

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

May 2, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:32 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. Also present Gary Vinci of Lerch, Vinci & Higgins, LLP, Township of Washington Auditors.

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.

APPROVAL OF MINUTES

A motion was made by Dr. Cascio, seconded by Mr. Sears, to approve the April 4, 2016 Public & Conference Minutes.

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

Nays: None.

BUDGET HEARING

A motion was made by Dr. Cascio, seconded by Mr. Sears, to open the Public Hearing 2016 Budget.

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

Nays: None.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara asked why does the Township have a reserve of \$862,000. Mr. Vinci stated the reserve for uncollected tax is a statutory calculation based on the total levy that the Township levy's to collect taxes for the school, the county and the Township. Mr. Ferara asked with regard to the \$736,000, why is that amount not accounted for the in budget. Mr. Vinci replied the excess collections go into surplus, which then allows the Township to use their prior year's surplus to balance the succeeding year's budget. Mr. Ferara asked why is the Police Dispatching line item increasing to \$150,000. Mr. Ullman replied additional dispatching was hired and there is a plan to use civilians to handle the dispatching as opposed to police officers, so there is an offset to the police salaries. Mr. Ferara asked why is there a decrease in the health services revenue. Mayor Sobkowicz stated the Township Health Officer just retired and we were the host for Emerson and now we are outsourcing to Northwest Health Authority. Mayor Sobkowicz stated we do have to pay them, but we don't have to pay as much for the Health Officer. She stated Northwest agreed to a lower quote, so the Township will be saving some money. Mr. Ferara spoke of the different numbers he noticed with regard to how many employees the Township has, full time or part time. A conversation followed with regard to the Memorial Field line item of \$45,000, which is due to a portion of the field being sodded. He stated he is concerned about of money parents spend to have children in the program. Administrator Groh explained the monies received by various programs, children enrolled, what was collected and what is spent. She also spoke of the Recreation Program and Town Day costs. She stated in netting out all of the numbers, revenue from the programs and the expenses of the programs it breaks even, that is not including the field maintenance and any

senior activities. Mr. Ullman asked if council can receive a copy of what Administrator Groh read from. Mayor Sobkowicz stated we still need to factor in how much time a certain program uses the field and how much the field maintenance would be.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment asked Mr. Vinci to explain what the \$5.5 million dollar cash investment is and also the other receivables at 2 million dollars. Mr. Vinci replied the 5.5 million would be the end of year cash that is in the current fund at that point in time. He stated Cash and Investments is actually the account description that the State uses for this document, so if there were outstanding investments such as NJ Cash Management Plan, that account would be included. Mrs. Ozment asked what comes out of the money during the year or is that money saved. Mr. Vinci replied that is money the Township has in the account, the Township takes out of that account their operating bills, money collected for the school, for the county, any money that the Township has for yearend liabilities, if there are reserves on the Balance Sheet at the end of the year those monies would be included in the cash. Mrs. Ozment asked how much money does the Township have in pure cash that we save to put into investments. Mr. Vinci replied on a monthly basis he doesn't know how much the monthly flow is, he just knows at the end of the year right now that is how much the Township has. He stated taxes are collected quarterly there would be a period of high cash infusion at that point. Mrs. Ozment stated it is a million lower that it was last year. Mr. Vinci replied it was a million lower because the school was paid in December for January. A conversation followed with regard to the school budgets, which were held up in Bergen County and at this time Westwood Regional has adopted their preliminary budget. Mr. Vinci replied last year's levy in total was approximately 36.7 million dollars, the school is 23.1 million, the county is 4.1 million, the library of the Township is \$570,000 and the Township is approximately \$9 million dollars. He spoke of the County budget, which was just introduced, and may not be known until the end of June. Mrs. Ozment asked what is the other receivable of two million dollars. Mr. Vinci replied that would be the prepaid school tax that was paid in December for January. Mrs. Ozment questioned the cell tower revenue, which seems to be less every month. Administrator Groh replied one of the reasons is that one month was received in the prior year and it is also based on contracts.

A motion was made by Dr. Cascio, seconded by Mr. Sears, to close the Public Hearing 2016 Budget.

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

Nays: None.

Mr. Bruno asked Mr. Vinci do the liabilities come out of the Cash Balance. Mr. Vinci replied yes, they do. Mr. Bruno asked are the monies received from the sale of the middle school (\$900,000/\$1,000,000) in that amount. Mr. Vinci replied yes they are. Mr. Bruno asked if that amount is usable or protected. Mr. Vinci it is not protected, it is money that has been on the Balance Sheet for several years and can be used for any budgetary purpose. He stated as you draw down against that amount you will have a potential shortfall in the future years depending on how much is drawn down. He stated over the years there has been a discussion of using that money for non-recurring expenses so it did not affect the operations of the Township budget. He stated it can only be used at the time the budget is adopted or at the time a Capital Ordinance is adopted. He stated it is in the 5.5 million as Miscellaneous Reserve and if council wants to draw against that amount a portion would have to go into Miscellaneous Revenue during the budget process. Mr. Ullman asked is there any instance can be used in 2016 or do we have to wait until planning for 2017 to make that classification. Mr. Vinci replied if council wants to use it for 2016, then that would have to be included in a budget amendment and would be a council vote or motion. Mr. Bruno asked the other receivables which were prepaid were the school tax. Mr. Vinci replied that is correct, the January payment was made the last week of

December, so the levy for 2016 has not been incorporated to any tax levy. Mr. Bruno asked it is due January but paid in December and shown as a receivable because it is out and it has not been technically due because it is not January yet. Mr. Vinci replied that is correct.

Mr. Ullman – Mr. Ullman stated at the last meeting a motion was made to increase certain line items for legal expenses/other expense by \$21,000 and other expenses tax appeals by \$30,000. He stated there was some confusion/misunderstanding on how the process takes place and there was a vote. He stated after researching it with both Mr. Poller and Mr. Vinci it became clear that the vote taken was essentially moot and not binding because the proper procedure was not followed. He stated since the budget had been introduced it is a council budget and needs to be amended. He stated Resolution No. 16-191 has been prepared increasing Legal Expenses/Other from \$79,000 to \$100,000 and Legal Expenses/Other Expenses Tax Appeals from \$10,000 to \$40,000.

