

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

January 18, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:39 p.m. by Council President Michael Ullman with the Clerk leading a salute to the flag. Members present: Robert Bruno, Peter Calamari, Thomas Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Mary Anne Groh, Administrator. Absent: Dr. Steve Cascio.

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 Bergen Record, forwarded to the local newspapers, posted on the Municipal Bulletin Board and filed with the Municipal Clerk.

READING OF TOTAL LIST OF BILLS

Mr. Ullman - Mr. Ullman questioned check # 33102 in the amount of \$10,000 for postage and check #33125 in the amount of \$331.00 payable to Gary Mazenec the Zoning Engineer for mileage. Mayor Sobkowicz replied she will ask the former administrator with regard to the postage. Mayor Sobkowicz stated with regard to the reimbursement to the Zoning Officer for mileage that was for nine classes that he attended. Mr. Ullman questioned check # 3235 for the road improvement program in the amount of \$516,000. Mayor Sobkowicz spoke of the payments which are done as the roads are completed; she does not know how much of the \$750,000 was used. She stated if there are any monies left, they will be used for another road. Mr. Bruno asked with regard to the soft legal costs, is there a list of what is due in soft cost. Mayor Sobkowicz replied we would have to see what was paid. Administrator Groh stated BANS need to be renewed so there are soft costs which are associated to them. She stated it is better to attach soft costs rather than going to Operating Expenses. Mr. Ullman stated that some of these go back 17 years. Mayor Sobkowicz replied she will ask the auditor.

Mr. Calamari - Mr. Calamari spoke of an article in The Bergen Record regarding a \$10.00 per month increase in the monthly water bill. He stated he plans on writing a letter to the Board of Public Utilities since he cannot attend the meeting. He stated this number is very high and urges everyone to attend the meeting or at least write a letter to the Board of Public Utilities if they feel the same way.

GENERAL PUBLIC DISCUSSION

A motion was made by Mr. Calamari, seconded by Mr. Sears, to open the general public discussion.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman.

Nays: None.

Absent: Councilman Dr. Cascio.

Mary Ann Ozment, 960 Adams Place - Mrs. Ozment stated today is a legal holiday, that of Martin Luther King and she feels the municipality should have this day off. She spoke of what occurred when she inadvertently as the Township Clerk scheduled a meeting on this holiday. She spoke of the towns that have this day off and she hopes a meeting will not be scheduled next year on this holiday. She asked why the ad for professionals was put in the paper by the Clerk, when in this form of government it is done by the administrator. Mr. Ullman stated he had spoken to the Clerk with regard to this, and he assumed it was the Clerk, if that is not the case he stands corrected. Mrs. Ozment feels the ad was put in as a bid, not a proposal. Mr. Bruno asked Ms. Erlewein to forward any information she may have to the Administrator. Mrs. Ozment spoke of her son-in-law who was involved in a motor vehicle accident in which

his vehicle flipped over on Jackson Avenue due to icy road conditions. She stated thankfully he is not hurt. She would like to know who was responsible for Snow Watch and who makes the final say when someone goes out to salt or plow the road. She spoke at length with regard to the icy condition of the roads earlier and later in the evening. Mayor Sobkowicz stated Winter Watch was called around 4:00 a.m. this morning, the Police call them out when they feel it is necessary. Mayor Sobkowicz there is always someone on Winter Watch, the Police Department would make the determination since they drive around to call the person who is on Winter Watch and state the roads need to be taken care of and that person would then call the superintendent who calls someone to come in. Mrs. Ozment stated that comments were made by police officers at 8:30 last night that the roads were bad. Administrator Groh stated between December 15 and March 16 someone is always on Winter Watch, it takes a phone call from the Police Department for that to trigger. Mr. Bruno stated the Police Department should have a schedule of who that person is, including Saturdays and Sundays. Mr. Ullman spoke of the bid versus a proposal, what was on the website and if correct information was asked for. Administrator Groh replied she is familiar with the process. Mr. Ullman stated we may speak about this during Conference Session.

Diane Grimaldi, 441 Van Emburgh Avenue – Mrs. Grimaldi spoke of the website and location of the bid notice on the website. She would like to ask the Council and governing body for permission to restart the Green Team again. She stated she has been in touch with former members of the Green Team and they are very excited about the possibility of resurrecting it. She would like to advertise it and with council's permission start the Green Team again. Mr. Ullman stated it was discussed some time ago and he feels it is a low cost effort with a lot of benefits. He spoke of involvement of the Green Team in the past in the Township and feels there is only an upside for resurrecting that kind of group. He stated it is on the Conference Agenda, it will be discussed and we also have the budget coming up. Mayor Sobkowicz asked if any type of budget is being anticipated since in the past there was money from the County and the Boy and Girl Scouts also helped. Mrs. Grimaldi stated in the past when the Green Team started it was a \$500.00 stipend. She spoke of her involvement in the past and her contacts. She stated she would like to advertise and see how many people would like to be involved. She stated a small stipend of \$500.00 for clean-up purposes, for the first year and then we can see where it goes. She stated we can see what Sustainable Jersey is asking us to do; we can take it from there and then see what we need next year. A discussion followed with regard to what was received in the past. Mrs. Grimaldi stated a small amount needs to be put in for start-up costs and she believes \$500.00 would be more than enough.

