

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING
Tuesday, February 19, 2019~7:30 P.M.

CALL TO ORDER: by Council President DeSena, 7:37 p.m.

STATEMENT:

Welcome to the regularly scheduled Public Meeting of February 19, 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 Township 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 Bruno, Cascio, Cumming, Ullman, Council President DeSena
Let the record reflect also in attendance: Mayor Calamari, Township Administrator Tovo, Attorney Ken Poller, CFO Curran, Township Clerk Witkowski.

READING OF THE TOTAL LIST OF BILLS: None.

APPROVAL OF MINUTES: None.

APPOINTMENT TO FIRE DEPARTMENT:

Membership Application from Keith P. Mahoney for the Township of Washington Volunteer Fire Department

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve the appointment.

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

Nays: None.

A motion was made by Councilman Ullman, seconded by Councilman Bruno, to suspend the current Agenda, to discuss the reason Council went into Closed Session at the February 4th meeting

Ayes: Councilmen Bruno, Ullman.

Nays: Councilmen Cascio, Cumming, Council President DeSena.

GENERAL PUBLIC DISCUSSION (five-minute time limit)

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

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

Nays: Councilman Bruno.

John J. Lamb, Law Office of Beattie Padavano, LLC, representing a citizen's group called "The Concerned Neighbors of Washington Township, Incorporated"- Mr. Lamb stated Council may have seen his letter of February 15, 2019. Council President DeSena stated yes, Council does have a copy of the letter. Mr. Lamb

stated what is essentially being reviewed are requests that the Township consent to a specific application that is pending before the Planning Board, which his clients have objected to the consent for various reasons. He would like to ask the Township to carefully review what is being provided by the developer. We find that the developer has been less than candid and frank with the Township, as well as the Planning Board. He stated recently it was found out that the developer transferred/sold a portion of its property to other property owners, which occurred in 2009. Everyone has been dealing with Mr. Viviano, but he is only one of five/six owners of the property. There are complications such as an agreement with just Mr. Viviano, and Mr. Viviano applying for the Planning Board application. Mr. Viviano not being the full owner came to light once comments were made on the Planning Board application. He stated all the variances that were granted by the Planning Board, back in 2012, had expired, as a result the prior application needs all new variances. Mr. Shimanowitz did acknowledge that all new variances are needed. He stated that was not provided in the letter to the Township requesting the consent, a full copy of the plans was also not provided, there was one page of the site plan, and final plan. In the last 30 days, this developer has withdrawn its final site plan and subdivision application, essentially after 18 years, it still a preliminary site plan and subdivision application. Council President DeSena asked Attorney Poller does Council have to extend Mr. Lamb's time; he is over the five-minute time limit. Attorney Poller replied yes, he believes Council should. Council President DeSena asked Council is it okay that we extend Mr. Lamb's presentation, he is over the five-minute mark and he does not want anyone to question that Council gave him more than five minutes, is everyone okay with that. Councilman Ullman replied no. Attorney Poller stated in lieu of people coming up and going through a list of questions, points, or raising the same type of things that are being spoken about now, the time would be used up, and he thinks in fairness, Mr. Lamb is representing a group of people who could come up for the public discussion, and take up all their time, he doesn't believe it is giving Mr. Lamb extra time. Mr. Lamb stated he will wrap it up in sixty seconds, he would like to stay within the guidelines. He stated we are asking the Township, before they act on this, that they have the opinion of Attorney Poller, since this is a complicated matter, and it would be prudent for Council to consider what Attorney Poller has to say in Closed Session, and then make a decision regarding granting consent. Councilman Bruno stated he would like to make a comment on the letter that was written. Attorney Poller advised not to do that.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi asked if the Township or the Planning Board need to give permission to the Viviano's to cut down trees on their property, since they have a Woodlands Management Plan? Council President DeSena stated when he received Ms. Grimaldi's email this morning, Mr. Setticone, the Property Maintenance Officer did go down to the property, and no active tree cutting was going on. He stated it is being reviewed, and we are figuring out if a tree permit is needed. Administrator Tovo stated he will contact them tomorrow to have them cease any until it is reviewed.

