

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
REGULAR MEETING
March 4, 2019 ~7:30 P.M.

CALL TO ORDER: Council President DeSena, 7:32 p.m.

STATEMENT:

Welcome to the regularly scheduled Public Meeting of March 4, 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 TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills representing February 1, 2019 through February 28, 2019.

TOTAL	2018 Reserve	\$136,176.09
TOTAL	2019 Current	\$3,228,336.14
TOTAL	Capital Fund	\$743,154.59
TOTAL	Animal Control	\$0.00
TOTAL	Trust Fund	\$9,130.61
TOTAL	Grant Fund	\$0.00
TOTAL	Escrow Trust	\$71,619.25

APPROVAL OF MINUTES: None.

REPORT OF MAYOR CALAMARI

Mayor Calamari stated he does not have a report this evening, since we do have a lot to do with the budget. He stated all of the projects are moving along at a good pace, but he will not go into any detail at this meeting

PROCLAMATION

Women's History Month - March 2019

Read by Mayor Calamari

WHEREAS, the knowledge and celebration of women's history contributed significantly to the education and lives of all of society's members by; broadening and increasing all citizens' knowledge of history; developing an appreciation of the roles women have played and their contributions to civilization, understanding the contributions women of different cultures and beliefs have made to the world civilization; inspiring all to an appreciation of women's

contributions in art, education, medicine, science, mathematics, government and volunteerism; an awareness of how local women have benefitted community life; making women's history fully visible, not hidden; and

WHEREAS, women throughout the ages have moved history and civilization forward; and

WHEREAS, our national leaders have acknowledged contributions of women to American culture and the American way of life;

WHEREAS, BE IT RESOLVED, that every effort be made to develop a deeper understanding and appreciation of women's history, in both schools and communities. All citizens of the Township of Washington are urged to take interest in and give full support to qualify women's history programs for children and adults.

NOW, THEREFORE, I, Mayor of the Township of Washington officially proclaim that March 2019 be designated as "Women's History Month."

REPORT OF COUNCIL

Councilman Ullman stated he has no report, but would like to thank the DMF, there were three snowstorms back to back, the streets look great.

Councilman Cumming stated the installation of the almost free air conditioning units, condensers, coils, furnaces and so on, they were provided to us by Public Service, completed last week, and passed all inspections with the Building Department. He stated all of the LED lighting is complete/updated, now we will reap the savings. He stated he also received a positive comment on the snow removal.

Councilman Bruno stated no report at this time.

Councilman Cascio stated the Township had its first Shared Service Meeting with Westwood, Mayor Birkner and a Councilman did attend, and there were discussions regarding sharing some services, savings and cooperation. He will discuss this further at another Council meeting.

Council President DeSena read the following PSA:

WCTV Channel 24 FIOS is off until further notice due to Verizon's technical difficulties. Channel 77 is up and running, and the meeting will be available on YouTube.

SNOW AND ICE REMOVAL: Removal from Sidewalks

Snow and ice shall be removed from all businesses and commercial property within 12 hours after the occasion of any fall of snow, sleet or freezing rain. In the event the snow and ice on a sidewalk has become so hard it cannot be removed without damage to the sidewalk, the person in charge of the entity shall cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe, and shall after weather permits cause said sidewalk to be thoroughly cleaned.

SNOW AND ICE REMOVAL: Removal from Fire Hydrants

Every person in charge or control of any building, structure or lot within the Township, on which there is a fire hydrant located shall remove sufficient snow and/or ice to allow proper and immediate access to such fire hydrant within 24 hours after the occasion of any fall of snow, sleet or freezing rain.

Senior Bus Shuttle:

Our Senior Citizen and People with Disabilities Bus is here and our drivers are ready and poised to service our seniors and those with disabilities. The municipality will be assuming responsibility for those in need of assistance for shopping, social services, and medical services. If you are a senior - or if you have a disability and would like to use the bus service, please call Pat McDermott at 201-664-3268, Monday – Thursday, 8:30 am – 1:30 pm and let her know you wish to be added to the Going Shopping list, Senior Meeting list or the Medical Appointment list. Just provide her with your name, address, and telephone number. The Township bus goes to Shop Rite in Hillsdale on Mondays, picks up residents at home to attend scheduled Golden Seniors Meetings on Wednesdays and alternates between Paramus Park Mall & Westwood Plaza on Fridays. The day put aside for doctor’s visits is Friday. Appointments should be scheduled before 11:00 am.

