

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

April 22, 2013

PUBLIC PORTION/CONFERENCE MEETING

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, Steve Cascio with the Clerk leading a salute to the flag. A moment of silence was also conducted on behalf of the victims of the Boston Bombings. Members present: Joseph D'Urso, Richard Hrbek, Fred Goetz, Steven Cascio. Absent: None. Mr. Beckmeyer arrived at 7:35 p.m. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney Absent: Catherine Steinel, Administrator.

Pursuant to the provisions of the Open Public Meetings Act this meeting was listed in the Township Council Annual Meeting List which was published in the Ridgewood News, forwarded to the local newspapers, posted on Municipal Bulletin Board and filed with the Municipal Clerk.

GENERAL PUBLIC DISCUSSION

A motion was made by Mr. Hrbek, seconded by Mr. Goetz to open the Public Discussion.

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

Nays: None

Absent: Councilperson Beckmeyer.

Michael Ullman, 2 Clark Avenue - Mr. Ullman would like an explanation why the professional planner was put out to RFQ? Dr. Cascio explained that the professional planner is someone we used in the past and we haven't RFQ'd in a long time and we would like to know what is out there for other projects. Mr. Ullman asked if this specific planner or position is any different than the one we have had in the past 20 or 30 years that we haven't RFQ'd. Dr. Cascio indicated no and said not that he is aware of. Mr. Ullman asked if there were any plans to RFQ our attorney, engineer, accountants, auditors or any other professionals. Dr. Cascio indicated that there always has been a plan to do that, but we haven't done that in the past and we would like to make a protocol. Mr. Ullman asked if there is a performance issue. Dr. Cascio indicated there is not a performance issue. Mr. Ullman then asked about the road program and the ordinance about Colonial Boulevard. He was told that Colonial Boulevard was a small portion of the road program. Mr. Ullman asked about the larger part of the road plan. Dr. Cascio indicated that yes there is a plan going forward. There was a discussion that some roads are in dire need of repair and that those repairs are going to be included in the capital budget or future budgets. Mr. Ullman asked about ordinance 13-09. Dr. Cascio stated that from his understanding of the ordinance it is for monies that we have to come up with to pay for revaluation of properties. Mayor Sobkowicz indicated that money in the temporary budget and that it going to cost \$50,000.00 per year for five years, approximately. Mr. Ullman asked about Ordinance 13-10. Dr. Cascio indicated he believes that ordinance is for the purchase of radio and communication devices. Mayor Sobkowicz indicated it was in the budget in 2012 and we need to put it in the 2013 budget and the auditor recommended we do it this way. The money is there. We are not bonding it. There was a discussion regarding LOSAP. Dr. Cascio indicated that it is like any other expenditure, it should be signed by the Department Head, CFO and the Business Administrator. It was stated to Mr. Ullman that the LOSAP is part of the Fire Department and Ambulance Corps. Mayor Sobkowicz indicated that the signature on behalf of the Ambulance Corps. would be the Director and the signature on behalf of the Fire Department

would be the Captain. Mr. Ullman asked about Van Emburgh, between Clark Street and IHA, on the eastside, northbound lane. Mr. Ullman would like someone from the Township to go over and look at the area. There is still debris from the hurricane, trees that were cut and left on the sidewalk, which in turn is blocking the sidewalk. Mayor Sobkowicz indicated that she believes those properties belong to the residents on Kennedy Drive. Dr. Cascio indicated that he will notify the administrator to clarify who owns that property. Mr. Ullman asked if the town could get the people to clear those sidewalks it would be appreciated.