Michael LaGratta, 176 Fern Street – Mr. LaGratta stated this is his 4th time here regarding the cleaning of the snow in his area. He stated he cleaned his apron, sidewalk, and the next day it was covered with snow all over again. He did take photos and made copies for everyone. He understands that the snow needs to be removed curb to curb, but feels that the speed of the vehicle is an issue, and this is the first time he has seen tire tracks against the curb. He is here asking for some help regarding this issue.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment stated in her area, plowing is not done curb to curb, it is always four feet from the side. Council President DeSena asked Administrator Tovo to advise the DMF to plow curb to curb on Adams. Mrs. Ozment also spoke of the speed of the brine truck on her street.

Joe D'Urso, 12 Viola Terrace – Mr. D'Urso spoke of a letter from his neighbor, which he was copied on, regarding constant pooling of water on the top of the cul de sac on Viola, which does become icy when it gets cold. He stated the street is broken up in that area, and has not been paved since 1992. He asked what was the subject of Closed Session last week? Council President DeSena replied Personnel, Police Department. Councilman Ullman stated if Mr. D'Urso would like, he can expand upon it. Mr. D'Urso replied sure. Council President DeSena stated a motion was made, and seconded, that it was not going to be discussed. Councilman Ullman replied no, we made a motion we were not going to suspend the Agenda, a question was asked by a resident, and we have given the lawyer as much as he wants, Mr. D'Urso is interested, and he feels he can address him, is there an issue with that? Council President DeSena replied he believes it was discussed in closed, a majority of the Council would like to leave it in closed, but if you would like to go ahead. Councilman Ullman stated at the last meeting, a motion was made to go into Closed Session for Personnel, he did not feel it was a descriptive enough reason, he did inquire, and was told it was regarding Police Personnel. He stated at the meeting, in Closed Session, we discussed a number of issues, he feels personally which he expressed in writing to the Council, Mayor, Attorney and Administrator that those items did not fall under the Personnel umbrella. For instance, there was a presentation on DMS (Document Management System) which is a policy management software. It was explained that it is a tool that can index and maintain policies, allowing staff to review them and acknowledge that they have read them, that is not Personnel and he does not know why it would go in Closed Session under the cover of Personnel questioning that and wanting to have a discussion. He stated there was also a presentation of the Pitman Schedule, Police Organizational Principles, Hierarchy of Authority, Span of Control, Unity of Command, Delegation of Authority, which are broad concepts of how the Police Department should run, operating principles, again there was nothing that spoke to Personnel, it is a generic principle that they want to operate, no specific staff was mentioned, it was not personnel issue. He stated there was also an issue of hiring a Special Officer, and using that officer in a particular manner, again he does not think it went to personnel, and does not feel it was regarding a discussion on tactics and techniques, which is one of the exclusion that is allowed under the Open Public Meetings Act, "Tactics and techniques utilized in protecting the safety and property of the public." He stated they were not speaking about an Active Shooter, he would not expect that to be on public display, they were speaking about hiring a Special Police Officer to direct traffic at a school. He stated a discussion on a Special Officer directing traffic, a document management system and Pitman. He doesn't see how any of that was related to personnel, which we went under, with an hour and a half discussion. Mr. D'Urso stated he appreciates the explanation, Council is doing a good job, it is about transparency, the public having a right to know. He also thanked Council President DeSena for responding to a comment he made on an unofficial Township Facebook post, regarding the form of government and spoke at length of his opinion that the Township should be a borough, not Faulkner, with six council members and a Mayor not having all of the power. He asked the Mayor does it not mean that he does not respect Council's wishes if Council is unhappy with the Mayor's appointments, but the Mayor is. Mayor Calamari explained that there are different viewpoints, and the Directors are doing a good job of interfacing with Departments heads, and doing what he asks them to do. He stated we are working very well as a team, but cannot see eye to eye on everything. Mr. D'Urso suggested filming the Planning Board meetings, since Viviano is a high topic. He asked did the Planning Board or Zoning Board have anything to do with changing the zoning regarding Viviano. Attorney Poller explained Viviano was a Mount Laurel suit, not spot zoning, there was a resolution, and Council approved the settlement.

