

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

REGULAR MEETING MINUTES

September 17, 2018

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

Council President Michael DeSena called the meeting at 7:31 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of September 17, 2018 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in January and this notice has been posted on the Township Bulletin Board and on the Township website.

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

SALUTE TO THE FLAG

ROLL CALL

Council Members Councilmen Robert Bruno, Steve Cascio, Art Cumming, Michael Ullman and Council President Michael DeSena. Also present: Peter Calamari, Mayor; Ken Poller, Township Attorney; Susan Witkowski, Township Clerk. Absent: Matthew Cavallo, Township Administrator.

APPROVAL OF MINUTES

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

Public Meeting Minutes of: July 2, 2018
Conference Meeting Minutes of: July 2, 2018

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

GENERAL PUBLIC DISCUSSION

A motion was made by Councilman Cascio, seconded by Councilman Cumming to open the general public discussion.

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

Seeing none.

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

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

PRESENTATION

Quest Environmental & Engineering Services, Inc.

Tom Foster

Mr. Foster stated he will start at the beginning. This is discharge from 1998, focusing on them as AOC, 2000-gallon gasoline tank and 3000 diesels, immediately in front of the DPW Building. One of the fittings on one of the gasoline tanks leaked, contaminating both soil and ground water, at around the same time a 1000-gallon heating oil tank was pulled that fed the municipal building, which is located underneath approximately where the cell tower is now. There is an additional AOC node, and that is a former waste oil tank, that is approximately where the current waste oil tank is located in the DPW yard. There was an excavation conducted back in the day, and it did not remove all of the soil contamination. Our historic work and our recent work indicated that the soil contamination still exists in front of the DPW building, and extends a minimum of 10 feet under the building. Councilman Ullman asked is "the front" referring to the parking lot. Mr. Foster replied the parking lot side, the dispenser was off the far corner, the west side of the building. That remains one of the problems, in that that it is acting as a sewerage to the ground water, the ground water contamination probably extended to Pascack, but given the amount of time it has reduced itself, and we consider it to be exclusively on site as far as exceedances go. Council President DeSena asked do you believe the exceedances off-site have naturally extenuated. Mr. Foster replied yes. The most recent report that went in was to get the Township up to date with the DEP guidelines, they have an RI Requirement and RA Requirement. The RI is the Remedial Investigation, the size of the contamination, where it is located, and how much there is, the RA is the Remedial Action, the clean-up, the deadline being May 21, 2021. Councilman Ullman asked what does that date mean, that it has to be remediated? Mr. Foster, yes, their intention is for this job, with this certain discharge, be remediated by then. Councilman Ullman asked May 21, 2021 it has to appear that it never existed? Mr. Foster replied yes, with one caveat, the remedial action could include a Classification Exception Area, CEA, for your site, it would for the ground water, that means there will be ongoing monitoring, CEA just puts it in place as a restricted area, so nobody could put in a potable well in the area, then it would be monitored, eventually it will attenuate and eventually you can close that. There is no mechanism like that for soil, so ultimately it would be good for the soil to be out by that date or treated. Council President DeSena asked if the Township would have done this, like the DEP originally asked, there would be different criteria to meet, correct? Mr. Foster, yes, they dropped the benzene standard, which the Township has from 1 to .005. Council President DeSena asked if past administrations would have dealt with this, when they were supposed to, we may have gotten a "No further action" letter and been done with this. Mr. Foster replied if things went well, you might still be in CEA monitoring. Council President DeSena stated but we would not be talking about spending \$200,000 to dig up this soil. Mr. Foster, no, the Township has a tremendous amount of groundwater data, the problem is you cannot submit it to get approval if there is still sewerage contamination, which is the soil. To a smaller extent, there is a problem with a waste well, that has sporadic leaking probably from a battery that leaked. A small soil excavation was done back in early 2000, or 1998, but we do not know if the AST contamination was found that early, because no one was looking for it, once the DEP is involved, they tend to make you look for everything. Council has the proposal, and there is talk about removing the DPW building. On Quest's end, digging a hole in an open area is the easiest way to get rid of soil contamination. There are alternatives, and they are more expensive, if you want to keep the building, and try to treat it in place, possible, the deadline would be tight at this point, but it is possible. Council President DeSena asked how deep is the contamination, and what rating are we with the contamination? Mr. Foster replied we would probably dig to ground water, we do have samples that are as deep as eighteen-and-a-half feet

