

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

**PUBLIC PORTION/CONFERENCE MEETING**

**August 19, 2013**

The Township Council held a Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:32 p.m. by Council President Steven Cascio with the Clerk leading a salute to the flag. Members present: Glenn Beckmeyer, Fred Goetz, Richard Hrbek, Steven Cascio. Absent: None. Mr. D'Urso arrived at 7:52 p.m. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; 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 the Municipal Bulletin Board and filed with the Municipal Clerk.

**GENERAL PUBLIC DISCUSSION**

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

Ayes: Councilpersons Beckmeyer, Goetz, Hrbek, Cascio.

Nays: None.

**Rose D'Ambra 423 Colonial Boulevard** – Stated that at the last meeting she asked the question why should the council president receive more money than the regular council members since everyone was voted in as a council member with no heading title. She also stated council president receives \$6,088.00 and the regular council members receive \$5,876.00. Everyone is doing the same job. Mr. Beckmeyer stated that the council president interacts on the behalf of Council with the clerk, the mayor and the administrator. Mr. Beckmeyer further stated that the council president also sets up the agenda with the clerk and he does organize the meeting and what is going to be discussed. She then stated that she would like the mayor to have more time to talk to the taxpayers because the last time the mayor hurried in her speech and she was not able to write down everything that was said. She further stated she notices Dr. Cascio looking at the time and we should not be on a time schedule. Dr. Cascio indicated that at the last meeting the mayor was given 20 minutes. The mayor was not cut off. She then suggested that the mayor have a filibuster and she will stay and listen to the mayor. We should know what the mayor wants to tell us. She stated when Mr. Devine and Mr. Giardina were on council they always answered the questions posed right away and did not wait until the end, so that the person that is talking about a certain situation can answer. She stated that when Mr. Hrbek said he did not like something she had said, she would have liked the time to answer but she could not come back and answer. She then spoke with regard to the garbage pick-up. Buldo charges the seniors \$39.00 every three months and Waste Management charges \$46.95 including a fuel charge, an environmental charge of \$15.50, a regulatory charge of \$1.31 and an administration fee of \$4.00 which comes out to \$67.76. She stated she would like to know why Waste Management is charging the townspeople this much money. She then stated someone should look into it and that some seniors are taking their garbage bags and dumping them in the shopping center. Dr. Cascio stated that these are private companies and it is their choice to charge what they want. It is up to the consumer to shop around for the better rate. Mrs. D'Ambra said she would like someone to check in to this.

**Ray Bernroth, 838 Crest Place** – Said that he spoke to Mr. Poller outside with regard to the cell tower and received an update. He stated that at the bottom of Crest Place by Pascack Road there are potholes that have been there for quite some time. He stated that he is sure Mr. Goetz sees them since he does drive down that block. Said it would be nice if something can be done with regard to those potholes.

**David Snyder, 91 Windsor Circle** – Said that he has written an editorial “Can’t You Hear Us.” He then read from the editorial, which included that at the August 5 meeting of the council the room was empty of residents and for good reason since nothing is done from one meeting to the next. He does not agree and insists we must keep trying and everyone needs to be involved. He then stated at the July 22 meeting he again inquired with regard to the reversal of the right turn at exit 171 and was told by Dr. Cascio that nothing has been done. He indicated when he asked the mayor no response was given and this is disgraceful. At the same meeting he asked with regard to televising the meetings and he understands it is on the agenda tonight. He then spoke of good leadership, that council had run for office, not forced into office and either it gets done now or bow out gracefully. He then spoke of the 18,000 cars coming down Washington every day going into Pascack and it is getting worse. He understands that the borough attorney indicated it will be a long and drawn out process but let’s make it happen so the people in this town can live in a peaceful and less concentrated area. The Mayor indicated she does have some information for Mr. Snyder. On August 15<sup>th</sup> the administrator and the Mayor met with police personnel and county personnel. There were several items on the agenda, the first one was with regard to the occurrence of accidents at exit 168. Traffic studies were conducted and there has been a decrease in the number of accidents. The Mayor further stated a lot of information was given and we are setting ourselves up for something but we do need to gather information first. Sound barriers were spoken about, which will not be done unless the homes are closer to the Parkway. The right hand turn was also discussed and certain things that are going on with that. The Mayor also indicated some bridge work is going to start next March and the work could continue until July or August. It will begin at mile marker 120 and work up until exit 171. The Mayor stated that facts need to be gathered before any lawsuit begins and it is very difficult to get these entities together at the same time. Mr. Snyder then thanked the mayor. The Mayor further indicated the administrator did a lot of work, researched the original court case and gathered some information.

