

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

April 18, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:33 p.m. by Council President Michael Ullman with the Clerk leading a salute to the flag. Members present: Peter Calamari, Steve Cascio, Thomas Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Mary Anne Groh, Administrator. Councilman Bruno arrived at 7:35 p.m.

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.

APPROVAL OF MINUTES

A motion was made by Dr. Cascio, seconded by Mr. Sears, to approve the March 5, 2015 Special Budget Work Session and the March 21, 2016 Public & Conference Minutes.

Ayes: Councilmen Calamari, Cascio, Sears, Ullman.

Absent: Councilman Bruno.

Nays: None.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Ray Bernroth, 838 Crest Place – Mr. Bernroth asked what is the status of the signs “State Law you Must Stop for Pedestrians” in crosswalks. Mr. Ullman stated he would look into that. Mr. Bernroth stated they do not have to be middle, some towns have the signs in the middle and some have the signs on the side. He stated this Township is the only one that doesn’t have those signs, but there are two signs in the shopping center which he believes is the result of the shopping center placing them, not the Township. He asked if a Police Officer can occasionally be at the shopping center to watch for drivers who do not stop at the stop sign and issue summons for not stopping at a stop sign. Mayor Sobkowicz stated they have to be there or you can call they will come down there. Mr. Ullman replied it can be done, but it sounds more if it is observed. Mr. Bernroth spoke of observing vehicles in the shopping center not stopping or even slowing down for stop signs. A conversation followed with regard to the police department looking at the area every once in a while. Mr. Calamari stated he is meeting with the shopping center management later in the week and will inquire about putting a speed bump in at that stop area. Mayor Sobkowicz spoke of the difference between a speed bump and a speed hump. She asked that Mr. Calamari check with the police. She stated the management of Foodtown did meet with the Chief and Captain and the whole flow of the parking lot will be changed.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment spoke at length with regard to the debris pickup flyer and the Chapter 197, Ordinance 07-14 which was written by Mr. Poller. She discussed older calendars prior to 2007 that allowed pickups and the history of the Ordinance. She stated the mayor indicated she re did the flyer, not the administrator and the Superintendent. She also spoke of reaching out to the council and only two of them replied to her letter. She spoke of the stickers and what she encountered the following Saturday with regard to DMF taking the bags. She spoke of residents who may put paint cans or other hazardous materials in the pickup, and if they are

caught they should be fined. Mayor Sobkowicz stated we are leaving the debris program exactly as it had been; there is a law from 2007 that we cannot take hazardous material. She stated she doesn't believe in changing anything until the public is educated and the only thing we will not be able to pick up is fertilizer. A discussion followed why it was not on the website. Mayor Sobkowicz stated if there is any change the public will be educated first and there will be no stickers. Mr. Ullman agrees it is a negative impact to the residents, but feels the Administrator and DMF were following what is on the books. He feels there should be an education period beforehand if any changes are to be implemented. Dr. Cascio stated residents did complain to him, he is glad it is back to the way it was before. He stated he doesn't recall council speaking of pickup specifically. Mr. Bruno spoke of the posting on the website, which he feels is confusing. Mayor Sobkowicz replied it will be taken down. Mr. Calamari asked Mr. Ullman to explain the procedure with regard to emails to the council. Mr. Ullman stated if council@twpofwashington.us is used, it is his responsibility to reply so there is a clear line of communication, if another councilman chooses to address it they are certainly welcomed to address it.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara stated he is in favor of getting rid of the blue and purple bags, and would like to put it in the tax levy. He spoke of contracting with Waste Management and then, after receiving the number from Mrs. Smith, he contracted with Buldo since Buldo does not charge a fuel surcharge as Waste Management does. He spoke at length with regard his dealings with Buldo, which have been positive. He spoke of a WCBS show which highlighted Field Turf and the problems/lawsuits which have been encountered with regard to fields they have installed in the past six or seven years. He stated if the referendum passes and council decides to go with Field Turf, to make sure the warranty covers the Township. Mr. Calamari spoke of watching the same program of WCBS and the turf mentioned was installed between 2007 and 2010, since that time they have not had any issues.

David Snyder, 91 Windsor Circle – Mr. Snyder spoke of the importance of permanent signs indicating "Slow Down for Pedestrians" at certain locations/areas within the Township. He spoke of the importance of those signs with regard to safety and police enforcement with regard to ticketing. He spoke at length with regard to beautification of the Township, the municipal building, curb appeal and new welcoming signs. He hopes there is money set aside in the budget to do so. Mayor Sobkowicz stated the new full time person at the DMF was a landscaper and he will be redoing some of the beds and there will also be newer landscaping.

