

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING
March 18, 2019 ~7:30 P.M.

CALL TO ORDER: Council President DeSena, 7:30 p.m.

STATEMENT:

Welcome to the regularly scheduled Public Meeting of March 18, 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 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.

Absent: Councilman Bruno (arrived at 7:40 p.m.)

READING OF TOTAL LIST OF BILLS: None.

APPROVAL OF MINUTES:

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

October 1, 2018 Regular Meeting
October 1, 2018 Conference Meeting

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

Nays: None.

Absent: Councilman Bruno

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

October 15, 2018 Regular Meeting
October 15, 2018 Conference Meeting

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

Nays: None.

Absent: Councilman Bruno.

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

October 19, 2018 Special Meeting

Ayes: Councilmen Cascio, Cumming, Council President DeSena.

Nays: None.
Absent: Councilman Bruno.
Abstain: Councilman Ullman.

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

October 29, 2018 Regular Meeting
October 29, 2018 Conference Meeting

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

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

November 5, 2019 Special Meeting

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

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

November 17, 2018 Special Meeting

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

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

November 19, 2018 Regular Meeting
November 19, 2018 Conference Meeting

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

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

December 3, 2018 Regular Meeting
December 3, 2018 Conference Meeting

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

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: None.

Absent: Councilman Bruno.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara stated in addition to budgeting of removal of dead trees, he would like Council to consider pruning the dead branches of live trees, especially in Clark Field. He also suggested adding bathrooms, instead of the use of Port-o-Johns at Sherry and Gardner fields, through a Capital Project. He spoke at length of programs being taken away from the school, and moved to the Bethany Community Center, from a taxpayer's point of view. A conversation followed on school custodian hours at the high school, and overtime monies that are paid. Mayor Calamari stated at this time Bethany is still in the process of giving the Township rates with some of the programs, and the cost will be evaluated. Mr. Ferara asked if the Township is doing a revaluation of properties this year. Council President DeSena replied no, it was done recently. Mr. Ferara stated it should be explained to taxpayers the reason for increases, some is due to hiring of full-time staff, i.e. insurance cost increases. He also spoke of having a process in place for BANS, so they do not sit around for years as has occurred in the past and does not happen again.

Councilman Bruno arrived at 7:40 p.m.

William Biliias, 580 Walnut Street – Mr. Biliias stated he is the ex-chief of the Fire Department, current member/current director. He stated he came to speak mainly as an ex-officer of the Fire Department, and for years up-grade fire trucks, look into studies at the firehouse, and thankfully this dais has allowed us to participate in these proceedings. The study of the firehouse was done and presented to this Council, discussed it and agreed to move forward with the next phase. He stated he is hoping it is taken seriously and not pushed off, as we have pushed off trucks in previous years, such as the ladder truck, that is over 32 years old, for years because of the firehouse study, so we do not have to go to a customized truck. He stated the cost of that truck, about 5/6 years ago, was probably about a million-dollars, now we are looking at close to 1.4 million, one-point-five-million to replace that truck, costs are going up. He stated we are looking to replace one of the engines, possibly within the next year or so. With the recommendation from this Council to go with an engine before the ladder truck, if the building is being pushed off, it is going to push trucks back, and he thinks we need to start moving forward, and hopes everyone is on board with this. He believes the architects are going to present next month to this dais, and he hopes it is taken into consideration. He knows not all of Council is on board with the Fire Department having four trucks, that comment has been mentioned in previous and current years. He has been through quite a few storms in this Township where we have four trucks going in different directions, and if we had six trucks, we would have had six trucks going in different directions. Mutual Aid is not always going to be there, it is not a guarantee. He believes the four trucks are a necessity for this Township and stated there were maintenance issues. We did have a County truck once, and it was not a great fit for the Township.

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

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

Nays: None.

ORDINANCES:

Adoption 2nd Reading

Ordinance No. 19-02

AN ORDINANCE PROHIBITING SMOKING IN DESIGNATED PUBLIC PLACES AND WITHIN MUNICIPAL FACILITIES IN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-161 authorizing second reading and opening of Public Hearing for Ordinance No. 19-02.

