

**Township of Washington  
Bergen County, New Jersey**

**February 11, 2013**

**PUBLIC PORTION/PUBLIC MEETING**

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:30 p.m. by Council President Steven Cascio with the Clerk leading a salute to the flag. Members present: Joseph D'Urso, Richard Hrbek, Fred Goetz, Steven Cascio. Absent: None. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Catherine Steinel, Administrator. Note: Glenn Beckmeyer 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 Ridgewood News, forwarded to the local newspapers, posted on the Municipal Bulletin Board and filed with the Municipal Clerk.

**REPORT OF MAYOR:**

Mayor Sobkowicz expressed her condolences to the family of Jacqueline Do, who had a 52 year career at the Municipality. She will be missed. Today is the final day to pay taxes without a penalty. There have been inquiries if taxes can be paid online. There would be a fee involved to insert it into the website and also a fee involved, whether you pay by e-check, credit card or debit card. Online payments may be available in the next tax quarter. Mayor Sobkowicz thanked all of the emergency services in being pro-active for our community during the last snow storm. The roads were safe and passable. We did not lose power, but we did have a few accidents. The town is seeking a new grant for the installation of warning system and also looking into purchasing portable light towers. Planning Board members tentatively approved demolition for a house on Colonial Blvd., which included a variance. Dunkin Donuts and Original Pizza were not on Planning Board, but will be on at end of February. The cell tower received tentative approval but certain issues need to be written into the resolution. There will be two carriers, AT&T and Verizon. We should have the tower by summer/early fall. With regard to the budget, everyone has been working diligently to get it done. Information has also been given by Department Heads, Directors and Employees who provide the basic information. Kay Coppola stepped down as President of the Golden Seniors after six 2 year terms. She was a leader and very involved in the organization. Bergen County Municipal Insurance held a re-organization meeting. The Mayor and the entire council attended. Each official who attends a class, which is available online, can deduct \$250.00 from the town premium. The improvements made at the intersection of the Garden State Parkway Exit 168 and Washington Avenue has resulted in a decrease of traffic tremendously. Mayor Sobkowicz would like to thank the police department and everyone else involved in the contract settlement. It was a give and take process, but was done with respect to all. Thanked everyone for making it a reality. Ambulance Corps held its installation of officers, and also the Fire Prevention Bureau installed a new inspector. Ambulance Corps is looking for new members. It is a lot of work and dedication, but if you are interested, please give it a try. Mayor Sobkowicz attended a ceremony for 3 Eagle Scouts, two of them being from the Township. The projects presented were outstanding. Also talked about a working house fire on Washington and Van Emburgh on February 6.

**REPORT OF COUNCIL:**

**Mr. D'Urso** - Thanked Jacqueline Do for her 52 years of service, expressed sympathy to her family. DMF did a nice job on the roads during the storm with the trees that came down. Residents are questioning why we had 3 gas stations in town and now only have one. People do like to take shots at the

Council and mayor, thinking we have something to do with it, but we don't. Police contract is moving forward.

**Mr. Hrbek** - Also wanted to acknowledge Jacqueline Do for her service. Was caught off guard with regard to the Mayor and the grant. Would like to have information regarding this via email.

**Mr. Beckmeyer** - Would like to acknowledge Jacqueline Do. She was someone who was very sharp and is going to be missed. Mr. Beckmeyer indicated he drove around to other towns and did not see the roads as clean as ours and wants to give a shout out to the DMF for a good job during the storm. Thanked everyone for coming out on this foggy evening.

**Mr. Goetz** - Extends condolences to the Do family. Jackie will be missed. Everyone is working hard on the budget and looking forward to keeping taxes stable in the Township.

**Dr. Cascio** - Jacqueline Do was an asset to the Community and she will be missed. Apologized for his absence at the last Council Meeting and said he had the flu. Would like the public to know he has office hours here on Tuesday, 11:00 am to 1:00 pm and you can make an appointment with the clerk and he would be happy to sit down and discuss any issue. Thanked everyone for coming out tonight.