and they are contaminated. Council President DeSena so we would drive a sheathing to take this out? Mr. Foster replied more than likely, depending on what the redevelopment project looks like, if the building does go, fencing does go, you can slope sides. Council President DeSena stated we are dealing with a slope going down also. Councilman Ullman asked Council President DeSena to explain that question. Council President DeSena replied we are talking about digging an eighteen-and-a-half-foot deep hole, probably the side where the garbage trucks sit, and the parking area next to it. Mr. Foster replied it is difficult to speculate the exact size, he would guess forty-by-forty. Council President DeSena stated the garbage trucks and the two bays, forty-by-forty hole, eighteen-and-a-half feet deep in order to dig a forty-by-forty hole, eighteen-and-a-half foot deep, we will have to drive steel sheaths to make a barrier so the surrounding areas do not collapse, is that included in the \$170,000 price or is that just to remove and get rid of the soil. Mr. Foster replied again, that cost has some caveats, if you decided not to demo the building. Council President DeSena replied those costs and that proposal is not what we have out there today. Mr. Foster replied he would say it is close, depending on the access. Council President DeSena stated if the building is left there, those costs are not accurate. Mr. Foster replied no, not if you leave the building there. What we have done in the past, you dig down and drive piles to support the building, he does not know how that would turn out with a building of that age. Council President DeSena replied he just wants to make sure everyone understands what the costs are. Mr. Foster replied with building demo, yes. Council President DeSena stated prior administrations have left us with big liability and it is a shame. Mayor Calamari asked assuming we spend the money that is in this proposal, and that building is gone, and you have the area to work with, does that finish us or is there more money to be spent down the line after this is done. Mr. Foster replied assuming the soil goes well, and we get it on the first try, after which we would do a small amount of groundwater monitoring, then we can apply for CEA, so you are looking at a few thousand for reporting, as well as sampling, and then if the DEP accepts, there is an annual fee of \$400, you are currently paying about \$2,000 per year for annual fees. Mayor Calamari asked if we took that building down, how long is needed to remediate it before we would think about doing anything on that property. Mr. Foster replied it depends, if you want to pay for accelerated turns on samples, you can get sample results in twenty-four hours, if needed, he is thinking a week for work, depending if sheet piles need to be done, and that situation we get into there. Mayor Calamari replied so you are not talking months or years. Mr. Foster replied months of preparation, you would not be done in two weeks. Council President DeSena stated a month to three-month time limit, as long as mother nature cooperates. Mr. Foster replied he would agree, for the waste oil tank, the best approach would be if we are out there digging, dig the well out and that will get rid of whatever little cadmium that might be infiltrating, and put a new well, that well is immediately next to the waste oil tank, waste well cube. Councilman Ullman asked are there any constraints or restrictions on what can be done at that site once it is remediated. Mr. Foster, no, it will be fine, the only thing is if you were to build a building, we would probably want to be in touch with whoever is going to build it because as we backfill, we backfill to the specifications of the building. Councilman Ullman stated there is a hole there, and if we are thinking of doing anything at that location, there is a basement level, so you don't have to build up, perhaps you can put a basement under rather than going on top. Mr. Foster replied the cell tower area is ready for closure, the only reason it was not closed it is under the same discharge number as the tanks, with the DEP you cannot half close a discharge number, and then we would close the waste oil tank under the same number. Councilman Cumming asked what is the effect of the forty-by-forty by eighteen-foot excavation in such close proximity to the cell towers, and their footings. Mr. Foster replied we are more than far enough away from the cell tower, unless the contamination goes further than anticipated, but we do have samples in between the DPW and cell tower that are clean. Councilman Ullman stated this remediation plan cannot be put into play until the town decides on

