

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

March 7, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:31 p.m. by Council President Michael Ullman with the Clerk leading a salute to the flag. Members present: Robert Bruno, Peter Calamari, Steve Cascio, Tom Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Mary Anne Groh, Business 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 Bergen Record, forwarded to the local newspapers, posted on the Municipal Bulletin Board and filed with the Municipal Clerk.

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

Administrator Groh – Administrator Groh stated with regard to the Road Program, 2nd page, it should be \$622,000.

APPROVAL OF MINUTES

A motion was made by Mr. Bruno, seconded by Mr. Calamari, to approve the January 18, 2016 Public & Conference Minutes.

Ayes: Councilmen Bruno, Calamari, Sears, Ullman. (Cascio abstain).

Nays: None.

A motion was made by Mr. Sears, seconded by Mr. Calamari, to approve the February 1, 2016 Public & Conference Minutes.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

GENERAL PUBLIC DISCUSSION

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

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Ray Bernroth, 838 Crest Place – Mr. Bernroth commented on the calendar. He also spoke of being cut off at five minutes and other residents speaking beyond the five minute time limit. He stated if he is cut off at five minutes, then everyone should be cut off at five minutes.

Rosa D'Ambra, 423 Colonial Boulevard – Mrs. D'Ambra spoke of posting budget meeting notices on the electronic board outside. She spoke of the rec department getting 15 minutes to speak, which she feels is unfair. She stated she voted for Mr. Ullman and Mr. Bruno because they have both have finance and accounting backgrounds. She stated she appreciated what they brought up at the budget meeting. She stated she believes in debt management, collective bargaining agreement, increased employee contribution to medical, as long as the town goes half and half, no more bonding, more grants and a reserve good balance. A discussion followed with regard to the next budget meetings which will be held Thursday, March 10th at 6:00 p.m. and Saturday, March 12th at 9:00 a.m.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment asked when the flag will be replaced. Mr. Ullman asked do we have a flag, if we don't have one can the current flag be removed since it is tattered. Mayor Sobkowicz stated she would rather leave the flag there, but new ones have been ordered. Administrator Groh stated she will follow up with the DMF. A conversation followed with regard to the condition of the flag and whether to take it down

since it is in such bad condition. A conversation followed regarding the order of the Closed Session meeting on the agenda. A conversation followed with regard to the shared services with Emerson for the Health Department and Mr. Levy, our Health Officer, through the end of April. A conversation followed with regard to the Deputy Township Clerk resolution for the budget meeting which occurred on March 1st. Mr. Ullman spoke at length of his understanding with regard to the resolution. Mrs. Ozment spoke that she could have brought the issue up of the Deputy Clerk resolution at the end of the budget, but she did not.

William Ferara, 2556 Cleveland Boulevard – Mr. Ferara asked which flag was being spoken about. Mr. Ullman replied the flag in front of the building. Mr. Ferara spoke of the condition of the flag at Clark Field and the contacting the Knights of Columbus with regard to disposing flags that are in disrepair. A lengthy discussion followed with regard to the \$21,000 grant for the basketball court. Mayor Sobkowicz stated it is a matching grant, it is only to be used for the basketball court and there is also a deadline for using the grant. A discussion followed if the \$30,000 is part of the estimate net or gross. A discussion followed with regard to the conceptional estimate, which is located on the front page of the website along with other documentation. A conversation followed with regard to when the budget will be introduced. Mr. Ferara asked will the budget be available on the website. Mr. Ullman replied he is not sure what the requirements are. Mr. Ferara spoke of receiving mailings in the past with regard to the budget.

Toni Plantamura, 808 Robinwood Road – Ms. Plantamura spoke of an article in the Community Life with regard to Westwood introducing a second dispatching center and inviting surrounding towns to join. She asked has there been any discussion regarding the shared services, since she is in favor of shared services. She spoke of the high taxes in the State of New Jersey. She spoke of expenses being incurred when there is a separate Police Department, Fire Department and school district, even though we have a regional district. She commented at length with regard to what services she is receiving in the Township for the amount of taxes she pays. She stated somewhere along the line someone has to take a stand. She stated most people in private sector are not doing as well as those in public sector. She stated a discussion needs to start. Mr. Bruno asked if anyone has reached out to Westwood. Mr. Sears stated we did offer Westwood to have dispatch for them and the Mayor turned us down. He stated the Mayor made a statement that 50% of our dispatching is not used properly. He stated 73% of our dispatching is being done by civilians, and Ms. Plantamura is picking on the life and welfare of the citizens of Washington Township. Ms. Plantamura stated she is not picking on anyone, but shared services need to be discussed and it is about time someone gets off their high horse so it can be discussed.

