

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

REGULAR MEETING MINUTES

September 4, 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 7:30 p.m. by reading the following statement

OPEN PUBLIC MEETING STATEMENT

The regularly scheduled Public Meeting of September 4, 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 Web Site.

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

SALUTE TO THE FLAG

ROLL CALL

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

Councilman Bruno arrived at 7:33 pm

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to suspend the Agenda and move on to the presentations.

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

PRESENTATIONS

Stone Mill Gardens	Michael Duffy
Nicholas Food Town	Matt Cavanaugh
Girl Scout Troop # 95583 (5 <sup>th</sup> Grade)	Co-Leaders: Elizabeth Leahy Nicole Sarlo Susan Torro
Girl Scout Troop # 96654 (6 <sup>th</sup> Grade)	Co-Leaders: Bernadette Galli Melissa Goetz
Cub Scout Troop # 228	Leader, Bob Terzi

Mr. Sears stated the Green Team would like to recognize Girl Scout Troops #95583 and #96654 for planting flowers throughout the Township, as well as cleaning up Clark Field thanking them for an outstanding job.

Mayor Calamari thanked the Girl Scouts for all of their hard work in supporting the Green Team and their efforts. It takes community involvement and it is nice to see involvement at such a young age.

A certificate was presented to each Troop Co-Leader which stated the following: "The Mayor and Council of the Township of Washington would like to thank Girl Scout Troop #95583/#96654 for volunteering their time in the beautification of the Township of Washington. "Alone we can do so little, together we can do so much."

Mr. Sears stated Cub Scout Troop 228, along with their parents, on Clean Up Day in April removed 423 pounds of glass, bottles, and other material. Thanks to the Dads, an additional 300 pounds of material, such as iron beams, water fountains and other debris was removed. The total number, which was verified by the County is 2,024 pounds of debris was removed from Lincoln Park and the streams. Mr. Sears thanked everyone for doing such an outstanding job.

Mayor Calamari thanked the Cub Scouts for their efforts and volunteering their time on the beautification of the Township of Washington.

A certificate was presented the Cub Scout Leader which stated the following: "The Mayor and Council of the Township of Washington would like to thank Cub Scout Troop 228 for volunteering their time in the beautification of the Township of Washington. "Alone we can do so little, together we can do so much."

The Green Team presented each of the Girl Scouts and Cub Scout with a backpack and water bottle.

Mr. Sears stated the Green Team recently removed another 80 pounds of bottles and cans. Mr. Sears continued the Green Team is in charge of picking out businesses that support our Green Team and community. He would like to award the following plaques to Stone Mill Gardens and Food town:

The Township of Washington Green Team awards the Stone Mill Gardens the "2018 Environmentally Friendly Award for your continuing support of a greener and healthier environment for the citizens of the Township of Washington. Your generosity and support of the Green Team have contributed to a cleaner Township".

The Township of Washington Green Team awards Nicholas Food Town the 2018 Environmentally Friendly Award for support of a cleaner Township of Washington. Your generous donations and support have contributed to a cleaner Township.

Mr. Sears thanked the Council for this opportunity.

The Clerk read the totals of the list of bills paid since the last bill list was submitted representing August 1, 2018 through August 31, 2018

TOTAL	2017 Reserve	\$17,401.00
TOTAL	2018 Current	\$3,944,030.64
TOTAL	Capital Fund	\$35,580.46
TOTAL	Animal Control	\$9.60
TOTAL	Grant Fund	\$12,154.48
TOTAL	Trust Fund	\$54,290.13

Councilman Ullman questioned check #3337, PO 18-00565, why was the amount charged to capital ordinance. Administrator Cavallo stated he will get back to Councilman Ullman on that. Councilman Ullman asked what is the reason for the cost difference between Fire Department members and Police Officer physicals. Administrator Cavallo stated the new Police physical require a Stress Test, which is a difference in the cost. A conversation followed on check # 36477, and check #36480, which Administrator Cavallo will check into. Check #36496, is a reimbursement of \$2,500 to the Washington Township Baseball, which is maintenance that was performed on Sherry, Clark and Gardner Fields, the existing dugouts at those fields were re-roofed and repainted. Washington Baseball paid the initial outlay, and the town reimbursed half the money. Check #36510, Page 11, rehabilitation of Memorial Field, is a current account created for the Recreation Department. Sprinkler charges of the field goes to the rehabilitation account of Memorial Field, other items are charged to the Parks and Recreation Account. A conversation followed on check #36515, \$12,000 for playground mulch throughout the parks in the Township, doing routine maintenance annually at those parks, and perhaps looking into grants for some type of permanent surface in the future. Page 12, check #36521, Police Department scheduling software, which has been purchased and installed, currently waiting for programming. Check #36523, rim sensors on tires, which are wear items, not covered under warranty. Page 16 and 17, yard debris and brush disposal fee, the DMF is currently looking into getting both a grinder and chipper for next year. Councilman Ullman asked regarding the recreation programs, why do some expenses go through a direct expense, and some through trust. Administrator Cavallo stated due to the unexpected increase in summer recreation registration, in order to pay for it, when it was not budgeted, it had to be taken out of the recreation trust. Money came in, and it was expended right away, instead of rolling it into the current fund, it was rolled into trust. If it was rolled into the current fund, it would come in as expected revenue, we rolled the extra revenue over to the recreation trust, and were able to pay the expense directly out of the recreation trust, it is a way to avoid having to do a budget emergency resolution. A conversation followed on the settlement for Town Hall, what is being charged against that settlement, and a purchase order which was created by the previous administrator. Councilman Bruno asked on page 21, General Capital Fund, there are two amounts which were charged to the DMF, what is that for. Administrator Cavallo replied it is part of their proposal. The previous proposal had been charged to the old ordinance. Quest will be attending the next meeting to give the Township the next phase of proposals, which will be charged to the Current Capital Projects. A conversation followed on page 24, engineering, from work done in 2013. Administrator Cavallo explained how the planning and zoning escrow is done for a project. This subject will be discussed in closed. Councilman Bruno requested that DMF go out and rake the mulch underneath the swings in the playground.

APPROVAL OF MINUTES

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

- |              |                            |
|--------------|----------------------------|
| May 7, 2018  | Regular Meeting Minutes    |
| May 7, 2018  | Conference Meeting Minutes |
| May 21, 2018 | Regular Meeting Minutes    |
| May 21, 2018 | Conference Meeting Minutes |
| June 6, 2018 | Regular Meeting Minutes    |
| June 6, 2018 | Conference Meeting Minutes |

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

Nays: None.

MAYOR'S REPORT, September 4, 2018

I would like to take this opportunity this month to recap what has been accomplished in the Township over the last eight months in no particular order:

Shared Services

We executed an agreement with Ridgewood for vehicle repair and maintenance. The Fire Department and DMF have taken advantage of the agreement and report that it is working out well. We are looking at other shared services agreements that I will be updating the Council on in our closed session.

Staffing and Equipment

Morale among the staff is at an all-time high. We recently made a couple of new full-time hires. We hired a new part-time Code Enforcement Official in July. At the time he expressed an interest in working full-time, when the Recreation Coordinator left we remembered he had prior recreation experience on his resume. We combined the two part-time positions into one full-time position, and he assumed the role of Recreation Superintendent today. We also combined the part-time positions of Payroll Clerk and Purchasing Assistant into one full-time position. That person is starting on September 17<sup>th</sup>. Joi Apar has moved to the positions of Tax Collector and Deputy Treasurer. We are looking into altering the hours that some of the Departments operate to better serve our residents. All employees have been supplied with new computer work stations, thereby increasing their efficiency.

New Senior Bus

One of the resolutions on tonight's Agenda for the Council to approve is the purchase of the new senior bus.

Grants

We put out an RFP for grant writing services. Unfortunately, none of them met our needs. We will be going out for proposals again shortly.

Recreation Program and Facilities

We added an additional week to our Summer Recreation Program, and are pro-actively looking to enhance next years program by partnering with another organization. Due to interest expressed by both parents and children, we added a new Pee-Wee Cheerleading Program.

Memorial Field

Memorial Field looks great this year thanks to the proper care and maintenance. With assistance from grants received, we will be resurfacing and updating the basketball courts at both Memorial Field and Gardner Park.

Concerts and Movies

Our first two concerts were a huge success, the weather then chose not to cooperate for our remaining events. Our movie night had to be rescheduled to August 24<sup>th</sup>, and we have two new dates for the concerts that had to be postponed. The oldies band "Jersey Sound" will be performing this Friday, September 7<sup>th</sup>, weather permitting, and the country band "Radio Nashville" will be performing on October 5<sup>th</sup>, the day before our Fall Festival Town Day. I look forward to seeing as many of you as possible at these upcoming events.

Police Department

The new scheduling software which was requested has been ordered and will be operational shortly. This will assist the entire department in scheduling their

manpower more efficiently. Starting October 1<sup>st</sup>, the dispatch desk will be staffed by four full-time civilian employees. These two things should reduce over-time and put more of the police where they belong, patrolling our streets. The department has updated and acquired additional active shooter equipment to go along with their continued training. We will be ordering two 2019 vehicles later this month to replace the older vehicles.

### Fire Department

The department has taken delivery of their long overdue Scott Pack bottles, as most of them were at their mandated end of life. These bottles contain the oxygen needed to for them to enter a fire. They are also in the process of updating their software, which will among other things, allow them to provide the correct statistics when applying for grants.

### Ambulance Corps

The Ambulance Corps took delivery of their new ambulance a few months ago. It is a state-of-the-art four-wheel drive vehicle that will serve them, our residents and neighboring towns for many years to come.

### Fire Department and Ambulance Corps combined

The Ambulance Corps voted and decided to move into a new state of the art building along with the Fire Department. The preliminary study is done, and we now have to approve the funding of the project to move on to the next phase.

### DMF

We resurrected a study that was done in 2017 for the space requirements needed in a new building. Both they and Town Hall have run out of space for their current and future requirements, therefore, we are looking at alternative locations to construct a new building. It will enable us to provide more parking spots at Town Hall, including additional handicap spaces to be used by people and groups that visit the building and use its facilities.

### Intersection of Pascaek and Washington

Council President DeSena will give an update on it, but I just want to remind the residents we gave everything to the County by March 31<sup>st</sup>, as requested, for them to take the project to the next phase. We are all committed to this project and anxiously look forward to working with the County to see it through to completion.