A motion was made by Mr. Calamari, seconded by Mr. Sears to approve Resolution No. 16-191.

Ayes: Councilmen Calamari, Sears.

Nays: Councilmen Bruno, Cascio, Ullman.

Resolution No. 16-191

Resolution to Amend 2016 Budget

WHEREAS, the local municipal budget for the year 2016 was approved on the 4th day of April, 2016 and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington, County of Bergen, that the following amendments to the approved budget of 2016 be made:

CURRENT FUND	<u>FROM</u>	<u>TO</u>
General Revenues		
Amount to be Raised by Taxes for Support of Municipal Budget		
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$8,763,836	\$ 8,814,836
Total Amount to be Raised by Taxes for Support Of Municipal Budget	\$8,763,836	\$ 8,814,836
Total General Revenues	<u>\$12,559,534</u>	<u>\$12,610,534</u>
General Appropriations		
Operations within "CAPS"		
Legal Services		
Other Expenses – Council	\$ 79,000	\$ 100,000
Other Expenses – Tax Appeals	10,000	40,000
Total Appropriations within "CAPS"	\$8,071,876	\$ 8,122,876
Total Appropriations Including Contingent within "CAPS"	\$8,071,876	\$ 8,122,876
Detail:		
Other Expenses (Including Contingent)	\$3,540,995	\$ 3,591,995
Total General Appropriations for Municipal Purposes within "CAPS"		
Within "CAPS"	\$8,956,338	\$ 9,007,338
Subtotal General Appropriations	\$11,696,805	\$ 11,747,805
Total General Appropriations	<u>\$12,569,534</u>	<u>\$ 12,610,534</u>

BE IT FURTHER RESOVLED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2016 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with NJSA 40:4-9 be published in the Record issue of May 12, 2016, and that said publication contain notice of public hearing on said amendment to be held at Township Hall on May 16, 2016 at 7:30 pm.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Township Council on the 2nd day of May, 2016.

Mr. Sears – Mr. Sears asked if Mr. Ullman had any particular reason for voting no this time since he voted yes at the last meeting.

Mr. Ullman – Mr. Ullman stated he had the opportunity to contemplate his vote based on what he understands. He believes the other expenses are provided for in terms of the \$79,000 for council and there is \$100,000 for assessments and valuations.

Mr. Sears – Mr. Sears spoke of his concern at the last meeting of Mr. Ullman taking a very long time to vote and indicating he had promised some people he would not vote for this.

Mr. Ullman – Mr. Ullman replied he doesn't believe that is relevant to this conversation.

Mr. Sears – Mr. Sears stated his concern is that Mr. Ullman had a meeting before this meeting which is a violation and also who Mr. Ullman promised is also a concern.

Mr. Ullman – Mr. Ullman stated if Mr. Sears wishes to bring up any charges for impropriety he should pursue his concerns.

Administrator Groh – Administrator Groh stated various departments spent a lot of time on preparing this document which is no longer necessary. She stated at this time there is no hurdle to get the budget adopted.

Mr. Vinci – Mr. Vinci stated the council can at this point in time adopt the budget or if they have a further amendment to the budget then obviously the adoption would have to be deferred. If council is at a point now where there will no longer be an amendment entertained, then council does have the ability to adopt the budget the State has as of late Friday. It is up to the council to decide whether they are still contemplating at amendment or if council would want to adopt the 2016 Budget as originally proposed last month.

A motion was made by Dr. Cascio, seconded by Mr. Bruno to adopt the 2016 Budget as originally proposed.

Mr. Vinci – Mr. Vinci stated the vote can be taken at this time and he will provide a resolution tomorrow.

Mr. Calamari – Mr. Calamari stated he personally would like a little time to absorb the change in the vote because he thought council was proceeding with this based on the last meeting. He would like some time to review the numbers since he is surprised that someone changed their vote. He stated his question is how will the Township fund any tax appeals since the \$10,000 is just for appraisals and the Township doesn't have the funding to defend itself in tax appeals. He believes these are valid question that need to be answered before council rushes into approving the budget based on the change that just occurred.

Mr. Bruno – Mr. Bruno stated at the last council meeting he did ask for a delay because he wanted to digest all the numbers, but apparently it was voted on. He stated Dr. Cascio has made a motion and he has seconded the motion and he believes council should vote.

Ayes: Councilmen Bruno, Cascio, Ullman

Nays: Councilmen Calamari, Sears.

Mr. Vinci – Mr. Vinci stated he will prepare the resolution and provide it to the Clerk tomorrow morning.

Administrator Groh – Administrator Groh stated the Temporary Emergency Appropriation resolution which is on the Consent Agenda is moot.

Mr. Calamari – Mr. Calamari stated he would like to ask the three councilmen who voted in favor of the budget, if they choose to answer the question he raised about what we are going to do for tax appeals. He stated the silence is deafening and everyone should file a tax appeal since they will have a very good shot of getting it through.