Scott Spezial, 785 Washington Avenue – Mr. Spezial asked is there a financial plan with regard to Memorial Field. Mr. Ullman replied he is not aware of a financial plan associated with Memorial Field. Mr. Spezial asked if a cost analysis will be done by the council prior to the referendum. Mr. Ullman replied he didn't plan on preparing one. A conversation followed with regard to the 2.45 number which was prepared by Mr. Statile and the validity of the number. Mr. Calamari spoke of his understanding that the engineer cannot go to the next phase to complete quotes since no one will prepare a quote unless there is something behind it, so he believes 2.45 is the number. Mr. Spezial stated we feel the number is 20% lower, some believe it is more. A conversation followed with regard to monies set aside to sod a portion of Memorial Field and why only a portion is being sodded. Mr. Spezial asked is any drainage going to be done at Memorial Field. Mr. Ullman doesn't know what the plan is, but he will ask the administration what their thoughts are. He stated the plan put forth by the Director of Recreation was to put the sodding off until later in the season until after lacrosse. Mr. Spezial stated just to confirm, sodding was done in 2003, 2006, 2009, 2010, 2012 and we are doing it again, and there is no plan for drainage. Mr. Ullman replied he believes the plan is to sod, but he cannot speak with regard to the drainage issue.

Diane Grimaldi, 441 Van Emburgh Avenue – Ms. Grimaldi asked if the well inspected at Memorial Field and was an estimate received with regard to fixing the well. Mr. Ullman stated he was actually present for a portion of the inspection, based on an update he received there were two estimates provided,

and he believes there is a request to secure a third quote. Mayor Sobkowitz stated one quote was for \$9,000 to put a new pump in and new pipes, and the other quote was for \$5,900, since there is a large gap we will be getting third quote. Ms. Grimaldi stated the Green Team met and there are five members, we will be meeting early May and there will be ten people that will be attending the next meeting. Mr. Ullman stated he believes Mr. Calamari and Mr. Sears engaged the Boy Scouts for some cleanup work behind the shopping center. Mr. Sears replied on Sunday, May 1st at 1:00 p.m. there will be a cleanup. He stated he walked along the shopping center a third time along with the Mayor and we found various items. He stated we also found a DEP violation of open salt which was dumped back there and it is a mess. He did speak to the Boy Scouts, they are excited to go and clean up as much as they can that day. Mayor Sobkowitz stated she indicated to them the salt was a DEP violation, so most of it was taken away. She stated she in contact with the manager of the shopping center in terms of what is shopping center property and what is Township property due to insurance issues, and we will have definite answers by Wednesday. She stated she was going to ask Mrs. Grimaldi in case she wanted to tie it into the Green Team. Mrs. Grimaldi replied she feels it is a too early as far as the Green Team, maybe in the Fall we can do something like that. She stated in the past the Green Team was told they could not go behind the shopping center for insurance reasons. Mayor Sobkowitz replied that is still an issue, and they may not be able to be there based on what she heard from the JIF consultant, but we will know by Tuesday or Wednesday. If that is the case, we do have another site. Mr. Sears stated you do see tire tracks back there where trucks are backing up and dumping back there and it is a mess.

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

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

Nays: None.

ORDINANCES

2ND Reading Ordinance No. 16-02

The Clerk read Ordinance No. 16-02 entitled: BOND ORDINANCE APPROPRIATING \$1,009,000, AND AUTHORIZING THE ISSUANCE OF \$958,550 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY.

A motion was made by Mr. Calamari seconded by Dr. Cascio, to introduce and pass Ordinance No. 16-02 at second reading by title.

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

Nays: None.

The following resolution, Resolution No. 16-186 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. 16-02 entitled: BOND ORDINANCE APPROPRIATING \$1,009,000, AND AUTHORIZING THE ISSUANCE OF \$958,550 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY 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.

Mary Ann Ozment, 960 Adams Place - Mrs. Ozment asked besides streets, what is the other projects is the amount for. Mr. Ullman there are two

amounts for the streets, a secondary amount for Colonial Boulevard that the Township is applying for grants on. He stated the first amount is \$909,000, the second amount is for improvements within Town Hall and it is appropriating \$100,000 primarily to do the floors. Mrs. Ozment asked just for the floors. Mayor Sobkowicz replied depending on what the cost is. Mr. Ullman stated the initial discussion was to replace the floors.

William Ferara, 2556 Cleveland Avenue – Mr. Ferara commented on the streets in the Township that need to be done beyond the list that the Mayor read. He believes the program should be accelerated and the streets should be done all at once. He spoke of his concern of Cleveland Avenue, which was completed only six months ago and there seems to be separation down the middle and the side.

David Snyder, 91 Windsor Circle – Mr. Snyder spoke at length with regard to what occurred at the commons concerning separations within the road a year after they were completed. He asked is there a supervisor present when the roads are being completed on behalf of the Township. Mayor Sobkowicz replied the engineer does have staff that goes out there and checks the work as it progresses. Mr. Ullman stated an engineering firm does receive compensation for these monitoring efforts. Mayor Sobkowicz stated she will have someone from the firm look at Cleveland. Administrator Groh stated we do have a maintenance bond and the Township may have a claim with regard to what is being described. Mr. Bruno asked are we using the same firm to do the next batch of roads and has the old firm been paid. Mayor Sobkowicz replied it is going out to bid, and it will be done with the consortium this year.

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

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

Nays: None.

A motion was made Mr. Calamari, seconded by Mr. Sears, to pass Ordinance No. 16-02 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.

Introduction 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 first reading by title.