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

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Mr. Ullman – Mr. Ullman stated the professional was advised based on the public comment sessions to date to arrive at 8:30 p.m. We will address the Consent Agenda, and if the professional is not here we will go into closed session since there is enough background material that the attorney needs to provide to us for us to move forward and not impact the public any further.

Mayor Sobkowicz – Mayor Sobkowicz stated she would like to state something.

Mr. Ullman – Mr. Ullman asked regarding the Consent Agenda.

Mayor Sobkowicz – Mayor Sobkowicz replied no.

Mr. Ullman – Mr. Ullman replied not at this time

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. Calamari.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Resolution No. 16-156

Escrow Refund

WHEREAS, Michael Martino posted engineering escrow money on premises known as Block 3401 Lot 3, 159 Ridgewood Road; and

WHEREAS, the applicant has abandoned the project at this time and has requested that his escrow be refunded; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per email dated 1/27/16; and

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 \$515.00 to the above.

Resolution No. 16-157

Escrow Refund

WHEREAS, Jure & Elena Picinic posted engineering escrow money on premises known as Block 4416, Lot 55, 282 Hickory Street; and

WHEREAS, the Construction Code Official has issued approval dated February 23, 2016, C.O. No.14-537; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated September 28, 2015; and

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 \$461.00 to the above.

Resolution No. 16-158

Shared Services Agreement – Emerson

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Borough of Emerson (“Emerson”) and the Township of Washington (the “Township”) to enter into service agreements for the services contemplated below without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5(1)(a)(1); and

WHEREAS, pursuant to the New Jersey Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.), Emerson seeks to enter into a shared services agreement with the Township whereby the Township will provide health services of a professional and technical nature to Emerson as provided for in the Local Health Services Law (N.J.S.A. 26:3A2-1 et seq.); and

WHEREAS, the Township wishes to enter into such a shared services agreement with Emerson;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approves of the proposed shared services agreement between the Township and Emerson, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the subject shared services agreement with the Borough of Emerson for the above stated purpose.

Resolution No. 16-159

Deputy Township Clerk

WHEREAS, the Township Clerk of the Township of Washington was not available for the budget session scheduled for and conducted on March 1, 2016 pursuant to the Open Public Meetings Act; and

WHEREAS, it is the desire of Township Council to designate by way of ratification and reaffirmation Cornelia Lisa as Deputy Township Clerk to perform the duties of the Township Clerk for the Budget session of March 1, 2016

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that Cornelia Lisa is hereby designated as Deputy Township Clerk for the Budget session of March 1, 2016, and that her actions as Deputy Township Clerk are hereby ratified and reaffirmed in all respects retroactive to the Budget session of March 1, 2016.

Resolution No. 16-160

Stigma-Free Campaign

WHEREAS, the Bergen County Executive and the Board of Chosen Freeholders, along with the Bergen County Department of Health Services, supports the designation of Stigma-Free Zones in every municipality, and;

WHEREAS, at the June 2013 meeting of the Bergen County Mental Health Board, members of the Board learned from Care Plus NJ staff that the agency was working collaboratively to establish a *Stigma Free Zone* in Paramus, and;

WHEREAS, the members of the Mental Health Board supported the initiative and recognized that the initiative was aligned with the Board's mission to raise awareness of the disease of mental illness, and;

WHEREAS, the National Institute of Mental Health reports that 1 in 4 adults experience mental illness in a given year and 1 in 17 adults live with a serious mental illness such as schizophrenia major depression, or bipolar disorder, approximately 20% of youth ages 13 to 18 and 13% of youth ages 8 to 15 experience severe mental disorders in a given year, and;

WHEREAS, the stigma associated with the disease of mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease, and;

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogues about stigma, raise awareness of the disease of mental illness and create a culture wherein residents who have the disease of mental illness feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma and;

WHEREAS, promoting awareness that there can be no "health" without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed, and;

WHEREAS, Local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless, and;

WHEREAS, establishing Stigma-Free Zones will raise awareness of resources and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired and tragedies are avoided, and;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Washington recognizes the community needs and supports the efforts of the County of Bergen in designating the Township of Washington as a Stigma-Free Zone.