REPORT OF MAYOR

Mayor Sobkowicz stated all the streets were swept by Paramus and Lewis Trees, which is a subcontractor of PSE&G will be trimming trees away from the power lines on Ridgewood Road and the side roads between Lafayette and Walnut, and they will be here for about six to eight weeks. She also made a third appointment to the Board of Health, Desiree Murphy. On Monday, April 25th the Police Department held an evacuation drill at Westwood Regional High School. Chief Hooper, Captain Hackbarth, Sergeant Pecora and Corporal Fasciano were present to observe, evaluate the drill and they a debriefing session was also held with slight improvements suggested. Captain Hackbarth and Sergeant Glock will be meeting tomorrow with six other towns in the Valley, including Westwood, Hillsdale, Emerson, River Vale, Old Tappan and Woodcliff Lake to discuss pooling our resources for the alcohol test machine, this machine is out of warranty, repairs range from \$400- \$1000, plus shipping. These machines will no longer be supported by the State Police as of January 1, 2017. She stated the State Police are in the process of selecting a new vendor. She stated in the meantime the towns are hoping to come up with a system where they can pool the resources left so one machine can be used so we don't run into any additional expenses. She stated in the budget for 2017 we will have an additional \$22,000 to buy whatever new machine they pick. The servers and desk tops for the Police Department have arrived to the vendor; they are being configured and should be installed within the next two weeks. She stated there has been a problem with regard to parking from the high school in the Township. She stated the Police Department has been monitoring the situation on a daily basis and we also have survey results. She stated tonight we will be discussing Jacob and Horizon. The Fire Department had an active working house fire at 184 Howard Street. She would like to thank the department for their time and outstanding effort given to putting out this fire. Fortunately a neighbor Joanne Toole, smelled the smoke and got the resident out of the house in time. On April 10th a ceremony was held for Bobby Thompson who was a 60 year fireman in the Township of Washington. She stated the Fire Department put him on a truck and had big signs, went through the Township so all the residents would appreciate this landmark event. Federal, State and local officials also attended the ceremony, Congressman Garrett, Assemblyman Auth, Council President Ullman and Councilmen Cascio and Sears. She also had a meeting with the Director and Assistant Chief and reviewed policies and building needs. The Fire Department from January to present had 54 calls and the Ambulance Corps has had 153 calls. She stated the Ambulance Corps is also looking for new members. She stated for about two and a half years, the Township attorney and herself have been attending Hillsdale Planning Board meetings in order to oppose the water drainage system on El Woods project on the Township's northern border. The homes will be built in Hillsdale, but the part that is in the Township will have no homes but extensive draining systems. She stated the Township received a letter from the firm Beattie Padovano thanking Mr. Poller and herself for attending all of these long meetings on the topic of storm water management to protect the Township from all the water that would be coming at us. She stated the letter specifically thanked the attorney, Mr. Poller, for his substantial input and all of his testimony. She stated the firm building the homes offered a lot of changes, everything has been signed off and the homeowners association will

be responsible for anything that goes wrong in that system. It was changed and it will really help the residents of the Township of Washington who are on the border. She stated herself, Councilman Calamari, Councilman Sears, Congressman Garrett, Senator Cardinale, and Sherriff Saudino attended the Knights of Columbus Honoree Night honoring Cathy Russo, Paul Imbarrato, Ken Kaphammer and John Valerio. With regard to Summer Recreation, Christopher Pinto has been hired to be the new director of the recreation program. He was interviewed by Margaret Koesel and Administrator Groh. She also spoke with him on some of the issues we hope to improve upon this Summer. Relay for Life will take place May 14th – May 15th at the Westwood Regional High School. It is an overnight celebration of hope and raises funds to help fight cancer. The 2016-2017 percentage share in the Westwood Regional School system school budget is 52.74% for Westwood and 47.2% for the Township. She stated in reality there are 300 more students that come from Westwood into the school system, and at \$19,500 per student, this equates to \$5,700,000. The Township is still subsidizing over and above what it should be which is \$2,771,000 based on the fact that Westwood has so many more student than we do. The library will be holding a Health Fair beginning in June and it will run to September. There will be a string of events and residents can attend the ones they are interested in. The Memorial Field pump/piping will be replaced starting at 9:00 am tomorrow, weather permitting. She stated it is very upsetting to hear about vandalism that has been occurring at Clark, Sherry and Memorial Fields. She stated the light sensor at Memorial Field boy's bathroom was smashed and electrical boxes at Clark and Sherry were damaged and had to be replaced. The toilets at Clark Field were overstuffed with rolls of toilet paper and there was other type of destruction. Surveillance cameras are now being installed, and if anyone sees anything please call the Police Department, since it is getting very inconvenient and expensive. New mulch was put down on the playgrounds at Memorial Park and Gardner. She would also like to remind everyone that the weekly and monthly debris should not be put out until after 6:00 pm the night before. The new garbage will be arriving this week and Stone Mill will be donating flowers for the front of Town Hall, which is the parking lot side. Last week a physical inventory of the Township assets was completed as of December 31, 2015. Each department received their reports and council will receive a full report this evening. The Township is still waiting for feedback from Hillsdale on a proposed shared service for mechanic services. Administrator Groh updated the personnel manual based on JIF requirements. Staff meetings were held during the week of April 11th to discuss the revised manual, outline the changes and answer questions. Administrator Groh has been very busy with budget amendments, emergency appropriations, updating the vendor listings, revising payroll procedures, salary ordinance, evaluating capital funding needs, addressing resident complaints, coordinating repairs at various facilities, obtaining mediation information from the shopping center, creating an inventory of utility meters, coordinating the Ceil Ritter dedication ceremony, interfacing with the Township engineer regarding road paving and so on. The Ceil Ritter dedication of the pavilion at Memorial Field will be held on Saturday, May 7th at noon. She attended the installation and awards ceremony of Boy Scout Troop 321 which was held at the Knights of Columbus, they sponsor the Troop. She stated in 2010 this Troop had only five or six Scouts, now they are up to 20 and two of the Scouts will become Eagle Scouts and that ceremony will be held in June. She stated she is working with Girl Scout Troop 5564 on a beautification project for their Bronze Award. She stated the clean-up which was scheduled yesterday behind the shopping center was cancelled due to the weather. A lot of time was spent visiting the area with our Health Officer. We did speak with the manager of the shopping center, who cleaned up the salt and other things on their end, they will be doing additional cleanup and that whole area will be looking much better. The CERT (Emergency Response Team) will be working at the Relay for Life on May 14th and 15th at the Westwood Regional High School, they will also be working at both the Township's Memorial Day Parade and the Westwood Regional High School

graduation on June 23rd. The Knights of Columbus also has a fundraiser coming up for a child who is permanently disabled and which will be publicized shortly. The River Keeper was the guest speaker at the Pascack Valley Mayor's meeting and he spoke of the programs he has done to improve the ecosystems, especially the oyster project. She stated it was very interesting and she did learn a lot. As a result of that meeting, council will be getting a recommendation for a "No Knock Ordinance." If anyone doesn't want solicitors to visit their homes, they can sign up. At this time we do not have the figures for curbside recycling. We will be discussing the parking situation of Jacob and Horizon later. The Planning Board did approve an extension on a home with a pool, which should be a nice addition to our community.