#### **APPROVAL OF MINUTES**

A motion was made by Mr. Goetz, seconded by Mr. D'Urso to approve the February 1, 2013 public budget meeting minutes of the Township Council.

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

Abstain: Councilperson Beckmeyer

Nays: None

#### **PUBLIC PORTION:**

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

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

Nays: None.

**William Thomson 560 Hoover Avenue** - Mr. Thomson had a question regarding the paving of Jackson Avenue and Washington Avenue. Mayor Sobkowicz indicated that the repaving will be done in the Spring. Mr. Thomson has attended several of the Budget Meetings and would like to know when the next meeting will be held and was told by Mr. Goetz the next meeting will be tomorrow at 5:30 upstairs in the Conference Room. Mr. Thomson had a question regarding the budget and asked if the Town was up or down with regard to the amount and the level of services. Mr. Goetz indicated that we are trying to keep the same level of service without increasing the budget. Mayor Sobkowicz indicated that we are near the original number but we cannot make a call right now. Since Township is working on budget, Mr. Thomson asked about recodification of Township ordinances. Mr. Poller said that he will look into recodification.

**Sandra Philips 321 Hudson Avenue** - Mrs. Philips asked a question regarding whether we have fuel depot agreements like other towns do. Mrs. Steinel indicated that we have an informal agreement with Paramus. Mrs. Philips indicated that it might save us money if we did. That it could be quite a savings for us. Mrs. Steinel indicated it might not be cost effective if we have to drive to another town to fill up. We have to take that into consideration. That is why we have an agreement with Paramus. Mrs. Philips indicated that it was just a thought. Next question Mrs. Philips had is that at the Planning Board meeting they spoke only briefly about the appointment of their attorney. The

question she has is why we do not go out to bid for town services. She asked if that is a town choice. Would like to know who makes that decision and how the process works. Dr. Cascio indicated it is up to the Mayor if she wants to go out for resumes. Mr. Goetz indicated that the terminology is non-fair and open. The terminology in his opinion should be reversed. Mayor Sobkowicz indicated that if anything is over \$17,500.00 we have to go out to bid and that is why we have bid openings. There are certain types of things that you do not have to go out to bid, like a professional service contract. Mrs. Philips asked Mayor Sobkowicz if that is a choice she makes. Mayor Sobkowicz indicated that the law says you don't have to but you can if you want to. Usually they call it an RFQ. People would send in their information about what they do and how much they charge. It is not formal. Mr. Goetz indicated it was up to the Planning Board. A discussion followed with regard to the Planning Board between Mr. D'Urso and Mrs. Phillips regarding transparency at the Planning Board Meeting. Mr. D'Urso indicated he was not happy with the process. Mrs. Philips wants to understand how the process works just in case she wants to run for council next time. Mr. Goetz indicated that it is a Planning Board decision, not a Council decision. Mrs. Philips had a question regarding the Consent Agenda. A lot of times we in the public have questions and by that time it is voted on, we can no longer ask questions. She does not understand what items 2 & 3 are. She does not even know what they mean and would like it explained in case someone else has a question. Mrs. Philips was then shown the entire Consent Agenda.

There being no other questions or comments, a motion was made by Mr. Hrbek seconded by Mr. Beckmeyer to close the public portion of the meeting.  
Ayes: Councilpersons Beckmeyer, D'Urso, Goetz, Hrbek, Cascio.  
Nays: None.

### **ORDINANCES**

The Clerk read Ordinance 13-01 entitled: AN ORDINANCE REGARDING THE RATE OF COMPENSATION AND MANNER OF PAYMENT FOR VARIOUS MEMBERS OF THE OFFICE OF POLICE FOR THE YEARS 2012 THROUGH 2014 INCLUSIVE.