Resolution No. 16-161

CERT

CERT member includes: Assisting as a shelter aid; performing public assistance checks at homes of senior citizens and people with disabilities;

providing information at public information centers during emergencies; staffing first aid booths and preparedness displays at health fairs and similar community events; planning WHEREAS, the Township of Washington ("the Township") solicits residents to serve their community during emergency situations as volunteers of a Community Emergency Response Team (CERT) under the supervision of the Township Chief of Police or his/her designee, the Emergency Management Coordinator or his/her designee for the Township Police Department and;

WHEREAS, the role of a volunteer CERT member has expanded to include aiding the Township in, not only emergency situations, but assisting the Township when the Township runs municipal and civic events and activities, when authorized by the Chief of Police or his/her designee or the Emergency Management Coordinator or his/her designee and;

WHEREAS, the CERT program shall be annually re-established by the Township of Washington and;

WHEREAS, approved CERT members shall assist the Township under the supervision and through the Office of Emergency Management ("OEM") in the Township Police Department for the following activities and events when approved by the Chief of Police or his/her designee or by the OEM Coordinator or his/her designee:

- Emergency and disaster situations;
- Dog & cat rabies clinics;
- Memorial Day Parades and Services;
- Paper shredding events;
- Assistance at Fire Department, Ambulance Corps. and OEM training events;
- Notifications to seniors who may not be able to leave their homes;
- Participation in emergency events and training exercises;
- Town Day event; and
- Any other event approved by the Emergency Management Coordinator or his/her designee or the Chief of Police or his/her designee.

WHEREAS, in order for a Township volunteer to become a CERT member and maintain status as a Township-approved CERT volunteer member, a CERT shall:

1. Successfully complete the CERT training course as provided by Bergen County;
2. Attend 50% of the Township CERT training events each calendar year;
3. Attend any future required training for CERT volunteers;
4. Abide by the Standards of Conduct for the Township CERT team members attached hereto.

WHEREAS, the authorized role of a trained and conducting training events; serving on emergency planning teams; assisting residents with changing batteries in their smoke alarms; and providing general assistance at non-disaster events and emergencies and;

WHEREAS, CERT volunteers may only serve at emergencies, and authorized events and activities when approved by the Chief of Police or his/her designee or the Emergency Management Coordinator or his/her designee for the Township Police Department and;

WHEREAS, the current roster of trained and approved CERT volunteer members is attached as if set forth at length;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Washington, County of Bergen, State of New Jersey that the attached roster of trained and approved volunteer CERT members is hereby approved for 2016 and the requirements contained in this Resolution are hereby authorized to

serve as program procedures and shall constitute requirements for the Township CERT program.

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Washington shall provide a certified copy of this Resolution with the attached list of trained and approved CERT volunteer members to the Bergen County Joint Insurance Fund, Police Chief and Emergency Management Coordinator for the Township Police Department.

Resolution No. 16-162

Firefighting Foam

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Township of Washington for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the governing body of the Township of Washington has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

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

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Township of Washington hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Administrator, Mary Anne Groh, is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

A discussion followed with regard to fixing a date for an update of closed session to the public, with the understanding that this is ongoing litigation. It was agreed upon that May 9th will be the date that the status of this particular item "Ongoing Litigation/COAH" will be updated.

Resolution No. 16-155

Closed Session, March 7, 2016

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection a. of this section.

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **COAH**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting

9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed

Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

BE IT FUTHER RESOVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

The Township Council anticipates that an open session will be necessary **X** .

The Township Council anticipates that an open session will not be necessary .