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PET LICENSING

The \$25.00 late fee is now in effect. The Clerk’s Office has registered 679 dogs.

Daylight Savings Time

Daylight Savings Time 2019 begins Sunday, March 10th, turn your clocks ahead one hour and replace your smoke alarm batteries and carbon monoxide batteries.

Council President DeSena stated he would also like to commend the DMF on a wonderful job with the last three snowstorms.

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 Bruno, Cascio, Cumming, Ullman,
Council President DeSena.

Nays: None.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi asked if the Viviano matter will be discussed tonight in Closed Session. Attorney Poller replied no, there is more material coming in. He did have a conversation with the attorney for the objecting group, and he requested an adjournment of consideration of this issue, until he can get his response. He also advised Mr. Shimanowitz, the attorney for the applicant, all things being equal, it will be considered at the March 18th meeting. Ms. Grimaldi stated she asked at the last meeting if Viviano needed permission from the Township to cut down trees, and was told it needed to be looked into, is there now an answer to her question. Administrator Tovo replied they would need permission, but they are currently zoned under farmland, and part of that provision is for trees for burn, so that is being looked into, as well as setting up a meeting at the property to review the violations that need to be taken care of.

James Golden, 460 Van Emburgh Avenue – Mr. Golden spoke of the speeding, tailgating and aggressive driving along Van Emburgh Avenue. He wanted to raise the issue and see what can be done. Mayor Calamari stated he will mention this to the Police Chief, and see if he can put the portable electronic sign to remind drivers of the speed limit, as well as more enforcement. Councilman Ullman stated he would agree, driver’s go through the flashing lights, and it is a rush to get onto Route 17.

Steve Hyland, 745 Taylor Avenue – Mr. Hyland stated he has lived in the Township for over 60 years. He spoke at length of his concern of the DPW plowing snow onto the ADA ramps, making it difficult for access, and he feels it

is disrespectful. A conversation followed on the homeowner's responsibility of clearing out the ramp, but it being a challenge since the snow is piled so high, and if blocking the ADA ramp is inviting a lawsuit since ADA access is a Federal Law. Mr. Hyland showed Council several photos of Koch Peak and Washington, and also spoke of a conversation he had with Mr. Lawlor, who stated it was the Administration's job, and he did also leave a message with Mr. Tovo. Administrator Tovo stated he did reach out to Mr. Hyland, and left a message. Mr. Hyland also spoke of the gas station electronic signage, and the ordinance which prohibits such signage in the Township. Council President DeSena stated the Property Maintenance Officer is preparing an ordinance for Council to review regarding signs which are covering up the windows. Administration will reach out to Mr. Lawlor, the DMF supervisor, regarding plowing. Councilman Ullman stated he lives on corner, and feels the initial clearing is not the problem, it is when they come in with the pick-up, trying to clear up the corners to give a turn radius and visibility across the corner, which pushes it into the ADA ramp, and it does become a challenge.

Ms. Gerie Fox, 8 Katharina Place – Ms. Fox spoke of plows coming through and barricading her in. She stated they are not plowing curb to curb. Council President DeSena asked Administrator Tovo to advise the DMF to plow curb to curb on Katharina

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment stated she did thank the Director of DMF for plowing curb to curb.

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.

Councilman Ullman asked if the current ordinances regarding signage only apply to the shopping center? Council President DeSena stated he specifically asked about the gas station's adhesive signs he put up. Mr. Setticasa stated there is nothing on the books to prohibit that, and he is working on something to present to Council President DeSena. He did receive a complaint stating you cannot tell if children or anyone is in the store purchasing anything, it is also a detriment to the owner, since no one would know if anything is going on that area. Mayor Calamari stated the current ordinance is worded for the shopping center windows, not any others.

ORDINANCES

Adoption: 2nd Reading: None.

Introduction: 1st 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 introduce and pass Ordinance No. 19-02 at first reading by title.

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

Nays: Councilman Ullman.

The following resolution, Resolution No. 19-147 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

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

Nays: Councilman Ullman.

Resolution No. 19-147

WHEREAS, Ordinance No. 19-02 entitled: AN ORDINANCE PROHIBITING SMOKING IN DESIGNATED PUBLIC PLACES AND WITHIN MUNICIPAL FACILITIES IN 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 4TH 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 18th day of March, 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. 19-02

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 introduce and pass Ordinance No. 19-03 at first reading by title.