### Signs

We had an internal meeting regarding signs with a representative from Police, DMF and the Green Team. We are meeting with the salesperson from the sign company next week to get actual costs of the signs, to see where and how many signs we will be deploying this year.

### Commuter Parking

Additional spaces have been procured and the current permit holders were advised regarding the use of them.

### Town Hall

We have made many improvements to the building, new floors, doors, shutters and paint. We are looking to moving some of the offices around to put similar departments closer to each other for internal and visitor efficiency.

### 2018 Road Re-surfacing Program

The weather has not cooperated in this area either, due to the wet summer we had the contractor is behind schedule. Weather permitting concrete work will commence on September 16<sup>th</sup>, milling will start on October 5<sup>th</sup>, and paving will start on October 8<sup>th</sup>. Unlike previous years, milling will be done curb to curb instead of just at the curb lines, this will give the roads a longer surface life.

#### Planning Board

The Board has approved an agreement to update and bring the Township's Master Plan document current. The Board also has a long dormant housing project off of Van Emburgh Avenue that was approved about 15 years ago coming before the Board again.

#### Tree Removal

Many home owners have downed trees from storms and other events, so was the Township on its properties. The budget for tree removal for this year has already been fully spent, we will need a budget transfer in this area in November.

#### Curb side recycling

We are trying to get representatives from both our hauler, Buldo Sanitation, and our recycling processor, Waste Management to come in to give us a joint presentation as to what is allowed and what is now allowed. It will be filmed by WCTV, posted to You-Tube and periodically looped on the WCTV channel.

#### Green Team

The Green Team has made tremendous progress in a short time. Some examples are doing clean ups of our parks and the banks of waterways, starting a community garden and placing bike racks in the community. As you saw by the children here this evening, everyone can make a difference in taking care of our community and the planets natural resources. Please support the Team and their future projects.

#### Capital Projects

Without going into detail on each project, all of them are underway in some form.

As you can see a lot of positive things have been taking place to move the Township forward in during the past eight months. I am proud to have brought the many people together required to make these things happen. I would like to thank those on the Council and the residents who have volunteered their time to make this progress possible.

#### REPORT OF COUNCIL

Councilman Ullman stated just a reminder that schools have opened this week, please try to leave a few minutes earlier and slow down, there are a lot of kids on the streets and we want to avoid any incidents. On October 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup>, the Bergen County Clerk will bring a temporary satellite office to the Township of Washington. One of the primary things they will be doing is processing passport applications, along with assisting in Vote by Mail ballots, notary services, as well as granting peddler's license. Mr. Hogan sent out a glossy about Voter Registration, and recommends if you are not registered, that you register to vote, it is something that people have fought and died for. We are very lucky living in the United States to have that opportunity, and please register to vote.

Councilman Cumming stated at this time he would like to take the opportunity to address a letter dated August 13, 2018 from Dr. Gerald Cardinale, our Senator, friend, my mentor, to the Township Clerk, Susan Witkowski and the Council.

Councilman Cumming read the letter into the record:

Some constituents have called to my attention that athletic fields are regularly being sprayed with substances that are in some instance's toxic to users of the fields for a period of usually 72 hours post spraying according to the manufacturer instructions.

They further suggested that the flags placed for spraying often do not specify the date of the spraying or the date when it is safe to resume using the field.

This letter is being directed to you so as to alert you to the potential health risks children in particular and adults as well, may have inadvertently be experiencing.

While I am contemplating legislation of the subject, that will take some time to fully implement, so this word to the wise is, I believe, a good step for local consideration, local action is, in my view better than legislative mandate.

Councilman Cumming stated we appreciate the letter very much. The answer is as follows, a letter dated September 4, 2018, and will go out to him directly, with all good will and gratefulness for his communication to us.

Dear Senator Dr. Cardinale,

Thank you for expressing your concern for the residents of Washington Township. The health and safety of our residents is always our first priority and biggest concern. Unfortunately, I believe you have been misinformed and have been told false and misleading information.

1. The constituents who told you the fields were being sprayed regularly did not have all of the facts. The fields have only been sprayed for weeds once this season.
2. They also do not have their facts correct regarding the manufacturer's label. Products that required a 72 - hour manufacturer's post spraying restriction were not applied.
3. Regarding the posting of the flags, you were also misled. According to the NJDEP, the flag postings are not required to have the time and date.

Councilman Cumming stated as a post-script, he asked him to put labels on the flags indicating the name of the company, the pesticide applicator number, as required by the State of New Jersey, along with the time and the duration. Those flags are already marked that are put on the field by the company, voluntary, way over and above the requirements of the DEP. He stated he would no sooner leave a poison on the field for any children, let alone my grandchildren, who also use the fields. We are over, above and beyond the minimum requirements, codes, so everything is being done for the citizens and the children, and this has been his campaign promise, which has been more than fulfilled, since we had the debate at the high school, if anyone wants to review the last three minutes of that tape. He promised he would work hard for the residents, and we all under the Mayor's guidance and tutor ledge, continue to work hard for the residents and bring the Township forward.

(Back to the letter)

Starting in the spring of 2018, we decided to make a conscious effort in improving the playing surface of our athletic fields. Over the last couple of years, the fields have been neglected and have become full of weeds. The weed infestation has overtaken the grass and has created a very poor and unsafe playing surface. A poor playing surface is dangerous to our children and has become a liability to our community. According to Rutgers, our State University, a healthy turf provides a much safer environment for our athletes and reduces injuries.

Following the turf care guidelines created by Rutgers, we have decided to implement an Integrated Pest Management Lawn Care Program. The first thing we realized was that the weed population threshold was so high that we needed action. We decided to spray the weeds once so that we could decrease the population. We then followed with a core aeration and seeding to help revitalize the turf. Again, we were only following the recommendations set forth by Rutgers regarding the maintenance of a high traffic athletic field.

Councilman Cumming stated that is why we have had the progressive and aggressive program. He thanked everyone for allowing him to respond.

Councilman Bruno thanked Councilman Cumming for the reply. He stated we receive letters from politicians who have signs in our town with their names on it, and they go through the same intersection as we do. He has sent emails in the past asking for help, and has received no response, yet they respond to a letter regarding chemicals on a field. He also thanked the Green Team for cleaning up Lincoln Park, which is behind his home. He stated the Mayor, Council, Police Department and several other organizations received an anonymous letter regarding drug use in the Township, it was very poignant, and disturbing to read. He would like to set up a meeting for a follow up with the Mayor and Chief. Council President DeSena stated when he received the letter, he immediately forwarded it to the Chief, as the Mayor had done so already, and are working towards a response. He stated it is a very disturbing and pointed letter. The Police Department is doing a great job, they caught the graffiti culprits, which is a great thing, and are trying their best.

Councilman Cascio thanked the Mayor and Council for all of the progress that has been done in the past eight months and thanks them for all of their hard work, as well as our past administrator, interim administrator and attorney. Again, school is open, please drive cautiously, and wishes the students a great school year, and hopefully we will have a nice Fall for sports and cheerleading activities.

Council President DeSena commended everyone on the dais for their hard work and effort that is being put into this year and would like to see the efforts continue. The 2018 Flu Clinic will be held on Tuesday, September 25<sup>th</sup>, 11:00 am – 1:00 pm at the Jack Woods Senior Center in this building, by the Northwest Bergen Regional Health Commission, for more information please contact the Clerk. The Free Rabies Vaccination Program will be held on Saturday, November 3, 2018, from 9:00 am – 10:30 am at the DMF Building, 350 Hudson Avenue. Dogs must be on non-retractable leashes and cats must be in carriers, both dogs and cats are welcome at any time. Residents from any municipality are welcomed to bring their dog and/or cats to the program.

#### GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi stated she resides to the property which is adjacent to the Viviano property, which will have 78 homes once developed. She stated at the Planning Board meeting, two items were brought up, the pumping station, which may be a problem, and emergency access, there being only one way in and out. She contacted Green Acres regarding a land swap, which they do consider from time to time, that is buying the bit of Green Acre land at Kennedy Park. A conversation followed regarding the land swap, which would be done by the municipality, there would be deed restrictions, and the land at the swim club. Mayor Calamari stated he will address this at the next Planning Board meeting.

Toni Plantamura, 808 Robinwood Road – Ms. Plantamura spoke at length of the development that has occurred in the Township, combining shared services, and the home rule, which towns will no longer be able to afford. She stated when some members of the Council were elected two years ago, one of the campaign promises was changing the form of government. She stated she is disappointed since it is two years later and nothing has been done. She spoke of her frustration in living in this State, traffic issues, and there being no plan for development in this State, there is development going on, but no new roads are being built. She also spoke of there being no plan for a new exit off of the Parkway, and should be a condition for the intersection. She would like to know if Council will attempt or join forces of stopping over development since she feels there is no quality of life. Councilman Cumming spoke at length of things he experienced in his childhood, and sacrificing things for the good of the populous and accepting change gracefully. Council President DeSena stated the topic, change of the form of Government has been on the agenda for the last two meetings, it was discussed and it will be discussed again. A conversation followed on Exit 171.

A motion was made by Councilman Ullman, seconded by Councilman Cumming to close the general public discussion.

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

Nays: None.

## ORDINANCES

### Introduction 1<sup>st</sup> Reading

Councilman's Cascio requested that Ordinance No. 18-11 be discussed in Closed Session, possible litigation.

### Ordinance No. 18-12

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN INCLUSIONARY MULTI-FAMILY AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Ullman, to introduce and pass Ordinance No. 18-12 at first reading by title.

Attorney Poller stated this ordinance was already passed, this is the updated version due to the change in the wetlands, and the adjustment to the site. The plan was modified as a result, some of the numbers had to be changed and so forth. It has gone through the Township Planner, T&M, the applicant, Franklin Court, along with being approved by the Court Master. The ordinance will be introduced, then go to the Planning Board for recommendation, and come back to a Council meeting for a 2<sup>nd</sup> reading.

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

Nays: None.

The following resolution, Resolution No. 18-299 was presented and adopted on a motion by Councilman Bruno, seconded by Councilman Ullman.

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

Nays: None.

