

**TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY**

**PUBLIC PORTION/CONFERENCE MEETING**

**February 24, 2014**

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:30 p.m. by Council President Thomas Sears with the Clerk leading a salute to the flag. Members present: Peter Calamari, Steve Cascio, Richard Hrbek, Thomas Sears.. Also present: Janet Sobkowicz, Mayor; Catherine Steinel, Administrator; Ken Poller, Attorney.

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 the Municipal Bulletin Board and filed with the Municipal Clerk.

**Mr. Sears** – Would like to break protocol for one minute to acknowledge the passing of our longtime Ambulance Corps member Mr. Kropke, who served for 45 years as an EMT, going on multiple calls in the Township. He will be missed and it is a great loss to the Township.

**APPROVAL OF MINUTES**

A motion was made by Dr. Cascio, seconded by Mr. Hrbek, to approve the January 6, 2014 Public/Reorganization Minutes, January 27, 2014 Conference Minutes and the February 10, 2014 Budget.

Ayes: Councilpersons Beckmeyer, Calamari, Cascio, Hrbek, Sears.

Nays: None.

A motion was made by Dr. Cascio, seconded by Mr. Hrbek to approve the January 27, 2014 Public Minutes. (Beckmeyer Abstain)

Ayes: Councilpersons Calamari, Cascio, Hrbek Sears.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to approve the February 7, 2014 Budget Minutes. (Cascio Abstain)

Ayes: Councilpersons Beckmeyer, Calamari, Hrbek, Sears.

Nays: None.

**GENERAL PUBLIC DISCUSSION**

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to open the general public discussion.

Ayes: Councilpersons Beckmeyer, Calamari, Cascio, Hrbek, Sears.

Nays: None.

**Rose D'Ambra, 423 Colonial Boulevard** – Stated that anyone on this this council that is related to anyone in the police department they should cancel out on voting on anything. Stated at the February 10, 2014 meeting, under priority, Mr. Calamari stated why the police department should give out reports when other departments do not. Mrs. D'Ambra then stated Mr. Calamari should not be involved with anything regarding the police department because he has a brother on the police department and this is a conflict of interest. Stated that today there is another resolution regarding the police department and Mr. Calamari should abstain. Mrs. D'Ambra then read New Jersey Statute 40A 9-22.5 D with regard to this situation. Stated that Mr. Poller should have known this since there is a State Statute. Mr. Poller stated there is more to it, there are other State Statutes. Mr. Poller further stated he disagrees with Mrs. D'Ambra position that Mr. Calamari is disqualified from everything to do with the police department, that would mean he couldn't even vote on the budget. Mrs. D'Ambra stated that should be left out too. Mr. Poller explained a vote on the budget is not a position you would take, leaving out the police department would mean that nobody in the state can vote on items as the budget that includes the police department if they had someone who is of relation to them. Mrs. D'Ambra asks why we have State Statutes if nobody is

following them. Mr. Poller states he disagrees with Mrs. D'Ambra interpretation of the state statute. Mrs. D'Ambra states with regard to the Zoning Board appointments, Mr. Sears gave out a list of members at the table, and the clerk should have gotten that list first since she is the keeper of records, and then it becomes a public record. Mrs. D'Ambra further states she was told that she could not see it. She does not understand why wait until the next day, maybe some names were taken off. Believes that Mary Ann Ozment should have gotten the paper first before council. Mr. Sears states it was just a working sheet at the time. Mr. Poller asks Mrs. D'Ambra did she put in an OPRA Request. Mrs. D'Ambra stated yes, it came through the email, but she wanted to see it during the meeting. Mrs. D'Ambra states we are taxpayers of this town and when things are put out on the table and we can't see it, it is not right. Mr. Sears thanked Mrs. D'Ambra and informed her that her time had expired.