Julie Lipnick, 184 Finnerty Place – Mrs. Lipnick would like council to give some consideration to a sign being place on the top of Finnerty Place and Pascack Road since Finnerty Place through Woodfield does get a quite a bit of trucks from the shopping center. She stated the truckers are under the impression that the driveway on Finnerty Place is an access driveway, not for emergencies only. She asked that a sign be put on the top of the block that says No Shopping Center Entrance/No Trucks; however it can be worded to keep out some of the larger 18 wheelers. She spoke at length with regard to the path some of these trucks take. She stated since there is new management at the shopping center and this may be something can be addressed in one simple sign. Mr. Sears stated the trucks are making the left hand turn out of the north lot and the reason he knows that is one of them almost clipped him. He stated when he went to the manager to complain about it, Mr. Calamari was with him, he told the manager there is a no left hand turn coming out of the lot and the manager indicated they will then come out of the gate, and he indicated to the manager they cannot come out of the gate. He feels this issue needs to be readdressed with the manager. The manager did indicate he was sending out a letter to all of the stores within the shopping center stating there is no left hand turn out of the north exit. Mr. Sears stated the sign is all beat up from trucks making the left hand turn. Mrs. Finnerty spoke at length with

regard to the original plans for the expansion of the shopping center and the plans clearly stating it is an emergency exit only. Mr. Sears stated he did speak with the new person that in charge to let him know the trucks are not supposed to be making that left hand turn and the gate that he opens he has to close. A conversation followed with regard to the gate being opened. Mrs. Lipnick stated new homeowners have moved into the area and they have expressed an interest. She stated we need to do our homework and keep that gate closed at all times and there needs to be a sign to let trucks know that is not an entrance. Mayor Sobkowicz stated we will have Captain Hackbarth look over the plans and see what he recommends. Mayor Sobkowicz also stated that Captain Hackbarth did meet with Mr. Ferrante the other day with regard to signage which need to be coordinated so one sign does not block another. Mrs. Lipnick spoke of the two signs one which faces into the shopping center and once faces out to the street. She spoke of little pathway which was first used by motorcyclists and cars then pick-up trucks. She spoke of seeing a motorcyclists coming down Devon Road, crossing over Finnerty and going into the shopping center over the pathway and it is becoming an issue. Mr. Bruno stated who sends the letter to the property manager stating we have these issues. Mayor Sobkowicz replied that would be the administration.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara asked for proposed resolutions and ordinances be put up on the website to be viewed so the public can look at them before a meeting. He asked with regard to Resolution 16-134, what is PACO. Administrator Groh stated that is the Public Agency Compliance Officer, it is for assuring us to be an officer for Equal Employment Opportunity. Mr. Ferara asked if some sort of schedule can be made available of when the road program will be finished. Mayor Sobkowicz replied she doesn't know how many more years of this we are going to have, but we will be deciding on the next set of streets in probably about 3 weeks. Mayor Sobkowicz stated the ranking of the streets starts at about 8 or 9, and the numbers go up to 15 and we are doing the streets that need it the most. Mr. Ferara asked is it an objective to complete all the streets in town. Mayor Sobkowicz replied they are all going to be done. Mr. Ullman stated based on dialogue and discussion they have not been done in 15 years. Mayor Sobkowicz stated they were completed in 1995 all at once. She stated at this time we are doing so many streets every year plus the fact we apply for more money from the DOT so we have a better chance of getting money every year towards the project rather than spending taxpayer dollars. Mr. Ferara stated he is concerned that we end up halfway through the program and it does not get completed. Mr. Ullman stated these are bonded, they do not come out of current expense and this may be discussed when we have our budget meetings. Mr. Ullman spoke at length with regard to it being a favorable rate environment. Mr. Ullman stated we should have a vision of what needs to be completed in the short term and the intermediate term. Mr. Ferara spoke of the signs coming out of the gas station, there being no ownership to those signs and if that is appropriate. A lengthy discussion followed on whether the signs posted coming out of the gas station were appropriate or not. Mr. Ullman believes those signs were resolved as part of the Zoning Board resolution. Mayor Sobkowicz asked what gas station and which signs. Mr. Ferara stated it is it the Sky Trading gas station and the signs indicate that vehicles have to make an exit on to Pascack Road and there is also a sign directly across the station that states no left turn. Mr. Ferara asked is the Police Department aware of this and are officers going to be there to enforce this. Mayor Sobkowicz stated that is probably something that was in the approval for the gas station but we will take a look at that plan this week due to other issues. She stated she also put a stop on the large sign they are going to put up. A discussion followed if pending resolutions can be put on the website.

Ray Bernroth, 838 Crest Place – Mr. Bernroth spoke of the State Law Stop for Pedestrian signs in surrounding towns and comments made by the Captain that he thought the signs would be distracting. He asked if it is possible to ask the captain why we are the only town that believes these signs are distracting. Mr. Ullman stated he can raise the issue with the

administration again but he would defer this subject to Lieutenant Hackbarth, our Traffic Officer. Mr. Ullman stated he certainly will ask that question. Mr. Bernroth spoke of his walking in other towns and vehicles stopping for him. Mayor Sobkowicz stated that Captain Hackbarth did study this and he is not going to change his mind, he feels they are not only are distractions but the signs become projectiles when people hit them. Mayor Sobkowicz spoke of a lawsuit in Ridgewood with regard to these signs. Mr. Ullman spoke of a new sign which was erected in the beginning of the school year in front of his home, optic green/yellow, and if these signs can be put at the major intersections in the Township. Mr. Sears stated that may be a bus stop for the school, but the County supplies signs for Pascack and Washington since they are county roads. Mr. Calamari stated when he spoke to Captain Hackbarth stated he was in favor of permanently mounted signs. Mr. Ullman replied we can certainly look into it. A conversation followed with regard to reaching out for signs for County Roads.