Resolution No. 18-299

WHEREAS, Ordinance No. 18-12 entitled: AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN INCLUSIONARY MULTI-FAMILY AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF 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 4<sup>th</sup> day of September, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 2<sup>ND</sup> day of October, 2018, 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. 18-12

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE VI, ENTITLED "CLASS AA DISTRICT," OF THE TOWNSHIP OF WASHINGTON ZONING ORDINANCE, ESTABLISHING THE REQUIREMENTS FOR AN INCLUSIONARY MULTI-FAMILY AFFORDABLE HOUSING OVERLAY DISTRICT IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF WASHINGTON

WHEREAS, the Planning Board of the Township of Washington adopted the Washington Township Housing Plan Element and Fair Share Plan on July 26, 2017, and the Township Council endorsed same on August 7, 2017; and

WHEREAS, the Washington Township Housing Plan Element and Fair Share Plan, as adopted on July 26, 2017, recommends the establishment of a multi-family affordable housing overlay zones to capture affordable housing opportunities on sites identified and mentioned in the Washington Township Housing Plan Element and Fair Share Plan; and

WHEREAS, on or about February 28, 2017 the Township of Washington entered into a settlement agreement in an action captioned In the Matter of the Application of the Township of Washington Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15 ("Action") with the Fair Share Housing Center and Franklin Court, LLC, which outlines provisions for the inclusion of an affordable housing set-aside at the property identified as Block 1102 Lots 1.04, 2, 9 and 11 in the Township of Washington; and

WHEREAS, it has become necessary to amend Article VI entitled "Class AA District," of the Township of Washington Zoning Ordinance, and adopt this new ordinance to implement and incorporate the terms of the settlement and the Township's newly adopted and endorsed Housing Element and Fair Share Plan which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and

supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, this Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time, and that low- and moderate-income households shall occupy those units and sets forth the administrative mechanisms necessary to implement the Township's revised Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Washington in the County of Bergen and State of New Jersey as follows:

SECTION 1. Article VI, entitled "Class AA District," of the Township of Washington's Zoning Ordinance is hereby amended to add a new Section 245-26.4 as follows:

Section 245-26.4: Inclusionary Multi-family Affordable Housing Overlay District

- A. Purpose. The purpose of the Inclusionary Multi-family Affordable Housing Overlay District is to provide development that contributes to the Township of Washington's municipal affordable housing obligation in accordance with the Township's Affordable Housing ordinances and to implement and incorporate the court approved settlement agreement, captioned In the Matter of the Application of the Township of Washington Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15, which was approved by the Superior Court of New Jersey at a Fairness Hearing on May 11, 2017.
- B. Location. The following lands and premises shown and designated on the Tax Assessment Map of the Township of Washington as revised, are hereby classified as the Inclusionary Multi-family Affordable Housing Overlay District:
- Block 1102 Lots 1.04, 2, 11 and a portion of Lot 9
- C. Permitted Uses. No building or land shall be used and no building or other structure shall be built, altered or erected to be used for any other purpose than those specified as follows:
- (1) Multi-family residential
- D. Permitted Accessory Uses. Accessory Uses. Uses customary and incidental to the principal use, including but not limited to: meeting rooms, gyms, and other amenities for the sole use of residents and their guests shall be permitted.
- E. Density. The residential density shall not exceed forty-four dwelling units.
- F. Affordable Housing Requirements.
- (1) At least fifteen percent (15%) of the total number of dwelling units to be constructed on the site, or seven (7) units, shall be set aside as affordable family units
- (2) Affordable units shall further be reserved as follows: one (1) very low income; three (3) low income; and three (3) moderate income.
- (3) All affordable units shall be subject to the provisions, where not referenced herein, of Article XXI, Affordable Housing of Chapter 239 of the Township of Washington Code.
- G. Bulk Requirements. Any proposed development shall comply with the following bulk standards:
- (1) Minimum Tract Area: 13 acres
- (2) Minimum Lot Size: one hundred thousand (100,000) square feet.
- (3) Minimum Front Yard Setback: one hundred twenty-five feet (125) measured from the property boundary between Lot 1.04 and Van Emburgh Avenue as depicted on the official tax map of the Township of Washington.
- (4) Minimum Side Yard Setback; forty-five (45) feet.
- (5) Minimum Rear Yard Setback; 200 (200) feet.

- (6) Maximum Coverage by Buildings or Impervious Surfaces: 25 percent (25%)
- (7) Maximum Building Height:
  - (a) Not more than 34 feet at that point of the building closest to Van Emburgh Avenue, as viewed from the easterly right-of-way line of Van Emburgh Avenue;
  - (b) Not more than 63 feet from the average ground elevation around the foundation of the building to the highest point of the building;
  - (c) Not more than 75 feet overall to the highest point of the building.
- H. Off-street Parking. Number and size of off-street parking spaces shall be provided in accordance with the Residential Site Improvement Standards.
  - (1) Driveway and Parking Area Setback: Setback of driveways and parking areas from adjacent residential uses and property boundaries shall be at least twenty (20) feet.
- I. Lighting. Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements.
  - (1) Exterior lighting shall be shielded to prevent glare or illumination on adjacent properties and residential uses.
  - (2) Pedestrian-level, bollard style lighting, or other glare-controlled fixtures mounted on building or landscape walls shall be used to light pedestrian walkways and not exceed four (4) feet in height.
  - (3) Parking lot lights shall not exceed twelve (12) feet in height.
- J. Landscape and Buffering Requirements: All landscaped areas are recommended to provide a variety of flowering and evergreen trees, shrubs and perennial plants to provide seasonal interest.
  - (1) A minimum twenty (20) foot wide landscaped buffer shall be provided along all parking areas and driveways that abut a property line of an adjacent residential use or property. This buffer shall be comprised of the following planting requirements:
    - (a) Evergreen Row - A minimum twelve (12) foot wide portion of the buffer that is closest to the adjacent property line shall be planted with a staggered row of evergreen trees.
    - (b) Shrub Row - A minimum eight (8) foot wide section of the buffer between the row of evergreens and the grass strip shall be planted with a staggered row of shrubs.
      - [1] Within the shrub row, one (1) deciduous shade tree shall be provided every thirty (30) linear feet or one (1) flowering tree shall be provided every twenty (20) linear feet.
  - (2) A minimum fifty (50) foot wide natural buffer shall be provided along the property boundary between Lot 1.04 and Lot 1.02.
    - (a) The natural buffer shall consist of trees, shrubs and groundcovers existing on the property at the time of development.
    - (b) The area of the natural buffer shall be protected from construction, grading or other activity which might cause damage to or reduction of the area of the buffer and the plant materials within.
    - (c) The natural buffer may be supplemented by additional plantings at the perimeter of the buffer to provide additional screening.
  - (3) A minimum ten (10) foot wide landscaped buffer shall be provided along the perimeter of parking areas not abutting a property boundary. This buffer shall be planted in a manner that will provide a continuous visual screen throughout the entire year.
- K. Open Space. All areas of the tract that are not developed with principal buildings, drives, parking areas and stormwater management facilities shall be reserved as open space for passive recreation or conservation purposes and dedicated to an organization responsible for the ownership and maintenance of such open space for the benefit of owners or residents of the development. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and shall not dispose of such

open space without first offering to dedicate the same to the Township of Washington.

(1) Minimum open space area: At least nine (9) contiguous acres of the tract area shall be reserved as open space.

L. Signs. The following signs shall be permitted:

(1) Ground identification sign: One (1) ground identification signs shall be permitted at the entrance to the development on Van Emburgh Avenue.

(a) The sign face of the ground identification sign shall not exceed four (4) feet in height and shall not exceed thirty-two (32) square feet in area.

(2) Way-finding or directional signage, building identification, building entrance and similar incidental signage shall be permitted.

(a) The sign face of way-finding or directional signage shall not exceed two (2) square feet in area per sign.

[1] No illumination of way-finding or directional signage shall be permitted.

(b) Building identification signage shall not exceed ten (10) square feet in area per sign.

[1] Building identification signage may be externally illuminated with a light level of an intensity not to exceed the equivalent of seventy-five (75) watts or 1,100 lumens each, that are shielded and directed solely at the sign.

SECTION 2. Article II: Classes of Districts, Sections 245-3 is hereby amended to include the Inclusionary Multi-family Affordable Housing Overlay District and the Zoning Map of the Township of Washington is hereby amended to include the boundaries of the Inclusionary Multi-family Affordable Housing Overlay District as described herein and in the attached Exhibit A.

SECTION 3. This Ordinance shall be subject to review and recommendation by the Township of Washington Planning Board in accordance with N.J.S.A. 40:55D-26 and notice requirements of N.J.S.A. 40:55D-62.1.

SECTION 4. All ordinances or parts thereof affecting the property designated as Block 1102 Lots 1.04, 2, 11 and a portion of Lot 9 that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies, and no land use related ordinance hereafter enacted by the Township of Washington shall be enforced in such manner as to impair the rights conferred by virtue of the settlement agreement between Franklin Court LLC and the Township of Washington, as marked into evidence in the case entitled In the Matter of the Application of the Township of Washington, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-6067-15.

SECTION 5. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Bergen County Planning Board.

Introduction 1<sup>st</sup> 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 Bruno, seconded by Councilman Cumming, to introduce Ordinance No. 18-13 at first reading of title.

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

Nays: None.

The following resolution, Resolution No. 18-300 was presented and adopted on a motion by Councilman Bruno, seconded by Councilman Cascio.

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

Nays: None.

#### Resolution No. 18-300

WHEREAS, 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 was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 4<sup>th</sup> day of September, 2018; and

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 17th day of September, 2018, 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.

After a discussion, it was decided Ordinance No. 18-11 be moved to the Conference Session Agenda.

#### 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 Cumming, seconded by Councilman Ullman, to the Consent Agenda.

Council President DeSena requested Resolution No. 18-286 be pulled for discussion.

Councilman Ullman requested that Resolutions No. 18-294, 18-296 and 18-297 be pulled for discussion. *(voted on separately.)*

Resolution No. 18-286 – Authorization refund of recreation fees to Westwood Recreation

Pee Wee football was cancelled due to a lack of participation. The Westwood fee is higher than the Township, since the refund takes so long, an agreement was made with Westwood to pay them the fees that were paid directly to the Township, with the parents paying the remaining delta fee. The children will be registered with Westwood, and have been unregistered in the Township.