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

Nays: None.

Resolution No. 19-161

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 19-02 entitled: AN ORDINANCE PROHIBITING SMOKING IN DESIGNATED PUBLIC PLACES AND WITHIN MUNICIPAL FACILITIES IN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 19-02.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 19-02.

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

Nays: None.

Ordinance No. 19-02

AN ORDINANCE PROHIBITING SMOKING IN DESIGNATED PUBLIC PLACES AND WITHIN MUNICIPAL FACILITIES IN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 402 of the Code of the Township of Washington ("Smoking and Tobacco Use") is hereby amended by deleting Sections 402-4 through 402-9, changing the designation of Article II, and substituting the following in its place:

1. "

ARTICLE II

Smoking in Designated Public Places and Within Municipal Facilities

§ 402-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENCLOSED AREA

All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS

All structures owned, leased, rented, and/or operated by the Township of Washington, and/or occupied by Township employees and used for official business of the Township of Washington.

NICOTINE DELIVERY PRODUCT

Any product that is designed to deliver nicotine or vapor, including, but not limited to, what are commonly known as "e-cigarettes" or other types of electronic smoking devices, or any cartridge or other component of such device, or related products, including, but not limited to, any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

PARKS AND RECREATIONAL FACILITIES

All public parks, playgrounds, and ball fields publicly owned or leased by the Township of Washington and all property owned or leased by the Township of Washington upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway, or drive aisle.

PERSON

An individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking or vaper device.

TOBACCO

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOBACCO RETAILER

Any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates, or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE

Any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispenses nicotine delivery products, cigarettes, or other tobacco products.

TOBACCO VENDING MACHINE LOCATION

The room, enclosure, space, or area where a tobacco vending machine is installed and operated.

§ 402-5 Retail sale of tobacco products.

- A. No person shall sell tobacco or nicotine delivery products in the Township of Washington unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.

- B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of 21 years or give tobacco or nicotine delivery products to any person under the age of 21.
- C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six inches by eight inches where tobacco or nicotine delivery products are displayed and at all checkout counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.
- D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine-containing products is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco or nicotine delivery products to a person less than 21 years of age who has a note or any form of communication from any person, including an adult.
- E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Township of Washington ordinances and state laws pertaining to the sale or distribution of tobacco and nicotine delivery products and the business owner or manager has signed a statement that the employee has read such ordinances and state laws. Such form statement will be supplied by the Township of Washington, and the signed original statement shall be filed with the Township of Washington, and a copy shall be kept on file by the tobacco retailer and made available for review by the Township of Washington.

§ 402-6 Smoking in public places prohibited; signs.

- A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently, and conspicuously posted at municipal buildings. The sign shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- B. Smoking shall be prohibited in all public parks and recreational facilities owned or leased by the Township of Washington and all property owned or leased by the Township of Washington upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway, or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently, and conspicuously posted at all parks and facilities regulated by this article. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.
- C. Smoking shall be prohibited in any vehicle registered to the Township of Washington.
- D. No person shall remove or deface any sign erected by the Township of Washington under this article.
- E. It shall be unlawful for any person to smoke in any area where smoking is

prohibited under this article.

§ 402-7 Enforcement.

The provisions of this article shall be enforceable by the Police Department, Fire Department, Recreation Department, Department of Municipal Facilities and Health Department of the Township of Washington, as well as by any other individual who observes a violation and wishes to file a complaint. Any person seeking to enforce the provisions of this article shall be authorized to file a complaint in the Municipal Court of the Township of Washington.

§ 402-8 Violations and penalties.

A. Any person who violates any provision of this article shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

B. Any juvenile adjudicated to have violated the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this article.”

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

Ordinance No. 19-03

AN ORDINANCE REGARDING SECOND KITCHENS IN SINGLE FAMILY RESIDENCES IN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-162 authorizing second reading and opening of Public Hearing for Ordinance No. 19-03.

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

Nays: None.

