

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

PUBLIC MEETING/CONFERENCE SESSION

September 26, 2011

The Township Council held a Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:30 p.m. by Council President Fred Goetz with the Clerk leading the salute to the flag. Members present: Glenn Beckmeyer, Steve Cascio, Joseph D'Urso, Richard Hrbek, Fred Goetz. Absent: None Also present: Janet Sobkowicz, Mayor; Kenneth Poller, Attorney. Absent: Lilly Chin, Acting Administrator.

Pursuant to the provisions of the Open Public Meetings Act, this meeting was noticed with the Ridgewood News, posted on Municipal Bulletin Board and filed with the Municipal Clerk.

APPROVAL OF MINUTES

A motion was made by Dr. Cascio, seconded by Mr. Beckmeyer to approved the August 15, 2011 Public and Conference minutes of the Township of Washington and the August 23, 2011 Special minutes of the Township of Washington

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

Nays: None

PUBLIC DISCUSSION

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

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

Nays: None

Elizabeth Leahy – 275 Wilson Avenue - Mrs. Leahy asked if there was an update on the cell tower. Mr. Poller stated that he spoke to the Verizon attorney just this afternoon and that they were looking at the site on the other side of the building. They were doing research and were fairly confident that the tower could be placed there. There were still some issues and that there needed to be a Phase II review of the site. Mr. Poller said that there was a positive feeling about the other side of the building. The town should know something in a short period of time.

Ray Bernroth, 838 Crest Place - Congratulated the town on finally getting the handicap sign up and that he now has a place to park. He said that he was also glad to hear about the cell tower and that it was moving along. He said that hopefully the cell tower would be up and going in his lifetime.

Rose D'Ambra, 423 Colonial Boulevard – Wanted to inquire about the League of Municipalities Conference coming up. She stated that it cost \$10,000 to send all the people from town to go to the Conference. The Clerk told Mrs. D'Ambra that \$400.00 is the maximum given to anyone attending the Conference and that usually only Mrs. Do and the Clerk attended the Conference. The Clerk and Administrator were the only ones that went last year. Mr. Goetz and Dr. Cascio said that they attended the Conference last year for 1 day and there was no cost to the municipality. She then said that she had given the town pictures and addresses of sidewalks on Washington Avenue that needed repair. She said this was done at the June 13 meeting. Mayor Sobkowicz said that the houses in question did get new letters to fix the sidewalks but were given 90 days to repair the sidewalks. Mrs. D'Ambra said that the sidewalks need to be fixed because it would be dangerous to walk on Washington Avenue.

David Snyder, 91 Windsor Circle – Said he was pleased to hear that the town was going to have a cell tower in the future. He then started to talk about Exit 168. Mr. Goetz stated that there was a meeting that the Council was not invited to with County Officials and Municipal Officials and that the Mayor would have to answer any questions about the exit. Mayor Sobkowitz stated that the County Officials came to discuss the Malaszuk property on Washington Avenue and the 2 driveways on that property. She said that the County has consented to move the driveway to Jackson Avenue. She also said that even though that was the reason for the meeting, the County did discuss Exit 168. The County told the Mayor that there would be no acceleration lane off the exit and that the stop sign would stay instead of a yield sign. They also told the Mayor that they pledged their help to the Township with Exit 171 with whatever the Township decides to do. Mr. Snyder talked about an article that had been in the paper about the exit. He also stated that the Township needs to resolve Exit 168 and Exit 171 before they can go forward with the corner of Washington Avenue and Pascack Road. He also talked about what legal action the Township might take in reference to Exit 171.

Julie Lipnick, 184 Finnerty Place – Said that she had come to Council some time ago about Seasons parking at other places and wondered if anyone looked into the possibility. She then said that she lives near the lake and felt blessed that the Township did not really get hit hard by Hurricane Irene. She said that she heard that the town had \$1,000,000 in damages and wondered about the figure. Mayor Sobkowitz stated that she did not know the exact numbers at this time and that she would have the figure by the end of the week. She said that she thought there could be \$650,000 worth of damage. Mrs. Lipnick stated that the sidewalk that Mayor Sobkowitz talked about that was damaged had been damaged a long time before the hurricane. Mayor Sobkowitz said that the hurricane aggravated the problem with the sidewalk. Mrs. Lipnick asked about the blown generator and if the cost to rent the other generator was in the cost and asked if the Township would be going to purchase a new generator. Mayor Sobkowitz stated that the Township was going out to bid on the generator as there was an ordinance already in place. The bids will be opened soon for a new generator.