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

Resolution No. 18-277

Authorize refund of recreation fees, Elena Pinto, \$50.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Elena Pinto  
984 Curtis Place  
Washington Township, NJ 07676

Refund for Extra Excursion Registrations:	
(Zakaria- Movies)	\$15.00
(Zakaria- Swim Club)	\$10.00
(Sophia- Movies)	\$15.00
(Sophia- Swim Club)	\$10.00

Refund Amount: \$50.00

Resolution No. 18-278

Authorize refund of recreation fees, Maria Pollaro, \$40.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Maria Pollaro  
61 Mountain Ave.  
Westwood, NJ 07675

Refund for Duplicate Excursion Registration:	\$40.00
(Liberty Science and Tomahawk Lake)	

Refund Amount: \$40.00

Resolution No. 18-279

Authorize refund of recreation fees, Aneta Dakik, \$40.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Aneta Dakik  
369 B William Street  
Ridgewood, NJ 07450

Refund for Duplicate Excursion Registration:	\$40.00
(Liberty Science and Tomahawk Lake)	

Refund Amount: \$40.00

Resolution No. 18-281

Authorize refund of recreation fees, Michelle Collis, \$20.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Michelle Collis  
145 Presidents Road  
Township of Washington, NJ 07676

Refund for Additional Amount of Refund \$20.00

Refund Amount: \$20.00

Resolution No. 18-283

Authorize refund of recreation fees, Nicole Murad, \$80.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Nicole Murad  
575 Colonial Blvd.  
Township of Washington, NJ 07676

Refund for Swim Club Excursion \$80.00  
(Anna and Anthony 8 trips total)

Refund Amount: \$80.00

Resolution No. 18-284

Authorize refund of recreation fees, Kimberly Riley, \$40.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Kimberly Riley  
575 Fern Street  
Washington Township, NJ 07676

Refund for Duplicate Excursion Registration: \$40.00  
(Liberty Science and Tomahawk Lake)

Refund Amount: \$40.00

Resolution No. 18-286

Authorize refund of recreation fees to Westwood Recreation, \$1,510.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees, check payable to:

Westwood Recreation, 55 Jefferson Avenue, Westwood, New Jersey 07675 in the total amount of \$1,510.00

Name	Sport	Fee	Admin Fee	Total Refund
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Joe Levezolla	Pee-Wee Football (Brandon)	\$180.00	None	\$180.00
Kelvin Pena	Pee-Wee Football (Alexander)	\$190.00	None	\$190.00
Kristen Scalia	Pee-Wee Football (Luca)	\$190.00	None	\$190.00
Donna Hanson	Pee-Wee Football (Tyler)	\$190.00	None	\$190.00
Kaity Annecchini	Pee-Wee Football (Mason)	\$190.00	None	\$190.00
Jennifer Ferraro	Pee-Wee Football (Brett)	\$190.00	None	\$190.00
Ryan Hamilton	Pee-Wee Football (Jacob)	\$190.00	None	\$190.00
Jessica Dellaratta	Pee-Wee Football (Nicholas)	\$190.00	None	\$190.00

Reason: Lack of Participants

Resolution No. 18 – 287

Authorize refund of recreation fees, Jeff Apostle, \$165.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Jeff Apostle  
320 Ridgewood Road  
Washington Township, NJ 07676

Junior Football: (Nico) \$190.00  
Administration Fee: -\$ 25.00

Refund Amount: \$165.00

Resolution No. 18 – 288

Authorize refund of recreation fees, Dana Egbert, \$165.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fees:

Dana Egbert  
750 Wayne Place  
Washington Township, NJ 07676

Pee Wee Football: (Gabe) \$190.00  
Administration Fee: -\$ 25.00

Refund Amount: \$165.00

Resolution No. 18 – 290

Authorize refund, engineering escrow, B4310, L20, 403 Walnut Street, \$853.00

WHEREAS, Kelly Clark posted engineering escrow monies for a project on premises known as Block 4310, Lot 20, 403 Walnut Street; and

WHEREAS, Ms. Clark has terminated her proposed project and is requesting that her escrow be refunded; and

WHEREAS, outstanding invoices due the Township Engineer as per his correspondence dated August 29, 2018 have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow monies in the amount of \$853.00 to the above.

Resolution No. 18 – 291

Authorize refund, escrow money, B2209, L12, 799 Sycamore Lane, \$713.00

WHEREAS, Maura Zaldivar-Garcia Trust posted engineering & soil escrow monies for work on premises known as Block 2209 Lot 12, 799 Sycamore Lane; and

WHEREAS, the project falls within the guideline where neither a Certificate of Occupancy nor a Certificate of Acceptance is needed; and

WHEREAS, outstanding invoices due the Township Engineer as per his letter dated July 27, 2018 will be satisfied; and

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 \$713.00.

Resolution No. 18 – 292

Authorize refund, escrow money, B2407, L40, 268 Coolidge Avenue, \$587.50

WHEREAS, Vincent & Maryanne DeNiro posted engineering escrow monies for work on premises located at Block 2407 Lot 40, 268 Coolidge Ave; and

WHEREAS, the Construction Code Official has issued approval dated 2/15/2018, C.A. #17-463, and

WHEREAS, outstanding invoices due the Township Engineer as per his correspondence dated 7/27/18, will be satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money in the amount of \$587.50 to the above.

Resolution No. 18 – 293

Authorize refund, escrow money, B3601.1, L1, 206 Highview Terrace, \$587.50

WHEREAS, Alan & Laura Lutman posted engineering escrow monies for work on premises known as Block 3601.01 Lot 1, 206 Highview Terrace; and

WHEREAS, the Construction Code Official has issued approval dated June 7, 2018, C.A. #17-146, and

WHEREAS, outstanding invoices due the Township Engineer as per his correspondence dated July 27, 2018, will be satisfied; and

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 \$587.50.

Resolution No. 18 – 295

Authorize refund of taxes due to appeal, B3407, L14, 94 Sussex Road, \$720.68

WHEREAS, an overpayment was received for Block 3407, Lot 14, 94 Sussex Road, homeowners Jack and Barbara Insert. Said property was awarded a tax reduction due to a successful tax appeal, and

WHEREAS, under the N.J.S.A. 54:3-27.2, in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgement, and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that authorization for the required refund in the amount of \$720.68 is hereby granted to the Tax Collector.  
Said refund to be paid to:

Jacobus & Associates, Trustee for INSERRA, JACK & BARBARA  
201 Littleton Road, 1<sup>st</sup> Floor  
Morris Plains, NJ 07950

Resolution No. 18-301

Authorize refund, escrow money, B4414, L25, 183 Fern Street, \$664.00

WHEREAS, Lisa & Anthony Muoio posted engineering escrow monies for work on premises known as Block 4414 Lot 25, 183 Fern Street; and

WHEREAS, the project falls within the guideline where neither a Certificate of Occupancy nor a Certificate of Acceptance is needed; and

WHEREAS, outstanding invoices due the Township Engineer as per his letter dated July 27, 2018 will be satisfied; and

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 \$664.00

Councilman Ullman requested that Resolutions No. 18-294, 18-296 and 18-297 be pulled for discussion and voted on separately.

A discussion followed on the following resolutions:

Resolution No. 18-296 – Councilman Bruno asked the grant receivables, is this costing the Township any monies to cancel it. Administrator Cavallo those are monies sitting in the Grant Fund, we cancelled the fund out. Councilman Ullman asked what does that mean. Administrator Cavallo explained grants that were received, either they were received and put in the Grant Fund because they were not charged against the expense, or they were grants that were received and not spent. Councilman Ullman the \$54,000, it is possible that we were granted \$54,000 and we didn't find a use for those funds? Administrator Cavallo stated what happens in a lot of these cases is, as an example, Alcohol Education and Rehab, or Over the Limit/Under Arrest, those are reimbursement grants, where the money was expended by the Township, the vouchers or the grant reimbursements were sent to the issuing agency, the money came back to the Township and is applied to the Grant Fund, instead of being applied to the Grant Fund and cancelled, it was just applied to the Grant Fund and left there. The money should have come in and applied to the grant, as applied to the receivable and then cancelled. Councilman Bruno do we have receivables? Administrator Cavallo stated we do have outstanding receivables, but not for these, and that will be a resolution at the next meeting. Councilman Bruno asked to write the receivables off? Administrator Cavallo replied there are receivables that should not be there, an outstanding \$20,000 receivable for Municipal Alliance. The Township gets a certain amount of money allotted by the State, that is a reimbursement grant. The Township only gets paid what is spent, in previous years those amounts were not spent for one reason or another, and now it is outstanding receivable on the books, because the Township had expected to receive it, but didn't. Councilman Bruno asked how does the \$20,000 get written off? Administrator Cavallo replied it just gets written off the books, there is a receivable for it on the books. Councilman Bruno stated the last time we cancelled \$180,000 worth of old ordinances, and used it for a grant receivable that we were never going to receive, so we technically lost \$180,000 worth of working capital money in this Township, so are we going to lose \$20,000 of working capital to write this receivable off? Administrator Cavallo replied it has

