

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING AGENDA
June 17, 2019~7:30 p.m.

CALL TO ORDER: Council President DeSena.

STATEMENT

Welcome to the regularly scheduled Public Meeting of June 17, 2019 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in January and this notice has been posted on the Township Bulletin Board and on the Township Web Site.

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

SALUTE TO FLAG: Lead by Council President DeSena

ROLL CALL

Councilmen Cumming, Ullman, Council President DeSena.
Let the record reflect also in attendance: Mayor Calamari; Township Administrator Tovo; Township Attorney Poller; Township CFO Curran and Township Clerk Witkowski.

Absent: Councilmen Bruno, Cascio.

READING OF TOTAL LIST OF BILLS: none

APPROVAL OF MINUTES: none

PROCLAMATION read by Mayor Peter Calamari

LGBTQ+ Pride Month in the Township of Washington

Whereas, fifty years ago, on June 27, 1969, the New York City Police Department raided the Stonewall Inn, a bar that was frequented by members of the lesbians, gay, bisexual, transgender and questioning or LGBTQ community; and

Whereas, The Stonewall Riots marked the beginning of the liberation movement that transformed the oppression of LGBTQ people into calls of pride and action, and LGBTQ Pride Month, where we commemorate the events of June 1969 and commit to achieving equal justice under the law for LGBTQ Americans; and

Whereas, LGBTQ youth are four times more likely to attempt suicide than their straight peers, and more than 1/3 of LGBTQ youths have attempted suicide and nine out of ten LGBTQ youths report harassment at school, and three-fifths report feeling unsafe at school; and

Whereas, all people deserve to live with dignity and respect, free from fear and violence, and protect against discrimination, regardless of their gender identity or sexual orientation. During LGBTQ Pride Month, we celebrate the proud legacy LGBTQ individuals have woven into the fabric of our Nation, we honor those who have fought to perfect our Union, and we continue our work to build a society where every child grows up knowing that their country supports, them, is proud of them, and has a place for them exactly as they are.

Now, therefore, we, the Mayor of the Township of Washington and Council of the Township of Washington, do hereby proclaim June 2019 as:

LGBTQ+ PRIDE MONTH IN THE TOWNSHIP OF WASHINGTON

Councilman Bruno arrived at 7:33 p.m.

GENERAL PUBLIC DISCUSSION (Five Minute Time Limit)

A motion was made by Councilman Bruno, seconded by Councilman Cumming, to open the Public Discussion.

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

Nays: None.

Absent: Councilman Cascio.

Ira Weiner, Beattie, Padavano, LLC – Mr. Weiner state he is an attorney with the law firm of Beattie Padavano in Montvale, and is here on behalf of the “Concerned Neighbors of Washington Township.” He stated he understands the subject is not on the Agenda, but we received a copy of a letter from the developer’s engineer to Paul Azzolina, Board Engineer. The letter is requesting the right to start filling wetlands as part of the project, even though the project is not anywhere ready. He stated the reason he is here is he wants to make clear to the Council our position, that the Township should not let anything happen here, in light of the circumstances, and the current situation of the application. He stated there are no valid approvals, there is a permit with DEP to fill the wetlands, but that was in connection with a project that is not yet approved. Variances have expired, as the developer’s attorney has admitted, there is no site plan approval. The developer wants to start construction before he has any approvals that are needed for this project. The developer needs the final, no preliminary or subdivision applications have been filed, and the developer has not closed on the land. Mr. Wiener stated permits from DEP only last a certain period of time, and if things have changed over the last six years, there is no reason to rush. Council President DeSena asked if the permits are valid? Mr. Weiner replied the permit is valid through the 7th, if they owned the property, maybe they could do it, but generally speaking the Township could not let any of the work get done on the lot until it is approved. They have approval from DEP that they are allowed to do the work, but they don’t have approval from the Township to do any of the work. He stated the developer has not gotten any approvals, has not closed, has not gotten approvals for a sewer line, and it has been sitting for 18 years. He stated the lot was \$120,000 18 years ago. Council President DeSena stated this has nothing to do with filing, this should go in front of the Planning Board, where it currently is, and if the developer does not have a valid soil moving permit, he will make sure that Administrator Tovo checks that there is one prior to filling of the wetlands. Mr. Weiner stated we also believe he needs approval from the Township for the project. He is present to let Council know what our positions and fully aware. He stated he doesn’t know if the Council has seen the letter, it was copied to the Mayor and the Clerk. He stated Council be careful, and not let this go forward until the developer has received all the approvals that they would need from the Planning Board. Council President DeSena requested Administrator Tovo to make sure the Building Department is aware of this. Councilman Ullman asked what is the status of the application? Attorney Poller replied it is still before the Planning Board, and they do not have approval from the Planning Board, they made a request, work is not being done. He stated he doesn’t think this should be discussed at this point in time, this is in litigation, as well as being before the Planning Board. Council has not seen the letter from the engineer, to the engineer or anything like that. He feels this being discussed here is not appropriate. Council will be provided with the letter.

