

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

SINE DIE MEETING

January 7, 2019

The Sine Die Meeting of the Township Council of the Township of Washington was held at 7:30p.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 7:32 p.m. by reading the following statement.

OPEN PUBLIC MEETING STATEMENT

Welcome to the regularly scheduled Sine Die Public Meeting of January 7, 2019 of the Township of Washington Township Council. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Township Clerk to at least two (2) newspapers in December 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 Robert Bruno, Steven Cascio, Arthur Cumming, Council President Michael DeSena, Michael Ullman. Also present: Peter Calamari, Mayor; Robert Tovo, Administrator; Judith Curran, CFO and Susan Witkowski, Township Clerk.

READING OF THE TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills December 1, 2018 through December 28, 2018:

READING OF THE TOTAL LIST OF BILLS

The Clerk read the totals of the list of bills December 1, 2018 through December 28, 2018:

TOTAL	2017 Reserve	\$ 1,752.03
TOTAL	2018 Current	\$2,704,891.95
TOTAL	Capital Fund	\$ 70,567.75
TOTAL	Animal Fund	\$ 0.00
TOTAL	Grant Fund	\$ 12,154.48
TOTAL	Trust Fund	\$ 2,160.09
TOTAL	Escrow Trust	\$ 68,885.43

Councilman Ullman asked if the library payments are gross or net. Ms. Curran replied they are paid net, but can be broken out. Check No. 36983, was paid against Town Day (tree decoration at Van Saun Park) but can be applied towards Public Affairs. Check No. 37005 payable to Chris Statile is for left over work from 2017, the backflows at Prospect Avenue, which he saw to completion. Councilman Cumming stated he did question 3 items on the Bill List to Administrator Tovo, who will be getting back to him with those answers.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Seeing none.

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

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

Nays: None.

ORDINANCE

Adoption 2nd Reading

Ordinance No. 18-23

AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to approve Resolution No. 18-369 authorizing second reading and opening of Public Hearing for Ordinance No. 18-23.

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

Resolution No. 18-369

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 18-23 entitled AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON be read on second reading and the public hearing be held thereon pursuant to law.

Seeing none.

A motion was made by Councilman Cascio, seconded by Councilman Cumming, to close the Public Hearing on Ordinance No. 18-23.

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

Nays: None.

Councilman Ullman questioned Paragraph A, which does not preclude a business/dispensary outside of the Township from making a delivery of medical marijuana, but does preclude someone from the Township, who has the product from delivering the product. The majority of Council voted against medical marijuana, this ordinance covers all. A conversation followed on Section C, the definitions being obtained from the Criminal Code. A typo was also noted on Section C, which should read "battery." Councilman Ullman would like to state that he is opposed to passing this ordinance, he feels this is a use that is becoming more accepted, and we are disadvantaging residents, commerce, the strip mall, and other retail areas in the Township from operating a business, that he feels should be allowed to operate.

A motion was made by Councilman Cascio, seconded by Councilman Cumming to adopt Ordinance No. 18-23.

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

Nays: Councilman Ullman.

Ordinance No. 18-23

AN ORDINANCE RESTRICTING THE SALE OF MARIJUANA AND RELATED PRODUCTS WITHIN THE TOWNSHIP OF WASHINGTON

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that Chapter 580 of the Code of the Township of Washington ("Zoning") is hereby amended by adding § 580-11.1 thereto which provides as follows:

1.

“

§ 580-11.1 Prohibition of sale of marijuana and vaping products and related paraphernalia in all zones.

A. In every zoning district referred to in this Chapter 580 or otherwise in the Township, no land or building shall be used or allowed to be used for the sale or distribution of marijuana (cannabis) products, including, but not limited to, tetrahydrocannabinol ("THC") oil and derivatives, hashish, adulterants and dilutants, which includes retail and wholesale marijuana stores, retail and wholesale marijuana cultivation facilities, retail and wholesale marijuana products manufacturing facilities, retail and wholesale marijuana testing facilities, and the operation of retail and wholesale marijuana lounges or social clubs. All activities related to the abovementioned retail and wholesale uses, such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing, are expressly prohibited within the Township.

B. In every zoning district referred to in this Chapter 580, no land or building shall be used or allowed to be used for the sale or distribution of "vaping products" (as defined herein), which includes the operation of retail and wholesale stores, lounges or social clubs. The term "vaping products" shall mean electronic/vapor inhalation substance products, cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

C. In every zoning district referred to in this Chapter 580, no land or building shall be used or allowed to be used for the sale or distribution of "marijuana-related paraphernalia" or "vaping paraphernalia" as said terms are defined hereafter:

1. "marijuana-related paraphernalia" shall mean:

a) rolling paper used to roll tobacco, marijuana, cigarettes or cigars;

b) hookahs, which includes pipes commonly, but not always, made of metal, wooden, acrylic, glass, stone, plastic, or ceramic with or without screens, permanent screens, hashish heads, or punctured metal bowls, used for vaporizing and

smoking tobacco, flavored tobacco, non -flavored tobacco, shisha, dried fruits, cannabis or other substances in which vapor or smoke is passed through a water basin before inhalation.