Motion		Seconded		Council	Ayes	Nays	Abst.	Absent
Bruno		Bruno		Bruno	x			
Calamari	x	Calamari		Calamari	x			
Cascio		Cascio		Cascio	x			
Sears		Sears	x	Sears	x			
Ullman		Ullman		Ullman	x			

Time noted 8:10 p.m.


 Elaine Erlewein
 Township Clerk


 Michael Ullman
 Council President

Approved: April 4, 2016

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

CONFERENCE PORTION/PUBLIC SESSION

March 7, 2016

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

Time Noted: 10: 50 p.m.

CURRENT BUSINESS

A motion was made by Mr. Calamari, seconded by Dr. Cascio, to approve the following resolution, Resolution No. 16-162.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Resolution No. 16-164

Habitat for Humanity

WHEREAS, the Township of Washington (the "Township") is the owner of the land located at Lot 25 in Block 3103 on the Tax Assessment Map of the Township of Washington, commonly known as 639 Jefferson Avenue (the "Premises"); and

WHEREAS, the Township is desirous of transferring the Premises to Habitat for Humanity of Bergen County (also referred to as "Habitat") for the purpose of partially satisfying the Township's obligation to provide for affordable housing pursuant to the Fair Housing Act and consistent with the principles and dictates of the New Jersey Supreme Court's opinion in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015); and

WHEREAS, the Township filed a declaratory judgment action in the Superior Court of New Jersey in connection with the Township's obligations with respect to affordable housing and in compliance with procedures outlined by the New Jersey Supreme Court (the "WT COAH Action"); and

WHEREAS, Habitat is desirous of accepting the transfer of the Premises from the Township for the purpose of constructing affordable housing on the Premises; and

WHEREAS, Habitat is a Not-for-Profit Corporation of the State of New Jersey which provides community based programs to assist low and moderate income persons with home ownership; and

WHEREAS, Habitat is an organization which constructs and sells the type of housing which satisfies a municipality's affordable housing obligations; and

WHEREAS, N.J.S.A. 55:27D-311(a)(5) provides for the donation of land by a municipality for the purpose of providing low and moderate income housing; and

WHEREAS, N.J.S.A. 55:27D-325 provides that a municipal governing body may, by resolution, authorize the private sale and conveyance of municipally-owned property to a non-profit entity provided that there is a contractual guarantee that the housing units will remain available to low and moderate income households; and

WHEREAS, the Township Council adopted Resolution No. 15-244 authorizing the transfer of the Premises from the Township to Habitat for the purpose of Habitat constructing and selling units at the Premises which would provide the Township with credit toward its affordable housing obligations consistent with the Fair Housing Act and the principles and dictates of the New

Jersey Supreme Court's opinion in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), and authorizing the Mayor to execute any agreements and documents necessary to effectuate the transfer of said Premises to Habitat consistent with such purpose; and

WHEREAS, a Purchase and Sale Agreement was executed by Habitat and the Township consistent with such purpose which was contingent upon entry of an order by the Superior Court in the WT COAH Action; and

WHEREAS, the Purchase and Sale Agreement was reviewed by the Special Master appointed by the Superior Court in the WT COAH Action, and certain recommendations were made by the Special Master for amendment of the Purchase and Sale Agreement to further comply with and advance the Township's desire to comply with its affordable housing obligations, and the Township has agreed to incorporate such amendments in said agreement, resulting in an Amended and Restated Purchase and Sale Agreement which has been agreed upon as to form and substance by the Special Master and Habitat, and the Township wishes to proceed with and authorize the execution of the Amended and Restated Purchase and Sale Agreement; and

WHEREAS, the Superior Court has entered an Order in the WT COAH Action providing the Township with credits against its affordable housing obligations upon the construction and marketing of four housing units under the terms of the Amended and Restated Purchase and Sale Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the Township Council hereby approves the transfer or donation of Lot 25 in Block 3103 on the Tax Assessment Map of the Township of Washington, commonly known as 639 Jefferson Avenue to Habitat for Humanity of Bergen County for the purpose of Habitat for Humanity of Bergen County constructing and selling units at the Premises in accordance with the Amended and Restated Purchase and Sale Agreement and which would provide the Township with credit toward its affordable housing obligations consistent with the Fair Housing Act and the principles and dictates of the New Jersey Supreme Court's opinion in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015);

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Amended and Restated Purchase and Sale Agreement as same is on file with the Office of the Township Clerk, and any other agreements and documents necessary to effectuate the transfer of said Premises to Habitat for Humanity of Bergen County in accordance with the Amended and Restated Purchase and Sale Agreement and consistent herewith.