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

Nays: None.

The following resolution, Resolution No. 16-187 was presented and adopted on a motion by Dr. Cascio, seconded by Mr. Sears.

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

Nays: None.

WHEREAS, Ordinance No. 16-03 entitled: AN ORDINANCE ESTABLISHING AN IMPOUNDING FEE WITH RESPECT TO RECOVERY OF STRAY DOGS AND OTHER STRAY ANIMALS was introduced and passed at first reading at a meeting of the Township of Washington on the 4th day of April, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on 2nd day of May, 2016 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Building, 350 Pascack Road, Township of Washington 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 Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration.

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. Calamari – Mr. Calamari inquired of the status of looking for a replacement CFO and does the current CFO wish to stay with us or not.

Administrator Groh – Administrator Groh replied she doesn't believe so. She did inquire and did not receive a response. She did give council Battaglia's information and she did not hear back. She stated if council wishes to advertise again, please let her know; otherwise let her know their thoughts regard to the Battaglia firm.

Mr. Bruno – Mr. Bruno stated he did call Battaglia and suggested that when the audit is finalized that he come in and take a look at it. He stated there is another report that the CFO has prepared for us in terms of the crisis management, which is something he should be aware of also. He believes he spoke with Chris, and he did throw out a few things which Mr. Bruno feels were good.

Mr. Sears – Mr. Sears stated he would like to do a separate vote on the LOSAP for the Fire Department and recuse himself.

Mr. Ullman – Mr. Ullman stated we will pull Resolution No. 16-190 for a separate vote.

The Consent Agenda, Resolutions No. 16-188 and 16-189 was presented and adopted on a motion by Dr. Cascio, seconded by Mr. Sears.

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

Nays: None.

Resolution No. 16-188

Motion of Consent Chief Financial Officer

BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the Mayor, having advanced the continued appointment of Denise Marabello as the temporary Chief Financial Officer of the Township of Washington, and the Township Council having consented thereto, that Denise Marabello's appointment as temporary Chief Financial Officer of the Township of Washington on a part-time basis effective February 1, 2016 is continued through May 31, 2016 or until a permanent Chief Financial Officer is appointed, whichever date is sooner.

Resolution No. 16-189

LOSAP (Length of Service Awards Program) Ambulance Corps 2015

WHEREAS, The Township adopted Ordinance No. 99-10 that created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the Township of Washington Volunteer Ambulance Corps furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year, a copy of which list is attached here as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the Township Council hereby approves said list of the volunteer members of the Township of Washington Volunteer Ambulance Corps certified by the Corps LOSAP Coordinator and President for the year 2015 (hereafter "2015 LOSAP qualified volunteers"); and

BE IT FURTHER RESOLVED that a copy of said list must be posted for at least thirty (30) days in the squad building.

BE IT FURTHER RESOLVED that after the thirty (30) day posting period the Township Treasurer will fund the LOSAP accounts for the 2015 LOSAP qualified volunteers.

A motion was made by Dr. Cascio to approve Resolution No. 16-190, seconded by Mr. Calamari.

Ayes: Councilmen Bruno, Calamari, Cascio, Ullman.

Nays: None.

Recuse: Councilman Sears.

Resolution No. 16-190

LOSAP (Length of Service Awards Program) Fire Department 2015

WHEREAS, The Township adopted Ordinance No. 99-10 that created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the Township of Washington Fire Department furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year, a copy of which list is attached here as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Washington, County of Bergen, New Jersey that the Township Council hereby approves said list of the volunteer members of the Township of Washington Fire Department certified by the Department's LOSAP Coordinator and President for the year 2015 (hereafter "2015 LOSAP qualified volunteers"); and

BE IT FURTHER RESOLVED that a copy of said list must be posted for at least thirty (30) days in the fire house.

BE IT FURTHER RESOLVED that after the thirty (30) day posting period the Township Treasurer will fund the LOSAP accounts for the 2015 LOSAP qualified volunteers.

Time note: 8:30 p.m.



Elaine Erlewein
Township Clerk



Michael Ullman
Council President

Approved: May 16, 2016

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

CONFERENCE PORTION/PUBLIC SESSION

April 18, 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: 8:32 p.m.

CURRENT BUSINESS

RFP – Auditor – Mr. Ullman asked has anyone had a chance to review the two firms that submitted proposals as per the RFP. Mr. Bruno stated he did speak with the Louis C. Mai auditing firm, the firm will evaluate the current years audit and then speak with council. He stated he assumed the Vinci firm would have an exit conversation with council. Administrator Groh stated typically the exit conversation is with the administration and relevant department heads. She stated she did speak with the auditor's assistant, this will be scheduled. She doesn't have a date yet since the firm is quite busy. Mr. Ullman stated based on Mr. Bruno's discussion with Mr. Mai you felt at the conclusion of the 2015 audit, once the findings are done he can come in and discuss his views of those. Mr. Bruno stated that was his suggestion, along with the 2014. He stated he did suggest there was something prepared by the Temporary CFO, which he didn't share but Mr. Mai may want to review that also so he is aware of what needs to be looked at. Mayor Sobkowicz asked is Mr. Bruno stating he wants Mr. Mai to come in and look at the audit. Mr. Bruno replied he stated to Mr. Mai when the audit is published on the website. Mr. Calamari asked will Mr. Mai then be commenting on the current auditor's audit. Mr. Bruno stated he indicated for him to read the audit to get a feel of what is happening in the Township and then come back to us.

