

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

PUBLIC MEETING/ PUBLIC SESSION

AUGUST 6, 2012

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:34 p.m. by Council President, Richard Hrbek. Members present: Steven Cascio, Joseph D'Urso, Richard Hrbek. Absent: Councilperson Goetz. Mr. Beckmeyer arrived at 8:22 p.m. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Catherine Steinel, Administrator.

Pursuant to the provisions of the Open Public Meetings Act this meeting was listed in the Township Council Annual Meeting List which was published in the Ridgewood News, forwarded to the local newspapers, posted on Municipal Bulletin Board and filed with the Municipal Clerk.

The Clerk read the total of various bill paid, a copy of which is attached and made part of these minutes.

APPROVAL OF MINUTES

A motion was made by Dr. Cascio seconded by Mr. D'Urso to pass the June 11, 2012 Conference and Closed minutes of the Township Council.

Ayes: Councilpersons Cascio, D'Urso, Hrbek

Nays: None

A motion was made by Dr. Cascio, seconded by Mr. D'Urso to pass the June 25, 2012 Public minutes of the Township Council.

Ayes: Councilpersons Cascio, D'Urso, Hrbek

Nays: None

REPORT OF MAYOR

Mayor Sobkowicz spoke about the United Water and PSE&G projects going on around town and problems that occurred with the projects. Escrow checks were not sent out to the Township by PSE&G in a timely fashion. United Water needed to repair a major pumping station and pipeline on the corner of Hampshire Road and East Glen Avenue. The Township is working with United Water to have Hampshire Road and Beech Street repaved. There are reports of loud noises coming from trucks hitting culvert covers on Pascack Road and remedial work is being done. The Planning Board is hearing a new application for a subdivision off Linwood Avenue. Residents in that area have attended the meeting to address their current flooding problems and their concerns that the subdivision will create. The applicant for the subdivision project is agreeable to help remedy the water problem. The planning board is also working with the shopping center management company and the tenants in regard to signage. The Mayor gave the totals of the police overtime and civilian dispatch salary amounts to date. She said that overtime in the police department is down from last year. Lt. Hackbarth received a grant for the Get Sober or Get Pulled Over campaign. Mayor Sobkowicz said 155 children had enrolled in the Summer Recreation program this year. The program is being evaluated for possible future changes. The Mayor congratulated Summer Recreation Counselor, Steven Fadini who performed the Heimlich maneuver on a choking camper. The Township Recreation Senior Football team will be able to play their home games on the Westwood High School field this season. The Road Department will continue picking up garden debris through September. Mayor Sobkowicz gave the most current recycling figures and encouraged everyone in the Township to recycle more. She spoke about the added layer of approval regarding the budget she implemented. Since that time, several employees have told her how they have saved the township money. She said that the Ambulance Corp. needs new members. Town Day in Saturday October 6, 2012 with a rain date to be announced.

REPORT OF COUNCIL

Councilman Cascio – Dr. Cascio thanked everyone for coming to the meeting tonight.

Councilman D'Urso – Mr. D'Urso said that he has been receiving many calls about the noisy malfunctioning water pumping station generator on the corner of Hampshire Road and East Glen Avenue. He has been to the site several times and thanked the administration for the way they are working to fix the problem. He agreed that the potholes along Pascack Road and other Township streets need to be addressed. They vibrate loudly when a vehicle runs over them and are potentially dangerous. Mr. D'Urso stated that the temporary leasing signs put up by Azarian Reality at the shopping center will hopefully bring additional tenants to the center.

PUBLIC PORTION

A motion was made by Dr. Cascio, seconded by Mr. D'Urso to open the Public Portion of the meeting.

Ayes: Councilpersons Cascio, D'Urso, Hrbek

Nays: None

Rosa D'Ambra, 423 Colonial Boulevard – Mrs. D'Ambra asked what positions in the Township are hired under professional contract services. Mr. Hrbek listed the Engineer, Auditor, Health Officer, Sanitarian, Zoning Board Attorney and Planning Board Attorney. Mrs. D'Ambra read a portion of an article from the Record regarding municipal compliances and the elimination of pension benefits for contracted employees, including attorneys. She asked if Mr. Poller is a bona fide Township employee or a contracted employee. Administrator Steinel stated that he has been treated as a contracted employee by the Township and he is, at this time, receiving pension benefits. An IRS ruling has been requested by the Township and the Township will follow the advice of the IRS when the ruling has been made. Mrs. D'Ambra stated that the shopping center needs better advertising, and also noted that the fence is broken behind the shopping center.