Anita Robertson, 355 Calvin Street – Mrs. Robertson stated on June 10, 2019, herself, Mrs. Bolton, Mrs. Caffrey, and Mrs. Gitto met with Mr. Setticase, Mayor Calamari, Mr. Tovo, and Mr. Joyce in reference to the Senior Recreation Programs in the Township. A discussion was held on the types of programs offered at the Forever Young program in Westwood, which are exercise programs, as well as nutrition programs through Care-One, Hackensack Meridian Health at Pascack Valley Medical Center. In addition to speakers, and a breakfast once per month. She stated up to last month Township seniors were considered resident status, and no fee was required. She stated at the meeting on June 10th, to use the Township resources, Bethany pool was mentioned as a possibility for water therapy and senior water aerobics, which is a sought-after program with seniors. She is, once again, encouraging our senior Township residents to visit the Forever Young Program, and see for themselves what is available to them. She stated our goal is to increase the senior activities in the Township by adding healthy programs to the already established social ones. She stated the senior population is living longer, and hopefully healthier. She stated at the June 3rd meeting it was determined it was not a monetary, but classes were closed and joining was the issue. The only two sessions that are not presently open are Tuesday and Thursday, cardio aerobics, which they are now attending. After the summer cardio aerobics is also available on Fridays. The classes that are now open are mat yoga, melt, strength and condition and pickle ball are open to registration. Mrs. Robertson stated although we are meeting and talking about establishing more programs in the Township, which will take a while to bring to fruition so in the meantime we have these programs available. Since the above two issues, monetary and availability are not relevant, where are we, and where are we going.

Frank Gozel, 464 Van Emburgh Avenue – Mr. Gozel stated he would like to thank whoever was responsible for the “Slow Down” sign that was placed to try and control traffic by IHA. He stated it was placed on the northbound side for 3 or 4 days, and now it is on the southbound side, coming down the hill. He has noticed about a 1/3 of the vehicles adhere to the 25-mph speed limit, 1/3 slow down and 1/3 just ignore the sign. He did notice that the sign only goes to 29 mph, and when the vehicles go 35 or 40 mph, it flashes “Slow Down.” Administrator Tovo stated it might be a programming issue. Mr. Gozel stated it is educating motorists, but he feels it should tell them the speed they are going. He stated he feels the sign is very effective, he does see vehicles slowing down, and it is 24/7, as opposed to police vehicles being there. He asked about a meeting or two ago of how many speeding tickets or summons are written, is that information available? Administrator Tovo stated he has that information. Council President DeSena stated Mr. Gozel can contact Administrator Tovo, the list is monthly. Mr. Gozel asked does the sign collect data? Administrator Tovo replied yes, the sign does collect data as far as the speed and number vehicles. Mr. Gozel stated the police and patrols can devote resources to the most critical areas at the most critical time, by using that data. Administrator Tovo replied correct. Councilman Bruno stated he looked at the April report, and believes there were seven speeding tickets issued.