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to introduce and pass Ordinance 13-01 at the second meeting by title.  
AYES: Councilpersons Beckmeyer, D'Urso, Goetz, Hrbek, Cascio.  
Nays: None.

The following resolution was presented and adopted on a motion by Mr. Beckmeyer, seconded by Mr. D'Urso.  
Ayes: Councilpersons Beckmeyer, D'Urso, Goetz, Hrbek, Cascio.  
Nays: None.

BE IT RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-01 entitled: AN ORDINANCE REGARDING THE RATE OF COMPENSATION AND MANNER OF PAYMENT FOR VARIOUS MEMBERS OF THE OFFICE OF POLICE FOR THE YEARS 2012 THROUGH 2014 INCLUSIVE be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. Beckmeyer, seconded by Mr. Hrbek to open the public hearing and there being no comments or questions was closed on motion by Mr. Beckmeyer, seconded by Mr. Goetz.  
Ayes: Councilpersons Beckmeyer, D'Urso, Goetz, Hrbek, Cascio.  
Nays: None.

A motion was made by Mr. Goetz, seconded by Mr. Beckmeyer to pass Ordinance 13-01 at 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 13-02 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF CROSSING GUARDS IN SAID MUNICIPALITY FOR THE YEARS 2012 AND 2013 to be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to introduce and pass Ordinance 13-02 at second reading by title.

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

Nays: None.

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

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 13-02 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FOR THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF CROSSING GUARDS IN SAID MUNICIPALITY FOR THE YEARS 2012 AND 2013 to be read on second reading and the public hearing be held thereon pursuant to law.

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

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

Nays: None

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 13-02 at second and final reading, submit 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 13-03 entitled: AN ORDINANCE PROVIDING FOR LEGALIZED GAMES OF CHANCE to be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. Hrbek, seconded by Mr. Goetz to introduce and pass Ordinance 13-03 at second reading by title.

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

Nays: None.

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

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 13-03 entitled AN ORDINANCE PROVIDING FOR LEGALIZED GAMES OF CHANCE to be read on second reading and the public hearing be held thereon pursuant to law.

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

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

Nays: None

A motion was made by Mr. Beckmeyer, seconded by Mr. Hrbek to pass Ordinance 13-03 at second and final reading, submit same to the Mayor for her approval and thereafter be published according to 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 Mr. Hrbek, seconded by Mr. Beckmeyer.

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 The Star Ledger is hereby designated as an official newspaper of the Township of Washington for the year 2013.

WHEREAS, Public Safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

WHEREAS, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

WHEREAS; A-1196, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused of-the-job; and

WHEREAS, this bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack hypertension did not occur on the job; and

WHEREAS, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and

WHEREAS, the MEL and the League of Municipalities have offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation of first responders;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township urge the legislature to reject A-1196 and urges the supporters of this legislation to work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to send certified copies of this resolution to Senate President Sweeney, Assembly Speaker Oliver, their Assembly representatives and Senator, Governor Christie and the League of Municipalities.

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4<sup>th</sup> quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished, if not completely depleted; and

WHEREAS, as a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000 per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the school district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imburements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County Governments and School Systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Washington hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Raffle License #896, #897, #898 for Westwood/Washington Township Education Foundation was approved by the Township Council of the Township of Washington.

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. 40A:4-20 provides for the creation of 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. 40A:4-20) including this resolution totals \$2,546,972.00 exclusive of debt services; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-20;

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

Department of Recreation	
Rental Athletic Facilities	\$3000.00

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

WHEREAS, Samer and Rina Batraki posted engineering escrow on premises known as Block 2416, Lot 31, 329 Hudson Avenue; and

WHEREAS, the Construction Code Official has issued approval dated January 2, 2013, C.O. No. 12-593,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letters dated December 3, 2012 and December 14, 2012.

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 \$1049.00 to the above.

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May Ann Ozment, Township Clerk

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Steven Cascio, Council President