Memorial Field – Mr. Ullman stated the well was inspected and two quotes were received. Mayor Sobkowicz stated the first quote was \$9,000, the second quote for \$5,900. She stated a 10 horse power pump was in there and it was recommended we only need 5 or a 7.5 horsepower pump and the other pump was too much. She spoke of what was done at the inspection of the well. She would like to see a third quote since there is a large gap between the first and second quote. Administrator Groh spoke of her concerns of delaying the process. Mr. Ullman asked who is providing the quotes. Mayor Sobkowicz replied both companies are companies that specialize in wells. She stated getting a third quote is the right thing to do since there was such a large gap between the first and second quote. Administrator Groh stated regarding the quotes it is the same horsepower which is 7.5, same pump, same amount of PVC pipe and same wire. A discussion followed with regard to the 10 horsepower, lowering of the horsepower reducing the pressure on the well, pressure being put on the pipes and blow off valves. Mr. Ullman asked once the third quote is received, can this move forward or further action required. Mayor Sobkowicz replied no further action, the money has been provided. Administrator Groh stated according to Mr. Statile this has to get done, no matter what the surface of the field is. Mr. Ullman asked if an update can be provided by noon of Friday of this week. Mayor Sobkowicz replied as soon as anything is heard we will give an update. A conversation followed with regard to the location of the well at Memorial Field. Mr. Calamari spoke of following up on numbers that were given to him and he handed out to council with regard to Memorial Field. He stated he would like council to review this sooner rather than later. Mayor Sobkowicz stated we are keeping track of the numbers we are spending now. Mr. Bruno asked what exactly does Mr. Calamari expect to move ahead on the numbers. Mr. Calamari stated he believes the public is

entitled to know what is spent on maintenance and what the project will cost so the public can vote to spend that money or not. Mr. Bruno stated he does have the document with the numbers, but has no supporting documentation. A discussion followed with regard to following up with the administration in obtaining those documents, various emails and the ordinance. Mr. Ullman stated Mr. Calamari compiled a number of documents. Mr. Calamari replied he didn't compile them, he asked for them to be compiled. Mr. Ullman stated Mr. Calamari provided council a schedule with three sets of numbers. Mr. Calamari stated compile is the wrong word, he asked for summaries on them, he did not compile them. Mr. Ullman stated Mr. Calamari received three sheets of paper and put them together, he calls it compiling in which Mr. Calamari is taking exception to. Mr. Ullman stated one of the sheets are expenses related to the field, specifically manpower, other were hard costs related to the DMF expenses, are there back-ups for that and he is assuming some of those were put together by Mr. Cavallo, so if we have access to those and if those can be circulated it would be appreciated. Mr. Ullman stated Mr. Spezial feels the costs is going to be less, he feels the costs are going to be more, based on certain factors such as the cost of fill or type of fill that is used. He stated we are not going to ask the engineer to do a further evaluation, 2.45 is the number. He spoke of the fill, which is the lowest level of fill. He stated Mr. Twomey spoke of getting numbers for different types of fill, which he believes cannot be done. He feels the number is the number and there are areas that can be questioned. He spoke of the basketball court and the grant which did not materialize. He stated that a former councilman, who is an engineer, asked that a contingency be added, and it was not added to that amount. He stated other components were removed, and the expense side can be picked apart and he is sure there are individuals that can identify potential savings. He stated assuming we receive the back-up, what does Mr. Calamari propose or what is his vision for understanding those numbers and communicating that out. Mr. Calamari stated he trusts the people that completed them and the summary is good for him. He stated as far as educating the public as a number, he thought it would be good to come up with the right number first and see how we as a town want to educate the public so they can vote appropriately. Dr. Cascio spoke of attending the Community Block Development meeting as the grant representative last Monday. He stated the Pascack Valley CDGB has granted the Township's request of the \$50,000 for the Memorial Field/Park ADA Compliant Grant and it is up to the Board of Freeholders to approve. He spoke of receiving \$13,000 for the ADA compliant court chamber door and \$22, 889 for the senior flooring. He stated the county indicated there is still outstanding paperwork for both those items and asks the administration to check into that.