**Anthony Conti, 490 Ridgewood Boulevard North** - Asked when the swim club is going to be cleaned out, it has not been since February 1. Mayor Sobkowicz what they didn't clean out summons were given. Mr. Conti spoke of the violation with regard to the shed on his property, when the weather breaks he will have the last part resolved and the shed will then be within zoning code. Spoke of a letter dated February 6 from the Zoning Board official with regard to a shed that has been on his property since he bought the property in 1988 and the shed was built in 1966. The shed is shown on his survey of 1988. The shed has not been touched or added to since he bought the home. Stated he has been calling the Zoning Board official since October of 2013 and has not been called back. Would like to know if there are any regulations if you call someone in town for a question that they have to get back to you within a certain period of time or is the zoning officer just able to ignore him. Stated he was told that the Zoning Official will only contact him via letter even though the Zoning Official has had two meetings with the swim club. Mr. Sears asked have you received a letter since October. Mr. Conti replied no. Mr. Conti then stated he was at the Zoning office today and asked JoAnne what the status was and she stated to Mr. Conti that Mr. Tucker needs to speak with the building official. Mr. Conti further stated he gave all the information he has, the survey from 1988 when he purchased the home, he does not have a survey from 1966. Would like to know if the shed is grandfathered in, because if he has to change anything on that shed then there are 1800 sheds in this town that needs to be changed. He was told by Mr. Tucker that he needs to get a letter from the Mayor because the shed has been there that long. Would like to know what the rule is. Mr. Poller stated the rule is the Zoning Officer makes the determination whether or not you have to comply with the more current regulation regarding the shed and he exams the paperwork with regard to the history of the shed and he makes the interpretation, that is his function. Mr. Poller further stated if Mr. Conti does not like the determination then Mr. Conti can file an application to the Zoning Board for the review of the interpretation of the Zoning Board. There was a discussion of whether or not there was a grandfather clause in the town. Mr. Poller stated the work grandfathering is a generic term and no one can say your shed is grandfathered in without knowing the history of the shed that is why we have a Zoning Official for. Mayor Sobkowicz stated we will check on it, if the Zoning Official indicated he is speaking to the building department doing some research, give him a chance and I will also speak with him. Mr. Conti stated you are setting a precedent because if my shed is in violation, if he receives a violation, then every shed in this town has to come within code. Mr. Poller stated every shed that is brought to the attention of the Zoning Official. Mr. Conti stated I will drive around and make a list of every shed and bring it to his attention. Mr. Poller stated the zoning official would have to make a determination of each shed, look at the facts, look at the ordinance and make a ruling on a shed by shed basis. Mr.

Poller further stated you have the right to make a complaint about any shed in town, whether it is 1 or 1000.

**Joe D'Urso, 12 Viola Terrace** – Stated that he is still upset with regard to the last meeting with the Zoning Board. Stated that the paperwork that he OPRA requested that was handed out was not the same list the he received from the clerk. Stated that Mr. Sears put the list together the day after the meeting with names on there. Would like to know why new names were considered, that this was not the fault of any board members. Stated it does not matter who screwed up, the bottom line is it needs to be rectified. Stated that he did not attend the last meeting on December 16 he had a prior obligation, but at the December 2 meeting with the guidance of the administrator it was just a simple resolution that had to be chosen. Stated that all that had to be done was to stagger the terms. Stated that some oaths of office did not expire until 2015 or 2016 if you follow the oaths of office. Mr. Sears's states that nobody has been thrown off or fired from the board, we are trying to rectify what went on last year. There was a discussion as to when board members names were given, and when the discussion took place. Mr. Sears stated as council members we do have the right to put new members on. There was a discussion with regard to who instructed the board secretary on January 28 to tell the zoning board members those there services were no longer needed and also the cancellation of the meeting. Mr. Poller explained the expiration of the board members terms and that some members were not reaffirmed or appointed for another term. Mr. D'Urso spoke of the resolution and the administrator who gave us the instruction. Mr. D'Urso states he disagrees with Mr. Poller. Mr. D'Urso also spoke of the police report given to council, states that council has every right to see what is going on in this town.

**Ray Bernroth, 838 Crest Place** – Asked with regard to the cell tower, would like to know if it is working. Mr. Poller states he does not believe it is working and ATT&T also would like to know why it is not working, since they are complaining that Verizon is not moving forward to get the tower operational. Mr. Poller stated he does not why, but we are getting paid monthly.