Mary Ellen Bolton, 71 Andrea Lane – Mrs. Bolton stated she would like to thank Mayor Calamari for meeting with them last Monday, and look forward to the next meeting on the 24th. She stated she hopes the Mayor is in receipt of an email from the Director of the Westwood Community Center which confirms that only two classes are closed, all of the other classes are open to all of the Senior residents of the surrounding communities, but a fee is required to participate in those classes.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara thanked Council President DeSena for responded to his regarding questions he had about the budget. He stated his concern is in developing a reserve, for uncollected taxes, the percentages, and also his concern of facing a 10% tax increase. He stated in the

current agenda, Ordinance 19-12, his concern is that most areas in this Township aren't subject to flooding. Council President DeSena stated there are residents that pay for flood hazard insurance, and without this ordinance they will no longer to have flood hazard insurance if they are required. It is mandated by the DEP that the Township ordinance be amended to meet the 2019 guidelines, so the residents in the Township that do need flood hazard insurance are still eligible. Mr. Ferara spoke of his concern of residents receiving a redemption in the value of their properties, because the assumption is you live in flood hazard area. Council President DeSena replied that is not the case. Mr. Ferara stated Resolution No. 19-226 refers to recommendations, but does not state what those recommendations are. Council President DeSena stated it is a 39-page booklet, that you are welcome to have. Mr. Ferara stated as he understands, the playground equipment will be cleaned up, as well as hardware for swings are being replaced, he thanks Council for that. He spoke of the garbage cans at the fields, without covers, and he feels that is a health hazard and should be replaced at all the parks. He asked why were the bathrooms opened in April, not March. Council President DeSena stated the water meter is re-installed every year by SUEZ, they come in November, take the water meter back and come early Spring, we get put on a list, as all the Bergen Counties do, this year it was later. Mr. Ferara suggested Council look at the parking area at Sherry Field, which is in pretty bad shape, along with having no shade at Sherry and Gardner fields. He spoke of the presentation by Mr. Conley, which includes both the Fire Department and Ambulance Corps, being one building and two separate facilities. He understands the issues at the Fire Department, but has never heard of the Ambulance Corps having issues with their facility, and is wondering what the payment is of having the Ambulance Corps in that building as well. He spoke of his concern of vehicles getting out in that area, and Montvale, who also rebuilt their firehouse in 2017, spending five-million-dollars as per the ordinance. Councilman Ullman stated his understanding is the six-million-dollars is building a shell there, it doesn't include the cost of furniture, equipment that needs to go in, that was pulled out at the last presentation, and his personal opinion is the cost has been underestimated to bring the site to a finished product. He feels it is a mistake to state the new emergency service building will be six-million-dollars, he feels the project is going to be above that, the six-million-dollars is for a shell, along with some major equipment, but not the furniture and equipment. Council President DeSena stated a presentation will be held at an upcoming meeting, this is a professional architect that also designed the Montvale firehouse. He stated this architect has a professional license in architecture and he doesn't believe he would do anything unethical to bring the numbers down, the architect has a license from the State of New Jersey and he would not put that up in any way or fashion to bring the numbers down to where we think they should be, he believes, at this point, his cost opinion is 6.085 million-dollars, as a professional architect. He is the architect of record in Montvale, New Milford, and we are throwing stuff at the architect without being here, he has put his license seal on it, this is his cost opinion. He stated prices were taken from Montvale, other areas, and come up with an educated cost.

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

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

Nays: None.

Absent: Councilman Cascio.

Councilman Ullman stated the number that we started with 5.90 million, the architect magically removed \$72,000 in furniture, magically found \$62,000 savings, because copies of the plans were not needed. He does think there are issues with the numbers, and looks forward to him presenting next week, because he pulled \$133,000 out of the plans and the number is still at six-

million. He believes the number is going to change, and believes it is going to be over six-million.

ORDINANCES

Adoption, 2nd Reading: None.

Introduction, 1st Reading:

Ordinance No. 19-12

AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION PROVISIONS TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Bruno, seconded by Councilman Cumming, to introduce and pass Ordinance No. 19-12 at first reading by title.

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

Nays: None.