Robert Stickle, 191 Walnut Street – Said that he was here about a letter from the Township Attorney in reference to his purchasing a piece of Township property. Mr. Goetz apologized for not getting back to Mr. Stickle during the past 2 weeks and said that he would be setting up a meeting with himself, Mr. Hrbek and Mr. Stickle to discuss the issue.

William Ferera, 2556 Cleveland Avenue – Said he wanted to ask several questions about the refurbishing of the corner of Washington Avenue and Pascack Road. Read from an article he saw in the newspaper and asked about the ordinance. He said that he didn't quite understand the topic. Mr. Goetz said that on February 25 he, Mr. Beckmeyer, Mayor Sobkowitz and other officials went to a meeting in the County in reference to the improvement of Washington Avenue and Pascack Road. He said that the County gave them a sample resolution talking about the different responsibilities of the County and the Township concerning the improvements. He said that the County would be investing approximately \$2,000,000 to improve the traffic flow and to improve the traffic light, which has had problems for some time. The traffic flow would be improved from 130% to 73% with the improvements. The Council looked at the resolution and placed it on the Consent

Agenda. The Council was aware that there would be costs involved with land acquisition, such as a 2 ft. x 100 ft. slice from the gas station if the improvements were not approved by the Zoning Board. Other expenses were possibly improved sidewalks, lighting, etc. Mayor Sobkowicz talked about the fact that the town would have to pick up the engineering costs. Mr. Ferera then suggested that police personnel be at Exit 168 in the afternoon directing traffic off the exit. A discussion followed and Mr. Hrbek stated that he thought that it was not a good idea because of a safety factor. There had been talk about a traffic light, but the traffic light was considered dangerous for vehicles coming down the Washington Avenue hill. Mr. Ferera then asked if there was any damage to the library by Hurricane Irene and Mayor Sobkowicz stated that there was no damage to the library but that there were problems with leaking that still needs to be patched.

There being no further questions or comments, a motion was made by Mr. Hrbek, seconded by Dr. Cascio to closed the public discussion.
Ayes: Councilpersons Beckmeyer, Cascio, D'Urso, Hrbek, Goetz.
Nays: None

ORDINANCES

The Clerk read Ordinance 11-15 entitled: AN ORDINANCE REQUIRING A CERTIFICATE OF CONTINUED OCCUPANCY.

At this point there was a lengthy discussion between Council members about the ordinance and whether it could be considered too restrictive. Mr. Poller stated that it was drafted after the Saddle River ordinance given by the building inspector who was also the inspector in Saddle River. The Council was told that it brought in everything on the premises for review. Mr. Goetz said that the ordinance was meant to help new residents so that they would know if there were open permits on the property. Mr. Beckmeyer said that it seemed too restrictive and that the surveyors would have to locate everything and not just worry about safety issues. Mr. D'Urso said that he thought the Council wanted something simple on the record. Dr. Cascio said that it seems that the Council was nitpicking. He said that he wanted to leave the ordinance as given to the Council. Said that he didn't want to put a burden on a buyer or seller of a property. Mr. Hrbek said that in his opinion this is where the wheels go off the bus as soon as we try to get too specific. He felt that the ordinance should be more general. It was agreed to introduce as presented to Council and that it could be revisited at a later date.

A motion was made by Dr. Cascio, seconded by Mr. Hrbek to introduce and pass Ordinance 11-15 at first reading by title.

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

Nays: None

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

WHEREAS, Ordinance No.11-15 entitled: AN ORDINANCE REQUIRING A CERTIFICATE OF CONTINUED OCCUPANCY was introduced and passed at first reading by title at a meeting of the Township Council of the Township of Washington on the 26th day of September 2011.

NOW, THEREFORE, BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 17th day of October 2011 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the

Municipal Building, Pascack Road, Township of Washington, NJ at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance;

BE IT FURTHER RESOLVED, that the Township Clerk is authorized to advertise in the Ridgewood News a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

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

Nays: None

The Clerk read Ordinance 11-16 entitled: AN ORDINANCE CONCERNING THE TOWNSHIP PERSONNEL MANUAL.