Fred Goetz, 587 Washington Avenue – Mr. Goetz stated he is in favor of posting the pending resolutions online. He asked with regard to PACO, who is the appointee. Mayor Sobkowicz replied it is the administrator. He asked if anyone has been hired as a Treasurer, CFO or Finance Director. Mayor Sobkowicz replied we have a Deputy Treasurer and interviews were held for the CFO positions and we also have interviews coming up. He asked if the Deputy Treasurer was appointed by the Council. Mayor Sobkowicz replied yes, a year ago. He spoke of his understanding of the appointment of a Deputy Treasurer and the term of the appointment. Mr. Bruno asked Mr. Poller to look into that. Mr. Goetz spoke of his major concern being that the Township doesn't have a Finance Department to speak of and who is taking responsibility of the CFO, Treasurer and Finance Director. He spoke at length with resolutions, banking and refunds which the Treasurer/CFO need to certify to. He asked how is the council/administration supposed to function in a finance sense when the certifications cannot be done and who is going to take the ultimate responsibility in the interim. Mr. Ullman spoke of the previous meeting and the number of items that were not passed/pulled due to that issue and the impact to the Township of not passing certain resolutions. Mr. Ullman stated once the administration makes the selection, we can move forward with some of these items. Mr. Goetz commented on the budget coming up and asking the auditor every time a question comes up. Mr. Ullman spoke of the auditor having some level of independence and a segregation of duty. Mr. Bruno asked what the status is for CFO. A conversation followed with regard to the CFO, such as the status of the interviews and the timeline. Administrator Groh spoke of the applicants that did apply and getting a temporary agency. Mayor Sobkowicz stated Mr. Cavallo (the previous administrator) did call a company, The Canning Company, and we are awaiting a response. Mr. Bruno spoke of bringing a CFO for a couple of hours, versus what the Township needs, which he believes is a qualified person. Mayor Sobkowicz replied we are interviewing certified CFO's and most of the towns do have part time CFO's. A conversation followed with regard to finding a CFO.

Scott Spezial, 785 Washington Avenue – Mr. Spezial commented on a resident being concerned about the possibility of someone making a left hand turn coming out of a gas station when people are disobeying the law every day on Washington Avenue by crossing the double yellow line. Mr. Ullman spoke of residents that have voiced their concerns and he believes it is up to the council, administration and police to prioritize them. Mr. Spezial spoke of the recreation awards dinner which was attended by 400 people and he was barraged with a series of questions of what the plan is going to be for the use and maintenance of Memorial Field this coming season. He stated in about six weeks we will have about 250 children, both male and female, start lacrosse on that field and if council is going to come up with a plan. Mr. Ullman replied no, but on the agenda there is a question with regard to Spring maintenance. Mr. Ullman spoke of the work that was done last year, what was spent and if the work done properly. Mr. Spezial asked who going to take on the supervision of Memorial Field, is it going to be the council or the DMF since it is the council

that budgets the amount that goes towards Memorial Field, he assumes council would hire someone or be responsible for the actions that occur at that facility. Mr. Ullman replied we can provide funding; it is up the administration to spend that funding and he assumes the vendors that are being hired to work on the field are being managed appropriately by the DMF. Mr. Ullman stated it is a municipal facility, a field and it should be managed by the DMF. Mr. Bruno stated he doesn't think council can direct DMF on what needs to be done on the field. Mayor Sobkowicz stated it depends on what is being done to the field as to who is in charge of that project. Mr. Bruno stated we all want these fields in playable condition so we need to have an accountability and responsibility for what needs to be done. Mr. Spezial stated currently the DMF cuts the grass there and pick up garbage. Mr. Spezial asked how much money we are spending at Memorial Field. Mr. Ullman replied \$60,000 per year. Mr. Spezial asked if Mr. Ullman was given the numbers by the previous administrator of what the cost of that field is. Mr. Bruno replied as Councilman he has not received any information regarding the field. Mayor Sobkowicz stated the former administrator did a very detailed study on what had been spent the last couple of years on the field that information was given at council meetings and presented to the council, she would be glad to pass it along.

Cynthia Cannon, 804 Manhattan Avenue – Ms. Cannon requested a flashing stop sign on her block which is the corner of Hudson and Manhattan on Saturdays to control the traffic. Mrs. Cannon spoke at length with regard to vehicles not stopping at the stop sign at the corner. Mayor Sobkowicz stated there have been no pedestrian accidents at that location. Mrs. Cannon spoke of what she observes at that location on a weekly basis.

Jim Hanson, 11 Lindenwood Court – Mr. Hanson spoke of the emails he has sent to council and the information which he attached which is research that he has conducted. He spoke of the email which he sent to council which involved the Americans with Disabilities Act as it relates to parking at Memorial Field. He stated the Memorial Field project is on the referendum and hopefully the interpretative statement will highlight that issue or explain how that issue will be remedied. Administrator Grohl stated the law does not require that as far as ADA goes, those regulations are for new construction, once the renovation is done assuming it is done, and then there is a mandate that it be corrected. Mr. Hanson spoke of the street being at an angle and it will benefit the handicap. A discussion followed with regard to the MKW study availability and the audio. Mr. Hanson asked that the MKW study be posted along with the Memorial Field study so the public can understand what is going on with our fields. He spoke of the current condition of the field. Mr. Ullman spoke of the Township spending money on this field for the children and the citizens. Mr. Ullman stated the field is in bad shape but are there things we can do to make it a place for children to play with a level of safety. Mr. Hanson spoke of the 2400 playing hours spread across four fields and what the research shows with regard to the growing of grass. He stated even dividing the playing hours between the four fields; you still would end up with 600 playing hours. He spoke of what Mr. Statile stated with regard to not being able to grow grass at Memorial Field.

Joe D'Urso, 12 Viola Terrace – Mr. D'Urso spoke of money being in the budget for ADA Compliance items with regard to Memorial Field. He spoke of getting the field playable for the children. He suggested to reaching out to neighboring towns for the CFO position since it is a part time position.