Councilman Bruno asked how many people received a Rice notice for the Closed Session of February 4th? Council President DeSena replied one.

Arun Skaria, 7 Katharina Place – Mr. Skaria commented on the number of residents that are engaged at a civic level as a result of the Viviano property. He stated if there are gray areas regarding Viviano, he hopes this Council sides with the residents in terms of the need of the burden of information to be on the developer.

Mary Gozel, 464 Van Emburgh – Ms. Gozel questioned the two grants, it is normal to spend grant money before it is received, such as was done with the \$11,000? Ms. Curran stated money was spent, but grants were never received. Ms. Gozel asked Councilman Ullman didn't he request accountability on that? Councilman Ullman replied he did ask to understand it, there are a number of grants on our tracker, that could fall into the same situation, what has changed to make sure it does not happen again. Ms. Curran replied it will not happen under her watch. She was not here in 2006, when a grant is not received, either the project was not followed through, or the application was not filed, and the application was not done. Ms. Curran stated she did have a discussion with Mr. Yakimik regarding the process, the filing of the application and the payment process. Councilman Bruno spoke at length of the lack of controls in the past, and the taxing of the taxpayer's multiple times. Councilman Cascio stated he agrees with Councilman Bruno, the project initially has legs, and the process falls under the radar. A conversation followed on the engineering fees that remain unpaid. Ms. Curran stated she is diligently researching the engineering fees and did put a spreadsheet together, which she will go over with Ms. Apar. Ms. Gozel spoke of speeding on Van Emburgh, and her mailbox which was knocked down due to the speed of the plow, and the fact that there is a school in the area with no school sign on the road. Mayor Calamari stated signs have been ordered, and will be installed once the weather breaks.

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

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

Nays: None.

ORDINANCES: None.

INDIVIDUAL RESOLUTIONS:

Resolution No. 19-145 Authorize transfer of appropriations in the 2018 budget in the first three months of the year 2019

A motion was made by Councilman Bruno, seconded by Councilman Cascio to approve Resolution No. 19-145.

Councilman Bruno asked what percentage did Ms. Curran use? Ms. Curran replied Ms. Tarabocchia came to her and indicated there was not enough money in the gasoline line item to pay a bill from 2018, she was short about \$9,000, she figured she would put in extra.

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

Nays: None.

Resolution No. 19-145

Authorize transfer of appropriations in the 2018 budget in the first three months of the year 2019

WHEREAS, N.J.S.A. 40A:4-58 authorizes the transfer of appropriations during the last two months of any fiscal year or the first three months of the next year to expend

money for any of the purposes specified in the prior year's budget an amount in excess of the respective sums appropriated and encumbered therefore and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose, the governing body may by Resolution, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington that the Deputy Treasurer be and is hereby authorized to make the following transfers in the 2018 Current Fund Budget Appropriations.

Description	Transfer In	Transfer Out
Gasoline & Diesel – Police (8-01-31-460-001)	\$2,500.00	
Gasoline & Diesel – Fire Dept. (8-01-31-460-002)	\$1,500.00	
Gasoline & Diesel – DMF (8-01-31-460-003)	\$11,000.00	
Dept. of Admin – S&W (8-01-20-100-110)		\$6,000.00
Dept. of Admin – O/E (8-01-20-110-810)		\$3,000.00
Finance/Treasurer S&W (8-01-20-130-130)		\$6,000.00

CONSENT AGENDA

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

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

A conversation followed on the letter received by SUEZ, which states to go on their website, put in your address, and if more information is needed, the resident is required to pay \$50.00 for testing of the line. Council President DeSena stated this resolution requests that the lead lines be replaced within a 5-year time period, not 15-year time period. He stated this is being done to keep their profit margins, and urban areas suffer the most. The Township does not have lead lines, they are copper, except in some older homes.

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

Nays: None.