Intersection – Mr. Ullman asked if there was any further dialogue with the Pascack Valley mayors association. Mayor Sobkowicz stated she only spoke to one or two individually, but as a group we do have their support for a traffic study. She stated most of them are not in favor of removing the no right hand turn restriction at Exit 171. Mr. Ullman asked do we believe the county will pay for the traffic study. Mayor Sobkowicz replied it may be a combination of both the county and highway authority. She stated let us get through the budget and salary ordinance then we can focus on the intersection. Mr. Sears spoke at length with regard to his disappointment since he doesn't see any support coming from the surrounding Mayors. Mayor Sobkowicz stated it was support if the Township applied for funds to do a traffic study. Mr. Sears stated we were told the Mayors were going to support the Township going to the county to reinforce the Township getting for the intersection. A conversation followed whether it was support for the traffic study or support for funds for the intersection. Mr. Ullman stated since funds were allocated in the budget for engineering, is the council willing to move forward with the traffic study of the intersection on our dime. Dr. Cascio stated the county will not pay for 100% of the project. He spoke of what Emerson in doing in their redevelopment. He stated we first need to know if the plans the county gave us for the third are still valid. Administrator Groh replied the county did call back

and according to the message left there is no change since the prior proposal but it does require us to buy out the property owners. Dr. Cascio stated the point is how the Township moves forward. A conversation followed with regard to conducting a traffic study which would determine where the traffic originates and disperses. Dr. Cascio stated it will only bolster the issue with regard to Exit 171. Mr. Ullman spoke of the traffic testimony given at the CVS and Five Star planning board meetings. Mayor Sobkowicz spoke of the reason why the traffic study was discussed and that the Township would need the backing of the communities in the Pascack Valley to state it is a Pascack Valley issue and that would put pressure on the county for us. She stated it would be very expensive for the Township to do the project on its own without any other financial aid. Mr. Ullman stated he does agree, and it his personal opinion that we have a bit of paralysis when it comes to this intersection. He stated if we do the traffic study so we understand the disbursement, then it can further validate that it is a Valley problem and not a Township problem. He stated he believes we may be waiting a long time for the county to do a traffic study. Mr. Sears stated let the engineer go down there and give us a price. Dr. Cascio stated we can get an estimate from Mr. Statile and then go to the County and ask how much would they put in for the cost. Dr. Cascio stated at least we would have an idea of the cost of the whole project. A conversation followed with regard to the County wanting the Township to buy out property and obtaining assessments for those properties. Mr. Ullman stated he is willing for the County to do as much work as they want, but the issue is it is a not a priority for them. He questions if there is a tactical plan to try to advance this and show some progress to not only ourselves but the residents of the Township. Mr. Calamari suggests that council has the engineer do the work and we have the tax assessor give us the value of the land the Township would need to acquire. Mr. Poller spoke of the conflict of the assessor not being able to do an appraisal. He stated at times he has informally gotten something, but the appraiser cannot give an actual appraised value of the property. He stated he can look at these maps with the engineer and identify the properties, but ultimately they will have to go to an appraiser to give the value of those properties. A conversation followed with regard to easements, properties that the county would require the Township to acquire and eminent domain. Mr. Ullman spoke at length with regard to the council having some level of action. Administrator Groh spoke at length with regard to the current agreement in which there is a clear delineation of who is responsible for what and she feels the biggest cost to the Township, should council choose to move forward is the acquisition of the property. She stated it does not make sense that our engineer would try to estimate what the county is going to spend. A conversation followed with regard to the cost of the acquisition of the land and once that number is determined, if council would still be willing to move forward. A conversation followed with regard to obtaining updated plans with color changes from the county. Mr. Ullman asked for an estimate of the acquisition of the property and also an understanding of where the expense delineation is based upon the current proposal from the county. Mr. Bruno spoke of attending a Planning Board meeting and meeting a gentleman from the county. He stated this gentleman was familiar with the intersection and stated the two things the Township would have to do is the engineering, give that to the county and the Township would have to buy the property. Mr. Ullman stated the Mayor did indicate that the Township would have to pay for the engineer, but first let us evaluate the proposal, confirm and then decide.

Solid Waste Disposal (Blue/Purple Bags) – The ordinance was discussed, which is a per bag system and open market was also discussed. A discussion also followed regarding whether residents are required to purchase the blue or purple bags. Mr. Poller stated read from the ordinance which states “a per bag” method of waste collection which has been approved by the Township. He stated this has been discussed many times by prior councils, and it is a governmental approved situation. He stated if council wants to change then council would have to outline what they want to accomplish. Mr. Ullman stated residents do not like the bags and he doesn't think having the town pick

up garbage is an option. Mr. Bruno stated he would like to move ahead and state in the ordinance residents are required to put garbage in a plastic garbage bag. Administrator Groh stated she met with Waste Management representative and they do not like the colored bag system. She also met with Buldo, they pick-up two thirds of the Township and they personally like the colored bag system since there is a correlation between the per bag system and how they charge. A discussion followed regarding putting the bags on the curb versus putting the bags in the garbage barrel due to animals. Administrator Groh spoke of Old Tappan and Teaneck which both have open markets. She stated Old Tappan has 3 approved vendors on their website and Teaneck has numerous vendors listed and their phone numbers. Mr. Bruno stated we can still have a bag system, but not the colored bag system, and the residents can negotiate their rates. Mr. Calamari spoke of the decisions that need to be made, such as frequency of pickups and the bag system. He also spoke with some residents who feel that recycling every three weeks is not acceptable. He feels people are recycling more and cutting down on trash. Mayor Sobkowicz spoke of recycling pickup is \$13,000 a month and going twice a month would cost \$25,000. A discussion followed with regard to recycling pickup being done on a weekly, biweekly or twice a month. Dr. Cascio stated the current system can be kept with the exception, by ordinance that residents do not have to buy colored bags, set the gallon capacity of plastic bags, and a preference for side yard pickup. A discussion followed regarding side yard pick, which is only done by Buldo. Mr. Ullman asked can the Township control the number of carters we have in an open market. Mr. Poller replied no. A conversation followed with regard to carters coming into the Township for one or two residents. Mr. Ullman stated it sounds as if we can draft a new ordinance if council likes. He stated there is a decision at the town level, a decision at the frequency, bags or no bags, and then there is a secondary factor on recycling and how to control volume. He would propose is that perhaps, and he is willing to take that on, is to circulate something on what that program might look like at the next meeting, we can agree this is what we want and we can give further instruction to Mr. Poller or the administration on what that next steps would be. Mr. Calamari would like to have a further discussion on the advantages or disadvantages of rolling the cost into taxes.