been lost already, these grants are closed, that have never been closed off the books. Councilman Bruno replied we didn't know we lost it because it shows a receivable, so now we have to write it off. Administrator Cavallo stated there is one grant on there the Mountain Avenue, DOT, the reimbursing is just going through, which is on the resolution for the next meeting. These are monies that were received, and not charged to specific line items, monies that were received and are sitting in the Grant Fund, that we want to move back to fund them. Councilman Bruno stated \$180,000 was written off, and his question back then was are there any other receivables that we need to write off because we should figure what this all is. He is stating here is the \$20,000 ticket that we have to write off and use technically some money against that, is that correct? Administrator Cavallo replied no, it is a Grant Fund, it is not in the Current Fund, it is an outstanding receivable sitting in the Current Fund. Councilman Bruno asked from an accounting standpoint, you wipe the receivable off? Administrator Cavallo replied once the money was allocated in the Municipal Budget, it was transferred from the current fund to the grant fund, it sits there as a receivable. The money was never received, so it is still a receivable, because the money was never expended, the year is over, the money is frozen, the following year the money is cancelled out. The expenses were not paid and the receivables weren't received, because of that. Councilman Bruno asked how do you get rid of the receivable? Administrator Cavallo replied if you don't have an expense to charge against the receivable, you cancel it. Councilman Bruno stated we didn't have for the \$180,000, we had a \$180,000 grant receivable. Administrator Cavallo replied you are talking about two separate things here, you are talking about \$180,000. Councilman Bruno replied of a grant receivable, that we wrote off and used \$180,000 of money to write that off, that we could have used for the town, it is the same principal, how do we get rid of the \$20,000. Councilman Ullman replied he agrees with Councilman Bruno. Mr. Poller replied he is not an accountant, but is it a real receivable, even though you are carrying it as a receivable to get a grant, is it really a receivable if you have not used and not allocating it. Administrator Cavallo replied there is no expense. Mayor Calamari stated it is a conditional receivable based on us doing something that we didn't do. Mr. Poller stated it is a fund that can be drawn on if the right things happen, but it didn't happen, you're not losing any money, you are not paying any money and you're not writing a check. Councilman Bruno replied we did for \$180,000. Mr. Poller replied he is not talking about that. Councilman Bruno it is a grant receivable it is same principal, we wrote off \$180,000 of money that we had in unused funds to get rid of a receivable, that was \$180,000 that we could have used in our funds for cash. Administrator Cavallo stated that Councilman Bruno is saying that we expected to receive this grant, we spent the money, we never got the grant, if we used Township money, that means we expended it. Council President DeSena replied that is why we had to find the money, we spent the money, it was unfunded. Administrator Cavallo replied that was in the Capital Fund, where an ordinance was authorized in order to spend the money, similar to a DOT Grant, you don't get the money up front, you have to spend it, and then you get reimbursed, that \$180,000 was money that was spent, and nothing was ever reimbursed, either the grant was never received, the grant never existed, or we didn't meet the requirements of the grant by the work that we did, we then forfeited the grant, but that is a whole other issue. This is monies that were received, and we are now cancelling the physical monies, not the outstanding receivables, to the fund balance. This is physical money sitting in the grant fund. This was prepared by Ms. Morrone.

Resolution No. 18-297 – Authorize Award of contract for 16 passengers plus two (2) handicapped passenger Ford E450 shuttle bus

A conversation following on an article in The Pascack Press regarding Westwood's Senior bus, which does have capacity, but also provides service to surrounding towns. Monies (\$65,000) was allocated in the budget for a new Senior Van. Councilman Ullman stated the question is does everyone need a new van, is it

warranted. Councilman Bruno stated he also believes research was to be done regarding services that can be obtained from Bergen County.

Resolution No. 18-294 – Opposing proposed rate increase by SUEZ Water

A discussion followed on the issues that are happening in Hoboken, the water system being neglected for years, and SUEZ purchasing the system. Mayor Calamari stated the increase is extremely high, exceeding 10% and surrounding towns are opposing the increase. SUEZ is a publicly traded company, and is continuing to replacing water mains in surrounding towns.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-294.

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

Resolution No. 18 – 294

Opposing proposed rate increases by SUEZ water

WHEREAS, the Suez Water Companies has petitioned the Board of Public Utilities for an increase in their rates for residential water service; and

WHEREAS, if the proposal is adopted as presented, the monthly fixed service charge for a one-family home will increase by \$7.12 or 80%, and the monthly consumption rate for a one-family home with a 5/8" meter will increase by 8.5% per ccf; and

WHEREAS, for the average one-family home using 9 ccf or 6,732 gallons of water per month the proposed increase on a monthly water bill will aggregate to 16.15%, which is an increase of \$8.03; and

WHEREAS, the annual average aggregate increase to a one-family home using a 9 ccf or 6,732 gallons of water per month will be \$96.36; and

WHEREAS, affordability is already an issue in New Jersey; and

WHEREAS, while the Mayor and Council encourage all Township of Washington residents to use this precious natural resource of wisely and conserve water whenever possible, such a significant increase for Senior Citizens on fixed incomes could result in an unhealthy rationing of water usage in an effort to reduce the cost; and

WHEREAS, such a significant increase by Suez Water in the cost of a basic necessity is unreasonable and unconscionable in this economic environment;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Washington hereby oppose the proposed increase by Suez Water; and

BE IT FURTHER RESOLVED that the Township of Washington Governing Body calls upon the Board of Public Utilities to temper the rate increase, and more particularly the 80% increase to the monthly service charge; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a copy of this resolution to the Honorable Jacob S. Gertsman, Administrative Law Judge for the public hearing; the Board of Public Utilities; Senator Cardinale; Assemblywoman Schepisi; Assemblyman Auth; and all Bergen County municipalities.

A motion was made by Councilman Cumming, seconded by Councilman Cascio, to approve Resolution No. 18 – 296.

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

Resolution No. 18 – 296

Authorize canceling unencumbered balances of grant appropriation reserves

WHEREAS, certain Grant Appropriation Reserve account balances are available and recommended for cancellation;

NOW, THEREFORE BE IT RESOLVED, by the Township of Washington, that the CFO of the Township of Washington is hereby authorized and directed to cancel the Unencumbered balances of the Grant Appropriation Reserves as follows:

Account ID	Grant Name	Amount
G-02-41-700-000	ALCOHOL EDUCATION AND REHAB	\$ 4,132.10
G-02-41-710-000	POLICE LIVE SCAN FINGERPRINT	\$ 35.25
G-02-41-715-000	DRUNK DRIVING ENFORCEMENT FUND	\$ 8,633.66
G-02-41-720-000	COMMUNITY DEVELOPMENT	\$ 9,636.23
G-02-41-725-000	TOBACCO GRANT	\$ 214.00
G-02-41-730-000	SLAHEOP GRANT	\$ 75.00
G-02-41-735-000	PANDEMIC FLU	\$ 14,281.00
G-02-41-740-000	PUBLIC HEALTH PRIORITY FUNDING	\$ 144.00
G-02-41-755-000	HEALTH - NEXTEL PDA GRANT	\$ 5.00
G-02-41-760-000	CLICK IT OR TICKET	\$ 957.00
G-02-41-765-000	LINCS CORE CAPACITY INFRASTRUCTURE	\$ 3.00
G-02-41-770-000	HOMELAND SECURITY FIREFIGHTER	\$ 486.00
G-02-41-775-000	STORMWATER REGULATION	\$ 4,124.00
G-02-41-790-000	OVER THE LIMIT UNDER ARREST	\$ 10,150.20
G-02-41-800-000	BERGEN COUNTY JIF	\$ 1,040.51
		<b>\$ 53,916.95</b>

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18 – 297.

Ayes: Councilmen Cascio, Cumming, Council President DeSena.

Nays: Councilmen Bruno, Ullman.

Resolution No. 18 – 297

Authorize Award of contract for 16 passengers plus two (2) handicapped passenger Ford E450 shuttle bus

WHEREAS, the Business Administrator recommends that Washington procure new shuttle bus for the transportation of senior citizen residents of the Township; and

WHEREAS, the Business Administrator has researched vendors that would achieve the Township’s goals and determined that the sought-after equipment may be procured through a nationally-recognized and accepted cooperative purchasing contract in effect until December 31, 2018 between the Houston-Galveston Area Council (“H-GAC”) Creative Bus Sales, Inc. (“Creative”); and

WHEREAS, pursuant to *N.J.S.A. 52:34-6.2b. (3)* (as amended by *P.L. 2011, c.139*) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, H-GAC is a regional organization of governments operating under the laws of the State of Texas and is a political subdivision of the State of Texas; and

WHEREAS, the subject cooperative purchasing contract was awarded by H-GAC to Creative utilizing a competitive contracting process; and

WHEREAS, also pursuant to *N.J.S.A. 52:34-6.2b. (3)* (as amended by *P.L. 2011, c. 139*) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Business Administrator has determined that the Township's use of the H-GAC cooperative purchasing contract to procure the sought-after shuttle bus will result in cost savings to the Township; and

WHEREAS, consistent with the H-GAC cooperative purchasing contract and needs of the Township, Creative has submitted a proposal to provide one (1) new 16 passenger plus two handicapped passenger Ford E450 shuttle bus to the Township for the sum of \$65,226.20; and

WHEREAS, there are sufficient funds available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, in the County of Bergen, State of New Jersey, as follows:

1. The foregoing "Whereas" clauses are hereby incorporated as if fully restated.
2. A contract for the purchase of one (1) 16 passenger plus two handicapped passenger Ford E450 shuttle bus for the sum of \$65,226.20 is hereby awarded to Creative Bus Sales, Inc. without public bidding as permitted by law.
3. The Mayor is hereby authorized and directed to execute an "End User Agreement" with Creative pursuant to the terms of its nationally-recognized and accepted cooperative purchasing agreement with the Houston-Galveston Area Council.
4. The form and terms of the End User Agreement shall be consistent with this resolution is subject to the approval of the Township Attorney.

#### NON-CONSENT AGENDA

Township Baseball was charged \$115 per snack stand, for a total of \$230. The charge should have been \$75 for a total of \$150, since Township Baseball is a 501 3(c) corporation (non-profit).

A motion was made by Councilman Cumming, seconded by Councilman Cascio, to approve Resolution No. 18-289.

Ayes: Councilmen Bruno, Cascio, Cumming, Ullman.

Nays: None.

Abstain: Council President DeSena.

#### Resolution No. 18-289

Authorize refund of snack bar fees, Township of Washington Baseball, \$80.00

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following Snack Bar Fees:

Township of Washington Baseball

Refund for Snack Bars Seasonal (Sherry & Clark)      \$80.00

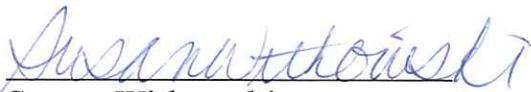
Refund Amount:      \$80.00

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

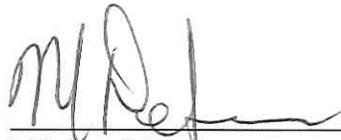
Ayes:      Councilmen Bruno, Cascio, Cumming, Ullman,  
                 Council President DeSena.

Nays:      None.

Time Noted:      9:11p.m.



