it, he would like to understand the enforcement mechanism as well as what we are enforcing. Mr. Poller stated the last paragraph is a little unclear, stating "The Board is against the contingent sale of any vaping material or drug paraphernalia within the Township" they were focusing not just the commercial zone, they were focusing on the entire Township. Mr. Poller stated as far as enforceability, you may have an issue with someone challenging rolling paper, where you can do a tobacco product or pipe, they may be able to argue it is unconstitutional as applied to them, because it is a product that is permissible, and not necessarily associated with vaping, on the other hand he does not know that you would actually have a summons issued to someone, that is not a vape store and they just sold paper. A conversation followed on who would issue the violation, the Police Department or the Zoning Officer, and the likelihood of someone filing a complaint or a summons being issued on a store selling only rolling papers. Councilman Ullman stated the 5 Star gas station, which is outside the zone, carries rolling papers, vape products, cartridges, hookahs, as well as many other things, would they be impacted by this ordinance. Mr. Poller replied no, this deals with the retail zone. Mayor Calamari stated he and Councilman Cumming are on the Planning Board, and were there for the discussion, the intent of the last paragraph was when, let's say the convenience store was approved as part of the Zoning for the 5 Star, are these items considered items that would be sold in a convenience store, or have they gone outside of the realm of what would be sold at a convenience store, that was the concern of the Board, to say while we are looking at this, can we look back and say what is the definition of either was intended to be sold at a convenience, or is there any legal definition as to what can be sold at a convenience store, or have they already gone outside of those parameters. Councilman Ullman stated in his opinion, if you go to a 7 Eleven, Quick-Check, any of these convenience store or something along the lines of a stationery store, that is a mom-pop, he believes if they are selling cigarettes, they are likely to have one vape product, one cartridge product, or they have a wall for your choice, in his opinion, it is part of what a convenience store would be viewed as. Mayor Calamari he is not disagreeing, the Board did want to bring it up as a question. Councilman Bruno asked, ultimately does this protect us or not protect us. Mr. Poller replied it states that in this zone these are the things you are not able to do. Council President DeSena stated they can always go before the Zoning Board and ask for a variance. Mr. Poller replied that is true, these address prohibitions in this zone. Council President DeSena stated the intent of the law was to prohibit these uses, they are not being rubber stamped in our retail zone. He believes that is what we are trying to accomplish and thanks the Planning Board for their input, at this time, he personally feels we should move forward. Councilman Cumming stated the vote was 5-0, absolutely unanimous to adopt this, and they felt very strongly about the vaping and rolling product aspects in other stores in the town. Mr. Poller stated the essence is they want at least what was done, and they are asking the Council to look at more, but saying yes, do this, but there may be more that we are recommending. He stated he still thinks that even though Council seems to be consistent, when you make the motion go down the line for a roll call and reason for their vote.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-10.

Councilman Bruno – Yes.

Councilman Cascio – Yes, to in order to protect the well being of the citizens of Washington Township, and to protect the residential zoning and retail zoning of the Township’s current Master Plan.

Councilman Cumming – I am very concerned about health, safety and welfare of the residents of our town, yes.

Councilman Ullman – I am voting no. I believe that vaping products and paraphernalia are an extension of tobacco to a certain extent. I feel that tobacco is mainstream, and believes these will become mainstream. I understand that there is a health concern about use, having access, there are age related regulations or laws on the books that would prevent the sale to youths if they are enforced properly. I believe that this is an overreach, and I am voting no on this ordinance.

Council President DeSena – I am voting yes. I am happy to see that the ordinance was drafted the way it was, to limit the zone to the retail center. It has been drafted by our Township Attorney, and the Planning Board has blessed the ordinance as it sits, with unanimous consent also. It is for the safety and welfare for all of our citizenry in the Township of Washington. I vote yes.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to pass Resolution No. 18-259.

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

Resolution No. 18-259

Emergency Resolution for Ordinance No. 18-10 Amending Chapter 245 “Zoning” of the Code of the Township of Washington Adding Prohibited uses to Section 245-57

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 the improvements authorized by Ordinance No. 18-10, and that such emergency as well as the general welfare of the Township of Washington would be served by having Ordinance No. 18-08 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. 18-10 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.

