

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING MINUTES

May 21, 2018

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

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

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of May 21, 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, and Council President Michael DeSena. Also present: Peter Calamari, Mayor; Ken Poller, Township Attorney; Mary Anne Groh, Township Administrator; and Susan Witkowski, Township Clerk. Councilman Ullman arrived at 7:34 p.m.

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, Council President DeSena.
Nays: None.
Absent: Councilman Ullman.

Judith Beckmeyer, 10 Parkway Court – Mrs. Beckmeyer stated she has been a member of this community over 21 years, and has 20 years of background experience as a school psychologist. She holds a Masters in Education, Master in Addictions and is a licensed Clinical and Alcohol Drug Counselor. She has been a Substance Awareness Coordinator for the past 5 years in a school system, in her every day work she services 3000 students, throughout the course of her day she confiscates vape pens, JUULS, and other vaping apparatus that look like USB drives, all of which are eventually used to smoke hemp and hashish oil in this apparatus in some form. All local school districts have banned these apparatuses on school grounds as part of their Substance Abuse policies. Students are attracted to vaping or using e-cigarettes because they are cheaper than cigarettes, and more readily available, and also harder for parents to detect them because they don't emit tobacco odor and can be easily concealed. This new rave of vaping has been found to be forty times more harmful than smoking cigarettes because of the compacted nicotine and potency. Researchers have also found that teens who would not have smoked cigarettes are now using e-cigarette, and it has also been found that teens who vape are six times more likely to go on to smoke and smoke marijuana. Other studies have shown that a condition called "popcorn lung" has been found to be highly correlated with vaping. This condition actually scars the tissue of the lungs, all because of a chemical called diacetyl, which have been associated with vaping. It is

understood that an application has been put in for a vape shop, and she cannot speak more urgently against this. Other studies have shown it is due to availability, if it is available and in the proximity of schools, and/or children, they will use it, the answer is the reduction of accessibility, that is reduce or obliterate vape shops, especially in certain radiuses of schools, and certainly not in the Township of Washington.

Alison Twomey, 187 Devon Road – Ms. Twomey stated she is here on behalf of Donna DiCuffa. She stated she would like to read this on her behalf:

“My name is Donna DiCuffa, I am a twenty-five-year Westwood, New Jersey resident but first and foremost, I am the concerned parent of two daughters who attend Westwood Regional Junior/Senior High School in Washington Township, New Jersey. I was appalled and dismayed to learn that within weeks of holding a “Dangers of Vaping/Juuling” information session at the high school, Washington Township is now proposing that a Smoke Shop/Vaping Pod Store be added to the Washington Township Strip Mall. It’s distressing enough that the high school bathrooms are currently populated daily by students – and these students are student athletes, honor roll students, and student musicians, not stereotypical 1980’s movie slackers, and nothing has been done to stop this. The same kids, some of whom who live within walking distance to the strip mall, can now simply ask their upper-classmen friends to go down the street and help feed their nicotine fix. The idea that Washington Township council members/politicians could even consider making this poison more accessible and thus aiding and abetting our children’s’ latest dangerous addiction is inconceivable to me as a parent, and quite frankly as a resident. Furthermore, why would we want the clientele that such a business would bring entering our town? It is disgraceful that the idea of making a profit is trumping common sense and the safety of our kids and calls into question the character and core values of anyone who supports such a worthless place of business. I beg you not to allow this to happen. Once you encourage any addiction in impressionable young people, you are encouraging them to up the ante, and up the high to bigger and possibly illegal drugs. Thank you for your time and consideration, Donna DiCuffa

Corrina Fox, 28 Roberts Court – Ms. Fox attended the Planning Board meeting when the applicant was present, and her opinion is the two most important things that came out of the meeting were if the establishment was going to be harmful to residents/children, and if it was going to cause a nuisance. She stated there is not much information in the public about vaping, since it is pretty new, but if this establishment is going to sell, it is harmful to and a nuisance to people. She spoke of the findings of the CDC, the newness of the product, and the promoting of e-cigarettes being a healthier option than regular cigarettes, when it is actually worse. She spoke of a news piece which was conducted by NBC news, which cited articles published in the Journal of Pediatrics, and the findings that teenagers who used e-cigarettes had a higher risk of cancer, and the fruit flavored products produced a higher elevation of that cancer. She spoke of the various chemicals that are in e-cigarettes that are highly poisonous and toxic to humans. She stated in 2016 only 11% of teenagers had used tobacco products, and in 2016 it is now 20%, and she feels this is a problem that is not needed in our town.

Linda Tracy, 15 Ruby Court – Ms. Tracy works at Westwood High School. She stated within the last two months a program was conducted regarding the dangers of vaping, brochures were prepared by the Borough of Westwood Municipal Alliance Coordinator. She stated she is leaving copies, if Council would like additional copies, please reach out.

