



Agenda
Workshop Meeting

Council Chambers
818 Teaneck Road
Teaneck, New Jersey 07666

May 16, 2017
7:00 PM



Mayor

Mohammed Hameeduddin

Deputy Mayor Elie Y. Katz	Deputy Mayor Henry Pruitt	Councilman Jason Castle
Councilwoman Gervonn Romney Rice	Councilman Mark J. Schwartz	Councilman Alan Sohn
Township Manager William Broughton	Labor Attorney John Shahdanian, II	Township Clerk Issa A. Abbasi, RMC
Township Attorney Lori Johnson	Township Attorney William Rupp	Township Attorney Arielle Greenbaum Saposh

One of New Jersey's most culturally diverse communities, Teaneck is home to some 14,000 families. Within our borders, you will find thriving business and cultural environments, as well as, unsurpassed parks and natural areas. From starting a business, to raising a family, Teaneck welcomes you to explore what we have to offer.

THE TOWNSHIP COUNCIL WILL MAKE EVERY EFFORT TO ADJOURN THIS
MEETING NO LATER THAN 11:00 PM
TOWNSHIP COUNCIL AGENDA
OPEN SESSION - COUNCIL CHAMBERS - PUBLIC INPUT 7:00 PM

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER

1. Roll Call

III. MAYOR'S ANNOUNCEMENT

Adequate notice of this meeting has been provided by Resolution No. 261-2016, setting the 2017 meeting dates, amended by Resolution 36-2017 and Resolution 38-2017, sending a copy to the newspapers officially designated for 2017 by way of Resolution No. 270-2016, filing a copy in the Township Clerk's Office and posting it on the Municipal Building bulletin board, and the Mayor hereby directs that this statement be included in the minutes.

IV. MEETING OPEN TO THE PUBLIC FOR GOOD AND WELFARE AND PUBLIC INPUT ON ANY MATTERS

Mayor to inquire whether any member of the Council has any comments prior to opening the meeting to any comments from the public.

Mayor to declare that any members of the public wishing to be heard at this time shall come forward and state their names for the record. Comments shall be limited to three minutes per person.

There being no further persons wishing to speak at this time (or the time limit of one hour having expired), the Mayor to declare that the public comment portion of the meeting is now closed.

Mayor to inquire whether any member of the Council or the Manager wishes to respond to the public comments or whether a member of the Council wishes to remove any item from the Consent Agenda and have a separate discussion thereon. Comments shall be limited to three minutes per Council Member.

V. WORK SESSION ITEMS

A. New Business

1. Plastic Bag Ordinance
2. Pay-to-Play Ordinance

3. Discussion of OPMA/OPRA and Subcommittees with Senator Loretta Weinberg
4. Bamboo Ordinance

B.*Communications*

C.*Township Manager's Report*

1. Parking - Sherman Avenue

D.*Township Attorney's Report*

VI. ADJOURNMENT



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 05/16/17 07:00 PM
Department: Township Clerk
Category: New Business
DOC ID: 3979

5.A.1

INFORMATION ITEM (ID # 3979)

Plastic Bag Ordinance

TOWNSHIP OF TEANECK

ORDINANCE NO.

AN ORDINANCE REQUIRING RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF TEANECK TO COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS REQUESTING DISPOSABLE PLASTIC CHECKOUT BAGS

WHEREAS, the Township Council finds that the reduction in the use of disposable plastic checkout bags by Retail Establishments in the Township of Teaneck is a public purpose; and

WHEREAS, the reduction in the use of disposable plastic checkout bags helps to protect the marine environment, advance solid waste reduction, reduce greenhouse gas emissions, and protects waterways; and

WHEREAS, the Township Council desires to reduce the number of disposable plastic checkout bags that are being burned, used, discarded and littered and to promote the use of reusable checkout bags, recyclable paper bags and bio-degradable plastic bags by retail establishments located within Teaneck;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck as follows:

Section 1. Chapter 26, Offenses-Miscellaneous, of the Code of the Township of Teaneck is hereby amended to add thereto Section 26-31 to read in full as follows:

Section 26-31. Disposable Plastic Checkout Bags

A. Definitions.

“Checkout Bag” means a carryout bag with handles provided by a retail establishment to a customer at the point of sale but shall not include:

1. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment.
2. laundry or dry-cleaning bags.
3. newspaper bags.
4. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

“Recyclable Paper Bag” means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

Attachment: Plastic Bags Ordinance 1 (3979 : Plastic Bag Ordinance)

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either made from polyester, polypropylene, cotton or other durable material or plastic which is at least 3.0 mils in thickness.

“Bio-degradable Plastic Bag” means a plastic Checkout Bag that meets the test parameters of ASCMD6400 and is capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known bio-degradable materials.

Disposable Plastic Checkout Bag” means a Checkout Bag made of plastic which is neither a Reusable Bag nor a Bio-degradable Plastic Bag.

“Retail Establishment” means any commercial enterprise, whether or not operated for-profit, including mercantile establishments, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores, but excluding bazaars or special events operated by a nonprofit organization or religious institution.

B. Disposable Plastic Checkout Bags Pass-Through Charge

- 1. Retail Establishments shall collect from Customers requesting Disposable Plastic Checkout Bags a pass-through charge of \$0.05 per Disposable Plastic Checkout Bag at the time of purchase at the check-out counter.
- 2. Retail Establishments shall indicate on the customer’s transaction receipt the number of Disposable Plastic Checkout Bags, if any, provided and the total amount of the pass-through charge.
- 3. The amount of the charge for Disposable Plastic Checkout Bags shall be prominently posted at each point of sale.

C. Right of Customers to Use Their Own Checkout Bags

- 1. Customers of a Retail Establishment shall be permitted to refuse a Disposable Plastic Checkout Bag provided by the Retail Establishment and shall be permitted to bring and use their own Checkout Bags.
- 2. Retail Establishments shall not provide nor require customers to use or pay for a Disposable Plastic Checkout Bag provided by the Retail Establishment unless the customer specifically requests same.

D. Violations and penalties

- 1. A separate offense shall be committed for each Disposable Plastic Checkout Bag provided to a customer by a Retail Establishment unless specifically requested by the customer or for which a pass-through charge is not collected in violation of this section.

2. For each violation of this section, a Retail Establishment shall be subject to one or more of the following: a minimum fine of \$100.00 and a maximum fine not exceeding \$2,000.00, or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days.

Section 2. Severability

If any sentence, section, clause or other portion of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. Inconsistency

All ordinances or parts thereof, inconsistent with the provisions hereof, are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date

This Ordinance shall take effect twenty (20) days following passage and publication as required by law.

TOWNSHIP OF TEANECK

ORDINANCE NO.

AN ORDINANCE PROHIBITING RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF TEANECK FROM PROVIDING CUSTOMERS WITH DISPOSABLE PLASTIC CHECKOUT BAGS

WHEREAS, the Township Council finds that the reduction in the use of disposable plastic checkout bags by Retail Establishments in the Township of Teaneck is a public purpose; and

WHEREAS, the reduction in the use of disposable plastic checkout bags helps to protect the marine environment, advance solid waste reduction, reduce greenhouse gas emissions, and protects waterways; and

WHEREAS, the Township Council desires to reduce the number of disposable plastic checkout bags that are being burned, used, discarded and littered and to promote the use of reusable checkout bags, recyclable paper bags and bio-degradable plastic bags by retail establishments located within Teaneck;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck as follows:

Section 1. Chapter 26, Offenses-Miscellaneous, of the Code of the Township of Teaneck is hereby amended to add thereto Section 26-31 to read in full as follows:

Section 26-31. Disposable Plastic Checkout Bags

A. Definitions.

“Checkout Bag” means a carryout bag with handles provided by a retail establishment to a customer at the point of sale but shall not include:

1. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment.
2. laundry or dry-cleaning bags.
3. newspaper bags.
4. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

“Recyclable Paper Bag” means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either made from polyester, polypropylene, cotton or other durable material or plastic which is at least 3.0 mils in thickness.