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.

Councilman Ullman questioned why are there two public defenders. Mrs.

Witkowski replied personal reasons. Councilman Ullman stated he would like to pull Resolution No. 18-253. Mayor Calamari stated he also had questions and did anticipate questions. He did reach out to Ms. Morrone, who could not attend the meeting due to a scheduling conflict, but did send the following statement to give further explanation of the resolution. Mr. Poller suggested voting on the other resolutions then discussing this resolution.

At this time all resolutions were voted on, with the exception of Resolution No. 18-253.

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

Resolution No. 18-254

Award of professional legal services contract to Raymond Wiss, Esq., of Will & Bouregy, P.C. as Labor Attorney

WHEREAS, the Township of Washington, Bergen County has the need for labor attorney services in connection with a collective bargaining agreement with the PBA, Local 206 which are to be rendered to the Township by Special Labor Counsel who is appointed by the Director of Law of the Township with the approval of the Mayor, and said position has been filled by the appointment of Raymond Wiss, Esq. of Will & Bouregy, P.C. in accordance with the terms of the Township's ordinances; and

WHEREAS, the contract for such services is not being awarded under what is termed the fair and open contract provisions as defined in N.J.S.A. 19:44A-20.5; and

WHEREAS, the professional legal services of Special Labor Counsel may be in excess of \$17,500; and

WHEREAS, Raymond Wiss, Esq. of Will & Bouregy, P.C. has submitted a proposal with respect to the rates for said services to be rendered to the Township for the year 2018 which is the anticipated term of this contract; and

WHEREAS, Raymond Wiss, Esq. of Will & Bouregy, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies it has not made any reportable contributions to a political or candidate committee in the Township of Washington in the previous one year, or made any contribution not in accordance with the terms of the applicable Township ordinance, and has agreed that the terms of appointment will prohibit Raymond Wiss, Esq. of Will & Bouregy, P.C. from making any reportable contributions during the term of the contract or making any contribution not in conformity with the terms of the applicable Township ordinance; and

WHEREAS, the availability of funds for such services shall be determined in the Township's annual budget;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey authorizes the Mayor to enter into a contract with Raymond Wiss, Esq. of Will & Bouregy, P.C. as described herein;

BE IT FURTHER RESOLVED that the position set forth herein was not filled through the "fair and open process" as defined under N.J.S.A. 19:44A-20.4 et seq. As such, it has been attested that Raymond Wiss, Esq. of Will & Bouregy, P.C., and any subsidiaries, assigns or principals controlling in excess of 10% of said company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the appointment that would, pursuant to P.L. 2004, c.19, affect the eligibility to perform under the

appointment, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Washington, County of Bergen, or make any contribution which is not in conformity with Township ordinance, when the contract is awarded, or to any candidate committee of any person servicing in an elective public office of said municipality when the contract is awarded;

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification be placed on file with this resolution, and that a notice of the award of said contract shall be published in accordance with law.

Resolution No. 18-255

Authorize application to the Complete Street Technical Grant Program

WHEREAS, a livable community seeks to provide a transportation network that meets the needs of all users including motor vehicle users (cars, buses and trucks), bicyclists, and pedestrians of all ages and abilities; and

WHEREAS, the Township of Washington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the purpose of the Complete Streets Technical Assistance Grant Program seeks to support municipal government efforts to implement complete streets;

THEREFORE, the Township of Washington Governing body of the Township of Washington has determined that Township of Washington should apply for the aforementioned program.

THEREFORE, BE IT RESOLVED, that Township of Washington Governing Body of the Township of Washington, State of New Jersey, authorizes the submission of the aforementioned application to the Complete Streets Technical Assistance Grant Program.

Resolution No. 18-256

Appointment of Temporary Public Defender, Peter Kim, Esq.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that it does hereby appoint Peter Kim, Esq. as Temporary Public Defender of the Township of Washington for a term commencing August 1, 2018 with an undetermined end time.