Christine Dunay, 34 Brickell Avenue, Westwood – Ms. Dunay stated she is a Special Education teacher in Park Ridge, two of her children attend Westwood High School and one child attends Brookside Middle School. She spoke of several students who have come to her due to being expelled from juuling and vaping. She stated that these children are finding liquid marijuana and using them in the juuls, and there is no smell, it is not as it was in the past. She stated students borrow each other juuls, and do get access to them from older siblings. She spoke of the stresses that children do experience in this day and age, that we did not experience. She stated children do spend a lot of time at the Center, going to get sushi and Dunkin Donuts, there is no “riff-raff”, and we do not know who will be hanging out at the center if this shop opens. She feels this is something that needs to be thought about and taken into consideration.

Julie DeVirgilio, 478 Jackson Avenue – Ms. DeVirgilio stated the following:

I attend Westwood Regional Middle School and learned my mom and her friends are fighting to stop this vape shop from opening and I volunteered to give you a middle schoolers perspective as to why Washington Township isn't the place for this business. Vaping is a popular topic among my peers, I personally think is it gross and disgusting. I am a dancer and get winded from a single performance but I can't imagine what it would feel like with the effects of vaping in my body. I find it embarrassing that our high school is known as West-Weed High School, not only by kids but adults as well. I feel like if this shop ends up opening it will change the way people look at our community. There are a lot of amazing people and business here. I would love to see more stores opening that my friends and I could hang out at. If you could change the ordinances in this town maybe more appropriate businesses will take interest in opening here. I would love to see maybe an ice cream shop or a place to get smoothies. We just need a place where my friends and I can feel safe when we go to the Town Center after school.

Katrina Cassidy, 35 Eugene Court – Ms. Cassidy thanked the Mayor and Council for their responses to letters that have been written over the past few weeks since the Planning Board Meeting. She stated vape and smoke shops do not belong in our Town Center, and believes it does pose a public, health and reputational risk to the community and further removes the Township from the towns that we want to emulate. These retailers are better suited on or near highways. She stated council needs to write ordinances to protect the community against businesses like this going forward. Council is already prohibiting marijuana operations, along with that vape, smoke and head shops should also be included and should not be allowed near residences, schools, places of worship, foot, bike traffic and other youth populated areas, and included in the current list (Ordinance 245.57 Use Regulations) of prohibited businesses. She stated local Smoke Free Ordinances should also include vaping in public areas, and retailer licenses to include electronic smoking devices. She suggested Council adopt a moratorium ordinance which would give towns more time to research before permanent ordinances are written. Other towns here and across the country are struggling with the issues that come with this booming business, we cannot stop it, but we can steps to responsibly manage it.

Joan Lakomy, 1165 Washington Avenue – Mrs. Lakomy stated she is here as a concerned grandmother. She stated let the store go to a highway, not in our town, it does not belong in the strip mall, children hang out there, her granddaughters included. She stated it makes her sick that we even have to take the time tonight to be here to argue this. She is begging do not let this store open in this strip mall, in our town, let them open on Route 17 or Route 4, not here.

John Calamari, President Road – Mr. Calamari stated he stated he understands the current application of the smoke shop that is before the Planning Board is outside of the scope of Council's authority at this time, but he did want to speak