Eamonn Twomey, 187 Devon Road – Mr. Twomey asked what is Plan B with regard to Memorial Field. Mr. Ullman stated Plan B is looking at the MKW study and seeing if there is opportunity to move the demands to other fields. Mr. Ullman stated the question is how much money we invest in a Plan B if we are going to move forward with Plan A, if the field referendum passes. Mr. Twomey spoke of the \$168,000 that was spent two years ago, the \$60,000 that will be spent and the long term solution that was presented. Mr. Ullman stated that Mr. Twomey presented to council a solution, the council last year voted to move forward with that effort and the effort undertaken to fight that was

successful. Mr. Twomey stated Mr. Ullman and Mr. Bruno ran on the premise it should go to a vote, but he hopes that there is a Plan B in mind. He stated the MKW study was presented almost six years ago and that should not be a Plan B. Mr. Ullman stated understanding the impact of Memorial Field, we can look at other fields to see if it a workable solution. Mr. Twomey stated the problem doesn't go away by shifting it to another location, and the hours only increase, they do not decrease. A conversation followed with regard to the availability of the high school field. Mr. Bruno stated he did not run under the premise of not putting a field, he ran under the fact that residents should have the right to vote on where three million dollars should be spent, whether it is a field or a building. Mr. Bruno stated we need to sit down and see what we are going to do with the field; he has not gotten any information. A discussion followed with regard to OPRA requests made by Mr. Bruno with regard to Memorial Field.

A motion was made by Mr. Calamari, seconded by Mr. Bruno, to close the general public discussion.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman.

Nays: None.

Absent: Councilman Dr. Cascio.

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.

Mr. Ullman commented on Resolution No. 16-129, the Planner.

The Consent Agenda was presented and adopted on a motion by Mr. Bruno, seconded by Mr. Sears.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman.

Nays: None.

Absent: Councilman Dr. Cascio.

Resolution No. 15-129

Planner

WHEREAS, the Township of Washington, Bergen County has the need for planning services which are to be rendered to the Township; and

WHEREAS, the contract for such services is not being awarded under what is termed the fair and open contract provisions as defined in N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional planning services will be in excess of \$17,500; and

WHEREAS, T&M Associates has submitted a proposal with respect to the rates for said services to be rendered to the Township for the year 2016 which is the anticipated term of this contract; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies it has not made any reportable contributions to a political or candidate committee in the Township of Washington in the previous one year, or made any contribution not in accordance with the terms of the applicable Township ordinance, and has agreed that the terms of appointment will prohibit T&M Associates from making any reportable contributions during the term of the contract or making any contribution not in conformity with the terms of the applicable Township ordinance; and

WHEREAS, the availability of funds for such services shall be determined in the Township's annual budget;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey authorizes the Mayor to enter into a contract with T&M Associates as described herein;

BE IT FURTHER RESOLVED that the position set forth herein was not filled through the "fair and open process" as defined under N.J.S.A. 19:44A-20.4 et seq. As such, it has been attested that T&M Associates, and any subsidiaries, assigns or principals controlling in excess of 10% of said company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the appointment that would, pursuant to P.L. 2004, c.19, affect the eligibility to perform under the appointment, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Washington, County of Bergen, or make any contribution which is not in conformity with Township ordinance, when the contract is awarded, or to any candidate committee of any person servicing in an elective public office of said municipality when the contract is awarded;

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification be placed on file with this resolution, and that a notice of the award of said contract shall be published in accordance with law.

Resolution No. 16-130

Municipal Alliance

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Council of the Township of Washington, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED, the Township of Washington, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Township of Washington Council does hereby authorize submission of a strategic plan for the Township of Washington Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	\$9,876.00
Cash Match	\$2,469.00
In-Kind	\$7,407.00

2. The Township of Washington Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution No. 16-131

Recreation Refund

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:

Erica Dissler
672 Lincoln Blvd.
Westwood, NJ 07675

Wrestling Refund	\$135.00
Administrative Fee Non-Refundable	<u>-\$ 25.00</u>
	\$110.00

Wrestling Refund
Refund Amount: \$110.00

Resolution No. 16-132

Recreation Refund

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:

Grace Brigida
190 Finnerty Place
Township of Washington, NJ 07676

Basketball Refund	\$155.00
Administrative Fee Non-Refundable	<u>-\$ 25.00</u>
	\$130.00

Basketball Refund
Refund Amount: \$130.00

Resolution No. 16-133

Transfer Tax Sale Certificate

WHEREAS, pursuant to N.J.S.A. 54:5-33, premiums paid by purchasers of Tax Sale Certificates are escheated by the Municipality if a period of five (5) years passes without the Tax Sale Certificate being redeemed:

WHEREAS, the Tax Collector's office has identified two Tax Sale Certificates not redeemed after five (5) years, for which premiums have been paid; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey on this 18th day of January, 2016, the following premiums shall be transferred from the Trust Account and placed into the Current Account:

CERTIFICATE	DATE PURCHASED	AMOUNT	LIENHOLDER	BLOCK/LOT
09-00008	10/28/10	\$12,100	R. Rothman	4311 6
09-00010	10/28/10	\$ 3,900	R. Rothman	4507 1

Resolution No. 16-134

PACO

WHEREAS, N.J.A.C.17:27-3.5 requires a municipality to designate an officer or employee to serve as its Public Agency Compliance Officer; and

WHEREAS, it has been determined by the Administration that the Business Administrator shall serve as the Public Agency Compliance Officer for the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, State of New Jersey that in accordance with the provisions of *N.J.A.C. 17:27-3.5* the Business Administrator is hereby designated as the Public Agency Compliance Officer for the Township of Washington; and

BE IT FURTHER RESOLVED that the Township Clerk shall notify the State of New Jersey, Department of the Treasury, Division of Purchasing and Property, Contract Compliance Audit Unit, EEO Monitoring Program of this designation.