Susan Witkowski  
Township Clerk



Michael DeSena  
Council President

Approved:      December 3, 2018

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

September 4, 2018

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

Ordinance No. 18-11- Codification Review – Mr. Poller stated this Ordinance was part of the codification review, and there was a discrepancy found with respect to this ordinance. He stated in speaking to the Administrator and Councilman Cascio, there is a what he would consider true potential for litigation, not general litigation and would like to discuss this in Closed Session. If the ordinance is introduced, Council will come out of closed and reconvene public session for introduction.

**Administration**

Fire house study – A new report was included in Council’s packets, the only change being the correction of the facility name, and the header/footer. Council President DeSena spoke at length of being in favor of a new firehouse/emergency service facility. Councilman Cumming stated he agrees with Council President DeSena. Councilman Ullman spoke of his concern of maximizing the building, leveraging a shared service agreement, and other things that may be able to go into that facility, such as a dedicated overnight shelter. A conversation followed on having the public at such a facility for shelter during a time of need. The cots that were purchased are to be used for during the day, not overnight, since the Township does not have the ability for overnight stay. Councilman Cascio stated if there is an emergency the school would be used as POD (point of distribution), as they have the facilities needed. Councilman Bruno stated his preference would be to understand the game plan, the strategic planning and financing of the town, but he does agree, it does not pay to refurbish the building. Councilman Cascio spoke of spending the monies on such a facility that will serve the needs today and 50 years from now, along with shared services for other things with surrounding towns. Councilman DeSena stated he was not in favor of a new firehouse, but after seeing the current facility, he is in favor of building a new facility. Mayor Calamari spoke of attending Mayor’s meetings, and learning that the surrounding towns are generally willing to help out, but they are also at capacity. He feels it would be nice to have something to offer to the other towns for a change instead of the Township depending on them. Council President DeSena stated now that Council agrees, he would like to speak about how to proceed getting it from the study phase to proposals, finance to fruition. Councilman Ullman stated he feels that this is being pushed forward, we do have four drawings and four proposals, but feels we need to hear from the Fire Department. He stated a schedule was received that talks about six million in BANS outstanding, \$440,000 in bonds outstanding, which will be retired next year. The proposed projects, EMS Fire Department Building of six million, which is not on the debt schedule, the radio system of a million dollars, which has grown \$200,000, and property acquisition of 2 million, which is not in the Capital Plan and DMF building two million which is not in the Capital Plan. Taking six million in BANS, which will then be turned into permanent bonds, 13 million of proposed projects, of which 12.2 million is new, and does not include \$80,000 for a DMF dump truck, 2019 Road Program of \$700,00, 2020 Road Program of \$700,000, ladder truck 1.5 million, replacement of Engine 44 pumper, \$650,000 as well as \$400,000 for the intersection. Four million of capital projects are not included, and it is up to 23 million. Council President DeSena stated he is not trying to push this on anyone, but we need to stop the inaction. He spoke of

always speaking of numbers, and the neglect of facilities that has occurred in the past. The thirty-year pumper needed to be replaced ten years ago. He stated we can sit up here and talk about this for another six months, but he would like to see progress. Councilman Ullman state he is not saying it was omitted, but 1.4 million is a decent number, four million dollars, 20% growth in what was proposed and analyzed. Councilman Bruno spoke at length of the need to have a strategic plan in place, such as a five-year plan, not a one-year plan. Councilman Cascio spoke of prioritizing the three biggest items in the Township. He stated his 1<sup>st</sup> priority would be the intersection, since it does affect most of the people in the Township, 2<sup>nd</sup> item would be emergency services, such as fire and ambulance, and the 3<sup>rd</sup> would be DMF, which he feels can be utilized properly with the proper supervision and personnel. Mayor Calamari asked if to stagger the projects every two years? Administrator Cavallo stated Council is going to authorize debt today for a year, new debt next year, you are not going to get permanent bonds on something most likely until the project is done. A conversation followed on an ordinance passed for 2.2 million for the DMF, but the issue of soil remediation being one of the reasons the project did not move forward. Councilman Ullman spoke of the benefit of the lowest rates in the past 5/6 years. He stated it is in the best interest to bring the money in house as quickly as possible, the interest rate and the cost of carrying this is only going to go up. Administrator Cavallo stated he does agree, however, you are going to bond for all the projects now, and they will expire at the same time. Councilman Ullman stated he feels that is false, look at the six million that we are going to roll into this bond, bonds would be a 20-year maturity. Administrator Cavallo replied that depends, you can't take a simple road project and lump it in with a building project, and do a 20-year bond, they will do a weighted average based off what all the items are. A conversation followed on the weighted average, which may be 18, 20 or 22 years, and bonding that was done in the past, that was capitalized into permanent bond, and paid for another 20 years. Councilman Ullman stated a clear plan is needed, and if we have to split and run multiple debt schedules, along with bond schedules, he doesn't know if that is reasonable or can be done, but if we need to permanently bond a building for 40 years, and pay off the BANS in 10, then that should be investigated as well. A conversation followed on the 2 million for the field, the lights that are needed, as well as the drainage. Councilman Ullman stated he goes back to the firehouse study, do we need the Rolls Royce of fire houses, that have a room for a Chief, Assistant Chief, the Lieutenant, or is there something that can be scaled back, is it a factor of 5%, maybe not, but if it is a factor of 10% or 20%, he feels that is something that needs to be considered. He stated this is a starting point, we need to figure out what should be sited there and what it should look like. Mayor Calamari stated he does not feel they are getting the Rolls Royce of buildings, based on what they did with the architect that did the study, it is what today's firehouses need by Code and/or to operate, that is the only area that he disagrees with. Council President DeSena stated we don't have to wait for once a month or twice month to bring the Fire Department here, we can reach out to them on our own, and get answers that we are looking for at the dais. He does speak to the Chief once or twice week, and feels we can reach out to him individually, instead of putting another meeting on the Agenda.

A conversation followed on having a special meeting for strategic planning, and a financial outlook. Mayor Calamari stated he did ask Ms. Moronne to put something together, as a starting point, to get a feel of where we are going.

DMF Study Update – Council President DeSena stated he feels this should also be discussed at the strategic meeting. Councilman Ullman stated multiple options were received and spoke of the various conclusions the report addressed. Council President DeSena stated he feels it is a good opportunity to bring the author of the report in to explain his report. He feels based on the two, he personally likes Exhibit H. It was agreed the author of the report will attend the next meeting.

Pedestrian Signs – The sign person is coming in next week for pricing. There is a priority list of where those signs will be installed.

Flag System – The Chief was not in favor of it. He stated if anyone has any questions on this, to please contact him for an explanation.

Intersection Update – An 11 x 17 proposed alignment drawing was included in Council's packets. Mayor Calamari stated he had a conversation with Paul Azzolina, who in turn had a conversation with Nancy Dargis. She expects to have the CAD drawings to Mr. Azzolina by Thursday of this week. Council President DeSena stated once Mr. Azzolina receives the CAD drawings, he can then identify how much property will need to be acquired from each parcel, at this point it is very limited according to this map. Once Mr. Azzolina has that, he will then need to start negotiations with those property owners to set a value for that purchase to acquire that land to turn it into public right of way. Mr. Azzolina has promised the plans will be back in the County's hands in around two months, which puts us into Thanksgiving. Council President DeSena stated if they are back to the County by Thanksgiving, he and the Mayor will go visit Mr. Tedesco to make sure that the intersection is included in the fiscal 2019 budget for the County, hopefully start construction in early 2019.

Ground Hog Movie Night – One movie night was planned this year, just to see how the turn out was. Next year there will be more movie nights with different age groups scheduled.

Quest Update – A representative from Quest will be at the next Council meeting to discuss the next steps of the project, along with a full update of where we are and need to do in the coming months. Councilman Ullman stated Quest is recommending of soil removal to remediate. Council President DeSena stated it was soil remediation but they didn't say whether excavated or do some other kind of other method to attenuate the grounds. Councilman Ullman stated if a suggestion of soil removal is requested, can they give us an estimate of how large an area. Council President DeSena stated it would have to have been quantified somehow because the estimate is about \$170,000.

Staffing – Administrative search should be completed by the end of September, the first round of interviews will be conducted by the search firm, the second round, which includes the Township staff will be the Mayor and whoever he decides to be with him. Councilman Bruno suggested Mr. Cavallo have the conversation. Civilian dispatching will be going to a 12-hour schedules as of October 1, and there will be four of them, and accounts for the recent departure. The CFO will begin after the Administrator search is complete. The Administrator search did ask for a preferred CFO certification, with a possibility of merging the positions together. The new Administrator should be involved in the hiring of the future CFO.

Road Program – Due to the weather, the target date is pushed to October 12<sup>th</sup>.

Prospect Street – Two valves have not been installed, four have, letters are going out to them. There will be a change order authorizing an increase in the amount.

Attorney emails – Mr. Poller stated if Council would like to give him a Township of Washington email that is fine with him. Mr. Magee will be asked to provide Mr. Poller with a Township address. Council President DeSena asks that Mr. Poller use that email address going forward.

Social Media – Administrator Cavallo issued a response. The Glen Rock settlement was due to an OPRA that was denied, but it was OPRA'able. Administrator Cavallo spoke of a software called "Archive Social" which logs data

in raw format and the custodian of records has assess if anyone was to file an OPRA Request. He stated moving forward we will contract with "Archive Social." Mayor Calamari thanked Councilman Ullman for the email, and the change was made. He stated he next year's budget he would like to allocate a small amount of money for a Township Facebook page since many residents do receive updates via the Facebook feed, he will then shut his Mayor's page down, since he only has it for informational purposes only.

IHA request flashing crosswalks – In order for this to be done, a traffic engineer would need to certify that it meets the standard, the cost ranges from \$6,500 to \$8,500 to do the certification. Two solar flashing beacons would cost about \$15,000 to \$16,000, we are speaking of \$25,000. The first step would be to get a traffic engineer in to do the appropriate traffic study. A conversation followed on the need for the crosswalk, if there is a crosswalk in the area and if there is any legal parking in the area. Speed limit signs were requested, which is also a part of an engineering study. The temporary trailer sign is being used throughout the Township. Council asked that the areas where it has been utilized be included in the Police Report.