Absent: Councilman Cascio.

The following resolution, Resolution No. 19-216 was presented and adopted on a motion by Councilman Bruno, seconded by Councilman Cumming.

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

Nays: None.

Absent: Councilman Cascio.

Resolution No. 19 – 216

WHEREAS, Ordinance No. 19-12 entitled: AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION PROVISIONS TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS WITHIN THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 17th day of June, 2019; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 15th day of July, 2019 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. 19-12

AN ORDINANCE ESTABLISHING FLOOD DAMAGE PREVENTION PROVISIONS TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS WITHIN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 244 of the Code of the Township of Washington (“Flood Hazard Areas”) is hereby amended by deleting all of the current provisions thereof in their entirety and substituting the followings provisions therefore:

1.

**“SECTION 244-1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
OBJECTIVES**

§244-1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of Washington, of Bergen County, New Jersey does ordain as follows:

§244-1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Washington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§244-1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§244-1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or

- channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
 - e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 244-2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Appeal — A request for a review of the Chief Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Elevated Building — A non-basement building (I) built, in the case of a building

in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured

home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 244-3.0 GENERAL PROVISIONS

§244-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Washington, Bergen County, New Jersey.

§244-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Washington, Community No. 340080, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)" dated August 28, 2019.

- b) Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions) as shown on Index and panels 34003C0089H, 34003C0093H, 34003C0177H, 34003C0181H, 34003C0183H, whose effective date is August 28, 2019.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at The Office of the Municipal Clerk, 350 Hudson Avenue, Washington Township, New Jersey.

§244-3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Washington, from taking such other lawful action as is necessary to prevent or remedy any violation.

§244-3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§244-3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

§244-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Washington, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 244-4.0 ADMINISTRATION

§244-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 244-3.2. Application for a Development Permit shall be made on forms furnished by the Chief Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and

elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 244-5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§244-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Chief Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

§244-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Chief Construction Official shall include, but not be limited to:

§244-4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 244-5.3 (a) are met.

§244-4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 244-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Chief Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer section 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and section 244-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

§244-4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 244-4.1 (c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

§244-4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

§244-4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of section 244-5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, section 244-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and section 244-5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

§244-4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 244-4.4.

§244-4.4 VARIANCE PROCEDURE

§244-4.4-1 APPEAL BOARD

- a) The Planning Board as established by Township of Washington shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Chief Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in relevant New Jersey Statutes and Rules of Court.
- d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment

- transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - e) Upon consideration of the factors of section 244-4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - f) The Planning Board shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

§244-4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 244-4.4-1 (d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 244-4.4- 1 (d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION 244-5.0
PROVISIONS FOR FLOOD HAZARD REDUCTION**

§244-5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

§244-5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods

of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

§244-5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

§244-5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§244-5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

§244-5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§244-5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 244-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 244-4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

§244-5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities(including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

§244-5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment: either

- a) Elevated at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- a) Be floodproofed so that below the more restrictive, base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 244-4.3-3(b) ii.

§244-5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 244-5.1-1 (b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1 and,

- v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

§244-5.3 FLOODWAYS

Located within areas of special flood hazard established in section 244-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 244-5.3 a) is satisfied, all new construction and substantial improvements must comply with section 244-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 244-6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.”

2. 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.

3. 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 R.S. 40:69A-181 (b)].

RESOLUTIONS/CONSENT AGENDA:

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

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

Councilman Ullman stated he would like to remove Resolution No. 19-226, and would like to discuss Resolution No. 19-227. Councilman Bruno stated he would like to pull Resolution No. 19-217.

Council President DeSena stated to move on 19-218, 19-219, 19-220, 19-221, 19-222, 19-223, 19-224 and 19-225.