Resolution No. 16-135

Grant Agreement Senior Citizens Activities

WHEREAS, the Mayor and Council of the Township of Washington entered into a grant agreement with the County of Bergen for the purpose of using \$3,274.00 in 2015 - 2016 Community Development Block Grant funds for Senior Citizen Activities at the Jack Woods Senior Center, 350 Hudson Ave., Township of Washington, NJ 07676; and

WHEREAS, the Mayor and Council of the Township of Washington wish to amend the grant agreement to modify the designated signatory.

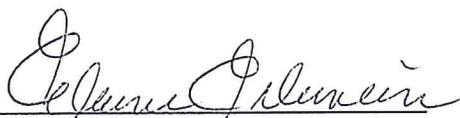
BE IT FURTHER RESOLVED, that the Council hereby authorizes Administrator Mary Anne Groh, to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mary Anne Groh to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Township of Washington is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

This resolution was adopted by the Mayor and Council of the Township of Washington at a meeting on January 18, 2016.

Time Noted: 9:10 p.m.



Elaine Erlewein
Township Clerk



Michael Ullman
Council President

Approved: March 7, 2016

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

CONFERENCE PORTION/PUBLIC SESSION

January 18, 2016

Members present: Robert Bruno, Peter Calamari, Tom Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Mary Anne Groh, Administrator; Ken Poller, Attorney. Absent: Dr. Steve Cascio.

Time Noted: 9: 11 p.m.

CURRENT BUSINESS

Resolution No. 16-136 – Township Attorney – Mr. Ullman stated he did send a question that he had to Mr. Poller, he would like to know if Mr. Poller would like to discuss it in Public Session or in Closed Session. Mr. Poller replied he doesn't mind it being in public. Mr. Poller spoke of the reason of the resolution which is due to his filing of the Pay to Play documents with the Township. He stated it is not an appointment or with the consent of the council, as he explained previously the Director of Law and the Township Attorney are the same position. He stated the resolution is an acknowledgment that the papers are filed.

A motion Mr. Sears, seconded by Mr. Calamari to approve Resolution No. 16-136, Township Attorney.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman.

Nays: None.

Absent: Councilman Dr. Cascio.

Resolution No. 16-136

Township Attorney

WHEREAS, the Township of Washington, Bergen County has the need for legal services which are to be rendered to the Township by the Township Attorney who is the Director of Law of the Township, and said position has been filled by the appointment of Kenneth G. Poller, Esq. as the Township Attorney/Director of Law in accordance with the terms of the Township's ordinances; and

WHEREAS, the position is not filled under what is termed the fair and open contract provisions as defined in N.J.S.A. 19:44A-20.5; and

WHEREAS, the professional legal services of the Township Attorney pursuant to ordinance will be in excess of \$17,500; and

WHEREAS, Kenneth G. Poller Esq. and Kenneth G. Poller, P.A. have completed and submitted a Business Entity Disclosure Certification which certifies that neither has made any reportable contributions to a political or candidate committee in the Township of Washington in the previous one year, or made any contribution not in accordance with the terms of the applicable Township ordinance, and both have agreed that the terms of appointment will prohibit Kenneth G. Poller Esq. and Kenneth G. Poller, P.A. from making any reportable contributions during the 2016 term or making any contribution not in conformity with the terms of the applicable Township ordinance; and

WHEREAS, the availability of funds for such services shall be determined in the Township's annual budget;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Washington, County of Bergen, State of New Jersey acknowledges the Mayor's appointment of Kenneth G. Poller, Esq. as Township Attorney/Director of Law in accordance with the terms of the Township's ordinances;

BE IT FURTHER RESOLVED that the position set forth herein was not filled through the "fair and open process" as defined under N.J.S.A. 19:44A-

20.4 et seq. As such, it has been attested that Kenneth G. Poller, Esq. and Kenneth G. Poller, P.A., and any subsidiaries, assigns or principals controlling in excess of 10% of said company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the appointment that would, pursuant to P.L. 2004, c.19, affect the eligibility to perform under the appointment, nor will they make a reportable contribution during the term of employment to any political party committee in the Township of Washington, County of Bergen, or make any contribution which is not in conformity with Township ordinance, when the appointment is awarded, or to any candidate committee of any person servicing in an elective public office of said municipality when the appointment is awarded;

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification is placed on file with this resolution, and that a notice hereof shall be published in accordance with law.

Habitat for Humanity – Mr. Poller spoke of agreement which was provided between the Township and Habitat for Humanity signed by Habitat for Humanity. He stated the units that are going to be built at the location will be credited to us on our affordable housing obligation. He did send a copy of the signed agreement to the Special Master in our COAH suit; she needs to rule that these units will be credits and he has every expectation that she will say yes. HE did ask Ms. Raimondo to provide a brochure which shows how people would qualify for these units so he can in turn send it the Special Master. He spoke of the Special Master coming to the Township in the future and obtaining her approval in the crediting of these units to the Township's affordable housing requirements. He stated unfortunately Jacey Raimondo is leaving Habitat for Humanity; she will be staying until June but she did promise him she would see this through and she is working on this project already in obtaining proposals from various trades. He stated the next steps would be for Ms. Raimondo to come back to the Township to let us know how she is doing and then obtaining the clearance from the Special Master. He stated once the Special Master gives us clearance, then we can give the property to Habitat, since Habitat does need the clearance to begin their work. He stated it is two units over 55 and two units with a preference for senior Veterans that is the scenario that was authorized and that is being worked on. A lengthy conversation followed with regard to when the home is sold is the bond paid off immediately. A conversation also followed with regard to the Family Manual Introduction, the Family Selection Committee and the Board of Directors. Mr. Ullman asked if council needs to perform any action with regard to this. Mr. Poller replied no, there was a resolution authorizing the Mayor to sign, but he didn't want that to be done until council received an updated report as to where we stand.