Resolution No. 19-146

Authorize resolution demanding SUEZ North America to aggressively replace lead service lines they own

WHEREAS, the provision of clean drinking water is one of the most important services that Suez North America provides to its customers in Bergen and Hudson counties; and

WHEREAS, Suez North America's most recent random samplings taken from July 2018 to December 31, 2018 showed dangerous levels of lead in a percentage of homes tested; and

WHEREAS, Suez North America has identified approximately 8,600 customers who have lead service lines owned by the utility; and

WHEREAS, Suez North America has reached a tentative agreement with the New Jersey Department of Environmental Protection to replace only seven percent of these lead service lines annually; and

WHEREAS, this lead service line replacement plan tentatively agreed to by Suez North America and the New Jersey Department of Environmental Protection would take nearly 15 years to complete; and

WHEREAS, the customers of Suez North America in Bergen and Hudson counties deserve a clean safe source of water; and

WHEREAS, a replacement plan that takes more than a decade to address what is a public health crisis is untenable, irresponsible, unsafe and unfair to Suez North America customers in both Bergen and Hudson counties; and

WHEREAS, the Township of Washington calls on Suez North America to commit to an aggressive replacement program for the removal of all lead service lines the utility owns in not more than a five (5) to seven (7) year period; and

WHEREAS, the Township of Washington calls on the New Jersey Department of Environmental Protection, NJDEP Commissioner Catherine McCabe, the New Jersey Board of Public Utilities, the New Jersey State Legislature and Governor Phil Murphy to hold Suez North America accountable and demand that they commit to an aggressive replacement plan for all lead service lines they own; and

WHEREAS, water quality for all residents of Bergen and Hudson counties must be of paramount importance as a basic human right;

NOW THEREFORE BE IT RESOLVED that the Township of Washington demands that Suez North America and the New Jersey Department of Environmental Protection take immediate and expedited action to safeguard the drinking water in Bergen and Hudson County homes; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the New Jersey Department of Environmental Protection, NJDEP Commissioner Catherine McCabe, the New Jersey Board of Public Utilities, the New Jersey State Legislature, Governor Phil Murphy and Suez North America.

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

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

Nays: None.

PUBLIC SERVICE ANNOUNCEMENT – Council President DeSena

MEDICINE DROP OFF POLICE DEPARTMENT

The Township of Washington Police Department has been designated as a permanent site for the collection of unused, expired and unwanted prescription medications. For safety reasons, only solid medications such as pills, patches and inhalers are accepted, liquids or syringes are not accepted. If you wish to dispose of liquids or syringes please contact your doctor or pharmacist to find how to dispose of those items correctly. The Township of Washington Police Department is proud to be working in conjunction with the Drug Enforcement Administration and the New Jersey Department of Consumer Affairs. We are one of only 30 permanent sites in all of New Jersey. The drop box is located in the Township of Washington Police Department lobby, at 350 Hudson Avenue.

PET LICENSING

The \$5.00 late fee is now in effect. The Clerk's Office has registered 659 dogs and 48 cats.

MEET UP SPOT

For your safety, located in the parking lot of Town Hall, by the DMF gates, is an "Internet Purchase Exchange Location" with live video recording.

The next Council meeting will be held on Monday, March 4, 2019 at 7:30 pm.

Time noted: 8:27 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: August 12, 2019

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE AGENDA
Tuesday, February 19, 2019

CURRENT BUSINESS

I. Administration

1. 2019 Budget – Budget meeting will be this Saturday, February 23, 2019 at 9:00 a.m. Council President DeSena requests if anyone has any questions, to please email them to Ms. Curran or the Administrator beforehand, so there will not be as many meetings. A synopsis of the budget overview was provided by the Administrator, which shows the reasons for the increases. Debt Schedule needs to be provided in order to go into Capital. The Administration will be providing a detail of health insurance premiums to support the number. Department heads and Directors will be attending budget meetings. The Clerk will be informed who Council would like to attend, as well as who to issue a Rice Notice. The same format will be followed for budget meetings, that is going line by line. A conversation followed on merit pay increases, as well as written evaluations. Administration will be evaluating the criteria used for evaluations and updating policies and procedures. A conversation followed on holding merit raises until a policy in place for evaluations, such as a rubric. Employees will be issued a Rice Noticed, so their performance can be discussed during budget time, as the meetings progress.