**Mike Ullman, 2 Clark Avenue** – Asked with regard to the audit report if it will be posted on the website. Mrs. Steinel indicated we do have an electronic version and it was sent to the web master to be posted online. Mrs. Steinel apologized if it had not been posted yet and she would look into it.

**Julie Lipnick, 184 Finnerty** – She said that the Township has a full team of DMF workers but she noticed that High Sierra Landscaping was cutting the grass and doing the edging at the library and she wanted to know why. Mrs. Steinel replied that the library is a separate entity from the Township even though they are funded through the Township. Mrs. Steinel continued to explain that the library chose not to reimburse the Township for the use of the DMF and they preferred to go out on their own to the private sector which is fully within their purview and they have hired a landscaper. Mrs. Steinel stated the library did use the DMF in the past, but have decided to take on this responsibility.

A motion was made by Mr. Beckmeyer, seconded by Mr. Hrbek to close the Public Discussion.

Ayes: Councilpersons Beckmeyer, Goetz, Hrbek, Cascio.

Nays: None.

Ordinance 13-19 was taken out of order waiting for Mr. D’Urso to arrive.

### **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. Goetz** – Asked a question with regard to the Trust Fund Application Memorial Park Fencing Project. Mrs. Steinel stated the application is to replace all of the outer fencing that runs along Pascack Road up School Street. The entire length of the park on School Street will be fenced with guardrail-rated steel fencing since there is a high-traffic area. Mrs. Steinel is requesting grant money to fund a percentage of the cost to be able to replace the fencing. Mrs. Steinel stated that the area should be safeguarded since we are going to be proceeding with a playground area very shortly and also going to be proceeding with the next grant that we have authorized to fix the pavilion. Both of these areas are right against Pascack Road and people drive past them quite fast. Mr. Goetz stated he could not agree more.

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

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

Nays: None.

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 Service 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 July 1, 2013 to September 30, 2013 for 20 hours per month at \$45.00 per hour not to exceed \$900.00 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, the Bergen County open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and

WHEREAS, THE Township of Washington desires to further the public interest by obtaining a matching grant of (\$46,583) from the County Trust Fund to fund the following project: Memorial Park Fencing Project; and

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

WHEREAS, as part of the application process, the governing body received public comments on the proposed park improvements in the application on August 19, 2013; and

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

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of August 29, 2013, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Township Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the Township Council is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Township Council agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Colonial Boulevard-Section 4 Project.

NOW, THEREFORE BE IT RESOLVED that the Council of the Township of Washington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as 00039 to the New Jersey Department of Transportation on behalf of the Township of Washington.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

WHEREAS, the Township of Washington Police Department has applied for the Driving While Intoxicated enforcement "Drive Sober or Get Pulled Over 2013 Statewide Crackdown" Highway Safety Grant from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State has awarded a grant to the Township of Washington in the amount of \$4,400.00; and

WHEREAS, the grant (\$4,400.00) will pay for Police Officers to work overtime to enforce laws effecting the safety and welfare of the residents and streets of the Township of Washington and to educate and encourage the public to refrain from driving while intoxicated;

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people per year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and Labor Day holiday in particular are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober Or Get Pulled Over 2013 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 16 through September 2, 2013; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, be it resolved that the Mayor and Council of the Township of Washington accept the Grant from the State of New Jersey and declare its support for the Drive Sober OR Get Pulled Over Arrest 2013 Statewide Crackdown from August 16 through September 2, 2013 and pledges to increase awareness of the dangers of drinking and driving.

WHEREAS, the Township of Washington, specifically, the Department of Municipal Facilities ("DMF"), and police Department have found the need to dispose of equipment that is no longer needed and have determined that a 1985 Ford 8000 VIN# 1FDYX803FVA, Mileage 22,466; 2002 Crown Victoria Police White VIN# 2FAFP71WX3X112849; 2006 Ford/Crown Victoria VIN# FAFP71W96X106805, Mileage 111,735; 2008 Ford/Crown Victoria VIN#2FAHP71V98X103146, Mileage 105,933 and 2007 Ford/Crown Victoria VIN# 2FAFP71W47X125277, Mileage 104,190 are property no longer needed for public use; and

WHEREAS, the Township of Washington, State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

WHEREAS, the Township Council wishes to authorize the auction of these unneeded vehicles and the minimums for such auction shall be established by the DMR Mechanic and/or the Police Chief of the Township of Washington;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Washington Council that the Administrator is hereby authorized to post and sell the items listed above, on the auction website as follows:

Online auction site: GovDeals.com

Length of Auction: 10 days

Auction Fees: 7.5% of sale price paid to GovDeals.com

Account: Township of Washington

Method of Payment: Cash or Certified Check

Shipping: Buyer pays all costs for shipping if required after payment is received.

