

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES

June 18, 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 7:32 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of June 18, 2018 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in January and this notice has been posted on the Township Bulletin Board and on the Township website.

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

SALUTE TO THE FLAG

ROLL CALL

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

Mayor Calamari – Mayor Calamari stated for those who may not have heard, the Township’s former Mayor, John Stapleton, passed away, he was a 3 term Mayor, from 1970 to 1981, we wish his family our best.

He is pleased to report that our “Green Team” through New Jersey Clean Communities received a grant of almost \$18,000.

APPROVAL OF MINUTES

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

February 20, 2018	Regular Meeting Minutes
February 20, 2018	Conference portion Meeting Minutes
March 5, 2018	Regular Meeting Minutes
March 5, 2018	Conference portion Meeting Minutes

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

Nays: None.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Katrina Cassidy, 35 Eugene Court – Ms. Cassidy spoke of the ordinance being specific to targeting retailers who concentrate exclusively on marijuana, tobacco and nicotine related products. She spoke of the location, the retailer being too close to the youth population, and the current retailers that have a smaller product offering as part of their overall product offering. She stated there is a lack of regulation, since this is a new product, and there are no tools to manage this properly. She stated support has been demonstrated in adding prohibitions to the current ordinance, through large turnouts at Planning and Zoning Board meetings, speakers, letters, newspaper articles and signed petitions, but there has been no support represented for these types of stores. The Council has heard from professionals in the health care industry, law enforcement, educational fields, children, mothers, fathers, grandparents, residents without children, and various professional members of this community, who have all spoken out against this vape/smoke shop, as well as the Health Officer, of Northwest Regional Health Commission who spoke out against the vape shop application in her official capacity and support from her Board. She stated this is a call to action, and the Township Council has acted by writing and passing the ordinance, there has been no valid argument for this, other than vague references to a slippery slope, big brother and infringement of free market operations. The role as elected officials to this Township Council is to act on behalf of the residents of this community, as residents and investors in this town, and Council is obligated to hear the will of the majority and to respond with the appropriate action and in a timely manner. The community wants this ordinance passed, and if there is future tweaking that needs to be done, that can be done, but a baseline is needed to protect resident's investment in this community.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment thanked Council President DeSena for the adding to the ordinance, but she feels this should have been done in January when the Council spoke of marijuana shops. She stated Mr. Poller, the attorney, wrote both the prohibited use ordinance, and the tree ordinance, and should have advised Council on how to change/add things. She spoke of the May 15th meeting of the Zoning Board, and a resolution which was presented for a secretary, without any information given to the Board. She stated Diane Grimaldi did ask Administrator Groh, who did mention that this individual would be paid \$200 per meeting, to attend the meeting and do minutes, and that Bernadette would be working from 8:30 am – 12:30 pm in the Planning/Zoning Board Office. Mrs. Ozment stated this employee (Bernadette) has been working for this town for over 18 years as a full-time employee, and now she is a part-time employee. She spoke at length of the responsibilities of the Planning/Zoning Board Secretary, and a meeting being scheduled for tomorrow night, and the Board has yet to receive an Agenda. She stated there are two retail Business C Districts, one at the shopping Center, and two stores, the florist and deli. She stated the more restrictive the ordinance the better for the Township, and changes can be made to the ordinance.

Council President DeSena stated Ordinance No. 18-10 is an ordinance amending Chapter 245 Zoning of the Code of the Township of Washington, adding prohibited uses to Section 245-57. He stated hopefully tonight there will be an introduction and adding the following four items, the retail/wholesale sale of marijuana, marijuana related products or paraphernalia, irrespective of whether or not such sale is for medical orientated purposes, inclusive head shops, the retail or wholesale sale of vaping products or paraphernalia or the use thereof on said premises, hatchet throwing, and sex or adult entertainment shops. Those four prohibitions will be added to the Township Ordinance on 1st reading tonight, copies are on the dais. The marijuana prohibition Ordinance will be introduced as a separate ordinance, but for now these four items will be prohibited to get in the works, until the marijuana ordinance is finalized, more language will be added to that. Public Hearing of the ordinance, if passed, will be at the July 2, 2018 meeting.