2. Project Tracker – Administrator Tovo and the Mayor met with Boswell on February 7th, (Thursday) to review plans and discuss the next step, which would include the reposition of utilities and the duration of the project, which will be about a year. A meeting was also held today (February 19th) with Boswell, and they are working closely with the County, we will begin to see progress on this. No information is due to the County, it is a dual track, the Township has some responsibilities, as does the County, a meeting will be held to review the next steps. Mr. Azzolina met with the County, the final design for curb cuts should be done by the end of this month. Solar powered pedestrian signs were delivered on February 12, 2019, installation is being scheduled. All signs that were budgeted for have been ordered, this does not include signs that are associated with road resurfacing, which will be done as part of the project. The Police and Fire Departments are currently testing the State radio system, with feedback in mid-March. A conversation followed on what monies can be rolled over for roads, that has not been used from 2018. The Township is still working on BANS, since there are pieces of a project (Woodfield Road) from 2018 that cannot be done until the weather breaks this year. The Administration will get the final numbers from Mr. Azzolina, and then make an adjustment. The County is planning on paving Washington Avenue, as well as Ridgewood Avenue. A conversation followed on adding Van Emburgh Avenue to that list. ADA ramps will be done early Spring, basketball courts (Gardner and Memorial fields) will be done late Spring, early Summer. RFQ's for the grant writers are due for final submission this Thursday, February 21st by noon. There is no line item in the budget due to the timing, a number will be inserted based upon the responses. Red house demolition is moving forward, the power meter has been removed, the line will be removed this week, followed by the gas shut-off, water has not been shut-off as of yet. Proposals for the tear down and removal have been received, which will be evaluated and awarded by weeks end or next week. The dwelling and asphalt will be removed, the ground will be leveled, and if we choose to plant, it can be done. The Helen Bohn property has been sold, there is a contract purchaser, and it is in front of the Planning Board. Regarding the firehouse, both agencies are working with the architect to finalize plans.

3. Green Team Advisory Committee (sw) – The Green Team is making a request that they be recognized as an entity. Attorney Poller stated Council can constitute a more formalistic approach of the Green Team, such as making it under a Department, and then set forth who would be on the Green Team, and how they will be appointed, term, things of that nature, he can put something together. The Green Team have waterway clean-ups, they also had a gentleman from the State who did a tree survey, as a result there will be an increase in the budget for tree removal, making sure the township is operating in an environmentally friendly way, typically they do not do aesthetics. The Green Team cannot apply for certain grants unless they are officially recognized by the Township, and they are losing out on potential grant money to fund their activities. The Green Team planted a garden last year, distributed vegetables to the Seniors, there was a clean-up at Lincoln Park, resulting in 900 pounds of trash removed. Brian McDonald from the Forestry Division came to the Township, certificates of attending conferences were distributed, he showed how to identify trees which are hazardous and on Township property. The Green Team is all volunteers, not paid. Councilman Cascio suggested to align the Green Team under the Advisory Board of Health, with the Health Director being the head, directing both advisory boards, with staggering terms. Attorney Poller will look into Councilman Cascio's suggestion.