**Fred Goetz, 587 Washington Avenue** – Stated he would like to bring to council's attention a safety issue with regard to pedestrian traffic at Wayne Place, and also at White Birch Road with regard to piles of snow blocking traffic. Hopes council will address this issue at future agendas. Stated he disagrees with the township attorney with regard to recusal of Mr. Calamari. Stated he did bring this up at the last budget meeting that the statute and case law is pretty clear with regard to this issue with regard to transfers. Asked with regard to the Mayor's budget, will it raise or lower taxes. Mr. Sears stated we are still going through it. Mayor Sobkowicz stated we do not have a number, still need a lot of information from the auditor, but we are well below the CAP. Mrs. Steinel states we don't have an exact figure in yet as we had to insert additional revenue from the cell tower. Mr. Goetz states in the past two years we did have a number we worked off of to try to keep taxes stable. There was a discussion with regard to bills that are still coming in and the deadline being February 2. Mr. Goetz asks is it likely that taxes will be raised or lower as per the budget that was presented by the Mayor at this point. Mayor Sobkowicz states they will go up. There was a discussion that this is complicated due to the revaluation that is going on, that the assessed value of the homes plays a big part in the calculation. Mr. Sears informs Mr. Goetz that his time is up. Mr. Goetz states thank you.

**Julie Lipnick, 184 Finnerty Place** – Would like to know if a resident does not clear the sidewalk with 48 hours after the snow falls, what and if any penalty there is. Mrs. Steinel states that there is a borough ordinance and a notice is sent out to them. Mrs. Finnerty spoke of the shopping center across the street, there is a gate that is an emergency exit and it has not been cleared.

States that the path ends right by the library property line and that entire driveway is packed with snow, ice and mounds of snow. She has seen residents take shovels and go to the little pathway and clear it up themselves so they can walk to the shopping center. States that is a disgrace and that the entire strip is totally neglected. Stated that at the least meeting she was told a letter was going to be sent to the shopping center. Mrs. Steinel states a letter did go out. Mrs. Finnerty states they should be fined and fined heavily.

**David Snyder, 91 Windsor Circle** – Spoke of the 2009 campaign of Sobkowicz, D'Urso and Goetz, one of the platforms being the broadcasting of public meetings with the assistance of WCTV. Stated that the Mayor went back on her pledge and it is disappointing. Hopes that it will be reinstated so the public can see what is going on, the public should have the privilege to see what is going on. Spoke of the Zoning Board and read the letter that went out to the Zoning Board members at the direction of Ken Poller. Stated there should be transparency in this town. Stated that Mr. Poller claims that matters were openly discussed with regard to the Zoning Board, and it does not seem like they were. Discussed 4055D-69 with regard to the cancelling of the Zoning Board meeting, which requires a 48 hour notice. Stated that the Zoning Board did a commendable job and the CVS withdrew and they are dismantled by a letter. Mayor Sobkowicz stated that the ordinance that was put forth with regard to the broadcasting of public meetings had a lot of other stipulations with regard to the recordings of the meetings, when they can preempt a program. Mayor Sobkowicz stated these are volunteers and there was more to that ordinance at the time. Mr. Snyder states with all due respect, it is a \$400 video camera that could be stood up here and be focused, that is all we asked. It is a disgrace.

**Michael Werfel, 880 Crest Place** – Asked when was the request made by council to Mr. Poller to look into the Zoning Board, he would like an answer from each council member. Dr. Cascio stated he does not recall when they asked Mr. Poller to look into it. Mr. Hrbek states the exact date he does not know. Mr. Hrbek further stated there were some questions last year, beginning of the year and the clerk was asked to try and get some information as far as the terms and where we stood. Mr. Beckmeyer stated he does not remember the exact date, he knows it was talked about. Mr. Beckmeyer further stated that Mr. Poller did explain one way to clarify was to ask the clerk for all the paperwork, go back to the minutes of the Zoning Board meetings to see when a member was seen on the minutes and then go back a few months at a council meeting to see if anything was moved or voted on. Mr. Beckmeyer further stated a resolution was presented by the Council President last year, at the last meeting. Dr. Cascio states it was either the last or second to last meeting. Mr. Beckmeyer explained it was given to Council cold to vote on, and there were a lot of questions with regard to terms of limits and staggering. Mr. Beckmeyer further stated there were four of us and no one raised a vote, no one brought it to a vote and no one seconded it. Mr. Beckmeyer stated that he was given a paper with dates and nothing else was given. Mr. Beckmeyer stated other people could have raised the vote, no one did not the Council President, not Mr. Goetz, and no one raised the vote. Mr. Poller went into great detail of when it came to his attention and there were problems with the terms of office not being staggered and when the expiration of terms. Mr. Poller stated that the clerk's office was asked to look into the records. Mr. Poller also stated in the minutes of June of 2013 there was a discussion regarding the zoning board and planning board, questions were asked then. Mr. Poller stated with those things being raised the correct thing would be to do a research of the records. Mr. Poller explained that even though oaths were taken, you have to be appointed by the council and there also needs to be a resolution. Mr. Poller spoke at length with regard to the paperwork that came in and the issues that were raised with regard to what was found and was not found. Mr. Poller stated that it raised the issue of people voting on applications before the Zoning