A conversation followed with regard to the fixed asset inventory which was completed by each department.

REPORT OF COUNCIL

Dr. Cascio - Dr. Cascio stated he attended Mr. Thompson's 60th Anniversary at the Firehouse. He stated it was a nice event and it is amazing that someone can do something for 60 years and is still an active member. He stated he also attended Baseball Opening Day, which was a lot of fun and the kids had a great time.

Mr. Sears - Mr. Sears stated Bob Thompson has been a member of the Fire Department for 60 years and is considered the "Godfather" of the Fire Department. He also attended Baseball's Opening Day and it was great to see all the kids on the field. The heart machine that was donated was used just recently which is a really exceptional and the Police Department will have their machine soon along with the training. The cleanup of the water way by the Scouts was postponed due to the rain. He stated he would like to make a comment on the school budget which is at 3.1%. He stated Dr. Raymond Gonzalez, the head of the school made a comment that "we are trying to be financially responsible." He stated he feels Mr. Gonzalez doesn't have a clue of what is going on in this Township and is so removed from the everyday taxpayers of this Township. He stated to make a statement that he is being financially responsible at 3.1% is ridiculous.

Mr. Calamari - Mr. Calamari stated he has a hard time with what just transpired with regard to the resolution that did not pass on the budget. He believed Mr. Poller presented/outlined very well at the last meeting how he is paid as well as surrounding towns. He stated he doesn't remember anyone having any questions regarding these line items. He stated when Mr. Poller doesn't have enough money to fight COAH, we will then know who to thank when we have more COAH units in the Township than we think we had to. He stated it was \$21,000 which per taxpayer is not a great amount. He sees this as being political to the Department of Law.

Mr. Bruno - Mr. Bruno stated as a group we are making progress, we have been discussing the blue/purple bags and progress is being made with that. He stated we also spoke with Mr. Lifrieri with regard to televising council meetings and we are making progress. He did send an email to Administrator Groh with regard to having Captain Hackbarth attend a council meeting to address the signage and the traffic. Administrator Groh stated it is the Mayor's call on that. Mr. Bruno stated he had asked the Mayor also and she did indicate as soon as we get settled. Mayor Sobkowitz stated we will see how our discussion goes tonight with regard to Horizon and Jacob, then we will talk about it. Mr. Bruno stated he also attended a Planning Board seminar and did meet a gentleman from the County engineering office, he believes. He stated we had a brief discussion on the intersection and this gentleman did tell him something which he feels is too good to be true. He stated this gentleman told him that basically the Township was supposed to spend maybe 10% of the total, but he doesn't know if this gentleman's number was right or wrong. He stated at least it was a contact and hopefully we can move forward.

Mr. Ullman - Mr. Ullman stated he has no report at this time.

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.

Rosa D'Ambra, 423 Colonial Boulevard – Mrs. D'Ambra read from a traffic study of Pascack and Washington Avenue which was conducted by the County in August of 2010, which indicates traffic going towards Westwood, not going north. She also read from a letter dated July 23, 2010 sent to Mayor Sobkowicz which talks about widening the road. She also spoke of Resolution No. 77-11 dated July 13, 2011 from the Bergen County Chosen Freeholders which outline the 21 responsibilities of the Township for that road. She stated the County should be doing the study since it is their roads. She stated that Administrator Groh is correct we should get updated paperwork and maps.

MaryBeth O'Connor, 33 Horizon Court – Ms. O'Connor stated she is happy her neighborhood was poled with regard to parking. She stated consideration has to be taken into with regard to what everyone wants. She spoke of the garbage bags being bothersome. She stated she was told in the past by a councilperson that the main point of the garbage was due to recycling. She stated residents either recycle or doesn't, she recycle because it is the right thing to do. She hopes that this council makes a decision to do away with the bags.

Ray Bernorth, 838 Crest Place – Mr. Bernroth stated he believes the bags are the fair way for residents to pay for garbage. He stated himself and his wife put a small bag out each week, the rest is recyclables. He stated the family next door, which is a family of 4, put out two to three bags per week and have twice pickup. He stated he thinks it is right for them to spend more for garbage since they generate more garbage. He believes having the colored bags is the fair way to do it.

Pat Parsells, 322 Howard Street – Ms. Parsells stated she has lived in the Township since 1955 and the garbage has always been contracted out. She stated in the 1970's and 1980's, residents were paying \$40.00 per month to have garbage taken away and there was a rate increase. She stated at that time a survey was sent to the Township residents and the residents chose the per bag system that was suggested and a flat rate per month. She stated she pays \$26.00 per year for bags and \$15.00 per month to haul the trash with no fuel surcharge. She stated residents were told that the colored bags would cover the dumping. She spoke at length with regard to the colored bag system promoting recycling and recycling does generate money to the Township. She stated she want to keep the per bag system.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment spoke at length with regard to a resolution from 2011 that Mrs. D'Ambra mentioned during her public portion with regard to the intersection. A conversation followed with regard to the hours of the Health Department and the Registrar. Administrator Groh explained the hours that person devoted has not changed, coverage is still needed and we are trying to determine how much time is needed in Town Hall for these outside contractors. Mrs. Ozment stated she believes the Township should have a Health Department. A conversation followed with regard to the past with reference to consortiums and if someone does call the Health Department someone will get back to them. A conversation followed with regard to the list of requirements posted on the website for a Summer Recreation Coordinator.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi mentioned an article from Community Life dated August 6, 2015 which references the DMF Building. She stated the study does need to be introduced and there also needs to be a discussion of the facility. She asked Mr. Calamari what is the status of the video of meetings. Mr. Calamari stated he did look into the audio, there needs to be an upgrade and that is a nominal amount. A conversation followed with regard to the bids that came in for the replacement of the well at

Memorial Field. Administrator Groh replied BSE Mechanical of West Milford will be replacing the well, their bid was under \$6,000. A conversation followed regarding the fixed inventory list, the threshold of \$500 and the process of keeping that list updated via various departments.