about ordinances, proposed ordinances or thoughts of ordinances that the Council may have. He stated he is a Detective, Lieutenant with the Township of Washington Police Department, and he is also the Department's Alcohol Beverage Control Officer. He stated the Alcohol Beverage Control Handbook, which he brought, is almost 300 pages of local regulations that a liquor store have to go through in order to get and maintain their liquor license. This creates significant oversight on the part of the Police Department, giving significant leeway to check out these businesses, people running these businesses, giving the department a lot of authority to go into these businesses, to determine how they are being run. He stated he also brought with him the regulations regarding e-cigarettes and tobacco in New Jersey comprising about 15 pages. The regulation of Tobacco and E-Cigarettes is done by the Board of Taxation; however, the actual New Jersey State Board of Health specifically has as part of it literature "Helping Communities Reduce the Affects of Tobacco." Which states the following: The New Jersey Department of Health takes the following measures to encourage our communities to prevent the use of tobacco products and their harmful effects, this is done primarily through point of sales (the stores) through the performance of store audits, interventions aimed to prescribe stronger local laws directed at retailers in order to restrict minors' access to tobacco products. He stated when it comes to enforcing the laws with regard to tobacco sales, the laws are not as nearly as strong as they are with regard to liquor and alcohol. If a retailer sells to someone under the age of 21, who is not allowed to purchase liquor, he has the authority as a Police Officer to petition the Council to revoke their license. If a tobacco retailer sells to someone under the age of 21, someone who cannot purchase cigarettes or e-cigarettes or any tobacco product, he can get them a "Petty Disorderly Persons Complaint" and the Town Council would have to petition the Board of Taxation to revoke their license, there is very little local control. If the Board of Taxation chooses to revoke the retailers license, they have the ability to pay a fine that is set by the Board of Taxation to avoid having their license revoked or suspended. The significant revenue generating going on with regard to the sale of cigarettes, even at the State level, however the State Board of Heath itself takes steps to empower the municipalities. They suggest things like establishing licensing fees, permitting fees for tobacco retailers, prohibiting sales in proximities of schools, libraries, and places of that nature, restrict certain types of retailers, such as pharmacies, convenience stores, limiting the number of hours per day for sales, limiting the times of days when advertising is permitted, limiting placement of ads at certain store locations, limiting the placement of ads inside the stores themselves, limiting placement of outdoor ads, banning certain manners of advertising, and establishing content neutral advertising restrictions, such as less than 15% of their available window space. These are all things the State Board encourages the local communities to do. He stated he does not know the legality of saying that a store of this nature cannot be opened, but his point being, there is not nearly enough regulation on these stores or products at the local level, and in his opinion, there is also not enough at the State level. He stated he has heard people say there is a liquor store down at the shopping center, so what is the big deal? He stated the big deal is this, there is 300 pages of regulation versus 15 pages of regulation, but we can change that at the local level. Back in 2010, the Township was experiencing a problem with underage drinking at private house parties, and there had been two hospitalizations for juveniles back then for underage consumption at these parties. The Township Council back then voted unanimously in favor of an ordinance that restricted juvenile consumption on private property. At the time, there was a lot of concern that an ordinance like that could be subject to abuse. He is proud to say since Council passed that Ordinance there has not been one incident of that nature in Washington Township, that was eight years ago and that ordinance has had a positive effect. Point being Council can act, he encourages Council to act, they can reach out to him or anyone at the Police Department and we will be happy to work with you, do the research, legwork to, if we can't prevent it, to at least put in as much regulation and safeguard as possible through the use of the ordinances.

Julie Lipnick, 184 Finnerty Place – Ms. Lipnick stated she understands that Lukoil also sells vaping products, along with tobacco products. Her question is if a store has tobacco products on their shelves, in their store, does the current law allow them to put vaping products in their store. Mr. Poller replied he would have to look into that.

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

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

Nays: None.

ORDINANCES

Adoption 2nd Reading

Ordinance No. 18-05

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE INTERSECTION OF WASHINGTON AVENUE AND PASCACK ROAD IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$400,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP THEREFOR.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to approve Resolution No. 18-214 authorizing second reading and opening of Public Hearing for Ordinance No. 18-05.

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

Nays: None.

Resolution No. 18-214

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-05 entitled: ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE INTERSECTION OF WASHINGTON AVENUE AND PASCACK ROAD IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$400,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP THEREFOR be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-05.

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. 18-05.

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

Nays: None.

Ordinance No. 18-05

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE INTERSECTION OF WASHINGTON AVENUE AND PASCACK ROAD IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$400,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP THEREFOR.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:

The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Washington, in the County of Bergen, New Jersey, and there is hereby appropriated therefor the sum of \$400,000 from moneys available in the Capital Improvement Fund of the Township.

The improvement hereby authorized and purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of the intersection of Washington Avenue and Pascack Road in and by the Township, including all milling, drainage facilities, traffic control systems, landscaping, signage, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

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

This ordinance shall take effect after publication after final passage as provided by law.

Adoption 2nd Reading
Ordinance No. 18-06

BOND ORDINANCE APPROPRIATING \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,237,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

A motion was made by Councilman Ullman, seconded by Councilman Cascio, to approve Resolution No. 18-215 authorizing second reading and opening of Public Hearing for Ordinance No. 18-06.

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

Nays: None.

Resolution No. 18-215

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-06 entitled: BOND ORDINANCE APPROPRIATING \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,237,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to close the Public Hearing on Ordinance No. 18-06.

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

Nays: None.

Councilman Bruno asked if the funding has been determined, whether they will be long term bonds, short term notes, what the interest rates are, which is the best way to finance this once we use the monies for various projects. Administrator Groh replied our CFO was on vacation for the two weeks in between the meetings, we do have until August to make the decision because that is when the BANS are up for renewal. She did request that Ms. Morrone attend a Council meeting to address that issue. Councilman Bruno asked so we will not bond or BAN until we understand which way we are going. Administrator Groh replied that is correct, in fact nothing can be done until 20 days after the publication of the Ordinance, assuming it will pass tonight. Councilman Ullman stated just to be clear, if we do work under these ordinances, it's potentially going to be funded by a BAN, the question of permanent bonding is a question that Ms. Morrone will be asked to join us and address, our current BANS roll over in August. Administrator Groh replied that is correct, and she did reach out to Mr. Beinfield to get some sense of what the rates were and the current market conditions. She can relate the information during Conference Session.