Rose D'Ambra, 423 Colonial Boulevard - Mrs. D'Ambra stated since it is out in the papers, she would like to find out about the terminal leave payout. She understands that counsel is not allowed to discuss certain things about the terminal leave payout but why did it take so long from 2010 for Council to find out about these payouts. Dr. Cascio stated there are certain issues we can discuss to an extent. Mr. D'Urso stated that basically the payout amount was found in the 2013 budget process that was started in February. It was a certain number that struck him and everyone on the board. It was a certain number that was in a line item which had been under a closed session matter and was never resolved. The report is the report. Mr. D'Urso further stated it was never explained to Council that payment was made. Mr. Beckmeyer said that he believes at this time the report should be released to the public. Mr. Beckmeyer said he is all for transparency and he believes what is in the report is in the report. Mr. Beckmeyer stated that he wants to let people decide on their own. Dr. Cascio indicated that the report was released to three agencies. Mrs. D'Ambra would like to know why it was hidden until 2013. Dr. Cascio stated we don't know, we have said enough already at this point. Dr. Cascio indicated it is really a closed session matter and it has been referred to three agencies. It is out of Council's hand and we had a majority vote to send the report out to those agencies. Dr. Cascio would like to close the matter at this point. Mr. Beckmeyer stated he would like to bring up the point concerning the vote on that matter. Mr. Beckmeyer stated this is a very sensitive and important matter that we have discussed in closed session. Mr. Beckmeyer also stated we went a very long time with closed sessions, very lengthy and a special attorney was brought in. He was paid to research all of this. Mr. Beckmeyer stated the reason he abstained from voting on the report was due to the fact he received it the day of the meeting and didn't get a chance to read it. Mr. Beckmeyer also stated that the Council was in a closed session meeting when he began to read the report and it was stated that the Council needed to vote at that time. Mr. Beckmeyer stated he just wants to clarify why he abstained from voting. Mr. Poller would like to defer because he was not the attorney who handled the investigation. Mr. Poller does have his own opinion but he does not think it is appropriate, other than to say it is really a decision of the Council. Dr. Cascio indicated to Mrs. D'Ambra that her five minutes was expired and Mrs. D'Ambra objected to that. Mr. Beckmeyer stated that the reason we can't release the report is due to the fact it is attorney client privilege and unless we give permission, the report cannot be released so right now he is seeking permission from this board to release the report to the Township people for transparency. Mr. Hrbek stated the reason he abstained was for the same reason. He did receive the report on the day of the closed session. Mr. Hrbek also feels the report should be released. He said that either the report should be released or something should be done to clear up rumors and false accusations. Dr. Cascio stated that yes; we did get the report that day of the closed session. Mr. Hrbek was having a problem opening up his email and Mr. Beckmeyer did not read it and we did allow them to read them before the closed session. Mr. Beckmeyer stated it is written by an attorney and he would need a thesaurus and dictionary to get through it and that he was just an

engineer. Dr. Cascio further indicated that the report was given out of the on that day of Closed Session. Some of the Council read the report and then enough time was given so that everyone could read the report. A vote was taken to approve giving the report to three outside agencies which we did. Dr. Cascio also stated if anyone wants to read the synopsis of that report that is public information. The three agencies are the Bergen County Prosecutors Office, the DCA, and the Local Finance Board. Dr. Cascio stated that is all we are going to say on the matter at this point. Mr. Beckmeyer stated at this time he would like to make a motion to release the report not just the synopsis, but the actual original report. Mr. D'Urso stated it is not on the agenda and we would have to suspend the rules. We are in a public session.

Peter Mayer 133 Woodfield Road - Mr. Mayer stated to Mrs. D'Ambra, the answer why this happened is because this is an election year that is what this is all about. Mr. Mayer indicated he came to the Council meeting last time and spoke on behalf of Mr. Trause and the fact that there is a lack of port-a-john at games at the high school. Mr. Goetz said that he did reach out to the acting superintendent and made him aware of Mr. Mayer's concerns and it is in their hands now. Mr. Mayer indicated that there are still no port-a-johns and it is going on for years. Mr. Mayer stated he would like to speak about the New Republican Club that he read about in the newspaper that has been formed by Dr. Cascio, Mr. D'Urso and Mr. Goetz. The one thing that Mr. Mayer stated that he takes issue with something Dr. Cascio mentioned in reference to Ronald Regan. Mr. Mayer said that he would like to state that Ronald Regan had one primary political pen and that was never to knock or criticize other republicans. Mr. Mayer stated if this is what the club was going to do then it is wrong. Mr. Mayer said that the Township have two Councilmen here, Mr. Goetz who wants four more years, and Mr. D'Urso who wants to be promoted. In 3 ½ years they both cannot point to one accomplishment. Is this a great country or what?