GIS Data Exchange – A conversation followed with regard to Resolution No. 16-162 which was requested by the Fire Department for the cars and computers in the building.

A motion was made by Dr. Cascio, seconded by Mr. Calamari to approve the following resolution, Resolution No. 16- 163.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Resolution No. 16-163

GIS Data Exchange

WHEREAS, the exchange and sharing of Geological Information Systems Data ("GIS Data") serves a public purpose in that it facilitates the development of geographical information systems for the mutual aid and public safety of all parties involved; and

WHEREAS, the County of Bergen (the "County") wishes to exchange GIS Data with the Township of Washington (the "Township"); and

WHEREAS, the Township wishes to exchange GIS Data with the County;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township hereby approves the proposed agreement between the Township and the County of Bergen, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the subject agreement with the County of Bergen for the above stated purpose.

Budget – Salary & Wages Department of Law – Mr. Ullman stated there have been questions that have come up, and one item was if Mr. Poller needed to be Rice Noticed, and since we are in public there was no need to issue that. Mr. Calamari asked if Mr. Poller understands we are in public session and this will go into public minutes, which will become available. Mr. Poller replied he does understand that. Administrator Groh stated Mr. Poller did receive the same packets as council. Mr. Calamari stated at this time he has no questions. Mr. Bruno stated Mr. Poller pay comes from the salary ordinance of \$70,000, plus there are billing received by the Township for two other accounts, one for Covello/Northgate Builders, 195 Linwood subdivision, COAH and Codification which was about \$34,000 in total, and the other account was for predominately tax appeals, but there was one Covello invoice. He asked why the Township is getting billed for these separately than the salary. Mr. Poller stated there are a variety of ways municipal attorneys are compensated in the State of New Jersey. He stated some attorneys get paid straight time on everything they do, if they come to a meeting, they are billing for the meeting, if they talk to the administrator via phone call, if they are looking up something, you pay an hourly rate for everything the attorney does. He stated another way of doing it is to receive a lump sum and that will cover the basic type of work that you do, come to the meetings, do resolutions, phone calls, normal course of business, which would be covered by the salary. Mayor Sobkowicz stated Mr. Poller is the attorney for every department. Mr. Poller stated the salary/fixed fee covers basic work. He stated no one is going to Planning Board meetings, extra appearances and litigation like COAH litigation or any kind of litigation at all unless it is on an hourly basis. He stated the budgets in the past had a salary, which covered the basics, then there was another section, other expenses/professional wages, the other was to cover litigation, appearances, special projects, some things that were out of the ordinary. He stated there was a fixed fee for work and another account for extras, that being litigation, tax appeals, COAH litigation and some other items. He stated some time ago it was decided that because there was so much work on tax appeals and they created another line item for tax appeals that was done from an accounting point of view. He stated therefore the work that was done, even though it was litigation, went specifically against the tax appeal line item, and would be charged against that. He stated all other litigation and other line items that were not covered under the basic fee were charged to the other account and then you also would have the salary account. He stated the salary is not hourly, in the Salary Ordinance it does state the town attorney receives his salary of x amount, and for litigation, appearances it is at a rate of \$135.00 per hour. He stated he is the attorney for the entire town, which includes nine departments, including everyone in those nine departments, council, clerk, any of the inspectors, construction officials, anything to do with the entire government of the Township of Washington. He stated that means he is available, and does get called, asked to do things, make decisions, and do a whole host of work for everyone in this Township at any given time. He stated