Councilman Ullman stated there are residences that have outdoor kitchens or outdoor grilling, BBQ areas, cooktop, how would this apply? Attorney Poller replied this ordinance is designed for the structure itself, the dwelling, a BBQ, cooktop is okay, but if it is adjacent to the home, then it may be something Council may not want to permit. Council President DeSena stated the purpose of this ordinance is for internal kitchens, making it a two-family dwelling for realtors trying to get a two-family Certificate of Occupancy. Councilman Ullman stated some home owners have invested in putting a sink, cook top, refrigerator in their backyard, it has the components that would allow them to say it is a two-family, but if there is a leeway, it could be challenged. Attorney Poller stated the wording can be changed to in the ordinance to “the presence of a second interior kitchen.” Councilman Ullman replied interior, yes. Council President DeSena stated we will make that edit, and introduce the ordinance.

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

The following resolution, Resolution No. 19-148 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

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

Resolution No. 19-148

WHEREAS, Ordinance No. 19-03 entitled: AN ORDINANCE REGARDING SECOND KITCHENS IN SINGLE FAMILY RESIDENCES IN 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 4TH 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 18th day of March, 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. 19-03

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 interior 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 introduce and pass Ordinance No. 19-04 at first reading by title.

Councilman Ullman asked the 3rd "Whereas" is that the Township's experience? Attorney Poller replied that is the rubric, he does not think that the Township experienced much of this. Council President DeSena stated there are two rentals on Airbnb at this time, but he has not asked the Police Department if there have been issues with either address. Councilman Ullman stated page 3, 580-89, regulation fee and charges, what is the Township charging if such a practice is prohibited. Attorney Poller stated this is a brand-new thought process, just leaving it open-ended, there may not be any additional regulation, the ordinance may be clear and enforceable as it stands, but other towns have seen it fit to put it in as an open-door thing. Council President DeSena stated if the Township incurs any attorney fees, we can charge them for it, passing an ordinance. Attorney Poller stated it is putting an open item that can be filled in, if in fact the Township has this experience, which it may or may not have. Councilman Cascio stated it is a placeholder, for fines or other costs that the Township may incur, the Township is not getting into the business of renting homes. Attorney Poller stated there are ordinances that lay out what the law is, but there are adjuncts

to that, for example the abandoned property ordinance, it states what it states, but now we are formulating a registration form, which will put in additional things that are not in the ordinance, but it will be implemented by the Code Enforcement Officer. Councilman Ullman stated in the paragraphs before, we are expressly prohibiting it. Attorney Poller stated but to enforce, find out about it or assist in addressing it, additional regulations or input are needed.

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

The following resolution, Resolution No. 19-149 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Cumming.

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

Resolution No. 19-149

WHEREAS, Ordinance No. 19-04 entitled: AN ORDINANCE REGARDING SHORT TERM RENTAL PROPERTY PROHIBITIONS IN 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 4TH 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 18th day of March, 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. 19-04

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)].

COUNCIL RESOLUTIONS

Resolution No. 19-150 Appointment of Public Defender, Mario Bai

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-150

The current Public Defender, Mr. Kim, took a new job, and Mr. Bai is on the recommendation from the Board.

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

Nays: None.

Resolution No. 19-150 Appointment of Public Defender, Mario Bai

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that it does hereby appoint Mario Bai as Public Defender of the Township of Washington for a one-year term commencing March 4, 2019, through December 31, 2019.

Resolution No. 19-151 Appointment to open term (vacant) of the Zoning Board of Adjustment and restatement of existing members and terms, Dennis Moore

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 19-151.

Councilman Ullman asked that at the last meeting, both Mr. LaGratta, who was present at the last meeting, and Ms. Plantamura were both aware, as alternates, they needed to resign and submit their resumes to be considered as a Zoning Board member. No resignations have been received to date.