Parking – Dr. Cascio stated he would like to abstain from this issue since he lives on that section of Beech Street. Mr. Ullman asked if Dr. Cascio replied to the survey. Dr. Cascio replied did not reply. Administrator Groh stated currently with regard to the survey of Colonial Boulevard 40 were sent out, we received five yes's, 11 no's and the rest didn't respond, regarding Beech Street 37 were sent out and we received 9 no's. Mayor Sobkowicz stated Captain Hackbarth reviewed the areas and these are his recommendations: (Recommendation of Captain Hackbarth read by Mayor Sobkowicz.)

Based upon our investigation of spill over parking caused by Westwood High School students on to side roads surrounding the high school and a pole taken by the Township of Washington residents for Eton, South Chestnut, Colonial and Beech Street I recommend the following should streets should be added to 223-73; Eton Road from Sussex Road to S. Chestnut Street both sides of the street, S. Chestnut Street from Colonial to Eton Road, both sides of the street, a total of 8 signs and poles would be ordered and installed. I would also recommend that Times Square, Columbus Square and Beech Street are not to be included in Ordinance 223-73 as a majority of the residents who returned the pole for these streets are against their streets being added to the Ordinance. In addition, I would recommend that Colonial Boulevard be removed from Ordinance 223-73 as a majority of the residents from this street who returned the pole are against Colonial Boulevard remaining on the Ordinance.

Mayor Sobkowicz stated she would like to add that the majority of people that didn't want to be included in the ordinance stated that they did not want to see any additional signs. Administrator Groh stated those residents also felt

it was the high school's problem to deal with. Mr. Sears asked was anything done with regard to Horizon Court and Jacob. Mayor Sobkowitz stated the police have been patrolling it every day, sometimes there is one vehicle and sometimes there are no vehicles. Administrator Groh stated Captain Hackbarth indicated the one vehicle has moved over to the next block off of Horizon and there has been no complaints per se and he prefers to deal with it through the school. A conversation followed with regard to doing a survey on Horizon Court and Jacob Court. Mayor Sobkowitz spoke of the high school parking not getting any better. Administrator Groh did forward the article with regard to doing a shared parking system to Captain Hackbarth. A conversation followed with regard to removing Colonial from the ordinance and there not being any signs on Colonial. Mr. Ullman stated since council seems to be in agreement with following Captain Hackbarth's recommendation, which is based upon his recommendation and the survey, he would like amendments to the ordinance be drafted and at the same time can council receive a copy of Captain Hackbarth's letter. A conversation followed with regard to adding Horizon and Jacob to the current Ordinance and conducting a survey in that area. Mr. Calamari asked if Captain Hackbarth can review the Ordinance and indicate what streets are on the ordinance that does not have signs. Mayor Sobkowitz stated she will ask Captain Hackbarth.

Salary Ordinance – Administrator Groh spoke of the salary ordinance which is an increase of 1.5 %. She stated with regard to the Health Department employee, since the Health Department is being outsourced those few hours will be allocated to the Tax Collector. She also indicated there is a provision in the ordinance with regard to the Department of Law. Dr. Cascio spoke at length with regard to putting salary ranges in the Salary Ordinance as other towns do, which would be a line item. A lengthy discussion followed with regard to the pros and cons of putting salary ranges in the Salary Ordinance. Mr. Poller stated in this form of government, which is a borough; the salary is set by the Mayor. He spoke at length with regard to employees leaving and other employees coming in with less experience. A conversation followed if another Salary Ordinance can be introduced later in the year with salary ranges. A discussion followed regarding the summer recreation employees receiving the Federal Minimum wage which is lower than the State Minimum wage. Mayor Sobkowitz stated they will now be paid at the State Minimum wage which is higher. Mr. Ullman stated he would like to circulate the Salary Ordinance and introduce the ordinance at the May 2nd meeting. Mayor Sobkowitz would like to get it done as soon as possible this year. Mr. Bruno asked if the DMF Superintendent certified. Administrator Groh replied he is not certified. She stated he can be appointed for the first and second year, but not the third. Mr. Bruno asked does this expose the Township. Administrator Groh stated it is something that developed a short time ago, it is very hard to find someone who is certified and she does know of other towns that are looking for a certified person. She stated he did pass the educational portion and he plans to take the test again this Fall. Mr. Bruno asked does the Zoning Board officer need certification. Mayor Sobkowitz replied no certification is needed, but he does take classes.