Horizon Court Parking – Mr. Sears stated he spoke with the neighbors and feels that the issue will be resolved by placing signs. Mayor Sobkowitz stated the police have been up there on a daily basis and there have been no cars parked in the area. Mr. Ullman also went to the area, spoke with someone whose home directly adjoins IHA and she did indicate that since the winter break they haven't had the issue of the parked cars. Mr. Ullman spoke of doing an ordinance to control this transient problem. He stated we can move forward with a parking restriction, Monday through Friday during a certain period of a certain time. Mr. Sears stated he did reach out again to the school principal who did mention it again to the students, but there are more juniors who are driving. Mayor Sobkowitz spoke of Ordinance 223-73, which includes Katherina Place. Mayor Sobkowitz stated if the cars are parked in the area again, the Captain recommends we would have to notify the neighbors on the block of a possibility of an ordinance so they can have some input. Mayor Sobkowitz stated it would be added to the current ordinance that we have, Ordinance 223-73. Mayor Sobkowitz stated the police have been up there twice a day and no one has been parked in the area, but she doesn't know what will happen once the Spring comes. Mr. Sears stated the school principal was

adamant with regard to the parking, but we can wait and see what Spring brings us. A discussion followed with regard to Ordinance 223-73. Mr. Ullman stated this will be tabled. Mayor Sobkowicz stated we will keep surveying the area. Mr. Ullman stated if the issue re-emerges the next course of business would be to notify them. Mayor Sobkowicz stated the ordinance would be modified; you would not have to introduce a separate ordinance.

Zoning Board Members – Mr. Ullman stated one of the appointments from the previous council was appropriate, and at this time we need a new set of individuals to be considered. He stated he either directly or through council received 3 names of individuals to be considered. He stated he has not reached out to the other 3 individuals that were previously discussed, but he can reach out to them. He would like to have a slate of candidates and potentially at the next meeting have a vote. He asked if either councilman have any names of individuals. Mr. Calamari stated he has no new names, but the same individuals are still interested. Mr. Bruno stated he will let Mr. Ullman know. Mr. Ullman asked if the Zoning Board has a quorum at the moment. Mr. Poller replied yes, they do.

Status of RFP – Mr. Ullman stated these were a series of appointments that the administration makes with the consent of council. He stated a majority of the group voted to go out and survey some professionals. He stated it was brought to his attention there may be an issue regarding what was actually requested. He stated the Clerk issued this and the documents on the website appear to be like it is a bid. He asked will we have an issue come Friday and do we have to do something prior to that date. Mr. Poller stated normally things of this nature are done by an administrator; we didn't have an administrator but in this form of government all the executive functions and administrative functions go through the administrator. Mr. Ullman replied he takes responsibility. Mr. Poller spoke of the forms and there being a lot of gray area and the fact that RFP's are not binding, this informational it is non-binding. Mr. Ullman stated that was his goal, to see interest. Mr. Poller spoke at length with regard to the RFP process. A discussion followed with regard to the packets that were sent out, being that individuals saw the ads and the packets were sent to them. Mr. Ullman stated at this point we will wait to see what proposals are received on February 22nd. Mr. Calamari stated he is happy Mr. Ullman took responsibility for the error, but in addition to that it should have been voted by the council, had it even been the council's thing to do. Mr. Calamari stated we didn't take a vote to go out for RFP's, and believes it was a little overzealous. Mr. Calamari stated Mr. Ullman spearheaded this and he did so without taking a vote of the council so the public knows how it was voted on. Mr. Ullman stated he thought it was clear and if we need to take a vote on every action we do so, we will do so. He stated voting on the Consent Agenda it was 3-2, so he believes it was clear. Mr. Calamari stated the Consent Agenda we voted to not appoint those individuals, we did not vote to go out for RFP. Mr. Sears stated we are looking for more communication, we were thrown off that these went out. Mayor Sobkowicz stated that no one really knew that RFP's were going out. Mr. Ullman stated he may have to be more articulate in making a request of the Clerk. A discussion followed with regard to what occurred at the previous meeting with regard to RFP's. Mr. Calamari asked if a local ordinance overrides a state ordinance. Mr. Poller replied he cannot give Mr. Calamari an absolute black and white answer on that. Mr. Calamari read from the Code, under Department of Law/Appointment of Special council. He stated from reading this, he doesn't see that a bonding attorney needs council's approval, if the local overrides the state and that is the same way for Township Engineer. Mr. Poller spoke at length with regard to the governing body, which actually does mean the Mayor very often, but not always. He stated the mayor would appoint the engineer, but the contract of the engineer is a financial aspect that council does have input for. He spoke of what the Faulkner Act is actually supposed to be and that the council cannot make the appointment, but it can control the contract. Mr. Ullman spoke at length of the reason why he is interested in going out for RFP's; and asked why council is asked to consent to the resolutions. Mayor Sobkowicz stated a list of rates is provided