what is going to be done with that sight. Mr. Foster replied the digging approach relies on exclusively on the removal of the building in advance. Council President DeSena stated it is a quarter of a million-dollar liability, without the demolition of the existing DMF building. Councilman Ullman asked are there any intermediate expenses related to this, before we execute around this proposal? Mr. Foster replied the only thing he would have is if the DEP does not like the non-remedial CEA submitted with this most recent report, in order to submit the RI, you have to protect people from the contaminated ground water, so they require that you do a non-permanent CEA so no-one puts a well in, when you are done, you would get a permanent CEA. Recently, there have been a few come back where they didn't like the mapping, which can be done in a few hours, nothing beyond that. Councilman Ullman asked if any wells that we would need to monitor exist. Council President DeSena stated with the exception of the one that will be replaced. Mr. Foster stated if there was going to be construction in that area, it is probably going to turn out best to remove all of the wells in advance, as opposed to destroying them in the process, and put them back in after the work is finished, that would be about three wells that would get removed, at about \$15,000 in total, it is only one deep well, the shallower ones are a bit more cost effective, it is when you get deep it is problematic. Council President DeSena stated so by the time you take this proposal, and add that to it. Mr. Foster replied that proposal should have a well task to it, Monitor Well Reinstallation, and as well as Task 2. Mayor Calamari asked does any of this require a long lead time, before we would be ready to demolish the building and start work on these tasks. Mr. Foster replied he can have his guys out on a week's notice to abandon a well. Council President DeSena stated he believes the longest lead time is explaining to our tax payers is finding \$200,000 for something that should have been done twenty-years-ago, he doesn't think it is fair to council to deal with this in 2018, it is a disgrace. Mr. Foster stated the DEP played some role early on in their ability to get stuff done. Council President DeSena stated the Township's non-action to the DEP is what is causing this now, and it is a disgrace that our non-action from DEP threat letters go to this point, and that is not fair to this Council and everyone sitting at this dais. Mayor Calamari stated and to the tax payers. Councilman Cascio stated we will figure it out, it needs to be done by 2021. Councilman Ullman asked in terms of the current use of the building, and staff that is there on a regular basis, is this essentially capped due to the asphalt and cement. Mr. Foster replied vapor testing was done in the Municipal Building, as required by the DEP back in 2012, we did not do it in the DPW building. Initially you would take a sub-slab sample and run it, presumably the gas would be hot, and the next step for the DEP is to run an indoor air sample in the DPW building where they have a can of gasoline, and actively working on equipment, they are not exposed to anything worse than they are seeing. Council President DeSena asked it would be much too expensive to inject some kind of bacteria. Mr. Foster replied that form is not great for dry soil, if you were to try in place without demoing the building, you would have to do a vapor recovery system, where you would be forcibly pulling air from the ground and stripping the vapors from the soil, the trailer is set up and cutting floors for pipes, there would be more sampling, and more expensive. He stated if there are any follow-up questions, please reach out.

ORDINANCES

Adoption 2nd Reading

Ordinance No. 18-11

AN ORDINANCE SETTING FORTH LIMITATIONS OF DRIVEWAY AREA & PROVIDING FOR PARKING THEREON

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-303 authorizing second reading and opening of

Public Hearing for Ordinance No. 18-11.

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

Resolution No. 18-303

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-11 entitled: AN ORDINANCE SETTING FORTH LIMITATIONS OF DRIVEWAY AREA & PROVIDING FOR PARKING THEREON be read on second reading and the public hearing be held thereon pursuant to law.

Seeing none.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-11.

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

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-11.

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

Ordinance No. 18-11

AN ORDINANCE SETTING FORTH LIMITATIONS OF DRIVEWAY AREA AND PROVIDING FOR PARKING THEREON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Article XII entitled "Residential Building and Lot Requirements" of Chapter 245 of the Code of the Township of Washington be and is hereby amended as follows:

1. Section 245-77 is hereby added as follows:

"§245.77.3 Driveways and Parking thereon

Driveways, regardless of the composition of materials thereof, shall be located on the same side as garages, and shall be no wider than twenty-two (22) feet; except that circular driveways extending from a driveway of twenty-two (22) feet in width shall be no wider than eleven (11) feet.

The parking of motor vehicles on residential developed lots shall be limited to the defined driveway portion thereof. It shall be unlawful for any residential property owner to park or permit the parking of any motor vehicle on any lawn areas or other areas of the property other than the driveway."

2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason 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 Chapter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-161 (b)].

Adoption 2nd Reading

Ordinance No. 18-13

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-304 authorizing second reading and opening of Public Hearing for Ordinance No. 18-13.

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

Nays: None.

Resolution No. 18-304

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-13 entitled: AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES be read on second reading and the public hearing be held thereon pursuant to law.

Seeing none.

A motion was made by Councilman Cascio, seconded by Councilman Bruno, to close the Public Hearing on Ordinance No. 18-13.

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

Nays: None.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-13.