Rosemary Cunningham Ms. Cunningham does not live in the Township, but she does have the following statement: My name is Rosemarie Cunningham I am not a resident of Washington Township, but I am an employee of the Township. After reading many articles in the Pascack Press, The Community Life, and The Record and on Patch I and many of our fellow employees are quite disgusted about what is being written about the Township. As a resident of this town I can't even imagine what must be going on inside the heads of the residents that live in the Township. After the week of April 11, there was an article in the press so I felt it was necessary to come forward to make this statement. Myself and some of my coworkers are hurt, insulted and offended and have been overlooked in our daily duties of the town. It seems to us that only a chosen couple of employees are recognized in town hall. I wonder if those couple of employees are doing the work of all employees, I don't think so but that is okay because we have our pride, principal, dignity, integrity and character and that absolutely no one can destroy. But most of all that we would like all the residents of the Township to know that all the work that needs to be done is being done by everyone there, the press it is nothing but lies. Let's set the record straight and start telling the truth for a change. We are all working for the same cause and we would like to make one thing perfectly clear that all of us are professionals in our own right. Remember one thing we are all God's children created equal, let us try to respect one another.

Raymond Bernroth, 838 Crest Place - Mr. Bernroth stated he has been up here for quite a few years asking about the cell tower and how close are we to completion. Mr. Poller indicated we are pretty close. The leases are actually in final form and it is going to go into consideration tonight. The Planning Board passed the resolution approving the cell tower and as soon as the leases

are final and Verizon need to get one other approval. The next thing they would need to get was a building permit. Mr. Poller indicated, but he does not want to be held accountable for any specific date, but Mr. Poller did ask Verizon for a date and they indicated the end of the year maximum but probably earlier. It should be up in a relatively quick period of time. Mr. Bernroth indicated that he is surprised with what Verizon had to go through they did not go to another town. Mr. Poller explained that the process is the same with all towns. The process is the same, boards, leases bidding, and negotiation process. Mr. Poller also stated some of the issues that are involved. It is more complicated than you think.

Peter Calamari 28 Gabriel Way-Mr. Calamari had a question regarding the council minutes on the town website. Mr. Calamari indicated some of the minutes are missing. Mrs. Ozment stated that Public Minutes are required to put on the website and Conference Minutes are not. Mr. Calamari indicated that in 2011 there are Conference Minutes on the website, but not 2012. Mrs. Ozment indicated will check on that. Mr. Calamari stated he filed an OPRA request that he considers time sensitive to research the record and the mandatory 7 days has passed. Mrs. Ozment stated it is seven business days, not seven days. Mrs. Ozment stated when Mr. Calamari came into her office today, she told him that she had been away and it is a very large request. Mrs. Ozment indicated she does have a formal letter indicating she needs more time which as the person in charge of OPRA she has the right to do. Mrs. Ozment indicated that she did start working on it this afternoon and she will give Mr. Calamari what he needs next week. Mr. Calamari indicated Mrs. Ozment told him sometimes in the beginning of May, not next week. Mrs. Ozment stated she will give him the documents next week. Mr. Calamari asked who prioritizes the work of the department that fulfills the OPRA Requests. Mrs. Ozment indicated it is her. Mr. Calamari indicated he went on the town website and it states when the clerk is busy, it is the Council President's responsibility to prioritize her work. Dr. Cascio indicated he was not aware that Mrs. Ozment was too busy and Mr. Cascio will see what can be done for Mr. Calamari. Mrs. Ozment indicated that the day after she receives the request is when the clock starts for the 7 business days and Wednesday would be the 7th day. Mrs. Ozment stated that she did explain the situation to Mr. Calamari when he came into her office and Mr. Calamari was very nice about it. Mr. Calamari stated in the Clerk's office that he did not have a problem. Mr. Calamari is letting the council know in his eyes he thought it was late, and he stands corrected. Mr. Calamari noted in the Pascack Press that a Republican Club is being resurrected. The concern Mr. Calamari has is when you click the donate website, it takes you to a PayPal Account of biglawfirm, which is Mr. Goetz's private law practice. Mr. Calamari would like to know why that is and if the donations are going to a Republican Club or an election campaign. Mr. Goetz apologized and stated he was not aware of this. Mr. Goetz also indicated that he does have an IT guy apparently there are some problems that will get fixed.