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

Resolution 19-218

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Ridgewood Road project

NOW, THEREFORE BE IT RESOLVED, that Council of Township of Washington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020 –Ridgewood Road – 00182 to the New Jersey Department of Transportation on behalf of Township of Washington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Washington, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 19-219

Authorize renewal of Plenary Retail Consumption License for Island Way, t/a Bacari Grill, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2019-2020;

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 19-220

Authorize renewal of Plenary Retail Consumption License for Amy LLC t/a Dog House Saloon & Grill, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2019-2020;

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 27-28, 2019 (Thanksgiving Eve-Thanksgiving Morning), and December 31, 2019-January 1, 2020 (New Year's Eve, Tuesday-Wednesday 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 27-28, 2019 (Thanksgiving Eve-Thanksgiving Morning), and December 31, 2019-January 1, 2020 (New Year's Eve, Tuesday-Wednesday morning); and

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 19-221

Authorize renewal of Plenary Retail Consumption License for TJG Inc., t/a Season's Catering, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2019-2020;

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 19-222

Authorize renewal of Plenary Retail Distribution License for Township Liquors, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Plenary Retail Distribution License Renewal Application approving the license renewal term of 2019-2020;

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 19-223

Authorize renewal of Club License for Washington Township Columbian Club, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Club License Renewal Application approving the license renewal term of 2019-2020;

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 19-224

Authorize renewal of Club License for Washington Township Recreation Club, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Club License Renewal Application approving the license renewal term of 2019-2020;

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 19-225

Authorize renewal of Plenary Retail Consumption License for CB Restaurants, t/a Charlie Brown's, Year 2019-2020

WHEREAS, the Township Clerk is submitting the following Plenary Retail Consumption License Renewal Application approving the license renewal term of 2019-2020;

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 discussion followed on Resolution No. 19-217; a list of surplus property was provided in Council's packet, it is a list of vehicles, along with other Township property.

A motion was made by Councilman Cumming, seconded by Councilman Bruno, to approve Resolution No. 19-217.

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

Nays: None.

Absent: Councilman Cascio.

RESOLUTION NO. 19-217

AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Washington has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Washington intends to utilize the online auction services of GovDeals, Inc. located at www.govdeals.com pursuant to Sourcewell Contract No. 041316-GDI; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, the surplus property as identified shall be sold "as is" condition without express or implied warranties with the successful bidder required to execute a hold harmless and indemnification agreement concerning use of said surplus property; and

WHEREAS, the Township Administrator is authorized to set minimum bids, set reserves below which bids will be rejected, set bidding increments, group items for sale by lots, and the right to accept or reject any bids submitted; and

WHEREAS, the Township Administrator sets the auction date.

NOW, THEREFORE, BE IT RESOLVED by the Township of Washington Council of the Township of Washington in the County of Bergen, State of New Jersey, that the Township of Washington is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.govdeals.com.

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals, Inc. and the Township of Washington are available at www.govdeals.com and in the Township of Washington Clerk's office.

Councilman Ullman requests a separate vote on Resolution No. 19-226.

A motion was made by Councilman Cumming, seconded by Councilman Bruno, to approve Resolution No. 19-226.

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

Resolution 19-226

Support of path to progress recommendations made by New Jersey economic and fiscal policy workgroup

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contributions from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, THE State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the 2% arbitration cap; and

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE BE IT RESOLVED that the Township of Washington, Bergen County expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to District 39 Assemblyman Robert Auth, Assemblywoman Holly Schepisi, State Senator Gerald Cardinale, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of the State of New Jersey, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

A motion was made by Councilman Ullman, seconded by Councilman Cumming, to approve Resolution No. 19-227.

