

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

**PUBLIC MEETING/CONFERENCE SESSION**

**December 19, 2011**

The Township Council held a Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:35 p.m. by Council President Fred Goetz with the Clerk leading the salute to the flag. Members present: Glenn Beckmeyer, Steven Cascio, Joseph D'Urso, Rich Hrbek, Fred Goetz. Also present: Janet Sobkowicz, Mayor; Kenneth Poller, Attorney. Absent: Lilly Chin, Acting Administrator.

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

**APPROVAL OF MINUTES**

A motion was made by Mr. Goetz seconded by Mr. D'Urso to approve the Conference minutes for November 1, 2011.

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

Nays: None

A motion was made by Mr. Goetz, seconded by Mr. D'Urso to approve the Public and Conference minutes for November 21, 2011

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

Nays: None

Abstain: Councilperson Hrbek

**PUBLIC DISCUSSION**

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

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

Nays: None

**Raymond Bernroth, 838 Crest Place** – Mr. Bernroth said that cars have been parking on both sides of Ridgewood Blvd. North by Bacari Grill valets. He asked that someone from the town stop the practice because it is turning Ridgewood Blvd. North into a one lane road. He stated that the town has done a good job picking up leaves this fall. Mayor Sobkowicz said that police have gone to Bacari Grill to stop the parking practice. She will look into doing something long term about the problem. Mr. Goetz said that the issue will be put on the next agenda.

**Rosa D'Ambra, 423 Colonial Blvd.** – Mrs. D'Ambra spoke about the lack of permits for the retaining wall along the back of the properties on the corner of Washington Avenue and Pascack Road. She stated that Mr. Korgelis has done a number of projects without permits and has gotten away with it. She said that she saw dump trucks dropping dirt on a Sunday with no supervision along the retaining wall property. She asked why the town is ignoring what he continues to do. Mr. Goetz said that the Council has no jurisdiction over the building department or zoning applications and is not informed about the permits or building projects. Mayor Sobkowicz said that the town has tried to give violations and fines to Mr. Kourgelis. She gave a brief history of the problems involving the properties that occurred during the last administration. This administration is trying to keep on top of the situation. Mrs. D'Ambra said that Mr. Kourgelis killed a large number of trees by adding dirt around them. Mrs. D'Ambra asked if all of the volunteers that deal with children in the township programs will be fingerprinted and have background checks done. The Mayor stated that she has put money in the new budget for that process.

**Elizabeth Leahy, 275 Wilson Avenue** – Mrs. Leahy asked if there is any update about the cell tower. Mr. Poller stated that there is no new update.

The new height has been approved at 125 feet by the Council. There is no contract until phase 2 is complete.

**David Snyder, 91 Windsor Circle** – Mr. Snyder asked if any carriers have committed to the cell tower other than Verizon. Mr. Poller stated that AT&T and T-Mobile are going on the tower. Mr. Snyder spoke about what was said in regard to the retaining wall on the properties behind Washington Avenue and Pascack Road at the zoning board meeting. He stated the zoning board attorney and chairman said that if the planter is inappropriate than it should be torn down. He spoke about a recent newspaper article in regard to the new configuration of the intersection at GSP exit 168. He asked how many accidents have occurred in the last year versus the last 60 days. Mayor Sobkowicz stated that the acting administrator will get the information from the police department. He asked if the Mayor has met with the county yet in regard to a new traffic light situation at the exit. Mayor Sobkowicz said that the town's safety officer and engineer spoke to the county and that they are not committing to the light at this time. She and Mr. Hrbek will be meeting with the county in about one week. Mr. Goetz said that the new intersection is under a 90-day test period. Mr. Snyder said that the guardrails at the exit are not adequate and need to be reinforced. He spoke about an article in the Record that referenced county agencies that can be used to save tax money. He said that he read that an anti-bullying ordinance was just passed in Ridgefield and that perhaps the Township should also pass one. He spoke about the spending of property tax revenues which he also read about.