There being no further questions or comments, a motion were made by Mr. Beckmeyer, seconded by Mr. Hrbek to close the Public Portion of the meeting.

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

Nays: None

Mr. D'Urso - Mr. D'Urso would like to point out, especially to the gentlemen who is waiting for a cell phone tower that there is going to be new business at the Planning Board meeting on Wednesday night at 7:30 if anyone is interested in attending and come and listen to new business that the chairperson will hopefully introduce and talk about. One other comment Mr. D'Urso would like to make is he appreciates the all the work the clerk does and the work load when she has an OPRA request. He then said that there have been several OPRA requests that the council have asked for that were never

fulfilled from certain departments because they were too voluminous. Obviously this is fun and games for some people tonight and that is fine, it is what it is, but this is not the forum for it, but they have to find ways to speak about it. Mr. D'Urso stated we might be revisiting some OPRA requests that are for other departments that are not being released for whatever reason.

Mr. Beckmeyer - At this time I would like to make a motion to suspend the rules and take a vote on releasing the entire report that was done by our attorney Mr. Mondello. Mr. Hrbek seconded the motion.

Ayes: Councilmen Beckmeyer, Hrbek.

Nays: Councilmen D'Urso, Goetz, Cascio.

The motion did not carry.

Resolution

A motion was made by Mr. Beckmeyer, seconded by Dr. Cascio to modify the Recreation Fee Ordinance of 2013, Ord. 13-04. There had been a request to change the starting time from 7:30 a.m. to 7:00 a.m.

The Clerk Read the following resolution entitled: MODIFYING THE RECREATION FEE ORDINANCE FOR 2013

WHEREAS, on April 1, 2013, Ordinance 2013-04 was introduced at first reading by title, amending the fees for the 2013 Recreation Program in the Township of Washington (the "Township"); and

WHEREAS, the Township Council wishes to make a minor modification to said Ordinance prior to second reading and a public hearing thereon altering the start time of the Before Care Program from 7:30 a.m. to 7:00 a.m.; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council for the Township of Washington, that the Township hereby modifies Ordinance 2013-04, changing the start time for Before Care for the Recreation Program from 7:30 a.m. to 7:00 a.m.

Ayes: Councilpersons Beckmeyer

Nays: Councilperson Goetz, D'Urso, Hrbek, Cascio.

The Resolution did not carry.

The Clerk read Ordinance 13-04 entitled: AN ORDINANCE AMENDING FEES FOR SUMMER RECREATION PROGRAM

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to introduce and pass Ordinance 13-04 at second reading by title.

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance # 13-04 entitled: AN ORDINANCE AMENDING FEES FOR SUMMER RECREATION PROGRAM be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek, to open the public hearing, and there being no comments or questions was closed on a motion by Mr. D'Urso, seconded by Mr. Hrbek.

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

Nays: None.

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to pass Ordinance # 13-04 on a second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

The Clerk read Ordinance 13-05 entitled: CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGER COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK.

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to introduce and pass Ordinance 13-04 at second reading by title.

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance # 13-05 entitled: CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. D'Urso, seconded by Mr. Goetz, to open the public hearing, and there being no comments or questions was closed on a motion by Mr. D'Urso, seconded by Mr. Hrbek.

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

Nays: None.

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to pass Ordinance # 13-05 on a second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

The Clerk read Ordinance 13-06 entitled: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$908, 692 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to introduce and pass Ordinance # 13-06 by first reading of title.

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

Nays: None.

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

WHEREAS, Ordinance # 13-06 entitled: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE TOWNSHIP OF WASHINGTON IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$908,693 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE WONSHIP FOR FINANCING SUCH APPROPRIATION was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 22nd day of April, 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of May, 2013 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 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, D'Urso, Goetz, Hrbek, Cascio.

Nays: None.

The Clerk read Ordinance 13-07 entitled: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF COLONIAL BOULEVARD IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$300,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to introduce and pass Ordinance # 13-07 by first reading of title.

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

Nays: None.

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

WHEREAS, Ordinance # 13-07 entitled: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF COLONIAL BOULEVARD IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$300,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 22nd day of April, 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of May, 2013 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 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, D'Urso, Goetz, Hrbek, Cascio.

Nays: None.