Councilman Ullman stated regarding Resolution No. 19-227, for GLD Associates do we know the scope of the grants that they are writing for? Administrator Tovo replied any grant that we want to apply for, they will work with us on or do for us, the rate is a monthly rate of \$2,500/\$30,000 annual fee, there is no limit to how many requests they write, there is no minimum guarantee. Councilman Ullman stated we have quite a bit of a Capital Plan in place, do we feel that GLD is best positioned to secure those grants. Administrator Tovo stated we do, interviews were done with both companies, both of them are outstanding firms. GLD has a wider range of grants they go after. Both grant writers interviewed agreed that there is currently no funding for any fire or first responder buildings, but there are for apparatus. Both vendors had a great deal of success receiving those grants and he is comfortable with both of them in fire services, but we were more comfortable with GLD overall. Council President DeSena stated if you look at page 6 and 7, it shows that they received funding for Fire Station Number 2 in Garfield, along with other towns, from \$24,000 to \$44,000. And a "Safe Streets to Schools Grant" of \$150,000. Councilman Ullman stated his concern is do we identify the grant and ask them to write it, or are they actively looking at our Capital Plan, our list of projects, and searching for grants that the Township can benefit by. Administrator Tovo stated it is both, there are some grants that are upcoming that GLD has advised us of in the next few weeks, along with us seeing grants, identify opportunities, we would instruct them to prepare the grant package. Council President DeSena stated the firehouse grants would cost us \$9,000 to submit two applications, and GLD would get that whether we get that funding or not, it is kind of break even, but we will be able to get multiple grants

from GLD. Councilman Ullman stated if GLD is approve, he would request a monthly report on the grants they are applying for on behalf of the Township, along with regular updates.

A motion was made by Councilman Cumming, seconded by Councilman Bruno to approve Resolution No. 19-227.

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

Nays: None.

Absent: Councilman Cascio.

Resolution 19-227

Award of contract to GLD Associates, Inc., 98 Larned Road, Summit, NJ for the purpose of Grant Writer for a term to expire December 31, 2019.

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

WHEREAS, the Township has advertised its request for qualifications for the provision of grant writing services, and has received several responsive submissions which have been reviewed and evaluated by the Township administration in accordance with its solicitation request, and has recommended that GLD Associates, Inc., 98 Larned Road, Summit, New Jersey be awarded a grant writing service contract; and

WHREAS, the Township has determined to award a grant writing service contract to GLD Associates, Inc., 98 Larned Road, Summit, New Jersey in accordance with the procurement process described in the Township's solicitation request; and

WHEREAS, such contract shall be charged to Account No(s).9-01-20-100-170 as deemed appropriate by the Chief Financial Officer or her designee, and these funds shall be certified by the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that a grant writing services contract in form and substance satisfactory to the Township shall be and is hereby awarded to GLD Associates, Inc.; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute such contract on behalf of the Township with GLD Associates, Inc. for the above stated purpose; and

BE IT FURTHER RESOLVED that this expenditure shall be charged to Account No(s). 9-01-10-100-170 as deemed appropriate by the Chief Financial Officer or her designee.

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

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

Nays: None.

Absent: Councilman Cascio.

PUBLIC SERVICE ANNOUNCEMENT – Council President DeSena

ROBO-CALL PREVENTION REMINDER

In an attempt to minimize the number of calls you receive; experts suggest placing your numbers - landline and cell phones - on the FTC Do Not Call list. Register by phone, 1-888-382-1222, or online at donotcall.gov Remember to

remain vigilant when someone calls and asks for personal information, especially if you did not solicit the call.

Mosquito Control Public Notice

In compliance with Section 9.10 of the New Jersey Pesticide Control Code the Bergen County Dept. of Public Works Mosquito Control Division, will be applying pesticides for the control and reduction of adult mosquito populations on an area-wide basis as needed throughout BERGEN COUNTY during the period from April 30, 2019 to October 31, 2019. For more information on mosquitoes and mosquito control contact the Bergen County Mosquito Control Program at 201-634-2880 or 201-634-2881.

2019 Summer Concert Series

Back by popular demand, the Township will host two summer concerts this summer at Memorial Field. The first concert will be held July 12th at 7:00pm and feature Asbury Fever, the second concert will be held July 19th at 7:00 pm and feature Rubix Kube. Bring your chairs! Visit the website for additional information.

TOWNSHIP PAPER SHREDDING & E-RECYCLING EVENT will take place on Saturday, July 20th from 9:00 am – 12:00 pm in the Town Hall Parking Lot.

KEEP YOUR CARS LOCKED – TAKE YOUR KEY FOBS OUT – It is always important to take precautions and stay safe. If you see something say something.

REMINDER if you are having a raffle, a permit is needed, please visit the Township Clerk.