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

Resolution No. 19-151 Appointment to open terms (vacant) of the Zoning Board of Adjustment and restatement of existing members and terms, Dennis Moore

WHEREAS, the Township Council wishes to make appointments of members to the Township’s Zoning Board of Adjustment for terms of office that are open;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby confirms the following appointments to the Township of Washington Zoning Board of Adjustment for the applicable terms set forth herein voted on March 4, 2019:

1. The following individuals are hereby appointed as Members to the Township of Washington Zoning Board of Adjustment for the vacancy term stated below:

Dennis Moore Term commencing 03/04/19, and terminating 12/31/21

2. The following is a restatement of the existing terms for the following Members and Alternate Member of the Township of Washington Zoning Board of Adjustment:

<u>Members:</u>	<u>Commencement of Term:</u>	<u>End of Term:</u>
Les Hanna	01/02/18	12/31/19
Mary Ann Ozment	01/01/16	12/31/19
Fred Goetz	01/01/17	12/31/20
Diane Grimaldi	01/01/17	12/31/20
Michael Werfel	01/02/18	12/31/21
Dennis Moore	03/04/19	12/31/21
Said Toro	01/07/19	12/31/22

<u>Alternate Member</u>	<u>Commencement of Term:</u>	<u>End of Term:</u>
No. 1		
Toni Plantamura	01/02/18	12/31/19
No. 2		
Michael La Gratta	01/07/19	12/31/20

INDIVIDUAL RESOLUTIONS

Resolution No. 19-152 Authorize transfer of appropriations in the 2019 budget in the first three months of the year 2019 – gasoline & diesel

A motion was made by Councilman Ullman, seconded by Councilman Cumming to approve Resolution No. 19-152.

Ms. Curran explained a late invoice was received for office supplies from WB Mason. Invoices from 2018 may possibly still come in. Payroll was reviewed, and the Township was charged less.

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

Resolution No. 19-152

Authorize transfer of appropriations in the 2019 budget in the first three months of the year 2019 – gasoline & diesel

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;

WHEREAS at a council meeting held on February 19, 2019, the township council approved the following transfer:

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

WHEREAS, after the approval of the above transfer, some invoices needed to be charged to the O/E for the Department of Administration, resulting in insufficient funds for the transfer;

WHEREAS, as a result of the aforementioned, the CFO finds it necessary to amend the transfer as follows:

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)		\$7,000.00
Dept. of Admin – O/E (8-01-20-110-810)		\$2,000.00
Finance/Treasurer S&W (8-01-20-130-130)		\$6,000.00

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 above transfers in the 2018 Current Fund Budget Appropriations.

Resolution No. 19-153 Approval of emergency temporary appropriations due to emergent condition

A motion was made by Councilman Bruno, seconded by Councilman Cumming to approve Resolution No. 19-153.

This resolution is in addition to the previous resolution, it is now 5.1%, salary and wage has to be charged out as o/e, those items cannot be encumbered as without an emergency budget. Ms. Curran stated the original budget was 26%, she is adding 1.7% to cover payroll to the end of April, if Council does not adopt the budget. A conversation followed on this being a total of 40% of the total spent, which has never been put in the first 3 months. Councilman Ullman stated 70 to 80 of these lines are for PRFS and PERS, was this in the first temporary budget? Ms. Curran replied no, it would be a flat 26%, ADS pays it and they want the money by transferred over to the payroll account by the March 27th, it is due in April. Administrator Tovo stated the issue is all towns are operating under a temporary budget, 26.25%, the timing of the pension bills is not consistent with a temporary budget, it needs to be done later in the year to avoid having to do an emergent appropriation to cover it, if someone is not doing that, he doesn't know how they are getting around it. Councilman Bruno stated the Township did it for three years. Ms. Curran replied if it was encumbered, and not part of the budget, that you are not supposed to do. Councilman Ullman asked are these a strict formula? Ms. Curran replied she went through every single line item, figuring out every person's salary until the end of April. Councilman Ullman asked how about the non-salaried line items? Ms. Curran replied she went through every single item, and some were spent already as part of the temporary budget, for example there were monies in training in some areas, some employees were already taking classes, that money was spent. Ms. Curran stated there are 2nd quarter JIF bills, health bills run about \$60,000, that is for March and April. She stated when 26% is done, dividing it up, during the 1st quarter there are certain bills that you are paying that actually cost more than 26%, so you need to look every single bill from the previous year. She stated Administrator Tovo is new, and doesn't know if he had an opportunity to do that, and we did discuss the fact that if you don't have an opportunity to do that, a second emergent budget needs to be done, this becomes a part of the regular budget. Once Council adopts the regular budget, this gets encompassed together, it adds to this, it doesn't mean that all of this is going to be spent, but there needs to be enough in your S&W or you cannot complete your payroll, and that will be a big audit comment. Councilman Bruno stated the reality is, once the budget is done, it can be spent before the budget is done. He stated if \$50,000 is put in for x,y,z, and maybe that is over/under, but there is \$50,000 in there, before the budget is approved it can be spent. Ms. Curran stated she has not done that. She stated this is exact, it is not overspending.