Resolution No. 18-257

Appointment of Temporary Public Defender, Mario Bai, Esq.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that it does hereby appoint Mario Bai, Esq. as Temporary Public Defender of the Township of Washington for a term commencing August 1, 2018 with an undetermined end time.

Discussion Resolution No. 18-253

Mayor Calamari stated Ms. Morrone's comment was as follows: The resolution for the six million is to roll over the Bond Anticipation Notes, very similar to last year's BAN rollover, Resolution No. 17-253, which passed without issue. The passing of this resolution is time sensitive and imperative to the Township's ability to make the upcoming BAN payment. Furthermore, delaying this process could result in a (bold) default in debt payment.

Councilman Ullman stated he appreciates the clarification, this BAN has been on the docket, this date has been here since the beginning of time. Last year, at this time we knew this was going to roll over, and last year at this time, we were forced to make a vote on the rollover, and our backs were against the wall with that same verbiage. Here we are, a year on, and we have the same situation. He doesn't know how the questions should go back to Ms. Morrone, and how we can get an answer. The timeline that was in the email stated that this meeting was preferred, but the 16th was a back-up. Mayor Calamari replied he is reading what Ms. Morrone sent to him, he cannot offer anymore or less than the CFO put in this comment. Administrator Groh stated she forwarded correspondence from Mr. Beinfield regarding that. Mayor Calamari stated what he plans on doing is keeping this correspondence in a file from Ms. Morrone and getting the new CFO to address it much quicker. Councilman Ullman stated he has questions not only on the BANS rollover, but he thinks it is a larger issue. He stated we have been feasting on an effective zero interest rate for quite some time, rolling over these BANS at a very nominal interest rate, and a decision will need to be made fairly soon to permanently bond these funds. The six million dollars does not include a fire house renovation, a DMF renovation, which are numbers that we do not know, it also does not include land acquisition on Pascack Road, if we want to go down that path, it does not include the ladder truck, engine truck or an estimated \$750,000 for the upgraded radios. He stated we have another three or four million dollars in debt that we are going to be taking on, and he feels it would help to understand what it will do to our debt service. He realizes the BANS can be rolled over and converted to long term debt, but he feels the discussion needs to take place. He stated it has been a question that has been asked, and it has been answered piecemeal over time, is what of these outstanding ordinances, that are funded but not used, is there any money left to squeeze out of these? Should they be rolled over or taking those monies out and retiring that debt? He did have a question about Ordinances 99-7 and 05-1, Purchase of Equipment, \$40,000 was the original issue, and it had a 5-year useful life. He stated we will be 19 years past, and it is still being funded, and he does not know whether that is the correct way to approach these things. He stated our bond counsel is very learned, but can these be funded forever, like a credit card statement, making the minimum payment. He stated we bought something for \$40,000, and twenty years later the Township is still paying for it, and he feels that is a question that the CFO, the Director, or Council collectively needs to come up with. He stated on the schedule that was provided 15-09 is resurrecting itself, the acquisition of new and additional vehicles, bonding \$74,000, pulling something that was approved 3 years ago, and using it. He feels there should be some transparency of where that came from, what it was originally intended for, what we are using it for now, understanding that we will be using vehicles, there is some level of consistency or applicable use, same use. He stated it was approved for vehicles, but was it approved for the vehicles we are funding now. Removal of the UST, that is back from 98-10, to 98-15, bonding another \$12,000. He asked why is that being done, these are some of the questions he has, along with additional questions. Council President DeSena stated he echoes Councilman Ullman's sentiments exactly. He stated some of these BANS make no sense, there is one he saw for \$8,900. He stated if we cannot pay that off, get rid of it, it is a disservice to our residents. Having this presented to us as an emergency is unacceptable, this information could have been disseminated a month ago. Councilman Cascio asked if we have a two-week lead time. Council President DeSena replied a two-week lead time is needed, and Ms. Morrone will have to figure out how to get it. He stated he doesn't feel anyone up here tonight is comfortable passing this ordinance. Councilman Ullman stated the Debt Authorize, for 18-06, the 1.237 million, that should tie back to our capital budget. He stated there are quite a few improvements, and he believes Ms. Groh mentioned when they are Entered into the ledger there is a sub-ledger or a project for each of the projects. Administrator Groh replied yes. Councilman Ullman stated when you look at this, and you see various improvements, it gets difficult to synthesize what is being done, in terms of what is the underlying