Elizabeth Ritter, 699 Jacquelyn Road – Ms. Ritter stated public service, mayor and council people is a job with numerous hours, tireless events and lots of complaints, as is the job of a parent. Council and the Mayor are elected by the people to try to the best of their ability to make good choices on behalf of those they serve, so is the job of a parent, that is making the decision or your children when they are too young or inexperienced to do so on their own. She spoke of the May 30th meeting where the Township of Washington Planning Board unanimously voted against the Cedar Smoke Shop application, and the speakers at the meeting, who joined forces with the community to ensure the health and public safety of the Township. She spoke of her concern of some of the dialogue of the June 6th Council Meeting, and stated there is an enormous difference between the sale of alcohol/tobacco, which is regulated by 300 pages of regulation, followed by a 200-page addendum, and vaping, which is roughly 15 pages. She spoke of various locations that do sell vaping pods/accessories, which accounts for roughly less than 5% of their actual business, but the Cedar Smoke Shop would only sell products that would cause serious harm to our children and community. She stated she is not trying to prohibit democracy and commerce, she is in favor of filling the center with businesses that would enhance our beloved community, not cause harm to the health and well being of our families, and have them in jeopardy. She stated parents continually tell their children to be leaders, and she asks that Council do the same.

Janet Sobkowicz, 849 Robinwood Road – Ms. Sobkowicz stated she did attend the Planning Board meeting where the smoke shop was denied unanimously by the Board members and Mayor. She stated a resolution was not passed at the meeting, and she would like to know when that is going to occur. She stated when a project/store is denied, the reasons are listed on a resolution memorializing the denial, which makes the decision stronger if the decision is appealed. She suggested the board look at The Township Code for Land Use Blue book, Page 24537. Mayor Calamari stated he will make sure that occurs at the next Planning Board meeting. A conversation followed on the timeline of the application, which was not received in full until March/April.

Judith Beckmeyer, 10 Parkway Court – Mrs. Beckmeyer stated she feels as a drug/alcohol professional, it is very important that the ordinance for dispensaries is separate from the ordinance for medical marijuana. She stated the Board of Health, in addition to those listed, would like piercing, tattoo parlors added. Council President DeSena replied it is not part of the ordinance at this time.

Jim Hanson, 11 Lindenwood Court – Mr. Hanson thanked the Council for the ordinance regarding the vape shop. He stated the field has not been discussed for a while, and last time he looked it was in really rough condition again. Councilman Cumming replied he walked the field yesterday, and would not typify it to be in really rough condition. He stated there are a few bare patches through the injudicious non-movement of lacrosse goals, that worn a bit of a bare spot in the center of the field. He stated the sprinkler system is working, there is a good chemical program in place and the grass is lush and green in areas. He walked an 8 circle around the field, there is no preponderance of weeds, seedling was ordered immediately and the seed was allowed to germinate, but he has no control over the usage. A conversation followed on the current bare spots, field use and allowing the grass seed to germinate. Councilman Cumming stated he was asked to add his experience and grow grass, since he does have an AAS degree in horticulture, and he is doing the best he can with very little cooperation from those who practice on the field. Currently, there is no plan to sod. Twenty-four samples of soil were taken from four fields, tests have been done to see what is needed, and the results of those tests were forwarded to the contractor, some areas did need some additional nutrition. A conversation followed on getting some cooperation with moving the lacrosse goals.