There was a lengthy discussion about the introduction of this ordinance. Mr. Hrbek stated that as soon as you put something like this in writing that it ties your hands. Mr. Goetz feels that it is important for Council to approve changes to the personnel manual. Mr. Beckmeyer asked if it was part of the duties of the Council to approve changes to the personnel manual. Mr. Goetz said that the personnel manual was originally approved by Council. He said that he felt that it was another check and balance. Mr. Poller said that JIF put out a letter about the town having a personnel manual and it went to many towns. He said that most towns are not Faulkner towns and that the resolution was passed the same way that borough towns passed the resolution. Mr. Poller talked about the Council getting involved. He said that personnel are the Mayor's call. He then gave examples of what he meant. Mr. Poller said that it is an administrative function. Mr. D'Urso said that they are only trying to do a simple thing here. He talked about standards. Mr. D'Urso talked about being frustrated. Mr. Poller then explained to Council how the government was set up in Township of Washington, similar to the way our federal government is set up. Mr. Hrbek said that he felt that the Council had digressed to the point where lines have been drawn. He said that if changes are made, it could be discussed with Mayor but everything seems to be polarized. He said that there is no communication and this is very indicative of how we have digressed. He said that there seems to be many issues and there is no open dialogue. He said that he did not know where the problem lies. He said that he feels that the Council is micromanaging. Mr. Goetz said that he agreed that there was a lack of communication and it is disheartening. He felt that changes without approval of Council could be used to the detriment of the employees. Mr. Hrbek said that the Council should be conducting themselves in a certain manner and that the Council needs to work on how they conduct themselves.

A motion was made by Mr. D'Urso, seconded by Mr. Cascio to introduce and pass Ordinance 11-16 at first reading by title.

Ayes: Councilpersons Cascio, D'Urso, Goetz.

Nays: Councilpersons Beckmeyer, Hrbek

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

WHEREAS, Ordinance No.11-16 entitled: AN ORDINANCE CONCERNING THE TOWNSHIP PERSONNEL MANUAL was introduced and passed at first reading by title at a meeting of the Township Council of the Township of Washington on the 26th day of September 2011.

NOW, THEREFORE, BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 17th day of October 2011 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the

Municipal Building, Pascack Road, Township of Washington, NJ at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance;

BE IT FURTHER RESOLVED, that the Township Clerk is authorized to advertise in the Ridgewood News a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

Ayes: Councilpersons Cascio, D'Urso, Goetz

Nays: Councilpersons Beckmeyer, Hrbek

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.

At this point, it was asked to have the Open Space Grant Resolution removed from the Consent Agenda as this was just a copy of a resolution that had previously been approved missing a paragraph concerning the date of a public hearing on the Open Space Grant.

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

Ayes: Councilmen Beckmeyer, Cascio, D'Urso, Hrbek, Goetz.

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Council hereby consents to the appointment of Victor Wroblewski, trustee of the Free Public Library of the Township of Washington, as read by Mayor Sobkowicz, to serve an unexpired term ending 12/31/11.

WHEREAS, Mr. Charles Messina posted a Performance Board on premises known as Block 4404, Lot 19, 328 Colonial Boulevard; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated September 7, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the Performance Bond in the amount of \$3108.00 to the above.

WHEREAS, Temple Beth Or posted escrow on premises known as 56 Ridgewood Road; and

WHEREAS, they would like a refund of their escrow as there are no engineering fees to be filled, as per their letter which is attached.

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the escrow money in the amount of \$344.00 to the above.

WHEREAS, Mr. & Mrs. Alan Esposito posted engineering and soil movement escrow on premises known as Block 2402, Lot 19, 268 West Place; and

WHEREAS, the Construction Code Official has issued approval dated September 21, 2011, C.O. No. 10-421;

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated August 4, 2011.

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 \$439.00 to the above.

WHEREAS, Nancy Arcieri posted engineering escrow on premises known as Block 2318, Lot 24, 951 Harrison Avenue; and

WHEREAS, the Construction Code Official has issued approval dated September 1, 2011, C.A. No. 11-304;

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated August 25, 2011.

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.