Resolution No. 19-162

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 19-03 entitled: AN ORDINANCE REGARDING SECOND KITCHENS IN SINGLE FAMILY RESIDENCES IN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara asked are existing kitchens grandfathered in? Council President DeSena replied no, they are not, if a resident wants to close on their property, they would need to take the kitchen out or get a variance from the Zoning Board of Adjustment. There are no two-family homes in the Township. Mr. Ferara spoke of his concern that this ordinance being restrictive.

A motion was made by Councilman Bruno, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 19-03.

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

Nays: None.

Councilman Ullman questioned, does the presence of a cooking appliance automatically make it a second kitchen, creating a two-family, or does it need to have a sink or refrigerator. Attorney Poller replied not automatically, it is criteria that Council put in the Ordinance that designates it as a second kitchen, people have second refrigerators, freezers, microwave, but the one watchword that seems to be focused on, as in other towns, is the cooking aspect, stove, stove top, things of that nature. Councilman Ullman stated the elimination of that second cooking apparatus, if it happens to be in a basement, and there is an inspection, once it is removed does the removal negate the issue. Attorney Poller stated yes, that will bring it back into compliance.

A motion was made by Councilman Ullman, seconded by Councilman Cumming to adopt Ordinance No. 19-03.

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

Ordinance No. 19-03

AN ORDINANCE REGARDING SECOND KITCHENS IN SINGLE FAMILY RESIDENCES IN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Section 580-13 of the Code of the Township of Washington is hereby amended by adding the following provision thereto:

1. "The presence of a second kitchen having one or more appliances for cooking, including ovens, stoves or cooktops, shall disqualify a dwelling from being considered a one family or housekeeping unit, and shall be prohibited."

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

Ordinance No. 19-04

AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTY PROHIBITIONS IN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-163 authorizing second reading and opening of Public Hearing for Ordinance No. 19-04.

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

Nays: None.

Resolution No. 19-163

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 19-04 entitled: AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTY PROHIBITIONS IN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

No Public Comments.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 19-04.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 19-04.

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

Nays: None.

Ordinance No. 19-04

AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTY PROHIBITIONS IN THE TOWNSHIP OF WASHINGTON

WHEREAS, the New Jersey Legislature has, pursuant to *N.J.S.A. 40:52-1(d)* and (n), specifically authorizes municipal corporations, including the Township of Washington ("Township") to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof" and the "rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, in recent years, there has arisen a proliferation of internet and other media advertising often on websites dedicated to the rental of dwelling units for short terms and for a period of thirty (30) consecutive days or less ("Short Term Rental"); and

WHEREAS, the Township's experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Township, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises, in violation of the Township's zoning and other codes as well as state statutes; and

WHEREAS, the Township wishes to deter the cyber-social phenomenon of any owner renting his/her residential dwelling units on various websites, as well as the listing of Short-Term Rentals by website businesses, of any dwelling units, that constitute an illegal business operating in violation of the Township's Zoning Code and other public nuisance ordinances; and

WHEREAS, the Township additionally wishes to prevent overcrowding, which is designed to reduce the per-occupant cost of the Short-Term Rentals, and unlawfully permit the Township's occupancy limits to be exceeded; and

WHEREAS, some property owners and/or their agents permit commercial boarding-house type Short Term Rentals and overcrowded conditions and other public nuisances, in order to unlawfully create a commercial enterprise and income, in violation of the Township Zoning Code and to maximize their profits; and

WHEREAS, problems also frequently associated with such Short-Term Rentals include overcrowding, excessive noise, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances; and

WHEREAS, the operation of vacation rentals, whereby residents of the Township rent-out entire dwellings or portions thereof to visitors are detrimental to the community's welfare and are prohibited by local law; and

WHEREAS, the Township Council of the Township of Washington finds it to be in its best interest of the Township and its citizens to adopt an ordinance to prohibit such short-term vacation rentals in residential properties that may jeopardize the community's welfare and degrade the quality of life within the Township;

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Washington, that the Code of the Township is hereby amended by creating Article XIV in Chapter 580 ("Zoning") as follows:

1. "

ARTICLE XIV

Short Term Rentals

§ 580-87 Incorporation of Findings; Definitions.