David Snyder, 91 Windsor Circle – Mr. Snyder stated he would like to read this into the record:

“There is a precedent in the existing Township of Washington Land Use Ordinances that the town reserves the right to limit exclusive use businesses that would create an unnecessary and non-valuable concentration of retailers on the community, fast food restaurants, drive-in restaurants, and snack bars are exclusively listed, because according to the ordinance the business “have a deleterious effect on the health and safety of the community and in general are not needed to serve the public, which is already served by an adequate number of food services in our community. As we brought to the attention of the Planning Board and Township Council, we have six retailers, are within a 2.9 square mile radius in the Township, who sell tobacco and tobacco related products. Just like the fast food concentration example, we believe the public is adequately served by the existing tobacco retailers. In fact, based on the studies and experts in the field we are confident if these prohibitions are not passed, these businesses will have a negative impact on the public health of the Township. We are asking that the ordinances be passed to prohibit smoke, vape and head shop retailers from operating in the Township as the community is served through the existing non-dedicated retailers and further saturation is not warranted or needed.”

Mr. Snyder stated he says this on behalf of all parents, and hopes that the ordinance is going to cover what was discussed at the Planning Board and Council meetings.

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

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

Nays: None.

Introduction 1st Reading
Ordinance No. 18-09

AN ORDINANCE AUTHORIZING THE TOWNSHIP 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 Bruno, seconded by Councilman Ullman, to introduce and pass Ordinance No. 18-09 at first reading by title.

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

Nays: None.

The following resolution, Resolution No. 18-236 was presented and adopted on a motion by Councilman Bruno, seconded by Councilman Ullman.

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

Nays: None.

Resolution No. 18-236

WHEREAS, Ordinance No. 18-09 entitled: AN ORDINANCE AUTHORIZING THE TOWNSHIP TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 18th day of June, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 2nd day of July, 2018, at 7:30pm, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 18-09

AN ORDINANCE AUTHORIZING THE TOWNSHIP 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)].

A motion was made by Councilman Casio, seconded by Councilman Ullman, to suspend the rules at this time.

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

Nays: None.

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 Bruno, to introduce and pass Ordinance No. 18-10 at first reading by title.

A conversation followed on adding tattoo and piercings, and distinguishing between medical and recreational marijuana. Mr. Poller explained that the ordinance can always be refined, such as making it a broader non-conforming use. Mayor Calamari spoke of his concern regarding ear piercing/jewelry store. Councilman Ullman suggested Council may want to discuss legalized gambling, try and get in front of that subject. It was agreed to leave Ordinance No. 18-10 as introduced, pending further conversation with Lieutenant Calamari and Mrs. Beckmeyer. Councilman Cascio spoke of the Advisory Board of Health, who meets once a month, who he feels should be advising Council on health issues in the Township, he feels there is no communication. Mrs. Witkowski, the Township Clerk, advised Councilman Cascio that the Board of Health meets five times a year. Councilman Bruno spoke of his concerns of there not being a complete thought process regarding the Ordinance, and the five months it took to come up with four lines, when this was discussed in January. He also spoke of his concern with the Planning Board getting the resolution done. Mayor Calamari replied the Planning Board has not had a meeting since, and it will be done at the next meeting.

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

The following resolution, Resolution No. 18-247 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Ullman.

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

Resolution No. 18-247

WHEREAS, 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 was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 18th day of June, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 2nd day of July, 2018, at 7:30pm, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED, that the office of the Township Clerk is authorized to advertise in The Bergen Record a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ordinance No. 18-10

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

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Article VIII "Class C District" of Chapter 245 "Zoning" of the Code of the Township of Washington be and is hereby amended by adding the following prohibited uses to Section 245-57 thereof:

1. " "

(p) the retail or wholesale sale of marijuana, marijuana-related products or paraphernalia, irrespective of whether or not such sale is for medical oriented purposes, inclusive of "head shops";

(q) the retail or wholesale sale of vaping products or paraphernalia, or the use thereof on said premises;

(r) Hatchet throwing business;

(s) Sex or adult entertainment shops."

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)].

CONSENT AGENDA

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

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

A conversation followed on Resolution No. 18-241, which incorporates the late closings (Thanksgiving and New Year's Eve) for the Dog House Saloon, which has been requested in the past via a separate resolution. A conversation also followed on the liquor license renewals, the Township being the local issuing authority, and the authority of the ABC.