**Linda Murphy, 675 McKinley Avenue** – Mrs. Murphy spoke about a retaining wall that encroaches onto a neighboring property behind Pascack Road and Washington Avenue that she stated is a serious problem. The property is part of the CVS application being heard by the zoning board at this time. Mrs. Murphy also spoke about a problem on the behalf of her neighbor, Mrs. Tammen who lives behind the gas station on the corner of Washington Avenue and Pascack Road. She said that Mrs. Tammen and her children have gotten sick from the fumes emitting from the vent on top of the gas station approximately 20 to 25 feet away from the Tammen property and Mrs. Murphy's property. Fumes are also coming from the sewer. Mrs. Murphy spoke to Gary Slater from the DEP and he sent the EPA to the site to investigate. The EPA was not aware until now that both the Murphy's and the Tammen's have wells on their properties. The wells are going to be tested for contamination. Mayor Sobkowicz said that monitoring will begin for the gas station site this week. Mr. Goetz said that if the zoning application passes than the site will be remediated. Some testing is going on at this time. Mrs. Murphy said that a company has recently been at the gas station site to check the underground tanks. Mrs. Murphy said that the lights coming from the trees on the Season's properties are a problem for residents in the area.

**Grace Hogan, 898 Washington Avenue** – Mrs. Hogan asked what will happen to the proposed remediation work if the application for Sky Trading does not get approved. Mr. Goetz said that if the ground is not disturbed then the town and DEP cannot do anything about the cleanup if the application is not approved. Mrs. Hogan said that the Township has the power through a specific law that would supersede the state in forcing a cleanup of the site if the application does not go through. She stated that under Title 7 the Township can pass an ordinance. She will send it to the Council and Mr. Poller. Mrs. Hogan said that she found a permit for the planter built on 660 Pascack Road and a list of other permits but nothing for the ground cover that was brought onto the property. Mr. Goetz said he is aware of a soil moving permit but nothing about the mulch. The soil moving paperwork shows that the material brought in was listed as "borrowed soil". She asked the Council to look into where the ground cover came from. The soil permit was discussed.

Mrs. Hogan asked if a violation can be issued for encroachment. Mr. Poller stated usually it is a private right but it will be looked into it.

Mr. Hrbek said that the Council should work on the Coach's Code of Conduct but is not sure if there is much that can be done as far as an anti-bullying law. He also spoke about the amount of fill that was used for the retaining wall.

**CONSENT AGENDA**

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

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

Nays: None.

BE AND IT IS RESOLVED by the Township Council that the Township Clerk is hereby authorized to issue 75 permits for the Firehouse parking Lot for the year 2012.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Florence Mammolitti, 244 Fern Street is hereby appointed Registrar of Vital Statistics for the remainder of 2011 as prescribed by law to fill the unexpired term of Cecilia Ritter.

WHEREAS, Elena and Dante Pascali posted engineering escrow money on premises known as block 4313, Lot 1, 520 Mountain avenue; and

WHEREAS, the project did not require either a permit or the Issuance of a Certificate of Occupancy,

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money in the amount of \$657.00 to the above.

WHEREAS, Nancy Pastorini posted engineering escrow on premises known as Block 2411, Lot 4, 836 Manhattan; and

WHEREAS, the project did not require either a permit or the issuance of a Certificate of Occupancy,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated December 2, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington be authorized to refund the balance of the escrow money in the amount of \$314.00 to the above.

WHEREAS, Kathleen Zawryt posted planning board, engineering and soil movement escrow on premises known as block 3402, Lot 16, 124 Woodfield Road; and

WHEREAS, the Construction Code Official has issued approval dated December 7, 2011, C.O. No. 10-452&A,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated November 30, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow money in the amount of \$317.00 to the above.

WHEREAS, Victoria Faustini (Tedesco) posted a Performance Bond on premises known as block 2501, Lot 4.06, 2005 East Glen Avenue; and

WHEREAS, according to the Township Engineer's letter dated November 30, 2011 we can release part of the Performance Bond,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund part of the Performance Bond in the amount of \$3,489.00 to the above.