The Township Summer Camp program begins on Monday, June 24th.

The Township Library Summer Reading Program begins on Wednesday, June 26th.

Time Noted: 8:14 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: November 6, 2019

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE AGENDA
June 17, 2019

CURRENT BUSINESS

I. Administration

A. 1. Project tracker

Administrator Tovo stated this is the update since the last Council meeting:

ADA Curb Cuts – County Roads – Final calculations are being prepared, then a Purchase Order will be issued to the vendor.

Radio System Upgrade Analysis – A meeting will be held this Friday (June 21st) with the vendor to review the costing models.

Signage – An additional vendor has given preliminary numbers, which will be finalized by weeks end, so the project can move forward.

Police Records Clerk – Admin – A decision will be made by weeks end.

Grant Writer – Administrator Tovo thanked Council for approving GLD.

Town Hall repair due to drainage – Administration met with the contractor, they have agreed to do some cuts, remove of some asphalt, sidewalk and repair the lighting in front of Town Hall. We are waiting for a date from the contractor.

WCTV Upgrades – All equipment has been ordered.

DMF Paint Machine – A requisition has been cut to purchase the new paint machine.

Township Computer Server – Has been ordered.

Town Hall – Town Hall access control wiring began on Friday.

Court Upgrades and Security – Most equipment has been ordered, a few quotes are needed for some larger pieces, it will be completed by the end of June.

Flags – New flags for Council Chambers have been ordered.

Councilman Bruno stated there have been questions and concerns regarding the roads that cracked over the years, what is the status? Administrator Tovo replied he has no list of roads that have either failed their core test or reported as being cracked, there are monies in their bond accounts. He stated if more information is available, please provide it to him. Council President DeSena stated Mountain Avenue is one of them, it was completed last year, as well as Adams. Councilman Bruno stated he will submit a list to Administration. Councilman Ullman asked who is leading the DMF project, such as evaluating temp location, since there are State mandated deadlines to be completed by year 2021, for the remediation. Administrator Tovo stated Boswell is involved, the first thing we are doing is trying to analyze the needs for short term or long term, if temporary housing is needed, how much space is needed, what is going to be there, going forward, will the building be at the same location, if so, where on the property will it be located, if it is going to be constructed, there are many parts to this, and we are working with Boswell on that. He stated at some point an architect will need to be

involved, or other experts. Councilman Bruno asked how does the Ambulance Corps fit into this project? Administrator Tovo replied a number of different ways, that could be a cornerstone or repurposed if the location changes. Councilman Bruno asked what is the status of the lease with the Ambulance Corps? Attorney Poller replied we want to give a lease to the Ambulance Corps, and once they move the property will revert back to the Township under the terms of the deed.

2. Electrical Inspector – The electrical sub-code inspector resigned, Jason Francese has been recommended by John Scalia to take his place, he can start immediately. Mr. Francese’s resume and certifications are attached for Council’s review, salary will remain the same as the prior inspector.

II. Council

A. Ordinances and Legislation

1. Letter received asking support, Bergen County American Legion Centennial Committee (sw) – The Township Clerk is requesting, if Council is in agreement, a supporting resolution from for the Centennial Committee. Council is in agreement. Resolution will be prepared for the next meeting, July 15th.