As per Councilman's Cascio request, Resolution No. 18-237 will be voted on separately.

Note: The following vote is for all Resolutions, with the exception of Resolution No. 18-237, which will be voted on separately.

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

Resolution No. 18-238

Authorize refund of escrow fees B3402/L1, 273 Pascack Road

WHEREAS, Balloons by Raquel, LLC posted engineering escrow monies for site plan work on premises known as Block 3402 Lot 1, 273 Pascack Road in the Washington Town Center; and

WHEREAS, this project is not subject to a C.O. or a C.A.; and

WHEREAS, outstanding invoices due the Township Engineer as per his correspondence dated June 5, 2018 have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money to the above in the amount of \$54.03

Resolution No. 18-239

Authorize refund of escrow fees, Wing Lee Kitchen, LLC

WHEREAS, Wing Lee Kitchen LLC, located in the Washington Town Center, posted engineering escrow monies for new signage; and

WHEREAS, the Construction Code Official has issued approval dated 6/7/2018, C.A. #18-192; and

WHEREAS, outstanding invoices due the Township Engineer as per his correspondence dated 6/12/2018 have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money in the amount of \$477.85 to the above.

Resolution No. 18-240

Authorize renewal of Plenary Retail Consumption License for Island Way, t/a Bacari Grill, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-33-004-010 Island Way Inc, t/a Bacari Grill
800 Ridgewood Avenue

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-241

Authorize renewal of Plenary Retail Consumption License for Amy LLC t/a Dog House Saloon & Grill, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-33-003-008 Amy LLC t/a Dog House Saloon & Grill
270 Pascack Road

WHEREAS, the Township Council of the Township of Washington received a letter from, The Dog House Saloon & Grill, requesting permission to extend the closing hours to 3:00 a.m. on November 21-22, 2018 (Thanksgiving Eve-Thanksgiving Morning), and Monday, December 31, 2018-Tuesday, January 1, 2019 (New Year's Eve, Monday-Tuesday morning); and

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license; and

WHEREAS, the Township Council hereby affirms its permission for the Dog House Saloon and Grill to have extended hours to 3:00 a.m. on November 21-22, 2018 (Thanksgiving Eve-Thanksgiving Morning), and Monday, December 31, 2018-Tuesday, January 1, 2019 (New Year's Eve, Monday-Tuesday morning).

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-242

Authorize renewal of Plenary Retail Consumption License for TJG, Inc., t/a Season's Catering, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-33-005-004 TJG Inc. t/a Season's Catering
644 Pascack Road

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-243

Authorize renewal of Plenary Retail Distribution License for Township Liquors, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Plenary Retail Distribution License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-44-006-008 Township Liquors Inc.
309 Pascack Road

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-244

Authorize renewal of Club License for Washington Township Columbian Club, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Club License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-31-008-001 Washington Township Columbian Club Inc.
79 Pascack Road

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-245

Authorize renewal of Club License for Washington Township Recreation Club, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Club License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-31-009-001 Washington Township Recreation Club
P.O. Box 1035

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

Resolution No. 18-246

Authorize renewal of Plenary Retail Consumption License for CB Restaurants, t/a Charlie Brown's, Year 2018-2019

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2018-2019;

Lic# 0266-33-001-006 CB Washington Twsp LLC t/a Charlie Brown's
95 Linwood Avenue

WHEREAS, the Township Council of the Township of Washington, has no objection to the renewal of this license and is not aware of any circumstances that would prohibit the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED, that the Township Clerk is hereby authorized to sign and deliver said license on behalf of the Township of Washington.

A motion was made by Councilman Ullman, seconded by Councilman Bruno, to approve Resolution No. 18-237.

Ayes: Councilmen Bruno, Ullman, Council President DeSena.

Nays: None.

Abstain: Councilmen Cascio, Cumming.