purpose of these at that time. Council President DeSena stated with all the monies sitting in these reserves, we should be able to pay these off and not have to go for a BANS if these reserves were found and figured out a way to use them. Ordinance 99-12, the current amount is \$19,000, paying down \$3,000, still have an aggregate of \$12,455, monies should be found to pay those down, as well as others from the 80's. Council President DeSena stated we could get rid of half of these notes, and not have to re-bond. Councilman Cascio asked can they be re-bonded, and pay them off as soon as we find assets. Council President DeSena stated we will have to pay the fees to go out for BANS and he feels that is a disservice to our citizens, by paying the Bond Counsel, since there are monies in other places, pay them off and get rid of them. He stated we have been asking for this since January. Councilman Ullman stated it is going to have to happen, he stated one of the only ways we will get an answer is not voting on. He feels if we vote on, and vote to roll it and move it forward, it will get lost in the shuffle, and next week, next meeting, we will not have the answers. He stated it will not be answered until the question is asked next year. Council President DeSena asked if we use the reserve funds, does the six-million become five-and-a-half million or five-million-two-hundred-fifty-thousand, that is a question we have been asking. Councilman Bruno stated this is a question that he has been asking since 2014, 2015, 2016, 2017 and 2018, and to him to get this on the weekend, he was out of town, it is laughable, and to read an email from a CFO, that says what she says is an embarrassment to the Council and to the Township, it is not acceptable. He stated you can pick anyone of these, 07-04, Improvement of Storm Water Drainage, isn't that the one where we had the receivable where we had to write off, yes, it is a piece of it. He stated we have been asking since January, and he has been asking since last year, and we have not gotten one schedule, and it is on every Agenda, what are we doing, what is the plan, what is the strategy, what is the long-term debt schedule, as we sit here, we get no answers, and then we get this. He stated quite honestly, if we default, we default at this point. He stated here we are with six-million-dollars that we are supposed to act on, we still don't know about the unfunded amounts that are sitting out there, that we took some monies from, there are reserves all over the balance sheets, which he has asked for an analysis of, and received nothing. He stated here we are again, at the last hour, approving six-million-dollars, this is not acceptable. He stated as a CFO, in his position, he would be out the door. Councilman Cascio stated he does not want the Township to default on anything, throwing the credit rating out the window. He does not like the pushback to the corner, but if we have another meeting, we can still do it and get some answers, and have a reasonable explanation, he would rather put it off week, but he does not want to default on that type of term. Councilman Bruno stated we have not gotten an answer in six months, how we will get an answer in six days. Councilman Cascio stated he does not know, but he does not want the Township of Washington to go into default, it does not help the rating at all. He stated we have asked for it numerous times, we do have monies on the balance sheet, we can pay this down. He does not like paying for something we had 20 years ago, that we paid off time and time again, but it seems like we keep pushing it off. Councilman Bruno asked if some of this can be cancelled. Council President DeSena stated that is what he asked, do we cancel it and it becomes five-and-a-half million. Councilman Bruno stated that is sitting somewhere else on the balance sheet, he does not know what this is. He knows a receivable was written off for the storm-water drainage, and here it is showing up again. Councilman Cascio stated we talk about these things in general terms, and we don't know exactly has that project been completed, or is it just a sub-category, using that for other like projects. Council President DeSena stated we should not be using a project from 1999. Councilman Bruno stated 13-12, Improvement of Municipal Complex Site, \$80,000, meanwhile we are sitting with \$250,000 in the Republic Fund, why was this even banned, when there is \$250,000 in a reserve. Fencing at Memorial Field, Improvement to Memorial Field, \$142,000, Councilman Cumming is trying to get \$40,000 to put sod, we have monies, and we don't know why it exists. A conversation followed on holding off for two weeks,