“Bio-degradable Plastic Bag” means a plastic Checkout Bag that meets the test parameters of ASCMD6400 and is capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known bio-degradable materials.

Disposable Plastic Checkout Bag” means a Checkout Bag made of plastic which is neither a Reusable Bag nor a Bio-degradable Plastic Bag.

“Retail Establishment” means any commercial enterprise, whether or not operated for-profit, including mercantile establishments, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores, but excluding bazaars or special events operated by a nonprofit organization or religious institution.

B. Disposable Plastic Checkout Bags prohibited

1. Retail Establishments shall not provide Disposable Plastic Checkout Bags to customers.
2. If a Retail Establishment provides Checkout Bags to customers, such Checkout Bags shall be either a Recyclable Paper Bag, a Bio-degradable Plastic Bag, or a Reusable Bag.
3. Retail Establishments may charge a customer for a Checkout Bag provided such charge is prominently posted at each point of sale and any such charge shall be separately stated as a “Checkout Bag Charge” on a receipt provided to the customer at the time of sale.

C. Right of Customers to Use Their Own Checkout Bags

1. Customers of a Retail Establishment shall be permitted to refuse a Checkout Bag provided by the Retail Establishment and shall be permitted to bring and use their own Checkout Bags.
2. Retail Establishments shall not require customers to use or pay for a Checkout Bag provided by the Retail Establishment unless the customer specifically requests same.

D. Hardship Stay.

1. Notwithstanding the prohibitions set forth above, a Retail Establishment may apply to the Township Manager for a temporary hardship stay to continue to

provide Disposable Plastic Checkout Bags to customers under the following circumstances:

- a. circumstances or situations unique to a particular Retail establishment such that there are no reasonable alternatives to providing, Disposable Plastic Checkout Bags.
 - b. circumstances or situations unique to a Retail Establishment such that compliance with the requirements of this Section would deprive the Retail Establishment of a legally protected right.
 - c. circumstances where a Retail Establishment requires additional time to draw down an existing inventory of Disposable Plastic Checkout Bags.
2. No hardship stay granted hereunder shall exceed a one year period provided, however, that a Retail establishment may apply for additional hardship stays.
 3. Each application for a hardship stay shall be accompanied by an application fee in the sum of \$100.00, as such other fee as may be from time to time specified in the most current fee ordinance.
 4. Applications shall be submitted in writing and shall set forth the name and address of the Retail Establishment, the nature of the business conducted by the Retail Establishment, whether any previous hardship stays have been applied for or granted, the dates thereof, and the circumstances or situations upon which the hardship stay is based.
 5. The Township Manager shall decide all such applications and may request additional information or require the applicant to appear at a hearing.

E. Violations and penalties

1. A separate offense shall be committed for each Disposable Plastic Checkout Bag provided to a customer by a Retail Establishment in violation of this section.
2. For each violation of this section, a Retail Establishment shall be subject to one or more of the following: a minimum fine of \$100.00 and a maximum fine not exceeding \$2,000.00, or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days.

Section 2. Severability

If any sentence, section, clause or other portion of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. Inconsistency

All ordinances or parts thereof, inconsistent with the provisions hereof, are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date

This Ordinance shall take effect twenty (20) days following passage and publication as required by law.



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 05/16/17 07:00 PM
Department: Township Clerk
Category: Old Business
DOC ID: 4010

5.A.2

INFORMATION ITEM (ID # 4010)

Pay-to-Play Ordinance



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 05/16/17 07:00 PM
Department: Township Clerk
Category: Presentation
DOC ID: 3980

5.A.3

INFORMATION ITEM (ID # 3980)

Discussion of OPMA/OPRA and Subcommittees with Senator Loretta Weinberg



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 05/16/17 07:00 PM
Department: Township Clerk
Category: New Business
DOC ID: 4011

5.A.4

INFORMATION ITEM (ID # 4011)

Bamboo Ordinance

TOWNSHIP OF TEANECK

ORDINANCE NO.