Resolution No. 18-237

Three Year Cooperative Agreement, representatives

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

WHEREAS, said Agreement requires that the Governing Body appoint a representative and alternate and that the Chief Executive Officer name a representative and alternate for the term starting July 1, 2018 through the end of fiscal year June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Steven Cascio as its representative and Arthur Cumming as its alternate to participate on the Community Development Committee; and

BE IT FURTHER RESOLVED, that Mary Anne Groh is hereby appointed as the representative from the Chief Executive Officer and (not applicable) as the alternate with the consent of the Governing Body.

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

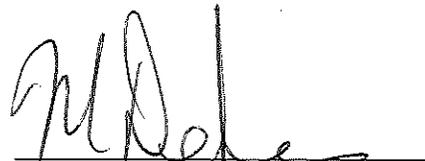
Ayes: Councilmen Bruno, Cascio, Cumming, Ullman,
Council President DeSena.

Nays: None.

Time Noted: 8:16 p.m.



Susan Witkowski
Township Clerk



Michael DeSena
Council President

Approved: October 1, 2018

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

June 18, 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

Flooring – The floors were installed on the 3rd floor, 2nd floor and Violations Clerk Office. The molding has not been done due to painting that needs to be done, quotes are being solicited at this time. Swatches have been provided for the stairs, and a purchase order has been generated. Humidity testing will be done at two basement locations, one in Town Hall and one in the Police Department to make sure the tile and adhesive that was selected would adhere properly. A conversation followed on page 1, ADA curb cuts, along Washington Avenue and Ridgewood Road, which must be ADA compliant, even if they were installed years ago. The County changed their mind with regard to the scope, and the contract which followed was over \$100,000, and demands a performance bond, but is 100% reimbursable by the County. A conversation followed on the replacement of mulch in the playgrounds, which was replaced 2 years ago, and needs to be done every other year, and was not factored into the budget. The mulch is a certified playground mulch, and it is at a cost of \$11,625, done through a Co-op. Clark Field at 200 cubic yards, Gardner Field at 60 cubic yards and Memorial Field at 50 cubic yards. The monies cannot be charged to another line item, after November 1st there will be a transfer resolution. A few different options have been looked at for the basketball court surface. Councilman Cascio stated he would like to work with Mr. Azzolina on that project. A lengthy conversation followed on the Road Program, specifically the specs, which have not been provided by Mr. Azzolina. Mr. Azzolina has recommended we not be included in the Co-op. Authorizing the advertising of bids cannot be done until the specs are completed. Councilman Bruno spoke of his frustration with the delay. The County Roads do require the ADA curb cuts be done first before paving is done. Solar powered pedestrian signs were discussed, as well the DMF dump truck. Sergeant Glock is now the Township's Traffic Officer.

Fire House Progress Report – The Ambulance Corps is requesting a meeting with the Mayor to discuss whether they would like to join forces on the same property as the fire house. The architect has completed two designs, one with and one without the Ambulance Corps, cost will not be completed until a decision is made. Councilman Ullman requested both costs, with or without the Ambulance Corps at the fire house. Mayor Calamari replied he will ask for both.

Intersection Progress Report – It is in the hands of Ms. Dargis and her team down at the County. The Township may have a draft before the Summer ends or early September. A conversation followed on funding.

CFO – Applications are coming in, the ad expires June 21st. Once the field is narrowed down, resumes will be provided to Council.

Infrastructure Study – A new study will be done for all available Township properties as well as existing buildings using the same architect. Mayor Calamari stated he would like Council's input on this.

Sponsor Popcorn for Movie Night – Public Affairs is having a Movie Night and asked if the Mayor and Council would like to sponsor the popcorn for the evening, at a cost of \$250. Council agrees. A conversation followed on the \$85,000 that is in a fund entitled “Public Affairs/Relations” and using those funds to provide the popcorn and agrees to use funds already allocated for Public Affairs.

Council

Ordinances and Legislation

Social Media – A conversation followed on a judge’s determination regarding the Glen Rock case, that a Council person’s personal Facebook page is OPRA’ble, due to the fact he was blocking people and infringing on their rights. Council President DeSena stated he would like some guidance for this Council. Mrs. Witkowski, the Clerk did provide some examples. Mr. Poller stated he will take a look at the ruling in Glen Rock.