The findings set forth in each "Whereas" clause above are hereby incorporated into the within enactment. As used in this article, the following terms shall have the meanings indicated:

HOSTING PLATFORM

A marketplace, in whatever form or formal, which facilitates the vacation rental, through advertising, match-making or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

SHORT TERM RENTAL

The rental of dwelling units for a period of thirty (30) consecutive days or less.

VACATION RENTAL

Rental of any dwelling unit, in whole or in part, within the Township of Washington, to any persons for exclusive or partial transient use of 30 consecutive days or less, whereby the dwelling is only approved for permanent residential occupancy and not approved for transient occupancy by this chapter.

§ 580-88 Rental or payment for use prohibited.

- A. No person, including any hosting platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any vacation rental activity that does not comply with this article.
- B. No person shall charge, demand, receive or accept any rent or other payment for the use or occupancy of any residential premises within the Township of Washington which is used or occupied in violation of this article. Each such charge, demand, receipt or acceptance of such rent or other payment in violation hereof shall constitute a separate offense.
- C. No person, specifically including, but not limited to, those persons commonly known as "real estate agents," "brokers" or "salespersons," shall assist, aid or facilitate in the rental, sale, use or occupancy of any residential premises within the Township of Washington which is used or occupied or intended to be used or occupied in violation of this article. For purposes of this article, the acts of listing for rental or sale, advertising or otherwise offering for rent, lease or sale any residential premises within the Township of Washington which are used or occupied or intended to be used or occupied in violation of this article shall be deemed to constitute a violation of this article.

§ 580-89 Regulations; fees and charges.

- A. The Township Council of the Township of Washington may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the provisions of this article. No person shall fail to comply with any such regulation.
- B. The Township Council of the Township of Washington may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this article.

§ 580-90 Enforcement.

- A. Violation of any provision of this article shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, or Health Officer.
- B. Violation of the provisions of this article shall be punishable by a minimum fine of \$250 and a maximum of \$1,000 per day of the violation for first-time offenders. Second and subsequent offenders violating the provisions of this article shall be punishable by a minimum fine of \$750 and a maximum of \$1,000 per day of the violation.
- C. Any person convicted of violating any provision of this article in a criminal case or found to be in violation of this article in a civil case brought by a law enforcement agency shall be ordered by the court before which such case is pending to reimburse the Township and other participating law enforcement agencies their full investigative costs, and to remit by way of restitution all illegally obtained rental revenue to the victims of illegal short-term rental activities, the amounts of such payments and the manner of distribution thereof to be prescribed and implemented by such court.

D. Any interested person may seek an injunction or other relief to prevent or remedy violations of this article. The prevailing party in such an action shall be entitled to recover reasonable costs and attorneys' fees.

E. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law."

2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

Introduction: 1st Reading

Ordinance No. 19-05

AN ORDINANCE AMENDING FEES FOR SUMMER RECREATION PROGRAM ACTIVITIES AND RELATED SERVICES

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to introduce and pass Ordinance No. 19-05 at first reading by title.

A conversation followed on the end time for non-residents who choose aftercare, as well as the cost of before/after care being \$525 for the eight weeks, as opposed to \$325 for a full-program. Council President DeSena explained the \$325 is spread over 400 kids, as opposed to before/after care which a minimal number of participants choose to do. Councilman Ullman stated he will reach out to the Recreation Director.

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

Nays: Councilman Ullman.

The following resolution, Resolution No. 19-164 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

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

Nays: None.