A motion was made by Councilman Cascio, seconded by Councilman Bruno to adopt Ordinance No. 18-06.

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

Nays: None.

Ordinance No. 18-06

BOND ORDINANCE APPROPRIATING \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,237,000 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Washington, in the County of Bergen, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,300,000 including the aggregate sum of \$63,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,300,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,237,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,237,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for an estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned property and facilities in and by the Township including without limitation the basketball courts at Memorial Field and Gardner Park by the rehabilitation thereof and the Police Department interrogation room by the renovation thereof, together with all structures, furnishings, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$74,100 appropriation hereby made therefor being exclusive of amounts received or expected to be received by the Township from the Bergen County Open Space Trust Fund for said improvements to the basketball courts	\$74,100	\$70,500
(b) Acquisition by purchase and installation, as necessary, of new and additional equipment, including Scott bottles for use by the Fire Department of the Township, radio, audio recording and active shooter equipment for use by the Police Department of the Township, solar-powered pedestrian crossing signs and other signage for use at various locations, together with all equipment, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	180,000	171,400
(c) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation streets and locations described in the Township's 2018 Road Program, together with all structures, milling, drainage improvements, ADA compliant curb cuts, traffic control systems, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	741,000	705,600
(d) Acquisition by purchase and installation, as necessary, of new and additional computer equipment, for use by the Fire Department of the Township, together with all appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	27,400	26,000
(e) Acquisition by purchase of new and additional vehicular equipment for use by the Department of Municipal Facilities of the Township, including one (1) dump truck, one (1) pick-up truck and one (1) van, together with all equipment, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	<u>277,500</u>	<u>263,500</u>
Totals	<u>\$1,300,000</u>	<u>\$1,237,000</u>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.15 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,237,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the Acting Chief Financial Officer (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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 Ullman, to the Consent Agenda, Resolution 18-216.

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

Resolution No. 18-216
Authorize Refund for (8) Summer Recreation Excursions 2018

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Michelle Collis
145 Presidents Road
Township of Washington, NJ 07676

Refund for (8) Summer Recreation Excursions 2018	\$140.00
Administrative Fee Non-Refundable	<u>\$- 00.00</u>
Refund for Total Summer Camp Fees	\$140.00

Refund Amount: \$140.00

Councilman Bruno stated there are many people here for the discussion Retail Marijuana Stores (B.4) and he would like to have a motion to suspend the rules and move to that subject.

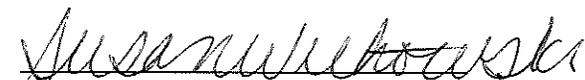
A motion was made by Councilman Cascio, seconded by Councilman Bruno to suspend the rules of the Conference Agenda, and move to discussion B.4, Retail Marijuana Stores.

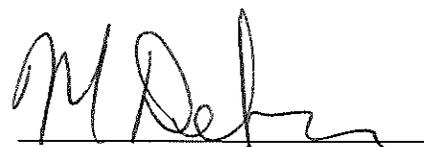
Ayes: Councilmen Bruno, Cascio, Cumming, Ullman,
Council President DeSena.
Nays: None.

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

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

Time Noted: 8:32 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: September 4, 2018

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

May 21, 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.

A motion was made by Councilman Cascio, seconded by Councilman Bruno to suspend the rules of the Conference Agenda, and move to discussion B.4, Retail Marijuana Stores.

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

Nays: None.

Council

Ordinances and Legislation

Retail Marijuana Stores – Mr. Poller provided a draft to review. A discussion followed on properties being included in that list, including land owned by the Township. Councilman Ullman asked how would this impact existing retailers and their ability to continue to sell marijuana related products, such as rolling papers, hookahs, things of that nature. Mr. Poller replied stated the marijuana related products and paraphernalia was the natural inclusion with the ordinance and was asked for. As it relates to the existing stores or options that sell it, it would be on a case by case basis. Mr. Poller stated he does not believe the concern of worrying about whether it is enforceable should prevent Council from putting the wording in, there is no reason to make the determination that there might be a challenge and not put that in there, it is better off putting it in there. A conversation followed on the impact this ordinance would have if an application comes before the Planning Board. Ordinances govern, if it is a prohibited use and now allowed by law, it would be a prohibited use. The ordinance that is being discussed is for marijuana, but it can be tweaked, further things can be added in the future. A discussion followed on adding Township properties, additional township owned properties and the quarter mile radius, which sets a standard by saying no the usage of the product within a quarter mile. There will be a meeting set up with the Chief and Lieutenant Calamari in the next few days, the ordinance will be presented in the next packet, and the 1st reading being at the June 6th Council meeting. A conversation followed on being as thorough as possible, and getting examples from other towns.