William Ferrara, 2556 Cleveland Avenue – Mr. Ferrara thanked the Police Department for traffic control Opening Day at Clark Field. He spoke at length with regard to the traffic situation on that day. He state he noticed pink spray painted on Cleveland Avenue and would like to know what that means. Administrator Groh stated she is not sure if the pink was placed there in connection with the engineer's efforts. She spoke at length with regard to the engineer being contacted and performing+ an inspection with regard to the roads that were just paved. A conversation followed with regard to recycling and household pick up. Mr. Ferrara commented on the emergency appropriation of \$11,2000 for garbage. He stated if there is an issue with tax appeals or COAH, emergency reserves can be used to cover that rather than saying the Township has no money. Mr. Ullman addressed the various mechanisms that are in place with regard to making transfers. Mayor Sobkowicz spoke of the State approving emergency transfers and the State not approving emergency transfers if it was known about and not funded. A conversation followed with regard to emergency road openings by PSE&G and SUEZ Water. Administrator Groh stated every April each town does give PSE&G a list of roads that are going to be paved. Mr. Calamari stated the emergency appropriation Mr. Ferrara is referring to is when A&P went out of business and there was no place to buy garbage bags, that being a health issue. He stated that type of emergency is different than moving money for tax appeals and/or COAH. Mayor Sobkowicz stated the auditor had to call the State for approval to set up that account.

Julie Lipnick, 184 Finnerty Place – Ms. Lipnick asked if someone from the DMF come and look at the storm drain on the corner of Finnerty and Devon since it appears to have shifted. Ms. Lipnick spoke of the temporary make shift fence at the back of the shopping center and there are no cars coming over that berm. Mr. Calamari stated plants are the long term solution for that berm. She asked what is the status of the household pickup since she did have bags out and they were not picked up. Mayor Sobkowicz replied it has gone back to the way it was in the past.

Scott Spezial, 785 Washington Avenue – Mr. Spezial asked if the elimination of the bags will increase taxes, why is that being considered. Mr. Ullman replied he personally doesn't believe eliminating the bags will increase taxes. He stated we are evaluating the bags and there is possible misinformation/misunderstanding as to what the bags are and who requires them. Mr. Spezial asked Mr. Ullman that he believes it will not increase taxes. Mr. Ullman replied in his opinion he doesn't believe it will increase taxes. Mr. Spezial stated he asked Mr. Ullman two weeks what it cost to sod that portion of Memorial Field and he would like to know if Mr. Ullman as an answer. Mr. Ullman replied he doesn't have that answer. Mr. Spezial stated about a month ago he asked Mr. Ullman how much water is being used on Memorial Field on a yearly basis and he never gets an answer. He spoke at length regarding the run off of water every time it rains onto the C-1 waterway and polluting of the lake. He asked if a portion of Memorial Field is being sodded. Mr. Ullman replied that is the recommendation. Mr. Spezial spoke of drainage and he feels the field is being band aided at the cost to the taxpayers. He asked Mr. Ullman if putting artificial turf would solve all the drainage problems on that field. Mr. Ullman stated he doesn't have an opinion on that. He spoke at length with regard to Mr. Statile addressing the public with regard to additional work being needed to address the drainage and runoff. He stated we have a back of the napkin estimate and we need shovel ready plans. Mr. Spezial spoke at length with regard to contamination of the lake by the run off of the field. He stated all the lake residents have to do is take a soil sample which would create a liability for the Township. He spoke of the well becoming operational in the next few days. He stated he knows how much water is used annually to on that field to keep it in the lousy condition it is in. Mr. Calamari stated the Township paid

for the back of the napkin estimate and it was done by an engineer, he hopes it was a poor choice of words by Mr. Ullman. Mr. Ullman stated to clarify a preliminary study, drawing and an estimate of some expenses was done. He stated shovel ready plans would need to be developed along with a cost estimate for those shovel ready plans. He believes further steps need to be taken in order to address a final solution that will also address drainage. Mr. Calamari stated no company will give us firm quotes on it unless they know there is money to back it up since it is time consuming to prepare an estimate for a project this size. A conversation followed with regard to the 2.45 million estimate is currently up for referendum.

Toni Plantamura, 808 Robinwood Road – Ms. Plantamura stated we have two newly elected councilmen on January 1st and whatever issues there are with regard to Memorial Field is due to a failed administration prior to January 1st. She stated no one acted in the last ten years on this issue. She spoke at length with regard to the fairness of the garbage bags, residents use less bags so the taxes don't go up. She stated the same principal should be applied to Memorial Field, people that want to play on Memorial Field turf should pay for turf at Memorial Field.

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

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

Nays: None.

ORDINANCES

2ND Reading Ordinance No. 16-03

The Clerk read Ordinance No. 16-03 entitled: AN ORDINANCE ESTABLISHING AN IMPOUNDING FEE WITH RESPECT TO RECOVERY OF STRAY DOGS AND OTHER STRAY ANIMALS.

A motion was made by Dr. Cascio seconded by Mr. Sears, to introduce and pass Ordinance No. 16-03 at second reading by title.

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

Nays: None.

The following resolution, Resolution No. 16-192 was presented and adopted on a motion by Dr. Cascio, seconded by Mr. Calamari.

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 16-03 entitled: AN ORDINANCE ESTABLISHING AN IMPOUNDING FEE WITH RESPECT TO RECOVERY OF STRAY DOGS AND OTHER STRAY ANIMALS be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Dr. Cascio, seconded by Mr. Sears, to open the Public Hearing.

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

Nays: None.

A motion was made by Mr. Calamari, seconded by Dr. Cascio, to close the Public Hearing.

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

Nays: None.

A motion was made Mr. Sears, seconded by Dr. Cascio, to pass Ordinance No. 16-03 on a second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

CONSENT AGENDA

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

Mr. Ullman – Mr. Ullman stated we will strike through Resolution No. 16-193 based on the actions earlier in the meeting this not required.