Health Insurance Waiver – Administrator Cavallo stated this question has been asked but really never answered. (documents were provided to Council). He continued a good majority of our employees are on the State Health Benefits, Direct 10 Plan. The cost to the Township is listed at the top, the first number is the monthly cost, the second number is the yearly cost and currently operating in year four of Chapter 78 for our contribution rates. The contribution rates based off the salary ranges are listed in columns one and two of each section respectively. The employee contribution is based off of that percentage of the cost of the plan, the Township's cost is the cost of the Plan, minus the employee contribution. The way the waiver works, is the employee will receive up to 25%, not to exceed \$5,000 of the Township's share, the Township's cost, the employer's cost of the Health Care Waiver. As an example, if an employee is on family coverage, making \$60,000, they will pay \$6,400 to have the insurance, the Township is going to pay \$31,000 to have the insurance. The waiver amount, if the Township goes with it, would be \$5,000, with the savings to the Township being \$26,000, and the employee would end up seeing a benefit of \$11,000, which is the Employee Contribution they are not paying now, plus the \$5,000. Administrator Cavallo feels Employee Waivers are a no-brainer, it is an incentive for the employee not to be on the Township health insurance, and save the Township money. Councilman Cumming stated this was very useful and helpful in the other Township he had experience in. Administrator Cavallo stated there are restrictions on the Plan, if a person is on a State Health Benefit Plan, and their spouse is also on a State Health Benefit Plan, as per the State, they are not eligible. This is only on Medical and Prescription. The Waiver Program is governed by the State Health Benefits, and it does not offer dental. Dental is something the Township has negotiated with employees through our negotiating process that we offer as a benefit to our non-contractual employees. The determination is made based on the coverage they are eligible for, if the employee is not eligible for health insurance, a full-time employee must work 32 hours per week by law, then they are not eligible for health insurance they are not eligible for the waiver. No resolution is required, and no budget transfer needed, because it would be paid out of the Health Insurance Line. The payroll would hit that budget line, and the employee will get taxed on the benefit, the employee will not get taxed on the \$11,000, but the \$5,000. The plan is year to year, coverage year starting January 1<sup>st</sup>. The waiver can be started monthly and ended monthly for a new employee, there is an open enrollment period. A conversation followed on getting current employees off the plan, that can be taken off, at the first of the month, instead of waiting to January 1<sup>st</sup>. If a person was on their spouse's plan, and that spouse lost their job, they go on immediately, the same thing if they have a child or adoptions. If someone was to opt in today, first payment will be at the beginning of November, the employee does not technically drop until the

end of the next month. An employee in the family plan, making \$80,000 per year, first month they will see \$416 of the \$5,000, with the Township saving \$1,600. The employee would need to give a copy of their current insurance card and be covered under the Affordable Care Act to opt out. Administrator Cavallo stated it is money saving option for the Township, and with no objection the administration would like to move forward. A conversation followed on paperwork needed to do this mid-year. Administrator Cavallo stated he is currently working on the Employee Manual, this will be included as well as some other changes.

### Straw Poll

Councilman Ullman – yes  
Councilman Cumming – yes  
Councilman Bruno – yes  
Councilman Cascio – yes.  
Council President DeSena – yes

Council President DeSena advised Administrator Cavallo to proceed.

### Council

Recreation Fees – The new Recreation Director Joe Setticase started today. Mayor Calamari stated he would like to give him a few weeks, then start on this.

Change of Form of Government – Councilman Bruno stated he was not at the last meeting, but understands a straw poll was to be taken, he is all for changing it since he ran for it. He re-stated as during the debate, he doesn't feel one person should have any twelve million dollars or unilateral decision making. He agrees of putting an ordinance together to put this on the referendum for the next ballot. Administrator Cavallo stated there is no legal way for this Council to pass an ordinance to change the form of government, Council can pass an ordinance to create a Charter Study Commission, but Council cannot change the form of government. Council can change the Plan within the form of government, but Council cannot change the form of government, it must come from the voters. Council President DeSena stated Council was asking for an ordinance asking for a referendum to be put on the next General Election. Administrator Cavallo replied a Petition from the Voters is needed, 25% of the voting population. Councilman Cascio stated there are three ways to do it, Charter Study, Direct Petition or Ordinance from the Council to put it on the next General Election. Administrator Cavallo stated the ordinance from the Council can only be to change the Plan within the form of government. Councilman Cascio stated he spoke with a gentleman from Rutgers, who used to be the Administrator here, and he is not of that opinion. Administrator Cavallo Mr. Pfeiffer? Councilman Cascio replied yes. Administrator Cavallo stated the Plan is the number of councilmen deciding to change the form, going from partisan to non-partisan. Councilman Ullman stated just to be clear, Administrator Cavallo, you are of the opinion that the Council by themselves are unable to change the form of government. Administrator Cavallo replied Council is able to form a Charter Study Commission. Councilman Ullman stated Council cannot say tomorrow we want Council/Manager and it happens. Administrator Cavallo replied no, a referendum is needed. Councilman Ullman stated the question before us, can, by Ordinance, the Council select the Form of Government and put it out for referendum vote, and Administrator Cavallo you believe that is not the case. Administrator Cavallo replied he does. Councilman Ullman asked Councilman Cascio you believe that is the case? Councilman Cascio replied he knows that is the case because that has happened in prior towns. He stated you can actually with the Council's approval go back to the former form, the Township Form, which is the oldest form. He stated we can do that form here, cannot do a Borough Form, we can go back to one of the Optional

Forms, there are five optional forms. He stated there are three ways to do it, one way is a direct petition, with the percentage, the second way is to form a Charter Study Committee, and the third way is to pass an ordinance stating what type you want to go to, and put that on the referendum for the next General Election. He stated he has been discussing this with Mr. Pfeiffer for months, and he concurs with those three ways. Administrator Cavallo stated he disagrees, and will have a conversation with Mr. Pfeiffer tomorrow. Administrator Cavallo asked what is Council going to get out of it? Councilman Cascio stated it is simple, there were personality driven conflicts in the past, and be brought to Council. Administrator Cavallo asked what would Council be looking to go to? Councilman Cascio replied probably the Manager/Council or Administrator Council. Administrator Cavallo asked if you have a Council/Manager, complete control would be given to a Manager, he has full executive power on appointments and spending money. Councilman Bruno stated with all due respect to Administrator Cavallo, Council would like an ordinance, and he would like to take a straw poll tonight to put a referendum out there to change the form of government. He doesn't feel it is Administrator Cavallo's place to tell Council what we want, or what we are going to get out of it, it is the Council who is saying we want to change the form of government, he ran on this, he is not speaking for them. He stated he read about the Council/Manager and the Council/Administrator, the Council Manager appoints a Mayor, but the Council and Mayor will be deciding what is happening, it is not one person. Council President DeSena stated he was in favor of the Council/Administrator, after talking to Administrator Cavallo and Mr. Pfeiffer, what Administrator Cavallo is saying is correct, we are just moving it from the Mayor to that person. Councilman Bruno stated why don't we just agree we want an ordinance to change the form of government and place it on the next referendum for the ballot. Council President DeSena stated a form needs to be picked to put into that language, and he thought the administrator was good, operating as a Borough, where the Council would pick a Mayor and that Administrator would listen to the wishes of the Council, but what he understands now is that Administrator would pick the engineer, all the things the Mayor does now, would go to that person. He stated in going to the administrator form, the power is being moved from one person to another. Councilman Bruno stated he believed the Council/Mayor would be everyone sitting in room discussing things, but Administrator Cavallo stated he is not right, so he will have to reread everything. Mayor Calamari stated with all due respect to everyone here, myself included, he would have to say Administrator Cavallo knows more about this and things of government than we all do combined, to not listen to him fairly and dismiss him, he doesn't think is proper. Council President DeSena asked Administrator Cavallo if we go to whether it is an Administrator/Council or Council/Manager the power is being moved from the Mayor to that person. Administrator Cavallo stated if council goes to a Council/Manager plan, you are transferring all executive power of the government to the manager, that is what he is under now. Mayor Calamari stated you are under this now, you operate this way every day, and one can call you an expert out of everyone sitting up here. Council President DeSena stated in that form of government, you are picking the engineer, everything. Administrator Cavallo replied the Council still has to approve it, but the choice is the Manager. Councilman Bruno stated it states "The municipality is governed by an elected Council and by an appointed Municipal Manager, and by such other officers or employees as may be appointed pursuant to the statutory provisions, etc." Then it proceeds to state "The Council consists of five members, unless otherwise provided, in a municipal charter. The Council members are elected by the voters of the Municipalities, etc." He stated it states right here in black and white, that the municipality is governed by an elected Council and by an appointed Municipal Manager, it doesn't state the power is with the Municipal Manager. Administrator Cavallo read the following: (N.J.S.A. 40:69A-95 through 98) "The powers of the Municipal Manager shall be a Chief Executive Officer and Chief Administrative Official of the Municipality; execute all laws and ordinances of the municipality; shall appoint and remove a Deputy