Administration

Project Tracker

Administrator Groh distributed it before the meeting, new information was added in bold, all projects were added under the Current Capital, but they have not been started, funding needs to be put in place. The Tax Window will be done on Wednesday, a Violations Clerk has been hired, as well as a Technical Assistant in the Building Department. Gary Mazanec has resigned effective June 30th as the Code Enforcement Official, but he will remain as the Zoning Officer. The full-time CFO position is being advertised on the league website. Flooring has been ordered. A conversation followed on the QPA position (Matt Cavallo) which is not a required position but allows the Township to purchase things without going out to bid, it allows the Township to do more buying without bidding, and buying without securing two quotes. The QPA threshold is \$40,000 as opposed to

\$17,500. Mr. Cavallo is being paid on an hourly basis, when needed. Those monies are coming out of Christina Donato wages since she is not working her full hours. A conversation followed on an email forwarded by the Township Clerk from Mr. Azzolina on Friday (May 18th) regarding the 2018 Road Program. A discussion followed on the DOT Grant for Robinwood Road, and having SUEZ pay or credit the Township to pave other streets since there is a grant for Woodfield. Mr. Azzolina will be asked to look into that. Councilman Ullman spoke of two large patches on Clark that have been failing after being patched, and re-patched by SUEZ, and maximizing the DOT grant, and see if SUEZ will pave another location for that amount of paving. Administrator Groh spoke of the milling process, which will be greater in depth, and the extra asphalt that may be needed. She asked Councilman Ullman send her an email identifying the problem on Clark, and she will reach out to her contact at SUEZ. At this time the Administration is waiting for specifications from Mr. Azzolina, and hopefully by the next meeting the administration will be authorized to advertise for bids. Mr. Azzolina did recommend that the Township not join the coop. A resolution is only prepared if the Township opted in, not to opt out. A conversation followed on perhaps getting a wood chipper, instead of using the garbage truck. The DMF is getting bigger chain saws to cut down larger limbs and branches, the chipper is a sensitive subject with the DMF since there is training that is needed. The DMF is looking into being a priority with a tree service company that has their own chipper whose personnel are regularly trained on the equipment. Tree cutting has been budgeted to assist the DMF crew. A conversation followed on the tree that fell on Woodfield, which was the Township's tree, and the damage to the lake's fence.

2018 Road Program street listing – Will be provided via email.

Fire house progress report – The Fire Department and Ambulance Corps are in talks about moving locations, and should expect to have answer within the next 30 days. A cost analysis was done by the architect to see what is needed, various options are on the table, cost and usage that would benefit both the Fire Department and Ambulance Corps. Four different options, along with the costs, will be presented to Council before going into a public session. A presentation will then be done by the architect.

Intersection Progress Report – Council President DeSena will reach out to Ms. Dargis at the end of this week to see where the Township stands, and a date when the Township can have the preliminary plans.

Red House – Mayor Calamari stated he is not able to discuss this in public at this time, but will email the status once he has additional information.

Commuter Parking – Mayor Calamari stated he does have an update, but would like to discuss this in Closed Session. A conversation followed on the reason why this is a closed session subject.

Quest – Nothing to report.

Labor Attorney Recommendations – Mr. Poller recommended Raymond Wiss, whom he has conferred with before. He stated he will forward a copy of his resume. Councilman Bruno will also forward the number of Matt (Giacobbe) whom he spoke to, to Mr. Poller.

Municipal Complex Repairs

Doors – Scheduled.

Painting – Scheduled.

Employee Security – A report will be provided by Chief Hopper on the needs for employee security, which he would like to bring current. A conversation followed on a letter/memo that was written last year.

Floors – Ordered.

Senior Parking – A conversation followed on their not being enough parking for Seniors during their meetings. Mr. Lynch of Oritani Bank has been contacted and agreed to have the Township employees park at the bank lot during those Senior meeting days, which would then free up parking in the lot, as well as the street. Mr. Azzolina is working on a plan for a cut through of Hudson Avenue and the Oritani parking lot.

Health Insurance Stipend – Mayor Calamari stated it was brought to his attention that quite a few towns give their employees, who are eligible for health insurance, but they do not need because they are covered under a spouse, a stipend of \$5,000 per year. He would like Council to keep this in mind for next years budget, as a way of keeping good and talented people working in the Township. A conversation followed on surveying those employees who are eligible if they would be interested. It would be \$5,000 or 25% of the savings by the employees not taking the insurance.

OEM Plan – A discussion followed on having a plan in place, such as a reverse 800 number for residents, but this not being part of an OEM plan. Mayor Calamari stated he will reach out to the Township emergency services to see if they would be in favor of such a plan. A conversation followed on residents signing up for updates via the PSE&G website regarding power outages.

COUNCIL

Other options other form of government – Completed.