David Snyder, 91 Windsor Circle – Mr. Snyder said that he is pleased that the Council is willing to work with the Washington Town Center tenants to make the signage more advantageous. He asked if anyone has called County Executive Donovan in regard to creating bicycle lanes on Pascack Road. Mr. Snyder said that he spoke to Michael Duffy, owner of the local nursery on the corner of Pascack Road and Ridgewood Road who said that he would be happy to do seasonal plantings around the Welcome to Washington Township sign across from his business. Mr. Snyder suggested that other landscapers could also beautify other focal corners in the Township. He said that that nicer signs, with new colors, should be considered on main roads coming into town. Mr. Snyder stated that the backs of the stop signs around town have peeling paint. Mr. Hrbek stated that new legislation mandates that new signs with reflective paint will need to replace old stop signs. He asked about the cell tower and was told that things are moving along.

Michael Ullman, 2 Clark Avenue – Mr. Ullman asked if any additional discussion has occurred in regard to the road paving project. Mr. Hrbek said the Council is looking into roads that would qualify for DOT grant money. Mr. Ullman asked about the cell tower plans and the generator. He asked if all current employees are required to follow the same sick-time policy. He asked if work attendance records could be obtained through an OPRA request.

There being no further questions or comments, a motion were made by Mr. D'Urso, seconded by Dr. Cascio to close the Public Portion of the meeting.

Ayes: Councilpersons Cascio, D'Urso, Hrbek

Nays: None

CONSENT AGENDA

The following resolutions were part of the Consent Agenda and were made available to the Governing Body and the Public prior to the meeting.

The Consent Agenda was presented and adopted on a motion by Dr. Cascio, seconded by Mr. D'Urso.

Ayes: Councilmen Cascio, D'Urso, Hrbek.

Nays: None.

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 fee:

Renee DeLibero
2202 Warrens Way
Wanaque, NJ 07465

Cheerleading - \$130.00

WHEREAS, Violeta Kelly posted engineering escrow for (Thomas DeVincenzo) on premises known as Block 4415, Lot 1, 303 Walnut Street; and

WHEREAS, the Construction Code Official has issued approval dated July 24, 2012, C.O. No. 10-415,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated July 20, 2012,

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 \$412.00 to the above.

WHEREAS, Richard and Bernadette Galli posted engineering escrow on premises known as Block 2201, Lot 3, 862 Robinwood Road; and

WHEREAS, the Construction Code Official has issued approval dated July 24, 2012, C.O. No. 11-523,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated July 19, 2012,

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 \$363.00 to the above.

WHEREAS, PSE&G has sent notification that it has filed a petition with the Board of Public Utilities (BPU) requesting an increase to the PSE&G Electric and Gas RGGI Recovery Charges; and

WHEREAS, the reasons for this increase in part include the Solar Generation Investment Program (Solar 4 All) and solar Loan II Program; and

WHEREAS, in 2011, without notice or opinion from the residents, solar panels were installed on main roads and neighborhood streets; and

WHEREAS, in certain areas there are a large number of solar panels in a row that they are quite unsightly and cumbersome; and

WHEREAS, these solar panels were installed throughout New Jersey by PSE&G without thought to the aesthetic or quality of life effect on residents; and

WHEREAS, on its website, PSE&G states in its Solar 4 All program description that "Every one of the panels placed in service generates value from the sale of its electricity and capacity into the wholesale electric grid, the solar renewable energy certificates (SRECs) that it generates and the federal investment tax credits PSE&G attracts. PSE&G monetizes this value and the

dollars are returned to customers by offsetting the overall cost of the program”; and

WHEREAS, the Township of Washington finds it disingenuous that now PSE&G will raise the rates of its residents to subsidize the cost of installing those same solar panels that are supposed to, by their own admission, bring monetized value to their customers; and