2. “vaping-related paraphernalia” shall mean electronic vapor devices and includes any device with a heating element, a battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.”

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

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

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

INDIVIDUAL RESOLUTIONS

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 18-370.

A discussion following one the amount that is being transferred, it is a correction from \$34,000 to \$32,000 that is being transferred for tree removal.

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

Nays: None.

Council President DeSena spoke of various trees that need to be taken down, including some on Gardner Field.

Resolution No. 18-370

2018 Transfer of Appropriations Tree Removal – Town Property

WHEREAS, N.J.S.A. 40A:4-58 authorizes the transfer of appropriations during the last two months of any fiscal year, to expend money for any of the purposes specified in the prior year’s budget an amount in excess of the respective sums appropriated and encumbered therefore and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose, the governing body may by Resolution, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

WHEREAS, the Township Council approved the amounts below for transfer at its December 17, 2018 meeting;

WHEREAS, the amount of the transfer needs to be amended as the CFO discovered that additional funds were encumbered resulting in a lesser amount of funds being available for transfer;

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

Transfer Approved at 12/17/18 Meeting	Transfer In	Transfer Out
Tree Removal, Town Property	\$34,000	
Rehabilitation of Memorial Field		\$34,000
Total	\$34,000	\$34,000

Transfer for Approval for 1/7/19 Meeting	Transfer In	Transfer Out
Tree Removal, Town Property	\$32,762.50	
Rehabilitation of Memorial Field		\$32,762.50
Total	\$32,762.50	\$32,762.50

A motion was made by Councilman Cascio, seconded by Councilman Cumming to approve Resolution No. 18-371.

A recommendation by Councilman Bruno to remove \$15,000 for financial services, making the amount zero, reducing the original transfer of \$21,000, which was denied by council, to \$6,000. The amended resolution, from the dais was reduced to a total of \$6,000.

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

Nays: None.

Resolution No. 18-371

2018 Transfer of Appropriations – Financial Service Fees, Administration Postage, Elections, Ballots, Recycling, Green Team

WHEREAS, N.J.S.A. 40A:4-58 authorizes the transfer of appropriations during the last two months of any fiscal year, to expend money for any of the purposes specified in the prior year’s budget an amount in excess of the respective sums appropriated and encumbered therefore and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose, the governing body may by Resolution, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

WHEREAS, the Township Council approved the amounts below for transfer at its December 17, 2018 meeting;

WHEREAS, the amount of the transfer needs to be amended as the original resolution called for a transfer from a line item outside of the CAP to a line item inside of the “CAP” which is not permitted under N.J.S.A.40A: -45.4A; and one budget transfer was not approved by the Township Council;

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

Transfer for 12/17/18 Meeting	Transfer In	Transfer Out
Financial Services Fees	\$15,000	
Chief Financial Officer S/W		\$15,000
<i>Transfer Not Approved</i>		
Administration Postage	\$1,000	

Tax Collector, Tax Bills		\$1,000
Elections, Ballots	\$2,000	
Dept. of Law, Other Legal Services		\$1,000
COAH, Planning Fees		\$1,000
Recycling, Green Team	\$3,000	
Uniform Construction, Second TA		\$1,500
Length of Service Awards Program (LOSAP)	Change made	\$1,500
Totals	\$21,000	\$21,000

Transfer for Approval for 1/7/19 Meeting	Transfer In	Transfer Out
Financial Services Fees	<i>Transfer Not Approved</i>	
Chief Financial Officer S/W		<i>Transfer Not Approved</i>
Administration Postage	\$1,000	
Tax Collector, Tax Bills		\$1,000
Elections, Ballots	\$2,000	
Dept. of Law, Other Legal Services		\$1,000
COAH, Planning Fees		\$1,000
Recycling, Green Team	\$3,000	
Uniform Construction, Second TA		\$1,500
COAH, Planning Fees		\$1,500
Totals	\$6,000	\$6,000

CONSENT AGENDA – None

PUBLIC SERVICE ANNOUNCEMENT

Pet Licensing

All pet licenses renewals have been mailed out. In order to avoid a late fee, please register your animal by Thursday, January 31st.

Commuter Parking Applications

The 2019 Commuter Parking Renewal Applications have been mailed out. The application is also available on our website. All vehicles must have the 2019 tag displayed by Monday, January 14th.

Christmas Tree Pick Up

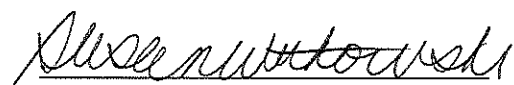
The DMF will be picking up Christmas trees curbside through January 12th.

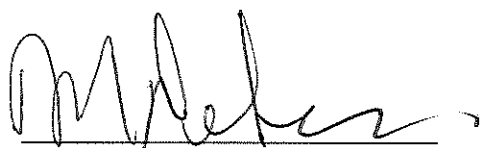
A motion was made by Councilman Cascio, seconded by Councilman Cumming to adjourn.

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

Nays: None.

Time Noted: 7:51 p.m.


Susan Witkowski
Township Clerk


Michael DeSena
Council President

Approved: April 15, 2019