Board that were not properly appointed. Mr. Poller stated that he did come up with the scenario that Mr. Beckmeyer mentioned. Mr. Poller went into great detail regarding appointments, resolutions and expiration of terms. Mr. Poller also stated he believes it is not a lifetime appointment, the terms expired. Mr. Poller stated the way he viewed it, the board needed to be constituted. Mr. Poller also stated as far as the letter that went out, he did not send the letter. Also stated the 48 hour notice is to have a meeting, not cancel a meeting. Mr. Poller stated that the council could have voted on the 27<sup>th</sup> and established a board if they wanted to do that. Stated it seemed a bit ridiculous to have people show up for a board meeting when, in fact, there were no board members. Mr. Poller stated that Mr. Beckmeyer is correct in December 2013 there were two resolutions prepared, and they were not prepared by myself, and the council in 2013 did not move these resolutions, if they had passed we would not be having this discussion. Mr. Werfel asked at what point in time did Mr. Poller come back to council and state this is what should be done to solve the problem. Mr. Poller stated I do not do things on my own, I was told to look into it. Mr. Poller further states I don't take action that is the point; he did recommend what can be done. Mr. Werfel stated when in January, middle end. Mr. Poller replied it was in January. Mr. Werfel would like to know when the printing is done for the Township calendars, when they go to the printer. Mr. Werfel stated that the portion of the calendar that says Zoning Board of Adjustment, it states to be announced, so people knew it was going to change. Mayor Sobkowicz stated that the calendar didn't go to the printer until the end of January. Mr. Werfel stated with regard to the shed, the Township didn't have a Master Plan until he believes the 70's, so if a shed was actually built in 1966, it would actually be to use the term "grandfathered in." Mr. Poller stated he does not disagree, but every shed is different.

**Agnes Smith, 646 Valley Court** – Spoke of the Zoning Board and she totally amazed about it. Stated that Mayor Sobkowicz was on the legislative branch for 27 years, and this should not have happened. Stated that Council should have voted on this. Stated that we have resolutions here, this can be resolved tonight and we are insulting a board that has done a fantastic job. Stated that there are things outstanding now that need completion with a new board they will have to learn what they have to do for the next year or so. Stated we are status quo, and yes it is a mistake and something should be done. Would like the resolution passed tonight to put these people back on the board that have done the community good. Stated that there is a revaluation going on and we are falling apart on the east side of town. Stated it should have been discussed more but it was not done, so let us have a resolution now passed and have these people have their jobs back, apologize for what we have done and thank them for what they are doing.

**Michael Ullman, 2 Clark Avenue** – Asked with regard to repaving and the resolution or approval of bond, are we not moving forward due to some potential United Water projects. Asked if we are waiting until all the water mains are replaced in the Township before we address the infrastructure of the streets. Spoke of the harsh winter and as a result all of the potholes on the road. Asked if we are going to do any paving next year on ten streets that is not paid by United Water. Mayor Sobkowicz stated that a meeting was held with United Water last week and they are going to start any day now to do work on Fern, Cross, Madeline Court and Hampshire. Mrs. Steinel stated United Water was asked to look at Colonial Boulevard due to the number of breaks, United Water may have to come in and do major work on Colonial Boulevard. Mrs. Steinel continued it was five streets, the largest project was Colonial Boulevard and United Water is sending their engineers to look at the area. Mr. Ullman asks are there any plans to expand the paving project to a broader number of streets. Mayor Sobkowicz stated Phase 2, not this phase, and we don't know what roads are in Phase 2 yet. There was a discussion with regard