Zoning – Prohibited Uses – Already covered.

MEL Legal Bulletin – Mr. Poller will review this and compare it with the Township’s current no-knock ordinance, and will reach out to the MEL attorney to gather input, and get a prototype, or an approved ordinance.

Tree Ordinance – Councilman Ullman stated Mr. Azzolina did reach out to him, and they will be meeting to discuss his concern of Jackson Avenue, and potential changes to the tree ordinance. Council President DeSena spoke at length of his frustration with trees sitting on Township property that have not been removed, and have been sitting in the same location for seven weeks, the fence on Woodfield Avenue that is leaning in, a “No Parking” sign on Beech Street that is leaning over at a 45-degree angle and also the condition of Times Square with caution tape, the branches being 12 inches in diameter. He stated these are emergency situations and dangerous conditions that cannot wait. He stated Mr. Lawlor should be noting this type of stuff, and other things that are going on in the Township, not residents. A conversation followed on the difficulty the administration is having on getting contractors. Councilman Bruno spoke at length of asking for open purchase orders, as well as seeing a list of checks that are going to be cut, that has not been done. A conversation followed on getting a chipper, and reaching out to surrounding towns.

Request for refund fees – Escrow was posted for a hair cutting business to open up at the old florist location, but the business owner pulled the application. A request is being made for the refund of the \$250 Township fee, which is non-refundable. The Planning Board never heard the application. Councilman Cumming stated as he recalls, the business owner was told by Mr. Azzolina there was not sufficient parking for the business occupancy.

Council President DeSena read the following Public Service Announcement regarding “Fox” issued by TYCO (Animal Control Officer) into the record:

“As humans expand their living areas and Fox expand their range, contact between the two is inevitable. Most of the time, fox go out of their way to avoid humans. In urban areas the fox are changing their behavior because of human behavior.

The most serious problem is that the animal has become every used to people because they find food left on our properties. As they lose their fear of people they will approach people looking for more food, and may put themselves in hazardous situations that they would normally avoid.

Fox are not like a dog, it is unwise to approach or corner these animals. They are smart and they learn quickly. It can be dangerous to feed wildlife, and steps should be taken to avoid encouraging them to visit your neighborhood. That means close garbage cans lids tightly, do not leave any food outside.

Fox prey mostly on rodents and roadkill. If you notice fox in our neighborhood you probably have also noticed a reduction in rats, chipmunks and squirrels. Fox are beneficial as a form of rodent control. This is just nature achieving a balanced environment. For many years we have received complaints about vermin, those complaints have decreased greatly.

Most towns in Bergen and Passaic Counties have a thriving population of fox. People should always be cautious when dealing with all wildlife, no matter how cute an animal is, you should not attempt to catch or touch them. This is very important if the animal is injured or sick. If you find an injured or sick animal always call your police and let them dispatch professionals to handle the situation.

Council President DeSena stated it is against the law to catch a fox and move him to a different location. If a fox is rapid or dangerous, please contact the Police Department.

Resolution No. 18-248

Closed Session Potential Litigation/ Property Acquisition/Personnel

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. **Property Acquisition**

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 . **Potential 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 by 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.

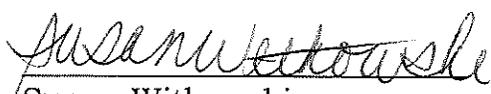
BE IT FURTHER RESOLVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed 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.

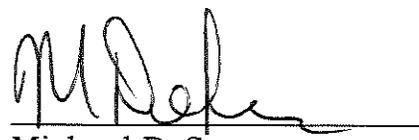
_____The Township Council anticipates that an open session will be necessary.

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

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

Time Noted: 9:03 p.m.


 /Susan Witkowski
 Township Clerk


 Michael DeSena
 Council President

Approved: October 1, 2018