Washington Town Center – Administrator Groh did go to the area and photograph the large container, which has been there for years. She stated there has no label on it, but the Health Inspector looked into it and did locate 3 permits. Mayor Sobkowitz stated it is from the dry cleaner which was at the location years ago. She stated it is from a hazardous waste spill but at this time we are waiting for the LSRP to come back with the facts. She did also speak with the management of the shopping center. Mr. Calamari stated he also spoke with him and he did state no signs were needed around it since it does not contain any hazardous material. He stated after the dry cleaner, the Dunkin Donuts went in to do their floor and there was traces of PERK, enough so that they wanted to get a recovery and remediation system in place. He stated he will meet with the manager of the shopping center at the end of the week to discuss repairing the fence, putting a pole in between where the vehicles are driving and speed hump/bumps.

Department of Law – Compensation – Mr. Ullman spoke of the last meeting and the issues that were raised with regard to Department of Law, Director, in which it was agreed Mr. Poller would explain. He stated as president of the council he did have questions regarding this discussion taking place in open or closed session. He stated he spoke with Administrator Groh who contacted Mr. Poller, and Mr. Poller did indicate he would be agreeable to have the discussion in public. Mr. Poller stated the issue that came up was the thought process that the basic salary that is paid to the Director of Law covers everything, tax appeals, litigation, administrative hearings, projects and covers everything. He stated that there wasn't a lawyer in New Jersey that would do that, and he still maintains that is not the way things are handled in municipalities. He stated the Township of Washington is a Faulkner government. He stated there are general rules of application and they apply to most of the municipalities of the State which are borough forms of government and other forms of government, but when it comes to the Faulkner Act, there are differences that supersede that. He stated Chapter 5 of the Township Code is the Administrative Code and within that code there are various sections because the Faulkner government is divided into departments, such as Finance, Municipal Facilities, Public Safety and Law. He stated under the Township Code and consistent with the Faulkner Act, there is the Department of Law and the head of that is the Director of Law, and the Director of Law is also the Municipal Attorney. In Article 10, Section 5-65 it basically states what the Director of Law does, what his job is to do. He stated it doesn't indicate how he gets compensated, it just says what he is supposed to do and be responsible for. The Charter is the municipal Charter, not the municipal administrative code. He stated every time he speaks of the Charter, he is speaking of the Charter from the State of New Jersey. He stated the Township Code is consistent with the Charter, but the Charter is the overall document that has much more than just the Code. He stated there have been many interpretations of conflicts between general law, which would apply to other forms of government and the Faulkner Act. He spoke of the cases where they say general law but the Faulkner Act will supersede in most cases. He stated he represents the Township in all legal matters, advises and assists the Mayor, council and Departments as required in the administration of the Township government, including attendance at meetings of the council, drafting of ordinances and resolutions, give opinions and rulings of questions of law which may arise at council meetings, prepare and approve all legal instruments relating to the business of the Township and represents the Township in any litigation, conduct or trials, appeals and other proceedings affecting the interest of the Township. In effect it is taking care of all of the legal responsibilities of the Township. He stated tax appeals, general litigation, COAH litigation, construction cases, PBA cases would all fall under this. He stated everything to do with the legal matters of the Township fall within the Department of Law. He stated there is also a provision if he feels he needed special counsel for specific areas, he can then go ahead and get outside counsel for that. He stated he doesn't handle bonding and the Township does have special bonding counsel to take care of that. He stated Chapter 55 of the Code states that salaries and compensation of all officers and employees of the Township are set forth from time to time by ordinance of the Township council, and that a copy of the current effective salary ordinance is on file in the office of the Township Clerk and available for examination during normal business hours. He stated he gets paid pursuant to this provision and under this provision the Township enacts a Salary Ordinance. He stated the Salary Ordinance for 2015 states the following, Department of Law, Township Attorney \$69,910, then it has three words "in addition thereto" services in connection with proceedings before any court or administrative tribunal or agencies, and special projects all of this shall be reasonably compensated according to Township policies at the rate of \$135.00 per hour. He stated since at least 1970 this has been the format of the Ordinance, there was a salary and extra billings, basically it was court, administrative tribunals or agencies and special projects. He stated he doesn't bill for contracts, telephone calls from the administrator or other departments,