and they are compared on a yearly basis. Mr. Bruno asked why we have these resolutions then. Mr. Calamari replied Administrator Cavallo was trying to clean this are up, maybe they should not be on the Consent Agenda. Mr. Poller stated the same thing is done year after year and it does get to be the procedure but it does not necessarily mean it is correct. He spoke of the codification process that Administrator Cavallo began and the form of government that is within the Township. Mr. Bruno asked is it better for us to change the form of government? Mr. Ullman spoke of what was told to him in the past with regard to the RFQ process; he asked who is responsible for appointing these individuals, under what borough ordinance or code. He spoke at length with regard to how the appointments are made and stated he has heard about codification for quite some time and he also spoke of the insurance committee that is still there. He asked who is responsible for interpreting our code and who can put a declarative statement so we can either say we agree we are moving or we need to speak about is some more. Mr. Poller stated his understanding is he decides on the issues of interpretation of law, which means the code and general law and the interaction of the two, when there is a conflict, which needs to be resolved and that is what he does. He stated it may run afoul of what people feel should be the answer and they can disagree with it and that is the function he performs. Mr. Bruno stated in his opinion we have a code and we follow it. Mr. Poller stated you have a code, but if the State of New Jersey passes a law that states thou shalt have a certified financial officer, all the code provisions need to be looked at where in the context of where the CFO fits in. He spoke at length with regard the position of treasurer, Director of Finance and a lot of the other positions that have gone before the law came in that a CFO was needed and he spoke of what was done in the past with regard to these positions. Mr. Bruno stated we need to focus on what we need. Mr. Poller stated that is why we are focusing on the codification. Mr. Ullman spoke of the appointments of the last meeting, those that were with consent of council in the past, now are appointments by the Mayor. Mr. Poller stated issues come up and he does interpret them, but the codification process is a long term process, General Code is doing this year, each section of the code will be looked at and there will be recommendations made to the council. He stated he is not changing any code; he is interpreting the law as he sees it in terms of the code book and the statute. Mayor Sobkowicz spoke of going out for an RFP for the planner. Mr. Poller stated the appointments are going along fine, but every once in a while a gray area does come up.

A break was taken from 9:55 p.m. – 10: 02 p.m.

Status of RFP – Mr. Ullman stated Mr. Calamari raised a point regarding the engineer specifically, if that is something that can be looked it would be appreciated. Mr. Poller replied yes, he will.

Televising of the Meetings – Mr. Ullman stated he would like to know if we have the ability to televise meetings in this facility and if we do what would the process be and the cost, he would like to discuss this and potentially put in place. Mr. Sears stated he would like to see the cost. Mr. Ullman believes it would be beneficial for us as a council and he would like to make the request to the administration to get a price from WCTV, that being the initial cost plus the ongoing charges. Mr. Bruno stated it his understanding that this room is fully wired and ready to go, but he also would like to see the cost. Mayor Sobkowicz replied Administrator Groh will look into it. Mr. Calamari stated he doesn't want to invest a lot of money if we find out there are only ten people watching it, he would like to start it and then enhance it down the line. Mr. Sears stated the TV station did upgrade their systems so the old existing cable may not be suitable. Mr. Ullman stated we can find that out and make a determination as a council if this is something we can move forward with and if it can be budgeted in the budget.

Pascack/Washington Avenue Intersection – Mr. Ullman spoke of what was stated during the Public Session by residents, he also spoke of what occurred at the earlier meetings that being the Township should absorb some fees with regard to planning and design. He stated that Mr. Beckmeyer and Mr. Frank at the last meeting indicated the County does have individuals that are set up for that type of work. He asked since the last meeting has there been any progress with the County with regard to that intersection. Mayor Sobkowitz replied we have not contacted the County in terms of getting a price from them. Mayor Sobkowitz spoke of what occurred at the Mayor meetings that some Mayors are willing to meet with us and she will be holding the meeting in the Township. Mayor Sobkowitz spoke of the proposal form 2011, which is an older version and there is a newer version, which we need to get. A conversation followed with regard to the various versions that were offered by the County. Mayor Sobkowitz stated that the county did state to Mr. Cavallo there was a newer version, and we need to see what that version is. Mayor Sobkowitz stated in the meantime she will schedule a Mayor's meeting. Mr. Ullman spoke of the traffic condition in the area and the citizens in the Township and surrounding towns are negatively being impacted by this and the County just says we have another version and we start again. Mr. Sears asked if there is a way we can direct a letter stating we are waiting for the changes. Mayor Sobkowitz stated Waste Management has asked to get a license/permission to run 900 tons a day, they are fixing the building and asked to renew their permit with the state. Mayor Sobkowitz does have a meeting with the Hillsdale mayor this week because they want to oppose it also. Mr. Sears spoke of what the conditions would be if that goes through. Mr. Ullman stated in the letter in addition to asking for the state of the current plan, he would like to ask for pricing and they be responsible for it. Mayor Sobkowitz stated that is the reason she wants to have this Mayor's meeting.

State of Litigation/ State of Insurance/ State of Engineer – Mr. Ullman asked if the risk manager provides an annual report or update as to what was done in the prior year and what we can expect in the coming year. Mayor Sobkowitz replied the JIF insurance gives the Township a lot of information, basically our personnel manual, they supply the basic template we do have to adapt to it. Mr. Sears stated they do come to the firehouse. Mayor Sobkowitz stated we do get a checklist of things. Mr. Sears replied yes, at the safety committee meeting. Mr. Ullman asked if anyone consolidates that for the council. Mayor Sobkowitz stated the risk manager does provide monthly items, such as dental which we received this month. He asked if that is something that should be shared and formalized and reported. Mayor Sobkowitz replied she can speak with him. Mr. Ullman would like to request that, also from the engineer is he aware of pending issues in the town that need to be addressed rather than sooner than later and it is a budgetary impact. Mr. Sears stated he would like to second that motion, he believes it is a good idea. Mayor Sobkowitz stated we did receive awards; we did do a lot of improvements. Mr. Ullman would also like to ask that of Mr. Poller. Mr. Poller replied anything that he is made aware of he puts in Closed Session, other than what is stated in Closed Session there is nothing else he is aware of. Mr. Ullman stated he would like to see at year end what occurred, and going forward is there something we should we be aware of. He would like to make that request and is that something that we can do. A conversation followed with regard to the request.

2016 Budget – Mr. Ullman stated there are no salary and wages for legal services. Mr. Poller stated it needs to be amended. A discussion followed with regard to when the budget would be available to council. A conversation followed with regard to the scheduling of meetings and the time spent at each meeting. Mr. Ullman stated we will hold off on scheduling the budget meetings until council receives the actual budget.