The Clerk read Ordinance 13-08 entitled: AN ORDINANCE AMENDING THE LENGTH OF SERVICE AWARDS PROGRAM

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to introduce and pass Ordinance # 13-08 by first reading of title.

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

Nays: None.

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

WHEREAS, Ordinance # 13-08 entitled: AN ORDINANCE AMENDING THE LENGTH OF SERVICE AWARDS PROGRAM was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 22nd day of April, 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of May, 2013 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 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, D'Urso, Goetz, Hrbek, Cascio.

Nays: None.

The Clerk read Ordinance 13-09 entitled: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION-N.J.S. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A TOWNSHIP-WIDE REVALUATION OF REAL PROPERTY

A motion was made by Mr. D'Urso, seconded by Mr. Hrbek to introduce and pass Ordinance # 13-09 by first reading of title.

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

Nays: None.

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

WHEREAS, Ordinance # 13-09 entitled: AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION - N.J.S. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A TOWNSHIP-WIDE REVALUATION OF REAL PROPERTY was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 22nd day of April, 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of May, 2013 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 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, D'Urso, Goetz, Hrbek, Cascio.

Nays: None.

The Clerk read Ordinance 13-10 entitled: A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$7,000.00 FOR THE ACQUISITION OF RADIOS AND PAGERS FOR THE VOLUNTEER AMBULANCE CORPS BY THE TOWNSHIP OF WASHINGTON AND TO APPROPRIATE \$7,000.00 FROM THE GENERAL CAPITAL FUND RESERVE FOR AMBULANCE ACCOUNT.

A motion was made by Mr. D'Urso, seconded by Mr. Beckmeyer to introduce and pass Ordinance # 13-10 by first reading of title.

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

Nays: None.

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

WHEREAS, Ordinance # 13-10 entitled: A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$7,000.00 FOR THE ACQUISITION OF RADIOS AND PAGERS FROM THE VOLUNTEER AMBULANCE CORPS BY THE TOWNSHIP OF WASHINGTON AND TO APPROPRIATE \$7,000.00 FROM THE GENERAL CAPITAL FUND RESERVE FOR THE AMBULANCE ACCOUNT was

introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 22nd day of April, 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 6th day of May, 2013 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 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, D'Urso, Goetz, Hrbek, Cascio.

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.

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

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

Nays: None.

WHEREAS, an ordinance has been introduced creating a special emergency appropriation of \$280,000 to meet certain extraordinary expenses to be incurred for the preparation and execution of a Township-wide Revaluation program to update and make current the previous revaluation of real property for the use of and by the local tax assessor, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation of the purpose above mentioned, and

WHEREAS, the total amount of the special emergency appropriation created including the appropriation to be created by this resolution is \$280,000

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Washington, in the County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

1. A Special Emergency Appropriation-Preparation and Execution of a Township-Wide Revaluation of Real Property \$280,000

2. Total amount of the resolution and ordinance is for \$280,000 and the Township of Washington hereby requests that an exclusion from the "CAP" be granted by the Director of Local Government Services in accordance with P.L.1981, Chapter 56, in the amount of \$56,000 per year in the budgets of the next five succeeding years commencing with the budget of 2014 in accordance with 40A:4-55 (c).

3. That a special emergency note or notes be authorized not in excess of \$280,000, the amount appropriated by ordinance as stated above.

4. That said note or notes may be renewed from time to time at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year thereafter until all are paid.

5. The Mayor and Chief Financial Officer is hereby authorized to execute said notes, and the Township Clerk is hereby authorized to affix the seal of the Township to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes,

and that said notes are within every debt and other limit prescribed by the Constitution of statues of New Jersey.

6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitation prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and deliver such notes upon receiving the purchase price to be paid thereof.

7. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

8. This resolution shall take place immediately.

WHEREAS, the Township of Washington (the "Township") duly advertised a notice to bidders for the purchase and installation of an emergency generator to be located on the property of the Township Municipal Complex, 350 Hudson Avenue, Washington Township, on February 13, 2013 and on April 10, 2013; and

WHEREAS, by resolution such bids were rejected in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-13.2, based on all bids, including the lowest bid, received by the Township, substantially exceeding the cost estimates anticipated the Township, and all bids received by the Township substantially exceeding the Township's appropriations; and

WHEREAS, the Township duly advertised for a second time, a notice to bidders for the purchase and installation of an emergency generator to be located on the property of the Township Municipal Complex, 350 Hudson Avenue, Washington Township, in April 10, 2013; and

WHEREAS, the two bids, including the lowest bid, received by the Township, once again, substantially exceed the cost estimate anticipated by the Township, and the two bids, including the lowest bid, received by the Township substantially exceed the Township's appropriation; and

WHEREAS, the New Jersey Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(3), allows for the negotiation of an such contract after the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefore and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract as follows:

(3) Bids have been advertised pursuant to section 4 of P.L. 1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement or (b) the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefore, or have not been at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; and such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contact; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions, specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L. 1971, c.198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L. 1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding such contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by an responsible vendor, and is a reasonable price for such goods or services.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby rejects all bids submitted on April 10, 2013, for the purchase and installation of an emergency generator to be located on the property of the Township Municipal Complex, 350 Hudson Avenue, and hereby authorizes the Administrator of the Township to contact and negotiate with the bidders for the purchase and installation of an emergency generator to be located at the Township Municipal Complex pursuant to N.J.S.A. 40A:11-5(3).

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

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

WHEREAS, the Commission has agreed to provide Environmental Health Services including a Registered Environmental Health Specialist for the period of April 1, 2013 to July 1, 2013 for 20 hours per month at \$45.00 per hour not to exceed \$900 per month.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township Council approves the agreement proposed by the Mid-Bergen Regional Health Commission, which is on file with the Township, and hereby authorizes the Mayor to execute said agreement for the above stated purpose.

WHEREAS, Mr. Nicholas J. D'Ambra, who resides at 423 Colonial Blvd., Block 4303, Lot 1, and;

WHEREAS, Mr. D'Ambra was granted a permanent disability resulting from service-connected injuries as declared by the United States Veteran's Administration pursuant to N.J.S.A. 54:04-03.30, which grants total exemption from local property taxes and;

WHEREAS, the Township Council of the Township of Washington, New Jersey, authorized, the Tax Collector, Elaine Erlewein, be authorized to refund the pro-rated balance of \$216.58 paid for 1st quarter 2013 property taxes. Notification of this disability received on 3/18/13. This resolution allows the

Tax Collector to cancel 2nd quarter 2013 tax bill in the amount of \$1,499.06 and all future tax bills to be cancelled through this resolution.

WHEREAS, an overpayment was received for Block 3201, Lot 2, Qualifier CO72C, 72 Woodbury Court, homeowner, Marie Napolitano for the 4th quarter 2012. Said property was awarded a tax reduction due to a successful tax appeal.

WHEREAS, under the N.J.S.A. 54:3-27.2, in the event a taxpayer is successful in an appeal from a reduced assessment, the taxing district shall refund any excess taxes paid within 60 days of judgment, and;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Tax Collector, Elaine Erlewein, be authorized to issue a refund to:

Marie Napolitano
98 Douglas Avenue

Township of Washington, New Jersey 07676-4355

Original Bill Paid:	\$ 2,272.00
Reduced Amount Due:	<u>\$ -1,132.48</u>
Amount to be refunded:	\$ 1,139.52

WHEREAS, the Police Departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc. man-made causes, civil unrest and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies; and

WHEREAS, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Development Force to deal with these emergencies; and

WHEREAS, this plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A:9-40.6; and

WHEREAS, this plan will provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property; and

WHEREAS, it is the desire of the Township Council of the Township of Washington to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington and the Police Department of the Township of Washington, under the direction of the Chief of Police, cooperate with the Bergen county Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor and all municipalities in the County of Bergen.

WHEREAS, Eric and Anna Schwartz posted engineering escrow on premises known as Block 2206, Lot 9, 15 Lindenwood Court; and

WHEREAS, the Construction Code Official has issued approval dated April 17, 2013, C.O. No. 10-330.

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated March 27, 2013

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 \$223.00 to the above.