Resolution No. 19-164

WHEREAS, Ordinance No. 19-05 entitled: AN ORDINANCE AMENDING FEES FOR SUMMER RECREATION PROGRAM ACTIVITIES AND RELATED SERVICES was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 18th day of March, 2019; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 1st day of April, 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. 19-05

AN ORDINANCE AMENDING FEES FOR SUMMER RECREATION PROGRAM ACTIVITIES AND RELATED SERVICES

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

<u>PROGRAM</u>	Fee for First Family Participant	Fee for Each Additional
Family Participant		
Summer recreation program (8:30 a.m. to 2:30 p.m.) (6-week program)	\$350.	\$340.
Summer recreation before and after care programs:		
Full before and after care (7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 5:30 p.m.)	\$525.	\$500.
Full before care (7:30 a.m. to 8:30 a.m.)	\$180.	\$160.
Full after care (2:30 p.m. to 5:30 p.m.)	\$400.	\$375.
Fee for late pickup (paid at end of week)	\$35 per hour for each participant	

Out-of-Town Registration

(Includes any participants who are not residents of either Washington Township or Westwood)

Summer recreation program (8:30 a.m. to 2:30 p.m.)	\$400.	\$390.
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Summer recreation before and after care programs:

Full before and after care (7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:30 p.m.)	\$550.	\$540.
Full before care (7:00 a.m. to 8:30 a.m.)	\$250.	\$225.
Full after care (2:30 p.m. to 4:30 p.m.)	\$450.	\$440.

Fee for late pickup (paid at end of week) \$35 per hour for each participant

Prorated refunds will be issued only during the first two weeks of the program. After the first two weeks of a program, registration fees are nonrefundable.

2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

INDIVIDUAL RESOLUTIONS

Resolution No. 19-165 Authorize transfer of appropriations in the 2019 budget in the first three months of the year 2019-Financial Services

A motion was made by Councilman Cumming, seconded by Councilman Cascio to approve Resolution No. 19-165.

Ms. Curran stated a bill was received for financial services in 2018 from Lerch, Vinci & Higgins. There is not enough money in the budget, this is the method which a transfer needs to be done. The service provided was reconciliation of the tax account, which was not done for the entire year. Administrator Tovo stated there was no clear delineation who was responsible the former CFO, or Acting Tax Collector, but it has been clarified. Councilman Cascio asked why was it done by this auditing firm, as opposed to those two individuals? Administrator Tovo replied it occurred prior to the CFO getting here, and we were not aware it was not done. Councilman Cascio asked why Ms. Curran didn't do that work? Ms. Curran replied prior to her getting here, there was a CFO and two Tax Collectors, when she arrived, she completed the Tax Collector Report for the entire year, there was not enough time to complete the reconciliation of the tax account, and she was not aware it was not done. Councilman Cascio asked someone was hired to complete it in a timely fashion? Ms. Curran replied correct, nothing was done, going forward it is the Tax Collector that reconciles for 2019. She stated it was not reconciled for 2018 by staff, it was done by Lerch, Vinci & Higgins also. Councilman Ullman asked were there any open reconciling items being carried over? Ms. Curran replied just a few, such as deposits in