Garbage Bag Collection/ Blue & Purple Bags – Mr. Ullman questioned the necessity of the bags and if the Township can go to garbage service rather than each resident engaging a contract with a provider. Mayor Sobkowitz stated the garbage system has been in the Township for a while, the service did

go out to bid, one bid was received and it was more expensive. Mr. Bruno stated now we have two that can compete. Mayor Sobkowicz stated it really does encourage the residents to recycle since they don't want to buy bags. Mayor Sobkowicz stated she did meet with a company called Waste Zero, in which they had a presentation that the bags do help the environment and recycling. Mr. Ullman asked if we wanted to evaluate doing garbage collection as town provided service, whether town staff or town employees, it is an expense for the fee and the bag. He stated the fee can be part of the taxes and it does become tax deductible fee for the residents. Mayor Sobkowicz stated this system has been here and it has done well, but we can look into it. Mr. Bruno asked can the Township get these companies to give presentations. Administrator Groh explained the process, since she recently went through it in her town with the bid process. Administrator Groh you also have to look at the 2% cap. Mr. Calamari stated it would be nice to have one collector in town, one set of bags but he does like the bag since it encourages people to use less waste.

Council Office Space – Mr. Ullman asked if the council wanted to have Saturday hours where would that be. Mayor Sobkowicz stated it could be upstairs in the Conference Room or the Senior Room, as long as there are not three councilmen. Mr. Calamari stated it was tried a few years ago, but no one showed up. Mr. Ullman stated he would like to do for five months on a Saturday. Mayor Sobkowicz stated let us know where and we can set it up.

Green Team – Mr. Ullman stated Ms. Grimaldi seems interested in resurrecting that, he believes it is positive for the town. He stated there may be minimal amount of funding required and we can make room in the budget for that.

5- Star/Gas Station Convenience – Mr. Ullman stated he was on the Zoning Board when it was approved and he doesn't recall some of the designs that are now in place. He spoke of what is observed standing on the north east corner and the cement pad. Mayor Sobkowicz stated we are asking Zoning for the plans and we would like to go through them and she did put a stop order on the sign. Mr. Calamari asked is it something we should ask the Zoning Board to review instead of council reviewing it. Mr. Ullman spoke of his understanding when he sat on the Zoning Board. A discussion followed as to who would be the department to review the plans. Mayor Sobkowicz stated we are looking at the plans, and we may ask the engineer to explain them. Administrator Groh stated she did reach out to Mr. Cavallo, Mr. Cavallo indicated he had gone over the Building Department and the engineer took a look at the plans and stated his understanding is it was built to the plan. Administrator Groh stated she will go through the Building Department not the Zoning Board.

Tax Office – Late Hours – Mr. Ullman asked how late the tax office open once a quarter is on the day that taxes are due. Ms. Erlewein replied until six p.m. Mr. Ullman asked do a lot of residents come in. Ms. Erlewein replied it is only a hand full of people between 4:00 p.m. and 6:00 p.m. Mayor Sobkowicz stated we do have an online payment for taxes and residents do take advantage of that and people that have mortgages their taxes are paid by the mortgage company, close to 60% come in and pay taxes. A discussion was had regarding the online payment program, the fees involved and the lateness of hours for the tax office.

Memorial Field – Mr. Ullman asked the process of an interpretative statement with regard to Ordinance No. 15-16. Mr. Poller replied he doesn't know if there is specific language in the statute for the question. Mr. Poller stated in his point of view the interpretative statement process is more council driven than administrative. Mr. Ullman stated it would behoove the council to have some sort of interpretive statement. Mayor Sobkowicz stated the deadline is August. Mr. Ullman asked Ms. Erlewein to check if any surrounding municipalities have done an interpretative statement and perhaps use those as a guide.

Ordinance No. 15-04 – Engineering Studies – Mr. Ullman asked if the Township ever paid out under this. Mayor Sobkowicz replied she doesn't

remember. Mr. Ullman asked he would like to know how much was paid out and if it was fully funded or just funded for the amount that was drawn. Ms. Groh replied she will check into it.

Spring Maintenance – Mr. Ullman spoke of the efforts undertaken with regard to Memorial Field that was to bring the field up to some level of safety standard and to have it ready for the Spring. Mayor Sobkowitz replied it was also seeded in the Winter since it was warm. He asked what the plan is for the Spring for the field, in terms of ensuring that it is available in its best possible form and do we know what that would entail. Mayor Sobkowitz replied we are working on it; we first need to make sure we have money in the budget; we do not want to bond it. Mr. Ullman replied it should not be bonded since it is ongoing maintenance of a facility. Mayor Sobkowitz stated she would like to get some input and estimates with regard to Memorial Field. Mr. Ullman spoke at length with regard to the process of laying seed and perhaps a tarp should be laid to ensure that the work that is done stays there. He stated we should have a soil analysis done and give the field the best chance of coming back. He asked if the Mayor is working with the DMF and the vendor that we use for maintenance on the field. Administrator Groh stated she will add that to her list. Administrator Groh stated she did find a file with regard to 2014 but she doesn't know what has been done in 2015, she will begin to familiarize herself with the field subject. Mr. Ullman stated that council is committed to ensure that there is funding to perform the work that needs to be done to get it ready. He spoke of engaging landscape companies within the Township. Mr. Sears stated Mr. Statile did perform soil testing; it is the soil sample part. Mr. Ullman stated that he did request that, but if exists that would be great.

A conversation followed with regard the New Jersey Tree Recovery Program Free Seedlings Program.

A motion was made by Mr. Sears, seconded by Mr. Bruno, to move forward with the Tree Seedling Program.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman.

Nays: None.

Absent: Councilman Dr. Cascio.

A motion was made by Mr. Calamari, seconded by Mr. Sears to adjourn.

Time Noted: 11:02 p.m.



Elaine Erlewein
Township Clerk



Michael Ullman
Council President

Approved: March 7, 2016