Councilman Ullman asked this codification did it highlight the issue raised in Ordinance No. 18-11, that we have discussed. Mr. Poller replied no it does not highlight it, it was part of the manuscript they (General Code) had and originally thought of as part of the existing codification, existing adoption, but then research indicated that it had never been adopted, that is why it came up as an issue. Councilman Ullman asked does codification need to be done more frequently. Mr. Poller stated the Clerk sends every ordinance up to General Code, they insert it into the Code, which is being done going forward. He stated the law changes every day, some things are updated, outdated new statutes, things of that nature. Codification is a pretty huge re-examination, it is costly. If you went through every code of every town in New Jersey, there will be provisions in all of those Codes that are outdated or could be better, codification should be done every ten years, that is the recommended cycle. Mrs. Witkowski

stated after the ordinances are adopted, she sends them up to General Code, she is going to schedule, at least twice, if not three times per year that it will be codified into the Code itself, but until that happens, it is under "New Laws" and if you look under that now, there are a few of them with no explanation. A conversation followed if it is necessary to for codification every ten years.

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

Nays: None.

Ordinance No. 18-13

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Township Council of the Township of Washington, County of Bergen, State of New Jersey, as follows:

§ 1-2. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Washington of a general and permanent nature adopted by the Township Council of the Township of Washington, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 585, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of Washington," hereinafter known and referred to as the "Code."

§ 1-3. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, including provisions of the 1985 Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-4. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-5. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Washington by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-6. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Washington" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-7. Publication; filing.

The Clerk of the Township of Washington, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Washington to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-11. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-13. Inconsistent ordinances repealed.

- A. Except as provided in § 1-14, Ordinances saved from repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Washington which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Township Council of the Township of Washington has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Former Chapter 156, Parental Responsibility, of the 1985 Code.
 - (2) Former Article I, Individual and Semipublic Water Supplies, of former Chapter 227, Water, of the 1985 Code.

§ 1-14. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 2, 2018.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-15. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Nomenclature. The following nomenclature changes are made throughout the Code:
 - (1) All references to "Treasurer" are changed to "Chief Financial Officer," unless inapplicable..
 - (2) All references to "special patrolmen" and "special patrolmen or women" are changed to "special law enforcement officers."
 - (3) References to the Map Filing Law, N.J.S.A. 46:23-9.9 et seq. (L. 1960, c. 141) are updated to refer to N.J.S.A. 46:26B-1 et seq.
- C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

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.

Councilman Ullman requested Resolution No. 18-305 be pulled.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolutions No. 18-306 and 18-307.

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

Nays: None.

Resolution No. 18-306

Authorize Agreement with NJ Office of Clean Energy for energy efficiency upgrade
Direct Install Grant

WHEREAS, the New Jersey Office of Clean Energy offers a Direct Install Grant Program for Government, Non-Profit Facilities, and Small businesses that provides energy Efficiency Upgrades; and

WHEREAS, the New Jersey Office of Clean Energy will arrange the installation of certain energy conservation measures several municipal owned buildings throughout the Township as follows:

Municipal Building	\$1,117 per month for 36 months = \$40,212
Firehouse	\$103 per month for 36 months = \$3,708
Memorial Field Fieldhouse	\$21 per month for 30 months = \$764
Clark Field Fieldhouse	\$28 per month for 36 months = \$992

WHEREAS, the additional costs per will be added to the monthly PS&G Utility Bill Invoices for 36 months; and

WHEREAS, as a result of this installation, there is a projected cost savings of approximately Seventy-Four Thousand One Hundred Sixteen Dollars (\$74,116.00) over the next five years; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Washington, in the County of Bergen, New Jersey that the Mayor is hereby authorized to execute the contract agreements with the Public Service Electric and Gas Company pursuant to the terms of the Direct Install Grant Program for Government, Non-Profit Facilities, and Small businesses.

Resolution No. 18-307

Authorize acceptance of bid and award of contract for the Woodfield Road
improvement contract WT-2450

WHEREAS, on September 13, 2018, the Township received bids for the Woodfield Road Improvements - Contract WT-2450; and

WHEREAS, D&L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110 was the lowest responsive and responsible bidder for Contract WT-2450, in a required contract amount of \$152,867.75; and

WHEREAS, this contract shall be charged to Account No. C-04-55-898-103 or any other account that may be deemed appropriate by the Chief Financial Officer or her designee, and these funds shall be certified by the Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, in the County of Bergen, New Jersey that the bid of D&L Paving Contractors, Inc., 675 Franklin Avenue, Nutley, New Jersey 07110, Contract WT-2450, be accepted and it be awarded the contract, in a required contract amount of \$152,867.75.