WHEREAS, the Bergen County Tax Board reduced the assessment for Block 4521, Lot 8, 171 Cosman Street, owners Philip Cerne and Lisa Mason for tax year 2011. Tax account is being serviced by Wells Fargo. As a result of this judgment 3rd quarter 2011 tax payment was overpaid and;

WHEREAS, under the New Jersey Statute 54:3-27.2, refund of excess taxes is to be refunded to homeowner;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Chief Financial Officer, Jacqueline Do, be authorized to issue a refund to:

Wells Fargo Real Estate Tax Services, LLC
Attention: Financial Support Unit-Region 1
MAC#X2302-04D
1 Home Campus
Des Moines, IA 50328

TOTAL: \$144.61

WHEREAS, an overpayment was received for Block 2202.02, Lot 4, 713 Tulane Ct, former owner, Dimitri Papanicolaou for the 3rd quarter 2011. Payments were received on August 12, 2011 by Mark Sokolich, Esq., attorney for new owners and by lender of record (Corelogic). Corelogic is seeking refund for the double payment and:

WHEREAS, under the New Jersey Statute N.J.S.A. 54:3-27.2, overpayments must be refunded:

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Chief Financial Officer, Jacqueline Do, be authorized to issue a refund to:

Corelogic
Attention: Tax Refunds
1 Corelogic Drive
Mail Code: DFW 1-3
WestLake, TX 76202

REFUND: \$1,363.89

WHEREAS, the Bergen County Tax Board reduced the assessment for Block 2319, Lot 30, 478 Jackson Avenue, owners Dino DeVirgilio and Gina DeVirgilio for tax year 2011. Tax account is being serviced by Corelogic. As a result of this judgment 3rd quarter 2011 tax payment was overpaid and;

WHEREAS, under the New Jersey Statute 54:3-27.2, refund of excess taxes is to be refunded to homeowner;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Chief Financial Officer, Jacqueline Do, be authorized to issue a refund to:

Corelogic
Attention: Tax Refunds
1 Corelogic Drive
Mail Code: DFW 1-3
Westlake, TX 76202

TOTAL: \$102.43

Raffle License #820 and #821 was approved by the Township Council of the Township of Washington for Pascack Valley High School PSO.

Raffle License #822 was approved by the Township Council of the Township of Washington for Hillsdale K-8 Education Foundation.

WHEREAS, S-2950 and A-4128 provide a two-year window in which any development approval granted before 2006 or now in foreclosure or subject to a deed in lieu can apply for, and receive approval for, a use which is not permitted by ordinance, without the need for a use variance or otherwise complying with the zoning ordinance of the municipality; and

WHEREAS, a fundamental premise of land use law and sound planning is that land use decisions, including approvals of development applications and zoning, are made on the basis of the characteristics of the land, its environment, any unique characteristics, and what is in the best interest of the public, and not based on who happens to own the land; and

WHEREAS, S-2950 and A-4128 also establishes an expedited approval process, requiring the land use board to determine completeness of the application within 30 days, and then 60 days from the determination of completeness to rule on the application; and

WHEREAS, this time frame is insufficient considering what may be proposed, and it is inequitable to require an expedited process for a proposed "adaptive application" while other pending applications are accorded lower priority; and

WHEREAS, S-2950 and A-4128 put no standards in place for the local land use board to apply, other than proof that the approval is no longer economically viable, which is inadequately defined; and

WHEREAS, the lack of standards would expose any approval or denial by the municipality to possible legal challenge;

NOW, THEREFORE, BE IT RESOLVED by the Township of Washington that enactment of S-2950 and A-4128 would usurp, undermine, and overturn local zoning by effectively rescinding all applicable zoning of the property, and provide no adequate public safeguards; and

BE IT FURTHER RESOLVED, the Governing Body of the Township of Washington strongly opposes S-2950 and A-4128; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator Gerald Cardinale, Assemblyman Robert Schroeder, members of the Senate Community and Urban Affairs Committee, the members of the Assembly Housing and Local Government Committee, Senator Steven Oroho, Assemblyman Albert Coutinho and the New Jersey State League of Municipalities.

After the Consent Agenda, a motion was made by Mr. Beckmeyer, seconded by Dr. Cascio to approve the following resolution:

Ayes: Councilpersons Beckmeyer, Cascio, Hrbek, Goetz

Nays: Councilperson D'Urso

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Township of Washington desires to further the public interest by obtaining a matching grant in the amount of \$25,000 from the County Trust Fund to fund the following project: Memorial Field Park & Playground Equipment Upgrades

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body will hold a public hearing on October 17, 2011 to receive comments prior to the submission of said application; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project.

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

1. That it is hereby authorized to submit the above-completed project application to the County, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project or modify the project as necessary; and
3. That the applicant is committed to providing a dollar for dollar cash match for the project; and,
4. That the applicant agrees to comply with all applicable federal, State, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

Mary Ann Ozment, Township Clerk

Fred Goetz, Council President