Community Development Committee Representative – July 1st is the final for an appointment, an alternate is needed. Councilman Cumming stated he will think about it.

Non-Consent Director of Law – Councilman Bruno asked the non-consent of the Director of Law, and the other positions, do the responsibilities and decisions stay as is. Mr. Poller replied they stay as is.

Appeal: Denial of permit letter – fence – Mr. Poller stated generally speaking, the determinations of the Zoning Officer that is an appeal goes to the Board of Adjustment, not the Council. A conversation followed on the fence in question, which does encroach on municipal property, the fence has been at that location for 18 years, and the body of law dealing with adverse possession. Council President DeSena spoke of this occurring when he was on the Zoning Board, and the Board did make them correct the encroachment as part of their approval, both parties were approved with the caveat that they remove the encroachment and put the fence in the correct location. Mr. Poller spoke of his concern that this will not be addressed within the next few years.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to send Mr. Buckner, and his adjoining neighbor behind him a letter stating that the property is being encroached on the public right of way, and the fence be relocated.

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

Ordinances and Legislation

Social Media – A conversation followed on the Employee Handbook, which details a computer usage policy, rather than a social media policy. Council President DeSena spoke of what is occurring in Glen Rock regarding Facebook accounts, blocking of comments and censorship issues. Councilman Ullman spoke of the OPRA issues that could arise and exposure to the town regarding OPRA Requests. Administrator Groh stated she will look into if there have been any updates to JIF, that is what the Township uses to limit their risk. Employees receive Employee Handbooks when they are hired, and if there are any modifications they receive an updated version, signatures required indicating receipt.

Municipal Humane Law Enforcement Officer – The Ordinance was included in Council’s packets, with updates from the Chief. Carol Tyler, from Tyco, stated six hours of retraining will be done to be certified. The cost to the Township would be the same as if Tyco had a call and had to come out, \$60.00 per call, a standard fee. The Chief reviewed the ordinance and endorsed it. The Clerk prepared an introductory resolution if Council deems to introduce this tonight.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to suspend the rules.

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

Nays: None.

Introduction 1st Reading
Ordinance No. 18-07

**AN ORDINANCE ESTABLISHING THE POSITION OF MUNICIPAL HUMANE
LAW ENFORCEMENT OFFICER**

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to introduce and pass Ordinance No. 18-07 at first reading by title.

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

Nays: None.

The following resolution, Resolution No. 18-218 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. 18-218

WHEREAS, Ordinance No. 18-07 entitled: AN ORDINANCE ESTABLISHING THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 21st day of May, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of June, 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. 18-07

AN ORDINANCE ESTABLISHING THE POSITION OF MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that ARTICLE XII of the Code of the Township of Washington (the "Township") entitled "Department of Public Safety" be and is hereby amended by adding the following provisions thereto:

1. "§5-79. Municipal Humane Law Enforcement Officer.

A. Within the Department of Public Safety, there shall be not less than one (1) Municipal Humane Law Enforcement Officer who shall be appointed by the Mayor upon the recommendation of the Chief of Police and with the approval of the Director of Public Safety.

B. The Municipal Humane Law Enforcement Officer shall have the power and authority within the Township to act as a municipal humane law enforcement officer to:

- (1) enforce all animal welfare and animal cruelty laws of the State of New Jersey and ordinances of the Township;
- (2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State of New Jersey or ordinance of the Township; and
- (3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State of New Jersey and ordinances of the Township.

C. The Municipal Humane Law Enforcement Officer shall:

- (1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes and all other applicable laws and regulations.
- (2) satisfactorily complete the training course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), subject to the provisions of subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as practicable, but no later than one year after the date on which the officer's designation is approved by the Chief of Police;
- (3) refer all complaints for violations of the provisions of subsection c. of R.S. 4:22-17 to the county prosecutor for investigation and prosecution, or any other appropriate legal action, except that such Municipal Humane Law Enforcement Officer may take any action necessary, within the authority granted pursuant to chapter 22 of Title 4 of the Revised Statutes, to respond to an emergency situation;
- (4) provide notice to the county animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) within five businesses days after the receipt of any complaint of a violation of any provision of article 2 [C.4:22-15 et seq.] of chapter 22 of Title 4 of the Revised Statutes, regardless of whether

the violation is referred to the county prosecutor pursuant to paragraph (3) of this subsection. The notice shall contain, at minimum, a brief description of the offense alleged; and

- (5) submit, by October 1 of each year, a report to the animal cruelty prosecutor designated pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), which shall include, for the most recently concluded State fiscal year, the number of complaints received for each offense under article 2 [C.4:22-15 et seq.] of chapter 22 of Title 4 of the Revised Statutes and the number of cases referred to the county prosecutor, and may contain any policy recommendations or concerns of the municipal humane law enforcement officer related to animal cruelty law enforcement in the municipality.”

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)].