Possession: In person by buyer or designated agent.

WHEREAS, N.J.S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Township of Washington will receive \$13,770.00 from the 2013 Community Development Block Grant, Bergen County 2013 Action Plan

(Handicapped Accessible Door Opener Court Chambers) and wishes to amend the 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2013 in the sum of \$13,770.00 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Additional Revenues offset by appropriations.

Appropriations:

Community Development Block Grant FY 2013

Handicapped Accessible Door Opener

Court Chambers FY 2013

BE IT FURTHER RESOLVED that the sum of \$13,770.00 be and the same is hereby appropriated under the caption:

General Appropriations

(a) Operations excluded from 5% CAPS

Public & Private Programs offset by Revenues

Community Development Block Grant

Handicapped Accessible Door Opener

Court Chambers FY 2013

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of Local Government Services for approval.

WHEREAS, the Federal Government in 1996 signed into law the Single Audit Act Amendments of 1996 requiring submission of a corrective action plan for findings and recommendations in the annual audit report, and

WHEREAS, the corrective action plan for 2012 has been submitted to the Mayor and the Township Council, and

WHEREAS, the Mayor and Township Council have received and accepted the corrective action plan which is on file in the Township Clerk's Office,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the corrective action plan along with a copy of this resolution be forwarded to the Division of Local Government Services of the Department of Community Affairs.

**ORDINANCE**

The Clerk read Ordinance 13-19 entitled: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH RULES REGARDING THE AWARD OF PUBLIC PROFESSIONAL SERVICE CONTRACTS.

A motion was made by Dr. Cascio seconded by Mr. Goetz, to introduce and pass Ordinance 13-19 at second reading by title.

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: Councilpersons Beckmeyer, Hrbek.

The following resolution was presented and adopted on a motion by Dr. Cascio seconded by Mr. Goetz.

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: Councilpersons Beckmeyer, Hrbek.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-19 entitled: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH RULES REGARDING THE AWARD OF

PUBLIC PROFESSIONAL SERVICE CONTRACTS 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. Goetz to open the public hearing.

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

Nays: Councilpersons Beckmeyer, Hrbek.

**Rose D'Ambra, 423 Colonial Boulevard** – She asked for a definition for Ordinance #13-19. Dr. Cascio explained the ordinance to Mrs. D'Ambra with regard to Pay to Play that professionals could contribute individually but not as an entity.

**Peter Calamari, 28 Gabriel Way** – He asked if the council president knew how many municipalities in the state have chosen to pass such a restrictive ordinance over what the state determined to be an acceptable number. Dr. Cascio replied 20 municipalities. He also asked about the fact that the Council waited for Mr. D'Urso to arrive and that since there was a quorum that it was not necessary to wait since no one had any idea how Mr. D'Urso was going to vote. Dr. Cascio stated that the Council had the ability to switch the voting. Mr. Goetz stated it is his understanding that it is done out of courtesy and we have waited before for others who have been late so that everyone can vote on important issues. Mr. Goetz further stated it is up to the Council President, but it is again usually done out of courtesy if we know someone is going to be late or not present. We have even put off votes to other meetings. Mr. Calamari then stated that he thinks the Council are playing politics and it is a very slippery slope to delay votes to wait for certain people to show up.

**Vic Fadini, 698 Kennedy Boulevard** – He would like to know as a follow up what 20 municipalities in the state have more restrictive ordinances. Dr. Cascio stated that he would get him a listing. He then asked how many in Bergen County and Dr. Cascio replied none to his knowledge. Mr. Fadini then again asked Dr. Cascio to see a listing of the 20 municipalities that have a more restrictive ordinance and Dr. Cascio indicated he will bring it to the next meeting.

A motion was made by Dr. Cascio seconded by Mr. Goetz to close the public hearing.

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

Nays: Councilperson Hrbek.

**Mr. Poller** – Said he wanted to make a clarification with regard to the Pay to Play ordinance, specifically with regard to what Dr. Cascio stated to Mrs. D'Ambra that individuals can contribute individually but not as an entity. He then indicated that the ordinance talks about professionals and it does not say entity. It also talks about professional service provider. He then said there is nothing in the ordinance that differentiates between entities and individuals. He stated if that is the intent then it needs a little modification to reference entities otherwise it is easy to run afoul on this.

A motion was made by Mr. Goetz, seconded by Mr. D'Urso to pass Ordinance 13-19 on second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: Councilpersons Beckmeyer, Hrbek.