Councilman Bruno asked if \$15,000 is put into a line item, then we do the budget, and only \$1,000 is needed, what happens to the \$14,000. Ms. Curran stated this is not a matter of moving, you have your regular budget, if Council decided you were going to put \$800,000 in DPW stipends, she needs to look at the 1st temporary, she cannot go above the \$800,000, she would then look at the recommendation for 2019. Councilman Bruno stated if Council doesn't want to budget a line item this year, and something is moved over, what happens to the money that has been moved from the temporary appropriation that we no longer budget for. Ms. Curran stated the term "move" is not the right term, if Council had told her they were looking at, for example, a \$100,000, she would never get to the point with a 2nd temporary budget that she would be near the \$100,000. She knows from past budget, certain amount of monies need to be in certain

areas. She stated the police are getting paid two-million-dollars, she will not put two-million-dollars in the temporary budget. She stated Councilman's Bruno's question is what if Council decides not to approve it, what she is doing here, if it's not approved, Council would not be able to approve anywhere near the 2019 budget allocation. Councilman Bruno stated if Ms. Curran moves \$15,000, for chair removal, Council says we are not going to pay for removal of chairs, but the monies are appropriated, what happens to the \$15,000 if Council doesn't approve it in the budget. Ms. Curran replied the resolution doesn't go through, everything is under o/e, if it is one item is o/e, it needs to flow up to the control o/e regardless. Councilman Ullman stated there is \$9,000 for basketball referees, Council is appropriating and putting into the temporary budget that amount. He asked what if Council decides during the budget that the Township will no longer do basketball, now that will not be spent, because we are not budgeting for it in the final budget, but we have an appropriation of \$9,000, is the \$9,000 going to be available to spend for referees, because Council approved the final budget that has no referees, will the number be zero. Ms. Curran stated that is in there because there were referees that were not paid, she had to put that in there because they were not paid. Administrator Tovo stated if Council chose not to fund it, in the future, you would not get that bill for the referees, because they will not be hired, but the services have already been rendered so they need to be paid. Councilman Bruno stated what happens to the money. Administrator Tovo replied the money goes to pay the referees, if you choose not to fund it, that will be for the future, that service has already been rendered. Council President DeSena stated for example, \$15,000 is put into winter watch, we say winter watch becomes zero, and after the next budget meeting, we take winter watch and bring it to zero, what happens to the \$15,000. Ms. Curran stated it goes back to o/e, with this temporary budget she could have put everything in o/e, but she went line by line so you would have a clear transparency as to what is going on, what could have taken an hour to do, took five hours to do. Mayor Calamari stated this is to get the Township through end of April, and the other things that are more seasonal, that 26% of them cannot be done, such as Winter Watch, which will die at the end of March. Ms. Curran stated that is why it was heavy loaded at the front end, the health and medical bills.

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

Nays: None.

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 Cascio to approve the Consent Agenda.

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

Nays: None.

Resolution No. 19-154

Authorize refund of overpayment of Q1 2018 property taxes, 447 Chestnut Street, Block 3309, Lot 8, in the amount of \$2,937.00

WHEREAS, the owner of 447 Chestnut Street, Block 3309, Lot 8, initiated a cancellation of an online credit card payment in the amount of \$2,937.00 for Q1 2018 property taxes. Per our processor's protocol, during their review of a

cancellation claim, the original payment stays on our records and a provisional credit is issued to the claimant's bank using their own funds. In the meantime, the owner issued another payment for his property taxes, thereby creating an overpayment, which is due our processor for the initial credit issued by them to the claimant's bank; and

WHEREAS, under the N.J.S.A.54:3-27.2, tax overpayments shall be refunded to the payer.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Township of Washington is authorized to issue payment to FIS Global, P.O. Box 4535, Carol Stream, IL 60197-4535, in the amount of \$2,937.00

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40a:4-57, N.J.A.C. 5:30-14.5 and any other applicable requirements, I, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained that there are available sufficient uncommitted funds in the 2019 Current Acct. #9-01-95-004-000. Total Certified Amount Not to Exceed: \$2,937.00; Judith Curran, CMFO

Resolution No. 19-155

Authorize refund of overpayment of property taxes, 620 Valley Court, Block 3201, Lot 15, in the amount of \$250.00

WHEREAS, an overpayment of \$250.00 was received from Corelogic, who paid property taxes on behalf 620 Valley Court, Block 3201 Lot 15; and

WHEREAS, under N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Tax Collector be authorized to issue a refund in the amount of \$250.00 to Corelogic, ATT: Tax Refunds, 1 Corelogic Drive, Mail Code DFW 1-3, Westlake, NJ 76262.