II. Council

A. Ordinances and Legislation

1. Ordinance No. 15-15, Prescribing Fees for Use of Township Facilities, continuation (sc/ac) – Councilmen Cascio and Cumming did meet to discuss Ordinance 15-15, and do have a few revisions. Councilman Cascio stated on Ordinance No. 15-15, first page, change the first two classes, Class 2, Subsection A, where it says "Uses and Organizations Indirectly related to the Township, including the Golden Seniors of the Township of Washington" which is classified as a Class 2A, and "Washington Township Baseball & Softball" Class 2B, under Class 1 and make that Subsection B. The last sentence under Class 2, which currently reads "Class 2 Users include the following organizations and individuals" since that was moved up, change would be to "Class 2 User Organizations and Individuals are required to be a non-for-profit organization, a 503(c) organization as by IRS Rules" obtaining proof of that to be a Class 2 User, and based in the Township. The second page "Class 4 Users will be given priority for use of Township Facilities over Class 5 Users, and maybe charged a use fee" the change will be "will be charged a use fee." Councilmen Cascio and Cumming did go over the Schedule of Fees, current rates of the DMF will be needed on what they charge per hour, on that page Class 5 Users, there will be an "F" added under "E" which will read "All other outside users with members other than from the Township of Washington or Westwood residences." If there are organizations with members from Hillsdale, Paramus, they will be classified as a Class 5 user. The last page, the "Use of Fee" chart, Class 2A and 2B, for softball fields, make that whole column no charge for our own residences, and the same thing was done for Class 2B, no charge at this point. A conversation followed on revising the ordinance to include 3 classes. Councilmen Cascio and Cumming looked at surround towns, whose fees are considerably higher than our, some fees were increased. The charge of \$115, was increased to \$200, for softball, and league sized fields at Clark, Gardner and Sherry, for multi-purpose fields, which is Memorial, increased to \$300, then for Memorial Field Pavilion, increased to \$150, up to 50 people, increased to \$200 for up to 50-100, increased to \$300 for over 100 people, and the rest was left alone. Revenues were requested for the fields, as well as current rates for DMF employees, Monday-Saturday, Sunday, and holiday rates. Council President DeSena requested Councilman Cascio sign as Vice-President, since he is Vice-President of Township Baseball, and will continually excuse himself. A conversation followed on charging more for fields,

that have true wear and tear when they are used, as opposed to the Senior Center, which are chairs and tables. Councilman Cascio asked if Council would like to see any changes, to please email him. A discussion followed on an emergency resolution for the passing of the ordinance, as well as looking at the Recreation Ordinance. Once the budget is completed a full analysis of recreation will be done by the Administrator, Ms. Curran, and Mr. Setticase. A discussion followed on organizations providing a hold harmless or certificate of insurance. The fee is a per use fee (DR was added to indicated Daily Rate). Rooms and fields are currently a 3-hour block, daily rooms will also be limited.

2. Draft Ordinance Airbnb – Short Term Rental Property Prohibitions – Attorney Poller prepared the draft ordinance, as per 580-90, the enforcement agents will be the Police Department, Code Enforcement Official or Health Officer, with violations on the next page, all entities mentioned will be given the authority to issue a summons. The 175 days is quoted from the Statute, adoption of this ordinance would mean a home can be rented for more than 30 days, but anything less than 30 consecutive days is a violation, it cannot be an Airbnb for a night or weekend, it has to be 30 consecutive days, there cannot be any advertisement or collection of rent. A lengthy conversation followed on who would be responsible for reimbursement, investigative costs, securing monies and returning those monies to the appropriate parties. Attorney Poller will be revising the ordinance to leave the burden on the court to handle, in terms of assessing and collecting of monies, not in the Township’s domain. The revised ordinance will be emailed to Council, and introduced at the next Council meeting (March 4th).

3. Draft Ordinance: Prohibiting Smoking in Designated Public Places and within Municipal Facilities in the Township of Washington – Township vehicles are included. Wyckoff ordinance was chosen, since it is more thorough and there are some areas where the Township ordinance and Wyckoff ordinance do overlap. State law is currently no smoking with 25 feet of any doorway, this ordinance will be for any and all Township owned properties. This ordinance would give an individual the right to go to the Police Department to file a complaint, if they wish to do so. For example, if anyone would like to smoke at Memorial Field, they would have to go across the street to do so. A conversation followed on the draft ordinance, as well as the enforcement of Ordinance No. 18-23. Councilman Ullman stated he did write to the Code Enforcement Official regarding enforcement of Ordinance No. 18-23, and he stated in due time it would be done, but stores still continue to carry them. Council President DeSena requested that the Police Department and Mr. Setticase review Councilman Ullman’s statements regarding enforcement. Councilman Cascio requested a sweep of known establishments. He stated he doesn’t have a problem with redundancy in ordinances and expects them to be enforced. Mayor Calamari replied he, as well as the Administrator, will address this.