and getting a detailed explanation within the next week. Administrator Groh stated she is aware that you can issue BANS for less than one year. Her understanding of the required paydowns, is within the 5th year or shorter, after a BAN, there are mandatory paydowns. She stated it looks like some of the older ones, from 1999 were not issued until 2013, for whatever reason. She stated if the Council wants to give direction, the Mayor and/or herself can pass it on the Ms. Morrone. Council President DeSena stated he believes the direction is to take as much funding that is in our assets currently, and figure out how to wipe as much of that BAN down. He stated we have been asking for this since January, and it is now July 2nd, and it is being asked again. He does not want to be here in two weeks getting this the Saturday before the meeting. Councilman Ullman stated there is information that Council needs in totality to make an informed decision on how to push this forward. There are certain reserves, clearly some of them are valid reserves, that have a valid reason to be maintained on the balance sheet, but the question is which ones don't, why were they initially set up and can we use them, and if we can, is the best thing to pay down these BANS, or is there a one-time project that will not cause a ripple through our debt servicing, meaning it is used once. Council President DeSena stated if the money is in reserve he would like to see it pay down the BANS, get rid of this debt, and if we need to go out for new projects, we should bond them properly. He stated if we are going out for something for 20 years, it should have a useful life of over 20 years. He doesn't see how someone bonded something for \$28,000 and putting it off 17 years, and then putting it on the list, the town has money in reserves, that it could have been for, and never have gone out for a BAN. Councilman Bruno asked if a Financial Review was done with Mr. Mai, the auditor, in terms of what we have, reserves, funded, unfunded, etc., exit review. Mayor Calamari replied so far, we met with him on the comments. Councilman Bruno stated he outlined everything in detail, page by page, from prior years financial statements, stating on this page, here is the amount, what is the answer. He stated it was a very detailed report, he went by number and page, and did anyone aske Mr. Mai. Councilman Ullman stated we do have Lerch on a retainer, have them do it, they have looked at these books for 30 years, they should know where the monies are, and understand why it was put there. He stated either Mr. Mai or Lerch should be able to answer those questions. Mayor Calamari stated he is not disagreeing with anything that has been said. He asked should we see if the CFO and the auditor are available for a Special Meeting a week from today with this being the only topic. He stated based on all of these questions, this topic could go an hour and a half. He would instruct them both to watch this portion of the meeting, so they know what the questions are, and if anyone has any additional questions, that can be done. A conversation followed on the availability for Special Meeting on Monday, July 9th. Council agreed to the date. Mayor Calamari stated he will reach out to both the CFO and auditor to see if they are available, advise the Clerk to advertise and also let Council know. Council President DeSena stated WCTV is available for next Monday. Council requested that Mr. Mai, Lerch Vinci and the CFO attend the Monday, July 9th Special Meeting.

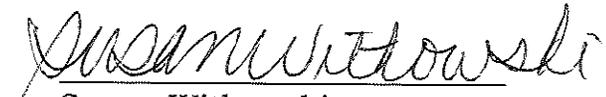
Resolution No. 18-253 has been tabled.

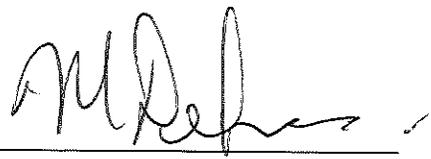
A motion was made by Councilman Cascio, seconded by Councilman Cumming to adjourn to Conference Agenda.

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

Nays: None.

Time Noted: 9:21 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: September 17, 2018



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

July 2, 2018

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

Administration

Project Tracker

Painting – Purchase Order has been done for the painting of Town Hall. The Republic Trust Account has approximately \$40,000, and is being drawn down. In 2016 Council approved \$105,000 for Town Hall Improvements, instead of tapping that, the Republic Trust Account is being used.

Road Program – The bid was advertised, and will be opened on July 12th. At this time 10 companies have picked up the packet.

Solar Powered Signs – Quotes have not yet been submitted to the Purchasing Department.