Resolution No. 16-193

Temporary Emergency Appropriation

WHEREAS, an emergent condition has arisen with respect to appropriations and no adequate provision has been made in the 2016 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriations for the purpose above-mentioned; and

WHEREAS, the total temporary budget and emergency appropriations adopted in the year 2016, including this resolution total \$4,555,343.50.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Washington, in the County of Bergen, State of New Jersey (not less than two-thirds of all members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20, that the following additional emergency temporary appropriations be made and that said emergency temporary appropriations be added to the Temporary Budget adopted heretofore as follows:

DESCRIPTION	CURRENT EMERGENCY APPROPRIATIONS
GENERAL GOVERNMENT FUNCTIONS	
MUNICIPAL CLERK	
Salaries & Wages	\$3,000.00
UNIFORM CONSTRUCTION CODE	
Salaries & Wages	\$5,000.00
Other Expenses	\$20.00
PUBLIC SAFETY	
POLICE DEPARTMENT	
Salaries & Wages	\$21,000.00
Other Expenses – Telephone System	\$500.00
Other Expenses – Community Policing	\$125.00
FIRE HYDRANT SERVICE	\$3,000.00
HEALTH	
Other Expenses	\$1,000.00
PUBLIC WORKS FUNCTIONS	
MUNICIPAL FACILITIES	
Street Sweeping	\$4,500.00
MUNICIPAL COURT	
Salaries & Wages	\$4,400.00
JOINT HEALTH SERVICES	\$3,100.00
MAINTENANCE FREE LIBRARY	\$41,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

Administrator Groh – Administrator Groh stated with regard to Resolution No. 16-194 the Township may not have to go out to bid. She stated she believes there may be an opportunity since Mr. Cavallo is a had been the Township QPA that she can get some special status by virtue of that, she has asked Mr. Poller to look into that. She stated this is resolution is so the process not stalled.

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. 16-194

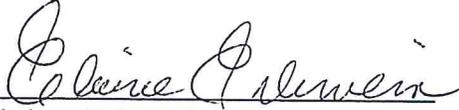
Authorizing the Solicitation of Bids for Sod at Memorial Field

WHEREAS, the Township of Washington has the need to advertise for bids for the installation of sod at Memorial Field; and

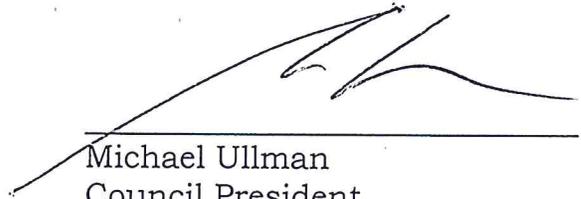
WHEREAS, the Township Council wishes to adopt a resolution to authorize the solicitation of bids;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, that the Township of Washington hereby authorizes the solicitation for bids as referenced above by the Township Administrator.

Time note: 9:25 p.m.



Elaine Erlewein
Township Clerk



Michael Ullman
Council President

Approved: June 13, 2016

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

CONFERENCE PORTION/PUBLIC SESSION

May 2, 2016

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

Time Noted: 9: 30 p.m.

CURRENT BUSINESS

Habitat for Humanity - VFW - Mr. Poller stated that Habitat has completed a Phase 1, but they will be conducting a Phase 2 based on the results of Phase 1. Habitat is asking an extension of 90 days. He is asking council to give Habitat the extension on the contract. Mr. Poller stated Habitat has not taken possession of the land but they have done quite a bit already. He feels it is in the best interest of the Township to grant this 90 day extension.

A motion was made by Dr. Cascio, seconded by Mr. Sears to grant the 90 day extension to Habitat for Humanity.

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

Nays: None.

Parking Horizon Court - Administrator Groh stated Captain Hackbarth is recommending against signage for Horizon and Jacob due to safety concerns. A conversation followed regarding the results of the survey conducted. Mr. Calamari stated Captain Hackbarth mostly looks at safety concerns, but we also need to look at the results of the survey, in which 5 people were in favor and 3 against. A conversation followed regarding adding Horizon Court to Ordinance 223-73. Comments were also made with regard to the no parking signs being posted.

A motion was made by Mr. Ullman, seconded by Mr. Sears to include Horizon Court in Ordinance 223.73, no parking/time limited parking with posting of the signs.

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

Nays: None.

A conversation followed regarding removing Colonial Boulevard and adding Eton Road, South Chestnut Street to Ordinance 223.73. Comments were also made regarding when the ordinance can be introduced.

Shared Services/Dispatching - Mr. Ullman spoke of comments made by members of council regarding dispatching and what is being done via civilians versus what is being done via police. He stated he tried to inquire if there were firm numbers. His only comment is in the future if numbers are given out, to be aware that they may be asked to support those numbers. Mr. Sears stated he did sit down with the Mayor and Police Chief, compared the hours and used the current rates. He stated the hours are 8760, 70% civilians at approximately \$20.00 per hour, 30% police and we came up with the numbers. He also spoke of a newspaper article i regarding Oakland fighting the outside dispatching service and Franklin Lakes pulling out of dispatching services Mahwah.

Intersection - Administrator Groh stated contacted County Engineer Nancy Dargis and had a conversation with her. She stated the conceptual design is subject to a slight change except to the right hand turn lane. (Administrator Groh handed to council a sketch dated 2015.) Administrator Groh stated she does have a design with an aerial view. She spoke of the cost of land acquisition and engineering components, which would be the Township's responsibilities. She spoke of the various properties that would need to be acquired by the Township and the value of those properties. She stated the light blue markings are the proposed new curb lines and the yellow