he does work with the Police Department, the Fire Department, Construction Code Official and also at times he does give advice to the Planning Board, even though the Planning Board has an attorney, they do call him, as does the Zoning Board, the Clerks' office, the Finance department, the Mayor, Council and Administration. He stated this was put in years ago to avoid a lot of billing the Township would receive if he was billing for all of this work. He stated over the years, not this past year, since we did have the COAH litigation, Northgate litigation, so to speak, a lot of extra stuff this year, but if you go into other years you will find extremely low numbers. He stated he knows what other attorneys receive, and he believes the Township is getting a good bang for their buck. He stated he is not the only one that gets paid from his budget; other things are put through his budget. He stated Mr. Slatchetka sometimes gets paid out of his budget as do the appraisers for tax appeals when they give testimony. Mr. Bruno asked if Mr. Poller has an office in the Township. Mr. Poller replied no, he does not. Mr. Bruno asked does Mr. Poller have a phone number or an email address, because he does see the email address as being kplaw and doesn't know if that technically is correct or incorrect. Mr. Poller replied he thinks it is correct and will not be using the Township email consistently. Mr. Bruno asked when he bills, looking at some of the bills, some of the hourly billing were quite high, the Township was billed for 23.91 hours, which he doesn't think he has ever seen in his career, and another one was 58.33 hours. Mr. Poller replied generally he tries to bill on ten minute intervals, not quarter hours. Mr. Bruno stated as the Director of Law, Mr. Poller would approve the bills that come in for the Director of Law department. Mr. Poller replied he is the certifying person that he did the work and he just signs as the Director since he happens to be the Director. Administrator Groh stated she believes the question is towards Mr. Slatchetka's stuff. Mr. Bruno stated that is not being done, Mr. Poller requested the work but he didn't sign it, from a control standpoint. Administrator Groh she does agree. Mr. Bruno stated there were many bills that were signed by the Mayor, approved by the Mayor and paid by the Mayor and there was not one signature from the Director of Finance, which has nothing to do with Mr. Poller, yet Mr. Slatchetka's bills were approved by the Director of Finance. Administrator Groh stated she is surprised since the Director of Finance doesn't get involved with this. She stated she did speak with the auditors and the auditors did state that form is antiquated and that space makes no sense. Mr. Bruno asked doesn't it state that the Director of Finance has to approve bills or the CFO. Administrator Groh replied the administration is responsible for purchasing. Mr. Bruno asked the Director of Finance doesn't approve bills or checks. Administrator Groh replied the treasurer does. Mr. Bruno stated if the form is antiquated, get a new form. Mr. Bruno asked Mr. Poller if he as paralegals in his office or is it just him. Mr. Poller replied he does have two paralegals and he doesn't bill for them. Mr. Bruno asked does Mr. Poller utilize the paralegals. Mr. Poller replied he does use them, but he doesn't bill for them, their time is his overhead. Mr. Poller stated he doesn't bill for the paralegals or computer time. Mr. Bruno stated he doesn't know what Mr. Poller bills for. Mr. Poller replied he bills for his time only. Mr. Bruno stated some of the bills that Mr. Poller submits, from a legal standpoint, generally will have the date, the hours and what was done. He stated there was only one bill that had that, every other bill had just a period of May through June or June through July, he asked does Mr. Poller bill per day. Mr. Poller stated his philosophy has always been and something that he was concerned about, since these things are litigation