4. Draft Ordinance: Regarding Second Kitchens in Single Family Residences in the Township of Washington – When the revaluation was done, approximately eleven or twelve homes were categorized as 2 families on their assessments, and being assessed as a two-family home, a second kitchen was observed. Computer program for assessments has a category entitled “Type and Use” the property record card listed the home as a two-family, as well as being assessed a two-family, brokers then would like to advertise the home as a two-family. The Code Enforcement Official is anxious to get this enacted since he has had several of run-ins with homeowners and brokers, who would like to list the home as a two-family, and is requesting this ordinance to clarify that situation. This ordinance addresses it directly, as well as putting in parameters on what constitutes a kitchen. The Tax Assessor will also be changing the designation on his end. A conversation followed on mother/daughters and the fact that there are no two-families in the Township. Township homes that do have a second kitchen would have required a variance for a second kitchen, or if

they were in existence prior to the Zoning Ordinance, they would be a non-conforming use. A conversation followed on obtaining a CCO, which cannot be done if there is a second kitchen in the home, but that was not the fact several years ago. Attorney Poller stated he did prepare this draft ordinance, but the existing ordinance (86-4) clearly states no one family dwelling shall have more than one kitchen. A conversation followed on what constitutes a two-family and a mother-daughter.

B. Financial – None.

C. Miscellaneous

1. Letter Hutt & Shimanowitz, RE: 463 Van Emburgh Avenue, Block 1306, Lot 2 and Block 1305, Lot 1.05 (kp) – Attorney Poller stated Mr. Shimanowitz has requested that the Township consent to the application of Viviano for the amended site-plan and subdivision application. Mr. Lamb, who was here tonight, representing a group that is opposed to this, wrote a letter, which was received today, laying all of the arguments why the Township should not consent. Attorney Poller stated Mr. Shimanowitz may want to reply to this letter, and he feels there should be no rush for Council to make a decision until the situation is analyzed. Attorney Poller stated when the time comes for a discussion, it is a Closed Session matter, it involves existing litigation, which is the original litigation, potential litigation, and should be discussed in closed session. Attorney Poller will reach out to the Planning Board special counsel regarding their next Planning Board meeting.

2. Appointment of Zoning Board Member, vacancy term expiring 12/31/2021, resume to review – continuation (sw) – A resume was received from Mr. Dennis Moore, asking to be a Zoning Board member. A discussion followed on an email from Ms. Toni Plantamura, who is currently an alternative member, expressing interest on becoming a permanent member of the Zoning Board. Attorney Poller stated she would have to resign, submit a resume and take a chance on being reappointed. Councilman Ullman stated he would support giving her the assurance of becoming a main member of the Zoning Board. Councilman Bruno stated he would support that. Councilman Cumming replied he cannot join that. Councilman Cascio stated he has no problem with that, but she has to resign, and he would give her a fair shot. A conversation followed on asking Mr. Moore to be an alternate, once Ms. Plantamura's resignation is received. After a discussion, Councilman Cascio stated he will contact Mr. Goetz, the Zoning Board Chairman, regarding Ms. Plantamura's resignation.

3. Board of Health, Stigma Free Sign, follow up (sc/sw) – Stigma Free logo's are being added to email accounts. Administration is getting quotes on pricing for wooden signs, which will hang at the bottom of the Township Welcome signs.

Councilman Ullman asked from Council's perspective, what needs to be done next regarding Viviano, and does Council get involved in the activity between the two parties. Attorney Poller replied eventually Council will have to make a determination whether they will be going forward with the application before the Planning Board, what goes on between the parties is between them, Council can take action at the next meeting, it is Council's choice. Council members are not to discuss or go to any Planning board meeting to prejudice the application.

A conversation followed on the Viviano property maintenance issues, as well as other maintenance issues in the Township, and the ordinance that is in place regarding property maintenance. Mr. Setticase did go to the Viviano property, inspected it from street level, but did not go onto the property. Viviano will be contacted if they will allow Mr. Setticase onto the property based upon complaints which have been received. Attorney Poller requested that this not be

discussed further, and he will reach out to Mr. Setticone tomorrow for further discussion.

Time Noted: 10:15 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: August 12, 2019