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2013 Temporary Appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.:4-20) including this resolution totals \$6,065, 146.72 exclusive of debt service; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A4-20:

An emergency temporary appropriations be and the same is hereby made for the following:

Police Community Policing	\$	608.00
Police Vehicle Leasing		1,100.00
Bergen County Utilities Cont. Cap Ex		191,779.00
Fire Hose Testing		2,429.00
Fire Dept. -Physicals		940.00
Emergency Mgt. Service-O/E		1,000.00
First Aid Org-Contribution		15,000.00
Dept. of Municipal Facilities O/E Tree Removal		1,250.00
Law-Tax Appeals		7,500.00
Maint. Of Library Health Benefits		100,000.00
Liability		100,000.00
Workers Compensation		60,000.00
Stat Expenditures Social Security		60,000.00
Dept. of Municipalities Salary & Wages		100,000.00
Construction Code Dept. Salary & Wages		20,000.00
Zoning Bd. of Adjustment Salary & Wages		3,000.00
Township Clerk Salary & Wages		20,000.00
Dept. of Finance/Tax Assessor Salary & Wages		10,000.00
Dept. of Law-Salary & Wages		15,000.00
Health Dept.-Salary & Wages		15,000.00
Dept. of Recreation-Salary & Wages		20,000.00
Dept. of Public Safety-Salary & Wages		550,000.00
Municipal Court Salary & Wages		30,000.00
Office of the Mayor-Salary & Wages		3,000.00
Township Council Salary & Wages		9,000.00
First Aid Org-Contribution		15,000.00
Police Desk Record System		5,000.00
Police -Other Expense Guns & Ammunition		4,000.00

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local government Services.

WHEREAS, the local Capital Budget for the year 2013 has not been adopted; and

WHEREAS, it is desired to introduce a capital ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington, County of Bergen, that the following temporary capital budget for 2013 be made:

**CAPITAL BUDGET (CURRENT YEAR ACTION)
 2013
 PROJECT**

Improvement of Colonial Boulevard
Planned Funding Services for Current Year 2013

3	5b	5d	5e
Estimated <u>Total Cost</u>	Capital <u>Improvement Fund</u>	Grants in <u>Authorized Aid & Other</u>	Debt <u>Authorized</u>
\$300,000	\$15,000		\$285,000

PROJECT

IMPROVEMENT OF VARIOUS ROADS

Planned Funding Services for Current Year 2013

3	5b	5d	5e
Estimated <u>Total Cost</u>	Capital <u>Improvement Fund</u>	Grants in <u>Authorized Aid & Other</u>	Debt <u>Authorized</u>
\$908,692	\$43,692		\$865,000

PROJECT

ACQUISITION OF RADIOS AND PAGERS-AMBULANCE

Planned Funding Services for Current Year 2013

3	5b	5d	5e
Estimated <u>Total Cost</u>	Capital <u>Improvement Fund</u>	Grants in <u>Authorized Aid & Other</u>	Debt <u>Authorized</u>
\$7,000		\$7,000	

TOTAL ALL PROJECTS

3	5b	5d	5e
Estimated <u>Total Cost</u>	Capital <u>Improvement Fund</u>	Grants in <u>Authorized Aid & Other</u>	Debt <u>Authorized</u>
\$1,215,692	\$58,692	\$7,000	\$1,150,000

6 YEAR CAPITAL PROGRAM 2013-2018

ANTICIPATED PROJECT SCHEDULE AND FUND REQUIREMENT

PROJECT

IMPROVEMENT OF COLONIAL BOULEVARD

FUNDING AMOUNTS PER YEAR (Budget Year 2013)

3	4
<u>Estimated Total Cost</u>	<u>Budget Year 2013</u>
\$300,000	\$300,000

PROJECT

IMPROVEMENT OF VARIOUS ROADS

FUNDING AMOUNT PER YEAR (Budget Year 2013)

3	4
<u>Estimated Total Cost</u>	<u>Budget Year 2013</u>
\$908,692	\$908.692

PROJECT

ACQUISITION OF RADIOS AND PAGERS-AMBULANCE

FUNDING AMOUNT PER YEAR (Budget Year 2013)

3
Estimated Total Cost

\$7,000

4
Budget Year 2013

\$7,000

TOTAL ALL PROJECTS

3
Estimated Total Cost

\$1,215,692

5
Funding Amount per year
Budget Year 2013

\$1,215,692

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

Nays: None.

Mary Ann Ozment, Township Clerk

Steve Cascio, Council President