matters, some of the stuff he does is confidential, the timing of things and who he is talking to. Mr. Poller stated as an example, if he was working on the Jennings matter and was consulting with the Special Master, it is not something he would want out there, and so you will not find it. Mr. Poller stated they would take his bill that had the time, they would indicate everything he did and the important thing would be how much time was put in and that would be the amount that would be billed. He stated this year he saw his paralegal fill out the actual entries on each of the items. He stated you will find the trust includes the bill, the time and the day. Administrator Groh stated that was not given, it was only payments that were run through current. Mr. Ullman asked can the Office of the Clerk, who has responsivity of OPRA requests; meet her request if Mr. Poller is offline. Mr. Poller replied if the Clerk needs something from him, she will call and he will get it to her just like any other department, he doesn't need to be online to do that. Mr. Ullman asked if a request is made of email exchanges, the Clerk doesn't go to the party that is being questioned. Mr. Poller stated if he sends an email to the Clerk, the Clerk has the email. Mr. Ullman stated at the reorg meeting as the Director of Law Mr. Poller is also the Township attorney, and as the Township attorney he can assign work out to other attorneys. Mr. Poller replied that would be special counsel. Mr. Ullman asked if planning or zoning has issues, shouldn't that board attorney have that responsibility, and how does Mr. Poller appoint himself as Director of Law. Mr. Poller stated he doesn't appoint himself as anything, but he is a Municipal Attorney and the Municipal attorney's job is pretty broad in terms of what he is supposed to do. Mr. Poller stated tax appeals is about as basic as you can get for a municipal attorney. He stated anyone who states that someone has to get a special counsel for a tax appeal doesn't understand that every municipal attorney does all the tax appeals for their town. He stated if they have a specialized type of a tax appeal, such as a Jersey City situation, redevelopment issue, yes, then he would say he needed someone to do that. He stated there are people who do nothing but eminent domain, he did do the eminent domain for the VFW and he did it as a Municipal attorney. He stated he didn't get separate attorneys for eminent domain, a traffic issue or a tax appeal. He stated a municipal attorneys job is to pretty extensive in terms of what they do. He stated he has been involved in many situations while he has been representing the Township, such as the PBA negotiations and it went to the Supreme Court, he got the law changed and overturned, construction cases involving this building against a bonding company, environmental suit on behalf of the town, suing the JIF. He stated some people might say these are expert things, but that really falls into his judgment and the code does state whether he needs special counsel he is authorized to do that. He stated he did not feel under the circumstances it was necessary to get other counsel for that. He stated he does feel it is necessary for bond counsel and there always will be bond counsel, and there may be other areas where he would say there would be a special counsel. He stated if you go around the State, all municipal attorneys are doing work for the municipalities except for really specialized areas. Mr. Ullman stated in our Township there is a zoning board and a planning board, Covell, Northgate and Linwood. Mr. Poller stated the reason he was involved with Covell was that it was an appeal from the municipal court and a municipal court conviction, so he handled that on behalf of the municipality, yes it did involve the issue of the non-conforming use, but he was never involved. He stated the Northgate situation involved representing the Township, not the board, in front of the Hillsdale Planning

Board because it was a development which impacted the Northgate residents as well as the northern part of the Township, and involved the Township appearing at the Hillsdale hearings putting forth the position of the Township because there was a development that went over the boundary line. He stated it was very instrumental that Washington Township was involved. He stated he doesn't get involved with the Zoning or Planning Board, but he does get called many, many, many times to assist in giving his opinion of what is going on or the impact, of what he feels about something or the affect an ordinance might have on something. He stated that is covered by the salary that is not extra work. Administrator Groh stated she did call Mr. Poller about the Viviano property to figure out whom she should be talking to. Mr. Poller stated he only does municipal attorney work; he doesn't want to do stuff that is beyond his capability of doing. Mr. Ullman asked with regard to the Viviano property, should the engineer be overlooking what is going on. Administrator Groh stated Mr. Bell say that the DEP has jurisdiction over any kind of contamination issue and they will not order a Phase 1 unless someone complains. Mr. Ullman asked would the complaint of the local resident be sufficient. Administrator Groh stated that is up to the local resident if they want to raise an issue with the DEP, our Health Inspector and Building inspector did not observe anything that they personally felt was an issue. Administrator Groh stated if Ms. Grimaldi or Mr. Melendez would like to send a letter to the DEP is certainly their prerogative and the best way to relay their concern. Administrator Groh stated the construction code official, building inspector and health inspector went out to the property. She stated two people went on to the property, Gary Mazonac stated he could not go out to the property, but if he does see a violation from the public area, then he can enter the property. She stated when the health inspector and building inspector were there workers did invite them onto the property. Administrator Groh did reach out to Ridgewood on another matter, and was told that an engineer named Brian Murphy, on behalf of Viviano/American Dream did contact Ridgewood with regard to a sewer/pumping station issue. Mr. Ullman asked Administrator Groh to contact Ms. Grimaldi with what information she has. Administrator Groh stated she will pass along the information to Ms. Grimaldi. A conversation followed with regard to the demolition permits that the property has. Mr. Poller stated it is very important that Mr. Azzolina stay on top of this.

Time noted: 11:25 p.m.


Elaine Erlewein
Township Clerk


Michael Ullman
Council President

Approved: April 4, 2016