Senior Van – The Green Team is looking into an electric van. A conversation followed on the downfalls of an electric van and Oradell purchasing a van, non-electric.

Jay Cue- This vendor has done various projects in the Township such as the siding outside, tax window, some work at Clark Field in the Field House, and fixed the leak.

Clark Field Playground Mulch – Will follow-up with Mr. Lawlor.

Sherry Field – The town mower broke, and parts were needed. Let it Grow was contracted by baseball to cut the grass at Clark Field. Mr. Scudieri and Mr. Lawlor both were made aware of the illegal dumping activity that is going on at Clark Field.

Grant Writers – Two proposals have been received, they are being evaluated. One of the companies we had hopes to hear from, did not submit, after inquiring the principal had a heart attack.

Air Conditioner Condensers – A few years ago maintenance contracts were obtained for these units. The third-floor unit was having issues, quotes were received for repair. As part of the energy audit, all units are being evaluated. As a result of the audit, 8 high efficiency compressors will be given for free. At this time maybe, patching can be done. Bill Lawlor has been asked for an inventory of all the compressors around the building, along with the serial numbers, to see the age of the unit. Council President DeSena requested the Preventative Maintenance manuals/documents of all of the vehicles, and he also asked for logs of resident's call/complaints be included in the project tracker.

Zoning Board Recording Secretary – A meeting will be set with Mr. Goetz.

Code Enforcement Officer – Joe Setticasa – Councilman Cumming will set up a meeting with him this week, and his email has already been set up. The outgoing Code Official did come in and sit with Mr. Setticasa, exchanged paperwork and pointed out some historically problematic properties. Mr. Setticasa was given a map of the Township, and perform periodic checks on various zones in the Township.

Fitzpatrick/Mountain Avenue – Mr. Statile has been contacted, but has not gotten back to us. Mr. Poller was asked to write a letter.

Fire house progress report – Expected later this week, electronic copies were requested.

CFO – Three candidates were interviewed last week. They will be narrowed down and second interviews can be conducted. Councilman Bruno requested Mr. Mai have a conversation with them as well.

Infrastructure Study/DMF Study – Last year's quote will be updated, and be provided this week.

Summer Concert Presentation – Completed by Mr. Neary.

Ordinances and Legislation

Codification Project – The draft copy of the codification was delivered in June, a few items need to be addressed, and hopefully will be completed by the end of August. Mr. Poller's report is due to them by the end of July. The electronic version will be forwarded to Council.

Police Traffic Study – A traffic study was received from former Captain Hackbarth, before he retired, to lower the speed limit on East Glen from 35mph to 25mph. A request was made to have Officer Glock, the new traffic officer, to look at the study to see if he agrees with Captain Hackbarth.

Audit Remarks – Completed.

Long Term Remarks – Completed.

Interest income on idle cash – Mayor Calamari will follow up.

Open Purchase Orders – One can be generated, the audit comment which related to open purchase orders was deleted. There are some purchase orders with the Trust Department, that the new CFO can look into, which does not impact the Township's budget and cash, because those monies would go back to the towns people, not the town.

Year to date spent/not spent – Page 3, Computer Software the \$12,000 is for Edmunds, Page 5, \$6,000 for chairs, which will be looked into by the Clerk, Page 6, Assistant to Clerk overtime, more was spent than thought, which was before the hours were increased. A conversation followed on the Temporary Budget, \$2,300 has been reclassified, a new line has been created for Mr. Wiss, the amount being \$11,665.40. A conversation followed on having each department complete a mid-year assessment on budget expenses within their department. An email blast will be forwarded to residents regarding the number to PSE&G to report a street light that is out. Residents can also call the DMF, who will in turn contact PSE&G. Administrator Groh stated in her last purchasing class, she received a handout entitled "Debt Rating" which she found very useful, and will forward to Council.