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40a:4-57, N.J.A.C. 5:30-14.5 and any other applicable requirements, I, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained that there are available sufficient uncommitted funds in the 2019 Current Account #9-01-95-004-000. Total Certified Amount Not to Exceed: \$250.00; Judith Curran, CMFO

Resolution No. 19-156

Authorize refund of balance of engineering escrow, 178 Hickory Street, Block 4508, Lot 47, in the amount of \$27.00

WHEREAS, Anna Lepishina posted engineering escrow monies for work on premises known as Block 4508 Lot 47, 178 Hickory Street; and

WHEREAS, the Construction Code Official issued approval, C.O. 14-539, dated 12/10/15; and

WHEREAS, outstanding invoices due the Township Engineer have been encumbered for payment.

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money to the above in the amount of \$27.00

CERTIFICATION OF AVAILABILITY OF FUNDS

As required by N.J.S.A. 40a:4-57, N.J.A.C. 5:30-14.5 and any other applicable requirements, I, Judith Curran, Chief Financial Officer of the Township of Washington, have ascertained that there are available sufficient uncommitted funds in the Escrow Project ID: LEPISHINAL. Total Certified Amount Not to Exceed: \$27.00; Judith Curran, CMFO

Resolution No. 19-157

Approval of Certification list of qualified volunteer members of the Township of Washington Fire Department, year LOSAP 2018

WHEREAS, The Township adopted Ordinance No. 99-10 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the Township of Washington Fire Department furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the Township Council hereby approves the list of the volunteer members of the Township of Washington Fire Department certified by the Department LOSAP Coordinator, Chief and Director for the year 2018, a copy of which list is attached here as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this list has been posted for at least thirty (30) days at the office of the municipal clerk and at the emergency services squad facility; and

BE IT FURTHER RESOLVED that after the thirty (30) day posting period the Township Treasurer will issue a check to cover volunteers on the attached list to Lincoln Financial.

Resolution No. 19-158

Approval of Certification list of qualified volunteer members of the Township of Washington Ambulance Corps, year LOSAP 2018

WHEREAS, The Township adopted Ordinance No. 99-10 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the Township of Washington Volunteer Ambulance Corps furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the Township Council hereby approves the list of the volunteer members of the Township of Washington Volunteer Ambulance Corps certified by the Corps LOSAP Coordinator and President for the year 2018, a copy of which list is attached here as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this list has been posted for at least thirty (30) days at the office of the municipal clerk and at the emergency services squad facility; and

BE IT FURTHER RESOLVED that after the thirty (30) day posting period the Township Treasurer will issue a check to cover volunteers on the attached list to Lincoln Financial.

*THE CONFERENCE AGENDA IS BEING SUSPENDED TO DISCUSS THE
2019 BUDGET*

Special Budget Meeting will be held on Wednesday, March 6th, at 7:30 p.m.

*Next regularly scheduled Council Meeting will be held
Monday, March 18th at 7:30 pm.*

Council President DeSena stated Council will be going into Closed Session to discuss the 2019 budget for Actual/Potential Litigation and the Township Attorney portion of the budget. At the March 6th Budget Meeting, Council will go through all the numbers in the book itself, but tonight Council will receive all of the explanations needed from Attorney Poller to be discussed in Closed Session only. Council will review the Department of Law Wednesday night. Council will not be returning to Open Session.

A motion was made by Councilman Ullman, seconded by Councilman Cumming, to approve Resolution No. 19-159.

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

Nays: None.

Resolution No. 19-159

Closed Session – Actual and potential litigation, Viviano; Personnel, Township Attorney

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an “executive” or “closed” session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection of a. of this section.
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. Any material the disclosure of which constitutes an

unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

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

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 . **ACTUAL AND POTENTIAL LITIGATION-VIVIANO PROPERTY**

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-TOWNSHIP ATTORNEY**

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.

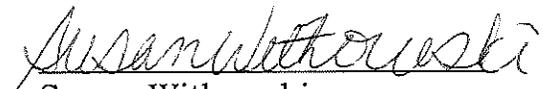
BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

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: 8:36p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: September 3, 2019