BE IT FURTHER RESOLVED that this expenditure shall be charged to Account No. C-04-55-898-103 or any other account that may be deemed appropriate by the Chief Financial Officer or her designee and the availability of funds shall be certified by the Chief Financial Officer.

BE IT FURTHER RESOLVED that this award is subject to the approval of the New Jersey Department of Transportation.

Discussion Resolution No. 18-305 - Authorize contract with Dutra Excavating for back water valves

All of the residents have executed an agreement. A conversation followed on funding of the line item, which both the CFO and Administrator stated there was enough money to cover it, but did not mention the line item. The Purchase Order number is 17, so it may be being pulled from last year. Mr. Statile is seeing this project to completion, which is under a mutual agreement from him and the current engineer. At the bottom of the page it states account No. 7-01-26-290-650, a discussion followed if it was a typo, or it is coming from 2007, and if it is coming out of a current or capital project. Mayor Calamari stated he will look into it and get back to Council. He stated he hopes this is not going to be held up, since the residents have been patiently waiting, and we do not want to run into weather issues. Councilman Ullman stated he does appreciate that the residents are waiting, but he feels we tried to push it along, and there were scheduling issues and the agreement was changed multiple times. There is a give and take on both sides, but he feels it is legitimate question to understand where the funds are coming from. A conversation followed on the numbering, if it is a typo and where the funding is coming from.

A motion was made by Councilman Cumming, seconded by Councilman Cascio, to approve Resolution No. 18-305.

After a discussion it was agreed to table Resolution No. 18-305, until it is determined where the funding is coming from.

A motion was made by Councilman Bruno, seconded by Councilman Cascio to adjourn to Conference Session.

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

Nays: None.

Time Noted: 8:05 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: December 17, 2018

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

September 17, 2018

Members present: Robert Bruno, Steve Cascio, Arthur Cumming, Michael Ullman, Council President Michael DeSena. Also present: Peter Calamari, Mayor; Ken Poller, Attorney; and Susan Witkowski, Township Clerk.
Absent: Matthew Cavallo, Administrator.

Council President DeSena stated based on information and difference, a few of the items on the Conference Agenda will be stricken/tabled as we proceed.

Administration

DMF Study Presentation – A conversation followed on having a Strategic Planning Meeting on a Saturday, before the next scheduled Council Meeting.

Council President DeSena stated he would like to table items 2, 3 and 4, if that is okay with everyone.

Councilman Ullman stated he is in receipt of an email, and he understands the interest in tabling these items. He would like to speak about, in general, Closed Session, what is done in Closed Session, how Council goes into Closed Session, and what is discussed there. Council President DeSena stated for the sake of what is going on, he would like to not discuss 2, 3 and 4, because people have received a Rice Notice.

Closed Sessions to cover up problems – Councilman Ullman spoke of Resolution No. 302, Closed Session, exception for Item 4, contract negotiations, Item 5, property acquisition, and Item 8, personnel. He stated before we went into Closed Session, he attempted to get additional clarification, and he believes what Mr. Poller said to him, but if he had been in the audience when we had these votes, he would have stood up and asked what was going on. He stated he feels it is our obligation to be transparent, there are reasons, and exceptions to go into Closed Session/Executive Sessions and items were covered over and above what were discussed and disclosed in Resolution No. 18-302. He feels as a Council and Administration we need to be transparent and need to explain why we are going into these sessions more clearly. His understanding is there needs to be the ability to reasonably determine what is being discussed, there are certainly areas such as anticipated litigation, which he does understand, potential property acquisition, personnel, which there are Rice Notices, we should be saying who we are discussing or the office we are discussing. He stated if we are talking about existing litigation, there should be a docket number or some reference to that litigation, we should be able to show that. He feels that last week the discussions strayed to areas that certainly were not disclosed as part of Resolution No. 18-302, he would be hard pressed to figure out why they put into an Executive/Closed Session.

Undisclosed Invoices (131k) for Azzolina – Tabled.

Fiduciary responsibility to taxpayers – Tabled.

Town Report Card – Councilman Bruno stated he has no comment at this time.