WHEREAS, a homestead benefit was given for Block 2315, Lot 54, George Devine and June Devine, 403 Coolidge Avenue, for the 1st<sup>d</sup> quarter 2012 installment in the amount of \$667.55, and

WHEREAS, the credit adjustment created an over payment in taxes since property taxes became exempt on August 19, 2011 on this totally disabled veteran. Per New Jersey Statute 54:3-27.2, overpaid taxes are to be refunded to homeowner,

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

George Devine and June Devine  
403 Coolidge Avenue

Twp. of Washington, New Jersey 07676

Refund due homeowner: \$ 667.55

WHEREAS, there exists a need for Blood Borne Pathogen Services; and

WHEREAS, the maximum amount of the contract is not to exceed \$3,000. Funds are available and will be certified to by the Treasurer prior to their expenditure; and

WHEREAS, the local Public Contracts law requires that a Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection;

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

1. That the Mayor and township Clerk are hereby authorized and directed to execute an agreement with County of Bergen, Department of Health Services.
2. This contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5(1) (a) of the local Public Contracts Law because the services to be performed are a recognized profession regulated by law; and

Notice of this action shall be printed once in a local newspaper

WHEREAS, Elaine Erlewein is a certified tax collector as of October 14, 2011; and

WHEREAS, Elaine Erlewein will be fulfilling the unexpired term of Judith Curran which expires on December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the township council of the Township of Washington that Elaine Erlewein, CTC, is hereby appointed to the position of Tax Collector for the Township of Washington as prescribed by law.

During the Conference Session the Council discussed the transfers submitted by Mrs. Do with her letter of explanation and also the need for a emergency resolution concerning the State of Emergency during the October Snow Storm.

A motion was made by Dr. Cascio, seconded by Mr. Hrbek to approve the following resolutions:

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

Nays: None

WHEREAS, Title 40A:4-58 of the New Jersey Statutes provides if it should become necessary during the last two (2) months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose setting forth the facts, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the Treasurer be and is hereby authorized to make the following transfers in the 2011 Budget Appropriations:

	FROM	TO
Department of Public Safety		
Police Dispatching		
Salary & Wages	6,298.00	
Dept. of Municipal Facilities		
Vehicle & Equipment Repairs	1,400.00	
Tire Expense	1,697.00	
Street Sweeping	5,000.00	
Maint. Of Senior Van	500.00	
Dept. of Fire Protection		
Clothing Allowance	1,900.00	
Fire Hose Testing	394.00	
Memorial Day Parade	901.00	
Dept. of Municipal Facilities		
Salary & Wages		17,990.00

WHEREAS, Title 40A:4-58 of the New Jersey Statutes provides if it should become necessary during the last two (2) months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose setting forth the facts, adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the Treasurer be and is hereby authorized to make the following transfers in the 2011 Budget Appropriations:

	FROM	TO
Administration		
Environmental Technology	9,000.00	
Dept. of Law		
Administration	500.00	
Fire Hydrant Service	7,000.00	
Dept. of Municipal Facilities		
Parks	10,000.00	
Vehicle & Eq. Repairs	13,764.00	
Workmen's Compensation	23,000.00	
Group Insurance for Employees	50,189.00	
Dept. of Fire Protection		
Tire Expense	1,400.00	
Recycling		
Other Expense		114,853.00

WHEREAS, Title 40A:4-58 of the New Jersey Statutes provides if it should become necessary during the last two (2) months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill the purpose setting forth the facts,

adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the Treasurer be and is hereby authorized to make the following transfers in the 2011 Budget Appropriations:

	FROM	TO
Department of Public Safety		
Police Dispatching		
Salary & Wages	23,702.00	
Group Insurance for Employees	63,898.00	
Dept. of Public Safety		
Police		
Salary & Wages		87,600.00

WHEREAS, a recent storm in the Township caused extensive damage which impacted upon electrical service, blocked roads and interfered with emergency services, and the State of New Jersey declared a State of Emergency as a result thereof; and

WHEREAS, such conditions and the need to immediately address such problems prevented the Township from hiring a vendor through normal bidding procedures; and

WHEREAS, the Township Council acknowledges the need to have retained the services of a vendor and incur expenditures without bidding;

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

1. The Township Council hereby approves the expenditure of up to \$165,000.00 to address such emergent conditions; and
2. The Township Council hereby approves the Township hiring Ornamental and Timber Tree Service as vendors to render such emergency services up to the amount in the aggregate as set forth in paragraph 1.

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Mary Ann Ozment, Township Clerk

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Fred Goetz, Council President