markings are the lane designations. She stated she also learned the County eliminated the need for traffic studies. A lengthy conversation followed with regard to the need of land acquisition and the northwest quadrant. Mayor Sobkowicz suggested the Director of Engineering should be asked to give an estimate. Administrator Groh spoke at length of the Township's responsibilities, such as moving the existing utilities, the design, survey and field work. Mr. Ullman stated he feels this is a quality of life issue and would like to figure out how to move forward. Mr. Bruno spoke of meeting Eric Timsak of the County. A discussion followed with regard to assessed values of the lots, subdivisions and eminent domain. Mr. Sears spoke of purchasing of the properties, putting a commuter parking lot and charging per vehicle. He spoke of DOT money for the bus pulling in and not blocking traffic. A conversation followed with regarding asking the County to tweak their plans by leaving out the properties next to Sky Trading and Meisten. Mr. Ullman asked if it would be possible to have someone from the County come in and discuss the corner. A conversation followed regarding asking the Director of Engineering to give a quote on the engineering aspect of the corner. Mr. Ullman stated former Councilman Beckmeyer, who is an engineer, stated his opinion being this is a County issue. Administrator Groh listed at length the responsibilities of the Township and those of the County regarding this intersection. Mr. Sears stated we learned a lesson when the Mayor of Emerson was here, he stated it took 40 years and the County didn't move until town spent money. Mr. Calamari suggested putting a non-binding question on the ballot in November regarding spending money for the intersection. Mr. Bruno suggested establishing a committee with regard to the intersection and meeting with the County. He stated we should get a group together, such as the engineer, attorney, and mayors from surrounding towns and sit down at talk with representatives of the County. Mr. Calamari spoke of other towns receiving financial aid from the County. Mayor Sobkowicz stated we need backing from the surrounding towns since this effects the Pascack Valley. A conversation followed regarding having a question on the ballot this November regarding the intersection. Mr. Ullman asked Administrator Groh to inquire of the engineer an estimate regarding the intersection. Mr. Calamari stated he would like to have Mr. Beckmeyer sit on the committee since he would be an asset to the committee with his engineering background.

Memorial Field – Administrator Groh stated the pump and 200 feet of piping will be installed tomorrow (May 3rd). Mr. Ullman asked if there is any other activity with regard to Memorial Field. Administrator Groh spoke of the drainage issue of Memorial Field. She stated there is a whole cost component with the drainage, regardless of natural grass or turf. She stated the town must deal with the cost regardless of the outcome of the referendum. She stated the recreation program will be using the field, the playground has been sodded and the pavilion will be dedicated this weekend. She stated the bathrooms at both Memorial and Clark have been power washed along with new clay on the ballfield. A lengthy conversation followed regarding relocating the men's softball to the Knights of Columbus. Mayor Sobkowicz stated she is not going to relocate them to that location since they will need a generator, rental of lights and then restoring of the field. A conversation followed with regard to relocating men's softball to the back field of the high school. Mr. Ullman stated Mr. Spezial, as the irrigation specialist, asked that the well be blown out before connection due to sediment issues. Mayor Sobkowicz replied Mr. Spezial was there. A discussion followed regarding the pipes being blown out so the irrigation head do not get clogged with sediment.

Salary Ordinance – Mr. Ullman stated Salary Ordinance has been added to the agenda but not finalized. Administrator Groh stated one change suggest unilaterally is consistent with Mr. Ullman's vote on the amendment. Mr. Ullman spoke of the Salary Ordinance and the component for the Department of Law and the collection of fees at an hourly rate. He stated the edit he submitted was to remove that component for the hourly rate, the salary would remain unchanged, but the hourly rate would not be there. Administrator Groh stated she is still working out the allocation of salary for the Health

Department and expects to have it completed by the next meeting. A conversation followed regarding the passing of the Salary Ordinance in the past and passing it sooner rather than later this year. Mr. Calamari stated his concerns regarding Mr. Ullman removing the line item. Mr. Ullman replied it is a draft ordinance and he submitted an edit to the draft ordinance. He asked if anyone had any comments or questions to provide those. Mr. Calamari stated Mr. Ullman didn't bring up he was going to change the ordinance and asked what is going to be the Department of Law's way to bill for any extra work they do if that is removed. He stated what Mr. Ullman is saying is outside the salary the Department of Law will not be able to bill for extra work and we are assuming the Township Attorney will not be doing any extra work this fiscal year. Mr. Sears stated with that being said what happens if something happens. He would like to hear what we are proposing in its place. Mr. Ullman stated he believes the Department of Law, the way it is defined; those areas are within the scope of the salary. Mr. Calamari asked if Mr. Ullman is disagreeing with everything that Mr. Poller explained at the last meeting and all the surrounding towns that indicate this is done not on the clock. He stated those who have businesses, if time is spent on something extra the expectation is to be compensated. He stated anyone who believes we are getting a full time attorney for \$70,000/\$71,000 in his opinion is out of their mind. He stated he sees this as being a nightmare down the line and he believes it is politically motivated because he is not hearing how we are going to do anything extra that comes up, we are saying we expect it all and that is unreasonable. He stated Mr. Ullman changed his vote, he doesn't know why and Mr. Ullman has his internal conscious to deal with. He stated this road we are going down is so politically motivated that it is ridiculous. Mr. Poller stated he would like to know what towns Mr. Ullman looked at that followed the formula of not paying an attorney for doing litigation. Mr. Poller asked Dr. Cascio how many towns did he find that did that. Dr. Cascio replied none. Mr. Poller asked Mr. Bruno how many towns did he find that don't pay their attorneys for doing litigation on an hourly basis. Mr. Bruno stated he didn't research the towns, he did read Mr. Poller's job description and to him it was pretty specific as to what Mr. Poller does for the town. He stated he believes \$70,000 a year is, in his opinion, a substantial amount of money. He stated Mr. Poller is not available full time and he doesn't have an email address on the Township email server, and he believes that Mr. Poller's billing is block billing which is something that the New Jersey Controller Office frowns upon. He stated when he read Mr. Poller's job description to him it states that Mr. Poller is responsible to represent the Township, that is how he read the job description. Mr. Poller asked if Mr. Bruno read the Ordinance, the part of the Code, that states there is supposed to be a Salary Ordinance and that this the way it has been since the 1970's. Mr. Bruno how things have been is not an answer, it doesn't work that way. He stated he is reading the law and the ordinances and that is the way he is interpreting it. Mr. Poller stated he went to the towns in the area, such as Hillsdale, Montvale, Park Ridge, Saddle River, Paramus, Ramsey, Woodcliff Lake, Upper Saddle River and Westwood. He stated he also went to towns outside the area, such as Verona, Fair Lawn, Haworth and every town under the sun, and there is not a lawyer around that doesn't get a certain amount of money for work and then litigation, which is unknown at the beginning of the year and tax appeals which is also unknown at the beginning of the year. He stated litigations such as COAH, all sorts of lawsuits, eminent domain; these are all unknowns at the beginning of the year. He stated Mr. Calamari expressed pretty well what it is and it is obvious what is going on here. Mayor Sobkowitz stated she has never seen town attorney that actually works in the Town Hall, they all work out of their law firm. Mr. Bruno stated that the Mayor was the one who put the money in for COAH and the council is to give the recommendation. He stated if there is any issue that is on the table it is the appeals. He stated council went with the Mayor's recommendation and she indicated more than once that she didn't want to spend more than what she recommended. He stated she stated this at the budget meetings and the last council meetings. He stated the Mayor is not allowed technically what