Miscellaneous

PBA – Mr. Poller stated he reached out to Mr. Wiss about the process, and going forward with the PBA. He stated the first thing he told him was this is very unusual situation, because normally the Mayor is in charge of the negotiating, and there is a conflict, since his brother is on the force, and we also have a Councilman who has also someone on the force. He did tell Mr. Wiss that views from him are needed on who can do what, and so on. He did give him all the information, the State Ethics Law, the Township Ethics, the Anti-Nepotism Ordinance. Mr. Wiss did come with five questions, which he believes answers all of what is trying to be accomplished here.

1. Can the Mayor, whose brother is Lieutenant of the Police Department, or Councilman, whose daughter is a patrolperson of the Township Police Department properly participate in either negotiation of/or vote upon contract with the Township Police? Answer to that is no.
2. Can the Mayor appoint a negotiating committee for the Township if he cannot otherwise participate in the negotiation process? Mr. Wiss did go through an analysis and he stated the Mayor is the one who still appoints the committee, although he cannot participate in what that Committee does and the offers, items of those in nature.
3. Can the Mayor be informed of the ongoing negotiations of the Township Police Contract? The answer is yes. The Mayor is entitled to be informed.
4. Can the Mayor properly be involved of the process or vote concerning the promotion of the Mayor's brother, who is currently Lieutenant? The answer is no.
5. Can a Councilman be involved of the process or vote concerning the promotion of his daughter, who is presently a patrolperson in the Township Police Department? The answer is no.

Mr. Poller stated basically how Mr. Wiss is viewing this is the Mayor appoints the Committee, once the Committee is appointed, they do the negotiations. He stated historically the Committee would consist of the Mayor, Administrator, himself, and a Council representative. It is still the Mayor that does the appointment, the Council ultimately has to approve any contract, the ultimate approval, authority and the process has always been kind of a sharing of ideas because there is no sense in offering something if the Council is not of the mind to do something along those lines. He did speak with Mr. Wiss, he stated he is ready to start this process, once the Mayor appoints his Committee. Councilman Bruno stated when you read the Faulkner Government, which we all talk about, it specifically states that the Council has the right and can form a Committee for anything they feel they need to form a Committee. He stated he is a bit confused, all these questions to Mr. Wiss, he thought Council was going to go right after the contract. He thinks Council understood that they could not vote, that the Mayor and Councilman Cumming were out of the picture, but he was more concerned to start contract work. In the Faulkner Government it also states the Council can form any Committee they want, he is confused why the Mayor all of a sudden forms the Committee for this. Mr. Poller stated it is not all of a sudden. Councilman Bruno stated he believes it is, if you read the Faulkner Act. Mr. Poller replied there is a specific provision that he (the Mayor) negotiates the contracts, there is a case law. Councilman Bruno replied but he can't. Mr. Poller in terms of forming a Committee, you can form Committees on anything that is within Council's purview, but the Committee itself is not within Council's purview. Council President DeSena asked, this Committee? Mr. Poller replied this Committee, this particular one, he (the Mayor) forms the Committee, Council is involved in it because they approve any contract. Council President DeSena stated he would respectfully ask the Mayor to make sure he includes one of the Council members on the Committee. Mayor Calamari replied that is a no brainer, he is hearing this for the first time tonight. Councilman Bruno asked why wouldn't the remaining Council members be the Committee. Councilman Cascio stated that cannot be done because that would be a quorum, it is breaking the Sunshine Law, at best there can be two, that is up to the Mayor. Traditionally it has been four people. A conversation followed if two attorneys are needed on the Committee. Mr. Poller stated he would suggest that now Mr. Wiss is on Board that he reply to the PBA and tell them that a Committee will be formed.

Resolution No. 18-258

Closed Session, July 2, 2018 – Personnel/Litigation

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. **LITIGATION**

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**

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.

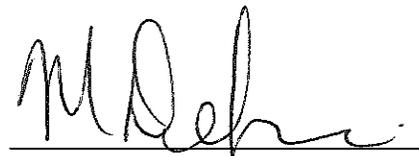
_____The Township Council anticipates that an open session will be necessary.

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

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: 10:06 p.m.


 Susan Witkowski
 Township Clerk


 Michael DeSena
 Council President

Approved: September 17, 2018