communications with the Zoning and Planning Boards. He spoke of other attorneys in the State of New Jersey who have retainers and also bill at an hourly rate. They receive a basic amount and bill for everything else, some towns pay a larger amount up front covering general services with additional billing for litigation, proceedings and special projects. He stated in Hillsdale all legal services are billed at \$115 per hour. He stated he doesn't want to go through all the numbers, but all of these municipalities have some form of compensation and all of them have the excess services are billed hourly, that includes tax appeals and COAH. He spoke of the many hearings he went to in Hillsdale with regard to Northgate and storm water management and that council should read the letter from John Lamb which talks about the role he played in the proceeding. He stated there are Hillsdale, Montvale, Park Ridge, Saddle River, Paramus, Ramsey, Woodcliff Lake, Upper Saddle River and Westwood and Haworth who all bill for tax appeals. He spoke of the arrangement that the attorney for Verona receives which is \$6,000 monthly payment, and following services are included, which are attendance at council meetings, regular and special review of draft resolutions, ordinances, review of minutes, legal advice/opinions written or oral upon questions of law except for matters dealing with litigation, hearings, arbitrations, negotiations, court proceedings and labor/employment issues compensation for these other services is an hourly rate for all attorney legal work performed. He stated from where he is sitting, there is no authority at all for anyone to take the position that tax appeals or litigation are included in the salary. He stated to deny paying what the ordinance says is in violation of the ordinance. He stated he understands there are questions as to why it is called a "salary" but that is the way the Township did it and they are not alone, it is just that way historically. He stated over the years a lot of the towns changed and went over to Professional Service contracts, he stated they are the same thing, but most of them have a retainer, and they have billing for extra work which is not included in the retainer. He stated there were some revenue rulings of individual lawyers being appointed as attorneys that they should be treated as W-2 workers, which means taxes are taken out and the IRS requires it. He stated a filing was made to the IRS for that determination and the IRS has responded, but they never made a ruling. He stated he was not the only person that the IRS was going to make a ruling on, they were going to make a ruling as to whether he should be treated as an employee or not. He stated as an employee at this particular point and for a while now, he doesn't receive benefits being employed, he doesn't receive medical, dental, pension contributions that employees would so called get, so in effect what he gets is the same as any other lawyer, a retainer/salary and he bills for extra work. He stated he would like to read from a case in the Appellate Division which talks about the idea of smaller municipalities and it reads as follows: the many smaller municipalities around the State, however, do not require full time legal services. These municipalities typically compensate their attorneys either in whole or in part by the services rendered basis so the amount paid in public funds will actually represent fair compensation for the services actually provided. Accordingly, these smaller municipalities hire practicing attorneys who maintain law offices and incur overhead and bill their municipal clients at an hourly rate. Some such municipalities have chosen the hybrid method, by which an attorney is paid a fixed annual salary for regular recurring work, such as attendance at meetings, regular routine legal advice, preparing routine ordinances, resolutions and the like and is then paid on an hourly rate for additional non recovering services. He stated this was something that was recognized by the Court as going on in the entire State. He stated the reason for it is that you get a better bang for your buck if you can have a fixed fee for all of the routine work that goes on. He stated he believes the administrator will tell council he is always available and comes to meetings and stays as long as necessary. He stated every department in this community needs legal interpretations. He spoke at length with regard to those departments and their needs. He stated the Township has had very few lawsuits and he feels it is due to the fact that he spends a lot of time with lawyers and works things out. He

stated he believes it is very unfair to all of a sudden decide to say that he has to do everything for the salary he gets paid, it is against what the ordinance has to say , against the history of this town and against what all the municipalities do. He believes it is singling him out for punishment of some kind because no lawyer would be treated like that to say that you have to do tax appeals, COAH litigation and all that kind of stuff for your salary, it is punitive and he feels it is inappropriate. Mr. Ullman stated at the moment the budget reflects a salary of \$70,959, two other line items, one was struck, not approved and that was a litigation for COAH, the second line item was a component was actually approved was the recommended \$79,000, which included COAH, the Special Master, T&M, Econsult and some other work, it did not include a provision for attorney. He stated the attorney for COAH and tax appeals were not approved, budgeted and not provided for. He stated the question before us is based on the explanation just received does council want to make any amendments to that, does council want to change anything in the salary ordinance. He asked does the council have any comments or questions they want to ask. Mr. Sears stated the Township cannot not have money to fight COAH; we can't turn a blind eye to not funding the legal aspect of COAH. Mr. Calamari stated he would like to make a motion to fund the COAH line item to \$100,000. A discussion followed with regard to combining the items into one motion. Mr. Calamari stated he would like to make a motion to fund the COAH litigation line item to \$100,000 and the tax appeal line item to \$30,000. Mr. Bruno stated he would personally like to digest everything since a lot was said. He stated he doesn't believe Mr. Poller is being singled out and punished, what it comes down to is understanding what is happening. Mr. Sears stated there was an original motion, he seconds it and he would like to put it to a vote. Mr. Ullman would like the motion restated. Mr. Calamari stated the motion is to fund the COAH litigation line item to \$100,000 and tax appeals at \$30,000. Mr. Ullman asked were those the requested amounts. Administrator Groh replied \$100,000 was the requested amount for the one line item and \$30,000 for the tax appeals. Mr. Ullman stated the motion was made by Mr. Calamari. Mr. Sears stated he seconds it.

Ayes: Councilmen Calamari, Sears, Ullman.

Nays: Councilmen Bruno, Cascio.

A conversation followed regarding if four votes are needed since council is increasing the Mayor's recommendation.

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

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

Nays: None.

Time noted: 10:54 p.m.


Elaine Erlewein
Township Clerk


Michael Ullman
Council President

Approved: May 16, 2016