WHEREAS, the Solar Loan program brochure stated that “PSE&G will provide approximately \$247 million to finance the installation of solar power systems” for commercial, industrial, not-for-profit and governmental customers as well as residential customers; and

WHEREAS, the Township of Washington finds it abhorrent that PSE&G is expecting its residential customers to finance a loan program for its business customers.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and council of the Township of Washington appeal to the Board of Public Utilities to not grant an increase to PSE&G that will be borne on the backs of our taxpayers who are already overburdened trying to make ends meet; and

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to distribute copies of this resolution to the Board of Public Utilities; Senator Cardinale, Assemblyman Schroeder; Assemblywoman Schepisi, Governor Christie, the New Jersey League of Municipalities and all municipalities in Bergen County.

WHEREAS, elected representatives from the Township of Washington have, with elected representatives from the Borough of Westwood, negotiated a shared service agreement for Electronic Recycling, and

WHEREAS, the Borough of Westwood has presented the Township of Washington with an agreement, by way of resolution, to go into a shared services arrangement, allowing the residents of the Township of Washington to dispose of electronic devices at the Westwood’s Recycling Facility in accordance with its existing rules and procedures, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Washington agree to the set terms as follows:

1. The costs of the recycling of such materials shall be shared in the following manner: all gross costs to third parties, e.g. tipping fees, vendor costs, etc., shall be shared equally.
2. Either party may cancel this agreement on 60 days’ notice.
3. Unless sooner cancelled as above this agreement shall renew itself annually on the anniversary hereof.
4. The two municipalities shall confer and establish such regulations and procedures as shall be deemed prudent.

WHEREAS, Encore Development Corp. (The “Developer”) posted a letter of credit in connection with required remedial work to be performed on the premises at 383 Mountain Avenue (Lot 5 in Block 4322) in the Township of Washington (the “Township”); and

WHEREAS, the Developer has notified the Township Engineer of the completion of the remedial work required, and the Developer desires to procure a release of the letter of credit; and

WHEREAS, the Township Engineer has inspected all remedial work performed and has determined that all such work has been satisfactorily completed, and has made a recommendation to the Chief Construction Official for a release of the letter of credit on deposit with the Township by letter dated July 16, 2012, a copy of which is annexed hereto (the “Township Engineer’s Report and Recommendation”); and

WHEREAS, the Township council has considered the Township Engineer's Report and Recommendation, and is of the opinion that Action should be taken in accordance with such Report and Recommendation;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington as follows:

1. The Township engineer's Report and Recommendation is hereby approved and adopted subject to the conditions set forth hereafter.
2. The Township engineer and Township Attorney shall submit all vouchers for professional services to the Township Treasurer within 15 days of the date of this Resolution. The township Treasurer shall, within 10 days of expiration of said 15 day period, confirm with the Township Engineer and Township Attorney that there are sufficient funds on deposit withy the Township from the Developer to pay all outstanding vouchers.
3. Upon verification by the Township Treasurer that there are sufficient funds on deposit to pay all outstanding vouchers for professional services, the letter of credit may be cancelled and a letter from the Township Treasurer may be issued to the Developer confirming to the issuing bank that the letter of credit may be cancelled.
4. A copy of this Resolution, with a copy of the Township Engineer's Report and Recommendation annexed hereto, shall be forwarded to the Developer.

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 to wit

R.S. 52:27BB-52 – "A local officer or member of a local Governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon con-

viction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of Washington hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

WHEREAS, the Township of Washington accepted quotation for the loading, transporting and disposal of the Township’s 2012 seasonal leaves; and

WHEREAS, the Township of Washington received a quotation from Environmental Renewal, L.L.C. for uncompacted material in the total sum of no more than \$104,036.00 and

WHEREAS, the Township of Washington has determined to award the contract for such services to Environmental Renewal, L.C.C. in accordance with its quotation as permitted by law;

NOW, THEREFORE, BE IT RESOLVED, BY THE Township Council of the Township of Washington that Environmental renewal, L.L.C. be and is hereby awarded the contract for the loading, transporting and disposal of the Township’s 2012 seasonal leaves in accordance with its quotation to the Township of Washington.