Indemnification Ordinance – Ordinance No. 12-10 was provided in Council’s packets. Mr. Poller stated the Indemnification Ordinance is fine, the Township is covered by the JIF, however a provision regarding punitive damages was put in, which he feels is very problematic, that is Section 12.2. Mr. Poller stated the main two damages are compensatory and punitive/exemplary damages, which is a punishment for bad behavior, it is actual assessment of extra damages which have no relation to expert testimony, and a variety of things the judge/jury can use, including the financial ability to pay for punitive damages. Mr. Poller stated to recover punitive damages under New Jersey Law, the defendant must have acted with actual malice or wanton, willful disregard for person who might be harmed. Under New Jersey to warrant punitive damages the defendant’s conduct must have been reckless or malicious, there must be an intentional wrongdoing in the sense of evil minded act or an act accompanied by a wanton and willful disregard of the rights of another. The Statue regarding punitive damages lays out what the trier of fact has to find to award punitive damages, it is in the province of the judge or the jury, depending on the trier of fact, as to whether someone’s conduct was so outrageous, wanton, willful, disregard of the norm that punitive damages should be awarded. JIF does not cover punitive damages, if someone has done something willfully or wantonly, the first thing would be there would be no punitive damages unless the trier in Court finds that these bad acts were done, then punitive damages would be awarded, normally it is the responsibility of the person who acted wantonly and willfully, it is not covered by the Township or insurance. Section 12.2 puts the situation out there that you are covered, it puts in the opinion of the Council whether there was this wanton or willful conduct, as opposed to the trier of fact. Mr. Poller stated if there is a situation that someone got sued, and the trier of fact found that there was really bad conduct, that 3 council people decide they want to get this thing covered, so we will vote it is okay, but then the taxpayers pay because the JIF will not pay. Mr. Poller stated he did look up River Vale and it states “Township shall not indemnify any person against defendant but may provide legal defense, but the legal defense is taken away if they find the act was outside the scope of the authority, if it was willful, wanton, Hilldale and Fair Lawn, same thing. They have indemnification ordinances, no punitive damages. A conversation followed on the issue of sexual harassment, and policy against such harassment.

A straw poll was taken, and Council agreed to amend Ordinance 12-10.

Green Team resolutions for dashboard points towards Sustainable Jersey

Tom Sears, 600 Beech Street – Mr. Sears stated he would like to speak about the resolution that was passed by Council regarding the Green Team. Under the State of New Jersey, we are required to have certain aspects for Shade Tree Committee, and things that would protect the Township. Steps do need to be taken for the Township to get under the State Tree Protection, where if a tree falls down in the Township, the Township is protected from a lawsuit. Councilman Cumming, Dan Scudieri and himself took a CORE Training Class at Rutgers, which covers the Township under the State Green Tree Program, with recertification being every two years. New Jersey Forestry then came in, took a walk throughout the Township and pointed out things that should be done. The purpose of the grant was to hire a tree specialist, who will write a five-year plan for the Township, along with giving the Township a Risk Management Report on trees that are in bad shape, and what trees should be planted. There is also an I-Tree Program, in which you can visually see the type of pollution that is being brought into the Township. Brian, from the New Jersey State Forestry did indicate what trees were going to come down, trees that were improperly pruned by PSE&G, and what trees the Township should not plant, such as Red Maple and Ash Trees. A representative from the Risk Management was contacted, and a meeting was set up. This person can work with the Green Team and give the Township a five-year plan, which would fall under the State program. Once that program is completed, the Township is then capable to get a \$60,000 grant to remove the trees that representative has declared hazardous, and with that money also plant trees in the Township. A road survey will be done, and give some pointers. Mr. Sears stated he and the New Jersey Forestry representative did go down to Carriage Court, and all the pine trees are falling over and dying, the reason being they were built on a berm, which is improper planting and planning. This would be for public land at this time. Administrator Groh state for clarification, the trees at Carriage Court are the responsibility of the Parkway. Mr. Sears stated if someone is taking down a tree, there is a list from the State of trees they are recommending the community to plant. The Green Team currently has six active members, and they are divided into sub-groups, each handling a particular task. Members will interface with the school, members that will interface with New Jersey Forestry, along with members that will work with the Community for a public garden and a dog walk, trying to cover as many aspects of New Jersey Sustainable Energy as possible. He stated he did have meeting about solar paneling, and if Council decides to put solar paneling on top of a new DPW building or fire house, New Jersey will pay 80% of the construction cost of the building, which would take the Green Team from a bronze to a gold, which will allow the Township to get into a higher grant, the tier is built bronze, silver and gold. On the dashboard the Green Team now interfaces with the library and Municipal Alliance, and they also joined a group called HUB, along with joining the community of New Jersey Forestry. HUB is a few Bergen County towns that work together to get ideas, interfacing with the Water Shed Group. On April 28th, 2,020 pounds of material was removed from two clean-ups, along Pascack Brook, and the waterway that goes through Lincoln Park, off of Beechwood. 646 pounds of co-mingle was removed, that includes glass, tin, and aluminum, 852 pounds of trash that was taken out of waterways/park, and 474 pounds of metal, further down at the end of the waterway it is becoming a dump site for lawn/garden people, which needs to be stopped or else it will clog up the waterway. The Green Team did not go further, because that would be heading towards the Church property. That area was referred to the Park Commission Representative, as well as the Mosquito Control Commission. A Hazmat team was called up to Lincoln Park to pull out the cans and garbage that were in that area. The Hazmat Team was also trying to find a name or anything to trace back who is dumping paint cans in that area, the fines being in the thousands if that