Manager if one is authorized by Council and all Department Heads, all other officers, subordinates, assistants, except the Tax Assessor, for whose selection or removal no other method is provided in this article, except that he may authorize the Head of the department to appoint and remove subordinates in such departments, supervise the Council, control his appointees, and report all appointments and removals at the next council meeting; negotiate contracts for the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council; see that all items and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contracts be performed; attend all meetings of the Council, have the right of discussion, without the right to vote; recommend for the adoption any measure he deems necessary and expedient; keep the Council advised of the financial condition; investigate at any time the affairs of any officer or department; perform any other such duties are required by the municipal manager by ordinance; the municipal manager shall be responsible to the Council for carrying out the policies established by it; the municipal budget shall be prepared by the municipal manager; during the month of November the municipal manager shall require all department heads to submit his request for appropriations, for the ensuing budget year to appear before him at public hearings and shall during that month on the various requests; the manager then submits the budget to the Council for their approval.” Administrator Cavallo stated in this form of government, by statute, Council has the authority to go up and down, there is no up and down with the manager budget, Council either approves or denies it. Administrator Cavallo continued “any provision of general law conferring the appointment power, or other power upon the Mayor or Chief Executive Head of the municipality shall be construed to mean the municipal manager of the municipality governed under this article; the appointments or powers exercised by the municipal manager, in accordance with such provisions, shall be classified and given the same force and effect as if executed by the official name therein, except that members of the Board of Education and Board of Public Library shall be appointed by the Mayor.” Administrator Cavallo stated the powers of the Council in that form of government are “all powers of the municipality and the determination of all matters shall be vested in the municipal council” which is true but then it goes back to say that “it is the intention of this article that the municipal council shall act on all matters as a body, and is contrary to the spirit of this article for any member to see individually or to influence the acts of the municipal manager or other officer, or for the Council or any its members to direct or request the appointment of any person to the person or his removal from office or interfere in any way with the performance of such officers and their duties; the council and its members shall deal with the administrative solely through the manager and shall not give orders to subordinates of the manager, either publicly or privately; nothing here shall prevent the municipal Council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer, department or any matter related to the welfare of the municipality in delegating such committees or commissions, such power or inquiry as the municipal council deems necessary.” Councilman Bruno stated when he reads the powers of the council, it states “all powers of the municipality and the determination of all matters of policy shall be vested in the municipal council, except as otherwise provided by this act and general law, the municipal council, shall appoint the municipal manager, municipal clerk.” He stated then it goes onto say also “the municipal council shall continue or create and determine and define the powers and duties of such executive and administrative departments boards, officers in addition to those provided herein, as it may deem necessary.” Councilman Bruno stated this contradicts what Administrator Cavallo stated, again, clarification has been asked on this, and he is glad Administrator Cavallo is bringing it up, he will have to reread everything again because no one has given us this amount of details. Councilman Ullman asked is the manager a

tenured position? Administrator Cavallo replied no, he can be removed at any time with 90 days' notice, which is as per statute, which states for cause, and would be a majority vote. Administrator Cavallo stated Wyckoff operates under the Township/Committee form of government. Council President DeSena the two forms that we can go to is either the Administrator/Council or Manager/Council or go back and revert to the Township Form, because the Borough Form is not available to us. He stated with the Borough Form not being available to us, and by moving into the other two, the Administrator or the Manager, it is stripping the Mayor of his/her powers and giving someone else the powers, who is not an elected official. Councilman Cascio stated by a majority vote you have control over the administrator if you didn't like what they were doing. Council President DeSena stated you are putting the power in somebody's else's hands that is not elected, and you can create political majorities that that person cannot be removed by running different campaigns, and then you have a person that has more power than the Mayor, and that person cannot be removed. Administrator Cavallo stated the Faulkner Act was sort of made to mimic the Federal government, and have a strict separation of power, meaning a true legislative branch which has no control over administrative departments, and an executive branch, where the manager form the executive is the manager, council is legislative, and this form, and in the Mayor/Council administrative form, the Mayor is still the executive officer, with an administrator appointment, in this form of government, the business administrator has set duties, in the Mayor/Council/Manager form, he has a different set of set duties, but the mayor is still the executive. Councilman Bruno asked in the Mayor/Council/Administrator Plan, it states "The Mayor shall nominate, with the advice and consent of the council, a municipal administrator, assessor, tax collector, attorney, clerk, treasurer, such other officers provided except wherein as otherwise provided general law, one person may be appointed to two or more offices." Administrator Cavallo replied it is the same as you have now. Councilman Bruno asked on the Council/Manager Form, what are the duties of the Mayor? Administrator Cavallo replied "he shall preside at all meetings, he shall voice and vote in all proceedings, he shall fill vacancies in the Trustees of the Public Library and Board of Education, Class I School Districts, and all notes, bonds, contracts, written obligations of the municipalities shall be signed by the Mayor" in other words, he is just a councilman, he doesn't appoint any department heads, cannot direct department heads or the staff, he is the Council President. Council President DeSena stated but the Manager is making all of the decisions that the Mayor is making now. Councilman Cascio asked that Council looks at the two forms, the Manager and Administrator. Administrator Cavallo stated he recommends this council speak to councilmen in other towns, such as Vernon, Saddle Brook, and other towns to get their views.

### Financials

Closing of unfunded unused ordinances – Needs to be discussed in Closed Session.

Cancel debt recently approved BANS not to be used (i.e. engineering fees for turf field) – Administrator Cavallo stated he is not prepared or qualified to talk about this at this point.

Use of reserve – Administrator Cavallo stated Ms. Morrone, the Mayor and himself sat down, and were confused as to what this meant. He stated if you are speaking of the reserve money, the \$900,000 from the sale of the middle school, is our cash flow right now. One of the problems we have in the State is the budget is never approved on time, which means we do not send tax bills out on time, our tax bills went out a month late. In that month we still have 2.5 million dollars of the debt to the school we have to pay. If we didn't have a significant cash flow, meaning unbalanced or reserved funds to use at that point, we would have to go out and take out TAN (Tax Anticipation Notes) and pay interest on

notes on money we don't have. Towns that have utilities, many times will borrow money from their utility, for month when the taxes come to pay back. The reserve money cannot be tied up in a three or six-month CD because at two-and-a-half months into your payment cycle, you are running out of money in some cases. Councilman Ullman one million in bank from sale of school and because of the inefficiency of State government in we cannot tap into that.

Administrator Cavallo state the money you would make on interest on that in three months, would be offset by the amount of money you would have to borrow out of TAN, you would have to pay interest on the TANS. Councilman Ullman asked how about using the monies? Administrator Cavallo replied if you want to use it, you can appropriate it in an ordinance, you would do a bond ordinance, and instead of saying you are going to authorize the 5% down payment, and the rest of it you will authorize notes, you would authorize the use of \$600,000 from the reserve and the rest you go out to notes for, or you can do a fully funded ordinance, authorize the use of that money. The other option is taking it out of the current fund altogether next year, appropriate it all into the current fund budget, as a revenue, then appropriate it out as an expenditure to the capital fund, now it is sitting in the capital fund, and all that needs to be done is pass an ordinance, either way an ordinance needs to be passed in order to spend it. Councilman Ullman stated his view is the Township is benefitting on that money because we sold a capital asset school, he would never see us purchasing an SUV for the DMF or a car for the police, he would expect that million dollars to go towards the firehouse. Administrator Cavallo replied correct, such as purchasing land to build something on? Councilman Ullman replied yes, he feels the question is should we. Administrator Cavallo replied yes, the previous auditor has been recommending that for years, use the money for a big one-time project. Councilman Cascio asked who suggested that? Administrator Cavallo replied the previous auditor to the previous administration. Councilman Cascio stated he never heard it from the auditors either. He stated the auditor never recommended that we use that money for a capital project in the nine years he has been here. Administrator Cavallo stated he understands what Councilman Cascio is saying, there was a lapse of communication. Councilman Cascio asked does Administrator Cavallo have documents that state that? Administrator Cavallo replied no, he does not. Councilman Ullman stated item one will be discussed in closed, item three, looking at the million, it is done by passing an ordinance. Mayor Calamari asked apart from where the money comes from should be left in a reserve somewhere to give us the cash flow. Administrator Cavallo replied it does not matter what fund it is in, if it is in the capital fund, and we need to do an interfund transfer from the capital fund to the current fund, and pay one month's worth of tax liability to the school, the CFO has that authority to do that. Mayor Calamari stated but again, what you are saying we should always have one-million-dollars somewhere. Councilman Bruno stated we have three-million-dollars in surplus, one-million-dollars here, another half a million dollar in reserves, another half a million dollar in unfunded ordinances, our reserve fund are over five-six-million-dollars. Administrator Cavallo state the Township's bill to the school is 2.5 million per month, if the State had delayed another two weeks on passing the State budget, we would have owed the school five-million-dollars, and had no tax revenue, not including the County bill. Ms. Morrone will be attending the next meeting to discuss the BAN.

Minutes Opened/Closed – Councilman Cascio stated back in 2014 he was removed from Closed Session meeting, and the minutes have not been released yet. He has received the minutes and the audio, but would like to know if they can be approved. Mr. Poller stated the minutes were released, they have not been approved because there is no one here that can approve those minutes, that can vote on those minutes. A conversation followed on why the minutes were not approved. Minutes or audio can be released by OPRA if a request is made, the minutes are not approved, as they are noted.

Letter Senator Cardinale – Previously discussed.

Amending Chapter 183, Sanitation Fee Schedule – A discussion was held at the Advisory Board of Health meeting on August 22<sup>nd</sup> regarding the ability to charge a late fee, so if someone late for putting in their fee for a food license, a suggestion was made for a 50% late fee as of February 15<sup>th</sup>. A comparison will be done and distributed at the next meeting.

The following resolution, Resolution No. 18-302 was presented and adopted on a motion by Councilman Cumming, seconded by Councilman Bruno.

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

Nays: None

Items to be discussed, personnel, Bernadette Pomykala, Matthew Cavallo, Joi Apar, Ashley Morrone, MaryAlyce Clancy, Bill Lawlor and Joe Setticase. All have been issued and signed a Rice notice.

Contract Negotiation – Shared Service.

Property Acquisition - Potential new location for DMF.

Potential Ligation – Ordinance No. 18-11, Planning Board lawsuit.

Resolution No. 18-302 Closed Session September 4, 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 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. **Contract Negotiations**

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

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 .

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

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.

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

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

Time noted: 11:11 p.m.

Time noted reconvene Open Session: 12:08 a.m.

Introduction 1<sup>st</sup> Reading  
Ordinance No. 18-11

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

A motion was made by Councilman Cumming, seconded by Councilman Cascio, to introduce and pass Ordinance No. 18-11 at first reading by title.

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

Nays: None.

The following resolution, Resolution No. 18-298 was presented and adopted on a motion by Councilman Cascio, seconded by Councilman Bruno.

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

Nays: None.

Resolution No. 18-298

WHEREAS, Ordinance No. 18-11 entitled: AN ORDINANCE SETTING FORTH LIMITATIONS OF DRIVEWAY AREA AND PROVIDING FOR PARKING THEREON was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 4<sup>th</sup> day of September, 2018; and

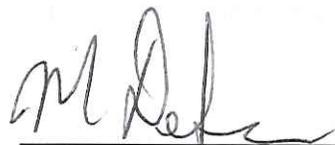
NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 17<sup>th</sup> day of September, 2018, at 7:30pm, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Complex, 350 Hudson Avenue, Township 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.

Time Noted: 12:10 a.m.



Susan Witkowski  
Township Clerk



Michael DeSena  
Council President

Approved: December 3, 2018