BE IT FURTHER RESOLVED, that the award hereunder is subject to the execution of an Agreement for Contractual Services in form and substance satisfactory to the township of Washington, compliance with such Agreement by Environmental Renewal, L.L.C. complying in all respects with applicable laws, rules and regulations.

WHEREAS, the Township of Washington Police Department has applied for the Driving While Intoxicated Enforcement “Drive Sober or Get Pulled Over 2012 Statewide Crackdown” Highway Safety Grant from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State has awarded a grant to the Township of Washington in the amount of \$4,400.00; and

WHEREAS, the grant (\$4,400.00) will pay for Police Officers to work overtime to enforce laws effecting the safety and welfare of the residents and streets of the Township of Washington and to educate and encourage the public to refrain from driving while intoxicated;

WHEREAS, impaired drivers, on our nation’s roads kill someone every 30 minutes, 50 people every day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and Labor Day holiday in particular are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober Or Get Pulled Over 2012 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 17 through September 3, 2012; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED, that the Mayor and council of the Township of Washington accept the Grant from the State of New Jersey and declare its support for the Drive Sober Or Get Pulled Over Arrest 2012

Statewide Crackdown from August 17 through September 3, 2012 and pledges to increase awareness of the dangers of drinking and driving.

ORDINANCE

Mr. Beckmeyer arrived after the Consent Agenda and the Council then went to Ordinance #12-11.

The Clerk read Ordinance #12-11 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF OFFICERS AND EMPLOYEES IN SAID MUNICIPALITY FOR THE YEAR 2012.

A motion was made by Mr. D'Urso, seconded by Mr. Beckmeyer to introduce and pass Ordinance 12-11 at second reading by title.

Ayes: Councilpersons Beckmeyer, Cascio, D'Urso, Hrbek

Nays: Councilperson None

The following resolution was presented and adopted on a motion by Mr. D'Urso, seconded by Mr. Beckmeyer.

Ayes: Beckmeyer, Cascio, D'Urso, Hrbek

Nays: None

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 12-11 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF OFFICERS AND EMPLOYEES IN SAID MUNICIPALITY FOR THE YEAR 2012 be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. D'Urso, seconded by Mr. Beckmeyer to open the public hearing.

Ayes: Councilpersons Beckmeyer, Cascio, D'Urso, Hrbek

Nays: None

Rosa D'Ambra, 423 Colonial Boulevard – Mrs. D'Ambra asked if the Township Attorney is receiving health benefits. She was told yes.

Michael Ullman, 2 Clark Avenue – Mr. Ullman asked if the employees' salary increases were cost of living based or merit based. He was told that it is cost of living based. Mr. Hrbek stated that merit salary increases have been discussed by Council over the last two years in budget meetings but not given out, the decision to award merit raises is under the administration purview. Mayor Sobkowicz stated that the administration is working on it. Mr. Ullman asked who the consultant for the DMF is in the salary ordinance and what he does within the DMF. He asked about two positions listed in the salary ordinance under Department of Administration and the Mayor stated that the administration will be interviewing for an Office Floater position soon. Mr. Ullman asked about the travel expense reimbursement system and Mayor Sobkowicz said that she has questioned the issue also, but the Council had it put into the budget. Mr. Hrbek stated that he wanted to be put on record that the Mayor's statement is untrue. Mr. Ullman then stated that, in the public session, the Township Attorney has historically been considered a Township employee. He was told that wording in the 2012 contract has been corrected.

David Snyder, 91 Windsor Circle – Mr. Snyder questioned the salary of the Township Health Officer and asked what the duties entail. Administrator Steinel explained the roles of the Health Officer. The justification for the salary was given by the Mayor, Administrator and Council President.

There being no further questions, a motion by Mr. D'Urso, seconded by Mr. Beckmeyer was made to close the public hearing.

Ayes: Councilpersons Beckmeyer, Cascio, D'Urso, Hrbek

Nays: None

A motion was made by Mr. D'Urso, seconded by Dr. Cascio to pass Ordinance 12-11 at second and final reading, submit same to the Mayor for her approval and thereafter be published according to law.

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek

Nays: None

Abstain: Councilperson Cascio

Mary Ann Ozment, Township Clerk

Richard Hrbek, Council President