B. Financials

1. C-6 schedules (rb)

a. Cancellation of unfunded improvement authorities (jc) –

Ms. Curran stated a meeting was held with the Mayor and Administrator Tovo. Administrator Tovo stated we reviewed everything on the C-6, and are close to making a recommendation to Council regarding the outstanding ordinances, what should be canceled, what should be used for its intended purpose, and what may need to be repurposed to meet Township’s needs. Councilman Bruno stated he doesn’t understand why it has not been done, he went from 15-07 forward. He stated 15-09 there is \$26,000, still left over for dump trucks, 16-02 there is \$146,000 from roads, 17-03 is also left over from roads, which is a total of over \$200,000, 17-04 is money that was put for the DMF and firehouse, that should be used for the project. Ms. Curran stated on 17-04, \$75,000 is funded, we took BANS on that next year. Councilman Bruno stated his recommendation is we take 15-04 and above, cancel everything, if you want to use the money, 15-09 for the roads \$146,000, 16-02 is for the roads, that will bring the \$700,000 down, you have the DMF/firehouse \$75,000 that can be used for something, he stated a decision needs to be made by the end of this week. Ms. Curran stated she doesn’t believe she has the final say. Councilman Bruno asked what is Ms. Curran’s recommendation. Ms. Curran stated in 15-09, there is \$26,943 left, we can use part of that for the vehicle that will be purchased this year, she would cancel all the small balances, 13-07, Improvement to Colonial Boulevard, if the project is complete, she would cancel that, 13-12 if the project is complete she would cancel that, she would cancel 14-11, Memorial Field, since there is another ordinance that has Memorial Field in it. She stated she did have a discussion with the Auditor and Bonding Attorney, 16, 17 and 18 are fairly new, she could see canceling 16. Councilman Bruno stated he agrees, he is recommending 15-07 and above, which is \$455,758 that can be applied to those six-million in BANS. Ms. Curran stated there might be some additional work that needs to be done at Memorial Field, that was 15-04. Councilman Bruno stated 15-04 was \$150,000 that was taken out in engineering fees, and from what he understands the money cannot be used unless it is specifically for that purpose, we will not be using \$123,000 for engineering fees. He asked who would make these decisions. Ms. Curran stated she can make a recommendation and Council can vote upon it. Council President asked that the recommendation be made at the next Council meeting for a vote. She stated 14-13 is improvements to Woodfield Road and improvements to various streets, Council may want to consider that for some of the paving. She asked does

Council want to reduce that and put it in the ordinance, or add it to roads. Council President DeSena replied add it to roads, instead of having \$700,000 for roads, we can have \$772,000 for roads, the ordinance allows us to use it for roads. Ms. Curran replied instead of cancelling it, you would use it and that Council needs to decide if they want to cancel them or use some of them and borrow less. She stated she did have the conversation with Mr. Mai and Mr. Beinfield, and they thought some of them should be left open, and use some of them for roads and improvements. Councilman Bruno stated there is \$700,000 if \$200,000 of this for roads, and we spent \$500,000 we are still ahead of the game, we don't have to bond or BAN \$700,000, we can do \$500,000 and use \$200,000. Ms. Curran replied yes, whether you cancel or borrow against this, you will still bond less. Councilman Bruno stated he is in agreement. Council President DeSena requests the resolution for the next meeting, July 15th.

2. YTD financials, actual vs. budget (rb) – Councilman Bruno stated he would request year to date numbers that show what we spent. Ms. Curran asked does Council want that on a monthly basis? Council President DeSena replied yes. Administrator Tovo asked if the second meeting of the month would be okay. Council President DeSena replied that is fine, it would be the second meeting of the month for the prior month. Councilman Ullman asked will any forecasting be done, will there be a need to understand where there will be potential shortfalls, especially if reclasses occur. Ms. Curran replied that is what she is doing now, she stated in the past people tried to charge something somewhere, she is now charging to the line item where it belongs, that might become over-expended, but there will be enough in the control account.

C. Miscellaneous – Councilman Cumming spoke of his concern of following the Electrical Grant, the Direct Install Project, with all the new air-conditioning, and so on, now moving into energy management. He stated he is having a problem tracking the watts, kilowatts, he asked can he review the paper invoices? Ms. Curran replied yes, he can, Dina has them all.

A motion was made by Councilman Ullman, seconded by Councilman Cumming to approve Resolution No. 19-228.

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

Nays: None.

Absent: Councilman Cascio.

Resolution No. 19-128

Closed Session – PBA negotiations; Personnel-Police Department

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 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. **PBA negotiations**

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

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

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) of N.J.S.A. 10:4-12, herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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

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

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

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

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

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

Time Noted: 8:35 p.m.



Susan Witkowski
Township Clerk



Michael DeSena
Council President

Approved: November 6, 2019