to a Township Engineer, which the Township does not have and who will be making that assessment, and that will get done at the end of the budget, hopefully by the end of March. Mr. Hrbek spoke of the roads and there being money in the budget to have an engineer to do a complete review of the Township roads and there is money in this year's budget for that. Mr. Hrbek stated not all the roads need to be repaved, crack sealing can be done on certain streets Mr. Hrbek further stated the intent is to have the streets evaluated and move forward with the improvement or maintenance of the existing roads, whether they need to be repaved or not. There was a discussion with regard to when the last major program was and that was more than 15 years ago. Mr. Hrbek stated that we are committed to putting money towards the roads, and obviously the repaving will not be done during the winter. Mr. Hrbek stated we just found out about United Water coming in and doing some replacing of water mains, Morgan Court which was one and it was on our list. Colonial Boulevard is the main thoroughfare in town, and the Township is looking to get some state grant because that does connect a county road. Mr. Hrbek stated there is money in the budget and we need to get started. Mr. Ullman stated with regard to Mr. O'Connell and the calendar, Mr. Ullman feels it was a disservice to Mr. O'Connell that Mr. O'Connell's name was omitted since he was the only one who was legitimately standing member of the Zoning Board according to the administration. Mr. Ullman asked with regard to the administrator, her term expired at the end of last year and she was not reappointed until the last meeting. Mr. Ullman continued for 3 weeks of January when the administrator performed activities during those 3 weeks, are those valid actions, does she have valid powers. Mr. Poller stated in our form of government directors continue until the successor is qualified and there is an appointment, the business administrator is a director. Mr. Poller continued the Zoning Board is not, it is a statutory board with a specific term of four years. Mr. Poller stated this is with our form of government, the Falkner Act. Mr. Sears indicates to Mr. Ullman his time is up.

**Beatrice Napier, 324 Hudson Avenue** – Stated she is on the ambulance corps and there are some rehabilitation homes and group homes in the Township. Stated on one call they had to have a patient walk out of the home due to the fact the walkway was filled with snow, it was not shoveled, and a stretcher could not be used. Stated that these homes should hire a private organization to clear the walkway. Police officers had to help. Stated that something needs to be done.

**Sandy Phillips, 321 Hudson Avenue** – Stated that she understands that the CVS is not going up, would like to know if the CVS can sue the town. Mr. Poller stated that the CVS has withdrawn their application. Asked if the CVS can sue for aggravation that was caused. Mr. Poller stated in his experience he has not seen that. Asked is there a connection between the Zoning Board situation and the CVS. Mr. Poller stated no. There was a discussion with regard to the improvement of the intersection and who will be paying for the improvement since the CVS has withdrawn. Mr. Poller stated that the CVS could have withdrawn for a variety of reasons.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to close the general public discussion.

Ayes: Councilpersons Beckmeyer, Calamari, Cascio, Hrbek, Sears.

Nays: None

## **CONSENT AGENDA**

There was a discussion with regard to the Temporary Emergency with regard to the Road Department, the salary and the overtime.

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 Mr. Beckmeyer, seconded by Mr. Calamari.

Ayes: Councilpersons Beckmeyer, Calamari, Cascio, Hrbek, Sears.

Nays: None.

WHEREAS, the police departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property, for the security of lives and property, for the maintenance and preservation of the public peace and order, and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc. manmade causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies, and

WHEREAS, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies, and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A: 9-40.6, and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property, and

WHEREAS, it is the desire of the Mayor and Council of the Township of Washington to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Washington that the Police Department of the Township of Washington, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the County Executive, The Board of Chosen Freeholders, the County Prosecutor, the County Chief of Police and all Bergen County Municipalities.

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2014 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolution adopted in the year 2014 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$3,713,141.00 exclusive of debt service; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A: 4-20:

1. An emergency temporary appropriations be and the same is hereby made for the following:

Dept. of Municipal Facilities	
Salary & Wages	\$200,000.00
Dept. Of Municipal Facilities	