AN ORDINANCE REGULATING THE PLANTING AND CULTIVATION OF BAMBOO WITHIN THE TOWNSHIP OF TEANECK AND AMENDING CHAPTER 29A OF THE CODE OF THE TOWNSHIP OF TEANECK TO ADD ARTICLE X TO THE PROPERTY MAINTENANCE CODE

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

SECTION 1. Chapter 29A, Property Maintenance Code, of the Code of the Township of Teaneck, is hereby amended to add thereto Article X, Bamboo, to read in full as follows:

ARTICLE X. Bamboo

§ 29A-172. Purpose.

This chapter is adopted to control the planting, cultivating or growing of bamboo in the Township of Teaneck; and to require barriers to prevent the spread of existing bamboo into other areas of the Township.

§ 29A-173. Regulation of planting, growing or cultivating of bamboo.

Subject to certain exemptions set forth in this chapter, no persons, or other property owners or tenants, shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground in the Township of Teaneck, subject to the following exceptions:

- A. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted; or
- B. The root system is contained within a properly constructed and maintained barrier system.
- C. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

§ 29A-174. Exemptions.

This chapter shall not apply to any land owner or possessor who, prior to the effective date of this chapter, has planted or caused to grow any bamboo on any property within the Township limits unless the Code Enforcement Officer determines, on his own or upon complaint from any abutting or nearby property owner, that any portion of such bamboo has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land.

§ 29A-175. Complaint notice; order for removal; compliance.

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots on to the property of another land owner, or tenant in possession of the property, or both, which notice shall be substantially as follows:

- A. The notice shall be mailed by certified mail, return receipt requested, properly addressed and with sufficient postage, and also by first-class mail. Notice by certified mail shall be deemed complete on the date of personal delivery, or the date the certified mail is marked refused or unclaimed or otherwise undeliverable by the United States Post Office, when the first-class mail was not returned.
- B. The notice shall specify the nature of the violation.
- C. The notice shall state that the violation must be corrected within 30 days from the date of the received or returned mailing.
- D. The notice shall state specifically what must be done by the responsible party to correct the violation.

§ 29A-176. Violations and penalties.

- A. Any person determined by any court of competent jurisdiction to have violated this chapter shall be subject to pay a fine of not less than \$25 per day, nor more than \$100 per day, or each day the violation existed after the date for removal as set forth in the notice which was sent to violator, and received by the violator. Each day of a continuing violation shall constitute a separate offense, for which an additional fine can be levied. The per-day fine will be in addition to a penalty for failure to comply with the Bamboo Ordinance. This fine can be up to the maximum penalty set by the State of New Jersey.
- B. If the violation is not remedied within the time set forth in the aforesaid notice, the Township is hereby authorized to remove or have removed any encroaching bamboo and to take all reasonable steps to eradicate the regrowth of the bamboo on the public rights-of-way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- C. The cost of the corrective action together with any civil penalties, legal fees and other costs shall be recoverable from the responsible party.

SECTION 2. Severability

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. Inconsistency

All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 4. Effective Date

This ordinance shall become effective twenty (20) days following final adoption and publication thereof as required by law.

Mohammed Hameeduddin, Mayor

ATTEST:

Issa Abbasi, Township Clerk

Attachment: Proposed Bamboo Ordinance (4011 : Bamboo Ordinance)

Introduced: _____

Adopted: _____



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 05/16/17 07:00 PM
Department: Township Clerk
Category: Township Manager's Report
DOC ID: 4009

5.C.1

INFORMATION ITEM (ID # 4009)

Parking - Sherman Avenue