person is caught. There seems to be a lot of local garbage being dumped in the park, from barbed wire to eye-beams, lead pipes, bird baths, plastic water fountain, steel cage, and at the west end of park, tree trunks are being dumped in the area, as well as a sewerage pipe. The Scouts cleaned up the area, and they did a great job. The Hazmat Team recommended a visit to the park once a month, to look around to see if any dumping is going on, along with posting No Dumping Signs. New Jersey Environmental has an outreach program for anyone with special needs/emergency needs. They can register with the State, and in turn the State will notify the local community. Mr. Sears spoke of an anti-idling ordinance, which has the support of the shopping center, Lead Safety Program, which was done with the DMF, Smoke Free expanding to parks, cell recycling, recycling bins at the DMF, which Westwood is already doing, bicycle racks, an ordinance to adopt green materials, all of which would give the Green Team points, and the higher the points, the higher the amount of grants they can apply for. A discussion followed on charging stations and an electric Senior Bus.

Samples of New Signage/Beautification Committee – Mr. Sears asked that Council not discuss the numbers in public, since he is still waiting for another bid. A discussion followed on the measurement of the signs, as well as reaching out to the County. The Women’s Club electronic sign, which has not been functioning for weeks, was discussed. Councilman Bruno thanked Mr. Sears, and stated that signs should be posted for No Dumping, along with the fine. Councilman Bruno asked if Mr. Sears is working with a grant writer. Mr. Sears replied no, he is working with the Ambulance Corps on a grant for an Emergency Response Trailer. Planting of shrubbery was discussed underneath Township signs, as well as the electronic sign. A conversation followed on the hiring of a grant writer, whose commission is 10% of the grant, which would put the Township into the \$40,000 bid threshold, resulting in the Township having to go out to bid or competitive bidding, which is lesser known. Mr. Poller stated he did speak to Mr. Cavallo, who also agreed it was no okay, and also reached out to NJLOM, who also agreed it cannot be by professional service. Council President DeSena spoke of the delay which has resulted in many lost opportunities for 2018. Mrs. Witkowski, the Township Clerk, did email clerks last week regarding this subject, she did receive a few responses, and will share them with the administration.

A conversation followed on having a contest in the Fall in the school system for the Township Logo.

Resolution No. 18 – 217

Closed Session – Property Acquisition/COAH/Red House

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. **ACQUISITION OF PROPERTY**

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. **COAH**

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.

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.

X The Township Council anticipates that an open session will be necessary.

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

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

Time Noted: 10:03 p.m.
 Time Noted: 10:42 p.m. (Back into Open)

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to approve Resolution No. 18-218A.

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

Nays: None.

RESOLUTION No. 18-218A

AUTHORIZING COMPETITIVE CONTRACTING FOR GRANT WRITING SERVICES AND ADVERTISEMENT OF A REQUEST FOR PROPOSALS

WHEREAS, N.J.S.A. 40A:11-4.1(q) authorizes a municipality to procure grant writing services the price of which exceeds the bid threshold by soliciting proposals through the competitive contracting process contemplated in that statute; and

WHEREAS, N.J.S.A. 40A:11-4.3 mandates that the governing body pass a resolution authorizing the use of competitive contracting for services specifically authorized to be solicited through competitive contracting.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Washington, that the use of competitive contracting to obtain proposals for grant consulting services to be administered by the Business Administrator is hereby authorized; and

BE IT FURTHER RESOLVED that the Business Administrator is authorized to advertise for requests for proposals for grant consulting services.

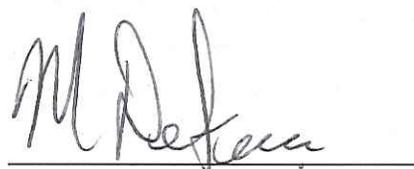
A motion was made by Councilman Cascio, seconded by Councilman Cumming, to adjourn.

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

Nays: None.

Time Note: 10:44 pm


 Susan Witkowski
 Township Clerk


 Michael DeSena
 Council President

Approved: September 4, 2018