transit, outstanding checks, and it is standard practice. She stated this is being paid out of 2018, that is why the transfer was made, it would go against the surplus for the appropriate reserves, note balance sheet, because the AFS is done, the surplus will down \$1,000, this will not be funded, there is money available. Councilman Ullman asked is there a list of accounts that are outside of Ms. Curran's control, and do we have a name next to them in terms of ownership, reconciliation, reasonably, frequency and things of that nature. Ms. Curran stated the structure needs to be discussed, since she doesn't know where that stands, was told different things when she began. Administrator Tovo stated there will be no accounts that are in direct control, they will be supervised by Ms. Curran. Councilman Ullman stated he believes Ms. Curran will certainly take ownership of those that are within her responsibility, this was not, and he is wondering if there is some account that should also be reconciled, that is not Ms. Curran's responsibly, that is under the responsibility of another individual who is not doing it, the Township should be reconciling its cash. Council President DeSena asked if Councilman's scenario is correct, would that have been picked up in the audit? Ms. Curran replied at this time, everything is being reconciled, the AFS cannot be done if not reconciled. Councilman Bruno suggested all the bank reconciliation go into Finance. Ms. Curran replied they are, but she doesn't know who should be doing what, Administrator Tovo will be determining who will be doing what at some point in time, she is currently doing the difficult ones now. Councilman Bruno stated this was recommended. Ms. Curran stated we need to go to central cashiering this will avoid departments doing reconciliations, most of them are not in finance. She would like to get central cashiering in place by June or July. Administrator Tovo stated we are working towards it, and it will be by years end. Councilman Cascio stated these are things that we are hiring full-time, part-time employees to do, and we now have to pay additional funds to a firm, this defeats the whole purpose. Ms. Curran replied she agrees with that. Councilman Cascio stated this is not the first time, it has happened years prior. Mayor Calamari stated these things didn't go wrong in one day, they do take time to get fixed, now that we are fully staffed in Town Hall, we are working in the right direction, but there will be still occasional things, until we are caught up and done paying for the sins of the past. Councilman Ullman stated, with all due respect, he could not disagree more. He understands that there may have been issues with staffing, but again these are items that are being brought to our attention, we would never have known that we had a reconciling issue if we didn't have to do a transfer, if this money was in Financial Services already, it would have been paid, we would not have even heard about it. He stated there was poor planning last year, a transfer had to be done and this comes out, the same with payments for the former engineer, things were coming in years, not brought to the attention of the Council, once it is brought to the attention of the Council, it puts us in a difficult position, and a bad light, it should because these are things that should be done. He understands we are staffing up, looking to hire more, but it does not eliminate the responsibly of people that are taking a paycheck, or who were paid to do these roles, a cash reconciliation is one of the most important things, there is a lot of money coming across the tax account. Ms. Curran stated most of the money gets transferred out of tax to current, we have to do a tax reconciliation, the proper reporting. She stated she was able to do the reporting without getting all the reconciliations done, she was able to give a whole year's report to the auditor, so there is something to start with. Councilman Bruno asked are there any tax receivables that have not been received yet based upon the tax reconciliations? Ms. Curran stated you will always have delinquent, Ms. Apar would know that, she doesn't run those numbers. She stated she is trying to teach Ms. Apar to do a report every single month and give that report to me, that will include delinquent taxes, interest, current taxes, seniors, vets, judgements, that type of stuff, which was never done at all, and it is part of the Tax Collector's duty.

Ayes: Councilmen Bruno, Cascio, Cumming, Ullman,

Council President DeSena.

Nays: None.

Resolution No. 19-165

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

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
Financial Services Fee (8-01-20-132-200)	\$1,117.50	
Finance O/E Payroll Services (8-01-20-130-320)		\$1,117.50

Resolution No. 19-166

Authorize transfer tax sale certificate premiums from Trust to Current Account

A motion was made by Councilman Bruno, seconded by Councilman Cumming to approve Resolution No. 19-166.

Ms. Curran stated when there is a Tax Sale Certificate, the lienholder has to foot the premium, and if it is not redeemed in five-years, the Township keeps that premium, which is \$3,000, which transfers from Trust to Current.

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

Nays: None.

Resolution No. 19-166

Authorize transfer tax sale certificate premiums from Trust to Current

WHEREAS, pursuant to N.J.S.A. 54:5-33, premiums paid by purchasers of Tax Sale Certificates are escheated to the Municipality if a period of five (5) years passes without the Tax Sale Certificate being redeemed; and

WHEREAS, the Tax Collector's office has identified one Tax Sale Certificate not redeemed within five (5) years, for which a premium was paid; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the following premium shall be transferred from the Trust Account to the Current Account:

<u>CERTIFICATE</u>	<u>PURCHASED</u>	<u>AMOUNT</u>	<u>LIEN HOLDER</u>	<u>BLOCK/LOT</u>
#09-00005	10/28/2010	\$3,000.00	72 Oak St Holdings	3209/47

Resolution No. 19-168

Appointment of Judith Curran as temporary purchasing agent

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to approve Resolution No. 19-168.