your amount was but the Mayor voted to change it. Mr. Calamari asked how are tax appeals to be addressed leaving COAH off the table, we didn't do what the Mayor recommended on that. Mr. Bruno stated that the Administrator is speaking to the Mayor to tell me something. Mr. Calamari stated he would like to know how we are going to deal with tax appeals, the Mayor did put that in and it was cut. Mr. Bruno stated he is hoping that is part of the Director of Law's job description. Mr. Calamari stated Mr. Bruno thinks a description automatically ties into pay. He stated if a client asked Mr. Bruno to do x and then add y and z down the line you will add that for free, if so he would put him on his payroll. He stated the silence is deafening. Dr. Cascio stated the Charter is what we go by, it states the borough attorney is responsible for all litigation that includes appeals, it doesn't state some appeals, tax or appeals or other appeals, it states appeals. He stated he is getting a salary for \$70,000 per year and he is entitled to do that work. He stated if he cannot do the work, he can't do the work. Mr. Calamari stated Dr. Cascio is a chiropractor, if he needs one visit per week and another person needs three visits per week, would Dr. Cascio charge the same for both patients. Dr. Cascio replied no, he would not charge the same. Mr. Calamari stated it states Mr. Poller is responsible for them. Dr. Cascio stated it he is not asking for extraordinary work. He stated Mr. Poller explained you don't have to have any extraordinary training for doing tax appeals, COAH litigation, outside labor law, so that falls under a general attorney that Mr. Poller can handle. Dr. Cascio stated it has been proven to be extraordinary work, through his words or actions and Mr. Poller has 35 hours per week. A discussion took place on the status of full time versus part time position of Mr. Poller, and what was done in the past regarding contributions. Mr. Ullman stated Mr. Calamari's point is noted on record. Mr. Calamari stated he would like to know how this is going to be dealt with this because he doesn't feel it is fair to ask the Department of Law, Mr. Poller in particular to work at a full time job as what is being said here for \$70,000 per year for an attorney, let us all get real. He stated that is why it was like this for all this time, not because it is wrong because it is the right thing to do. He stated for my business he needed minimal schooling and he makes way more than \$70,000 per year. He believes this is so politically motivated that if the 3 people would like to say it is not politically motivated he really likes to hear that from their mouth. Dr. Cascio stated it is not politically motivated; he is doing what is in the best interest of the Township's taxpayers. Mr. Sears stated Dr. Cascio cannot be because he is not supporting the tax appeals and COAH. Dr. Cascio stated the Township attorney is required to do those under the Code. Mr. Calamari stated in the Salary Ordinance, up until now it states Mr. Poller is entitled to \$135.00 per hour. He asked why the ordinance is being changed. Dr. Cascio replied to follow the Code. Mr. Calamari stated the Code says Mr. Poller is responsible for, it doesn't state it includes his pay. Dr. Cascio stated it doesn't state for any position it includes his pay. Mr. Poller stated that Chapter 55 should be read when speaking of job description. He stated it states the "salaries and compensation of all officers and employees of the Township are set forth from time to time by ordinance of the Township Council, copy of the currently effective salary ordinances on file in the office of the Township Clerk and available for examination during office hours." He stated regardless of whether anyone thinks that past practice means anything in the employment industry and employment law past practices mean a lot. He stated when he looks at this town since the 1970's has paid the attorney this way but moreover even currently if you look at little time to look at the towns he mentioned, in the Pascack Valley or elsewhere, you will find that attorneys are paid for litigation on an hourly rate. He stated there are a variety of compensations, some are salaries, some are stipends, some are retainers, some are straight hourly, but hourly rate is what you get paid to do litigation. Mr. Sears stated he is disappointed, and everyone has a right to change their vote, but the interpretation by Mr. Ullman is disappointing. He stated he sees the motivation of trying to force Mr. Poller out, he just hopes Mr. Poller stays here and the people who are trying to force you out are more than likely are probably not in this room, but their day will come and he guarantees that. Mr.

Calamari stated this is so wrong and it is punitive. He stated Mr. Ullman changed his vote and took it upon himself to remove the \$135.00 per hour and he is having a major problem with that. Mr. Ullman stated it is a draft ordinance. Mr. Calamari stated this should be spoken as a council body without each of us giving our own independent things to the administration. He stated if Mr. Ullman wanted to do that way not talk about it in front of the fellow council members and public and indicate you want to change this as opposed to trying to ram it through and we see it in print. He stated he believes Mr. Ullman is answering to outside individuals and is going against the oath that he took as a councilperson, if he can live with that, so be it. A conversation followed with regard to the status of the Township on this subject. Mr. Calamari stated he doesn't know what Mr. Poller's next step will be but he does see litigation with this and will cost the Township a lot more in litigation than to treat this man fairly. Mr. Ullman stated Mr. Calamari is entitled to his opinion. Administrator Groh stated she is not going to stay for closed, since it is not a matter for the administration, but she is handing out two things to council, one is the inventory that was distributed to each department and second is the Employee Handbook that each council member is governed by as a representative and councilperson. Administrator Groh stated Mr. Poller did have some involvement; it was changed not only for JIF but also some things were changed for practical matters. She stated each council member individually needs to sign off that they received the Employee Handbook and each council member should read it.

Resolution No. 16-195

Closed Session, May 2, 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 of 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/PENDING LITIGATION**

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 FURTHER RESOLVED, 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 _____.

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

 x .

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

Time noted: 11:02 pm



Elaine Erlewein
Township Clerk



Michael Ullman
Council President

Approved: June 13, 2016