Teen Program – An email was given to Council in the packets from Gary at Westwood Recreation, which he had sent to Mayor Calamari after a meeting regarding the Teen Rec Program. Council had in the past spoken about removing the \$10 fee per family/child for those who participate in the Teen Rec Program

with Westwood. Westwood does not charge a fee. Westwood would like the Township to pay approximately \$1,800 per year for a couple of staff members to monitor the program, that being the Township's share. Mayor Calamari stated his recommendation to the Council is he would like to amend this immediately, he believes there is money in the rec program. He would like to change the Fee Ordinance to remove the \$10, and hopes that can be introduced at the next meeting. Councilman Cascio spoke of his support for this. Mayor Calamari stated he spoke to our Recreation Director, who suggested on Community Pass there be a link for Westwood, where there would be a sign up at no charge, with a record of who would be attending. A conversation followed on getting a report from the Recreation Director on current recreation fees.

Council

Ordinances and Legislation

Amending Chapter 183, Sanitation Fee Schedule – A comparison was given to Council regarding surrounding towns and their late fees. Council agreed to add the late fee of 50% of the Annual Fee, the Sanitation Fee Schedule (Chapter 183) will be amended.

Abandoned House Ordinance – Mr. Poller stated he did some research and did find an ordinance. It will be forwarded to Council, as well as Mr. Setticas.

Red House – The property belongs to the Township and there is two months to go.

Tree Ordinance – The Township Clerk, Mrs. Witkowski did reach out to Mr. Azzolina and he would like to attend a meeting regarding this issue. A discussion followed on the trees at the Season's location. Mr. Setticas will be asked to look at those.

Councilman Ullman stated he has asked for a clarification in the past of \$839 expense for miscellaneous truck parts. He stated he would like to know if they are being charged against an ordinance from 2015, which concerns him since it would be permanent bonding. Mayor Calamari stated he will reach out to Administrator Cavallo tomorrow.

Council President DeSena asked if anyone has any comments on the firehouse proposal, and if Mr. Connolly should be asked to prepare a proposal for a new firehouse so we have it for our budgetary meetings. Mayor Calamari stated he spoke to him and he stated the next phase would be to fund the professional fees that were quoted, and he also indicated he will forward to us, at the latest a week from this coming Wednesday, a summary that will outline what needs to be done and the fee structure. Councilman Ullman spoke of having a discussion around a Strategic Plan, especially after what we heard this evening regarding the DMF building. A conversation followed on other capital items that were discussed, BANS that have been pushed along, the importance of having a strategic plan in place, and having a strategic meeting as part of a regular meeting or on a Saturday morning. Councilman Cumming stated he would like to move ahead with the fire house. He stated he would also like to commend the Police and Ambulance Corps, they were both called to Northgate for an incident, and due to their skill, the person survived. Councilman Bruno stated he would like to sit down at a meeting a prioritize what needs to be done, have a strategic meeting. A discussion followed on the DEP building, with a deadline of 3 years, the current condition of the firehouse and the intersection. Administrator Cavallo will be asked to bring the Project Tracker up to date.

CLOSED SESSION

The resolution is on the table, but is blank because a Closed Session was not anticipated.

The reason for a Closed Session is to discuss items 2, 3 and 4 on the Conference Agenda. Councilman Ullman stated item 3, this goes to his comment, it is an invoice for past due fees. Mr. Poller stated he would like to warn people, before we get into a discussion about what it is. He stated it is Anticipated Litigation, which is an overriding category which covers, what he believes would be the issues that are raised, that is from his point of view, which is an absolute permitted item from the Open Public Meetings Act. He stated to start talking about specific items, you will run into that it is not supposed to be in Closed per se to discuss in Closed. Council President DeSena stated the first thing Councilman Ullman didn't like about Closed Session was he didn't like the vagueness about it. Councilman Ullman stated anticipated litigation, if you explain what you are anticipating, it will give your potential litigant an inside into it, there is case law supporting that. Mr. Poller replied yes, he agrees.

Mr. Poller we will not speaking about personnel, no Rice Notices were issued.

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to go into Closed Session.

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

Nays: None.

Resolution No. 18-308

Closed Session, September 17, 2018

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 . **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.

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.

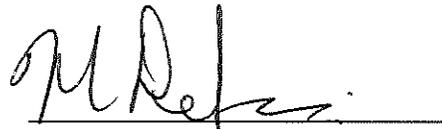
_____The Township Council anticipates that an open session will be necessary.

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

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

Time Noted: 8:34 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: December 17, 2018