Administrator Tovo stated Mr. Matt Cavallo was the Township's temporary QPA, and he no longer wishes to serve in that capacity. The Division allows the Township to appoint a non-qualified Purchasing Agent for a period of one year, with the option of second year renewal. Ms. Curran has the knowledge and ability to fulfill this role. Ms. Curran will complete one of the courses towards the QPA Certification this week, so it will be prudent to appoint her for that position for the next 12 months. A conversation followed on Ms. Curran assuming this role, if it will be too much for her. Ms. Curran replied she will be working with Dina and Administrator Tovo, she can sit for the exam in June if time allows. A QPA essentially allows the Township to keep the higher threshold for bids, a monthly report is done by the QPA to make sure that purchasing is being done properly, and then reviewed by the Administrator and CFO.

Resolution No. 19-168

Appointment of Judith Curran as Temporary Purchasing Agent

WHEREAS, *N.J.S.A. 40A:11-9(g) et seq.* establishes the criteria for acting as a Temporary Purchasing Agent; and

WHEREAS, Chief Financial Officer Judith Curran may act as a Temporary Purchasing Agent as permitted by the Director of the Division of Local Government Services in accordance with *N.J.S.A. 40A:11-9(g) et seq.*; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey hereby appoints Judith Curran as the Temporary Purchasing Agent for the Township to exercise the duties of a purchasing agent pursuant to *N.J.S.A. 40A:11-9(g)*, with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED that in accordance with *N.J.A.C. 5:34-5.2* the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

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

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

Nays: None.

The next budget meeting will be held this coming Wednesday, March 20th at 7:30 p.m.

The next regularly scheduled Council Meeting will be held on Monday, April 1, 2019 beginning at 7:30 p.m.

PUBLIC SERVICE ANNOUNCEMENT – Council President DeSena

SIGN UP FOR *SwiftReach911* ALERTS

Keep informed *BOTH* at home and on the go! Receive Public Safety Alerts, Emergency Notices and Instructions and Important Local Notices from the Township of Washington Police Department and Administration. Messages will be sent by one or more of the following methods:

- A voice call to your home and/or mobile numbers
- A text message to your mobile phone
- An email to one or more addresses
- Residents using the Swift911™ app will receive push notifications.

You can subscribe (or unsubscribe) to specific alert types and your information is always kept private and confidential. Go to www.twpofwashington.us to sign up online or just TEXT SWIFT911 to 99538 and click on the link in your text message to sign up.

PSE&G

Sign up for My Alerts at pse&g.com, to receive status updates by text/email.

SUEZ

SUEZ contact number is 1-800-422-5987

Commuter Parking/Firehouse Parking

To avoid a summons, the 2019 Commuter Tag must be displayed on your vehicle, while parked at the Firehouse Parking lot.

Raffle License

Having a raffle in the Township? You must apply for a Raffle License Application. Please contact the Clerk's Office, or visit the website under Forms.

JIF

The Township of Washington has received the Silver Award as part of the Bergen County Municipal Joint Insurance Fund 2018 Safety Management Program. The Silver Award is based on points achieved on the Safety Incentive Program, which comes with a \$1,000 monetary award payable to the town.

Time Noted: 8:24 p.m.


 Susan Witkowski
 Township Clerk


 Michael DeSena
 Council President

Approved: September 3, 2019

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
CONFERENCE AGENDA
March 18, 2019

Council President DeSena – The Conference Agenda is being suspended to discuss the 2019 budget. Council will go into Closed Session, and come back out for a Budget Session.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-167.

Councilman Ullman asked do we have any idea how long the Closed Session will be, before we re-emerge. Attorney Poller replied at least a half-hour, maybe an hour.

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

Resolution No. 19-167

Closed Session – Viviano/COAH, Pending/Anticipated Litigation; Personnel Tax Collector, Police Records Clerk, Asst. to Township Clerk/Board of Health Secretary, DMF Director, Violations Clerk, Judge

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.

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

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

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer . **Viviano/COAH, Pending/Anticipated Litigation**

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

Personnel-Tax Collector, Police Records Clerk, Assistant to the Township Clerk/Secretary Board of Health, DMF Director, Violations Clerk, Judge

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

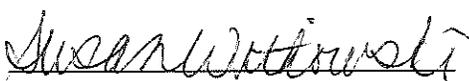
BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

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

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

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

Time Noted: 8:26p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: September 3, 2019