

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
PUBLIC PORTION/CONFERENCE MEETING**

JANUARY 28, 2013

The Township Council held Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:30 p.m. by Council Vice President Goetz with the Clerk leading a salute to the flag. Members present: Joe D'Urso, Richard Hrbek, Fred Goetz. Absent: Steven Cascio, Glenn Beckmeyer. Also present: Janet Sobkowicz, Mayor; Catherine Steinel, Administrator; Kenneth Poller, Attorney.

APPROVAL OF MINUTES:

A motion was made by Mr. Goetz, seconded by Mr. D'Urso to approve the November 19, 2012 Public and Conference Minutes, and the January 2, 2013 Sine Die and Reorganization Public Minutes of the Township Council.

Ayes: Councilmen D'Urso, Hrbek, Goetz

Nays: None.

PUBLIC DISCUSSION:

A motion was made by Mr. Goetz, seconded by Mr. D'Urso to open the Public Discussion.

Ayes: D'Urso, Hrbek, Goetz

Nays: None.

David Snyder, 91 Windsor Circle - Stated that since the Council would be working on the budget, he asked that money be put in the budget for a video camera in the courtroom. It was stated that it is too expensive and that a person would be needed to man the camera. Mr. Snyder said that if residents can't get to the meetings, they can't get to see the council at work. We need to move into the 21st Century. Talked about the microphones in the courtroom. He said that they seem to be working well right now but need to work at zoning board meetings. He talked about PSE&G and when they do roads and money paid to the town for security during the road work. Thinks that town should take the money and put it in the police budget. Talked about the planning board meeting. Said that when the township electric was out due to Sandy, the generator was used. Washington Commons was only out for two days. Some of the residents asked about generators and he went on to talk about natural gas vs. diesel. Ms. Steinel talked about generators. Mayor Sobkowicz said that outside billing goes into regular budget. Overhead charges have to, by law, go into general funds. Mr. Snyder then asked about the entrance signs in town and how he felt that seasonal plants should be planted. He said beauty is very important. He asked when the first budget meeting would be held and was told Friday, February 1, 2013 at 6:30 p.m. in the 3rd floor Conference Room.

There being no further comments or questions, a motion was made by Mr. Hrbek, seconded by Mr. D'Urso to close the public discussion.

Ayes: Councilpersons D'Urso, Hrbek, Goetz.

Nays: None

ORDINANCES:

The Clerk read Ordinance No. 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.

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to introduce and pass Ordinance No. 13-02 at first reading by title.

Ayes: Councilpersons D'Urso, Hrbek, Goetz

Nays: None

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

Ayes: Councilpersons D'Urso, Hrbek, Goetz

Nays: None

WHEREAS, 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 was introduced and passed at first reading at a meeting of the Township Council of the Township of Washington on the 28th day of January 2013;

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of February, 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 D'Urso, Hrbek, Goetz

Nays: None

The Clerk read Ordinance No. 13-03 entitled: AN ORDINANCE PROVIDING FOR LEGALIZED GAMES OF CHANCE.

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to introduce and pass Ordinance No. 13-03 at first reading by title:

Ayes: Councilpersons D'Urso, Hrbek, Goetz

Nays: None

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

Ayes: Councilpersons D'Urso, Hrbek, Goetz

WHEREAS, Ordinance No. 13-03 entitled: AN ORDINANCE PROVIDING FOR LEGALIZED GAMES OF CHANCE was introduced and pass at first reading at a meeting of the Township Council of the Township of Washington on the 29th day of January , 2013;

NOW THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 11th day of February, 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.

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. D'Urso, seconded by Mr. Beckmeyer.

Ayes: Councilpersons D'Urso, Hrbek, Goetz

Nays: None.

WHEREAS, Immaculate Heart Academy posted engineering and expert escrow on premises known as Block 13-02, Lot 1, 550 Van Emburgh Avenue;

WHEREAS, the Construction Code Official has issued approval dated December 20, 2012, C.O. No. 11-121,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated December 19, 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 \$405.13 to the above.

WHEREAS, Stephanie and Pasquale Eboli posted engineering escrow on premises known as Block 4412, Lot 38, 318 Walnut Street; and

WHEREAS, the Construction Code Official has issued approval dated December 18, 2012, C.O. No. 12-373,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letters dated December 3, 2012 and December 19, 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 \$412.00 to the above.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the Township Treasurer is hereby authorized to refund the following recreation fee:

Kathleen Botten
113 Fern Street
Township of Washington, NJ 07676

Competitive Cheerleading 2013-\$155.00

WHEREAS, an overpayment was received for Block 2407, Lot 32, 284 Coolidge Avenue, homeowners Ferenc Cserei or Hajnalka Halasz, for the 4th quarter 2012. Said property was awarded a tax reduction due to added assessment charges for 2012 were incorrectly assessed.

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:

Ferenc Cserei and Hajnalka Halasz
651 Asbury Street
New Milford, NJ 07646

Original bill paid:	\$	879.03
Reduced Amount Due:	\$	-0
Amount to be refunded	\$	879.03

WHEREAS, N.J.S.A. 40A:5017 allows for the cancellation of property tax overpayments or delinquents amounts in the amounts of less than \$10.00; and

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00

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 cancel said tax amounts as deemed necessary on the attached list of homeowners.

Total: -\$3.08

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 Borough of Emerson (“Emerson”) and the Township of Washington (the “Township”) to enter into service agreements for the services contemplated below without competitive bidding for same, pursuant at 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.), Emerson seeks to enter into a shared services agreement with the Township whereby the Township will provide health services of a professional and technical nature to Emerson as provided for in the Local Health Services law (N.J.S.A. 26:3A2-1 et seq.); and

WHEREAS, the Township wishes to enter into such a shared services agreement with Emerson;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approves of the proposed, shared services agreement between the Township and Emerson, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the subject shared services agreement with the Borough of Emerson for the above stated purpose.

WHEREAS, United Water New Jersey (“United”) posted a bond to guaranty the performance by United of restoring the trench area only on the north side of Manhattan Avenue immediately west of Hoover Avenue for a distance of approximately 130 linear feet in connection with the extension of an existing 6” water main in order to provide a domestic water service to a single family dwelling located at 849 Manhattan Avenue in the Township of Washington (the “Township”); and

WHEREAS, United has notified the Township Engineer of the completion of these improvements and the desire to have the bond posted by United cancelled; and

WHEREAS, the Township Engineer has inspected all work performed by United and has determined that all such work has been satisfactorily completed, and has made a recommendation to the Township Council for the cancellation of the bond by letter dated January 7, 2013, a copy of which is annexed hereto (the “Township Engineer’s Report and Recommendation”); and

WHEREAS, the Township Council has considered the Township Engineer’s Report and Recommendation, and is of the opinion that action should be taken in accordance with such Report and Recommendation;

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

1. The Township Engineer’s Report and Recommendation is hereby approved and adopted subject to the conditions set forth hereafter.

2. The Township Engineer and Township Attorney shall submit all vouchers for professional services to the Township Treasurer 15 days of the date of this Resolution. The Township Treasurer shall, within 10 days of expiration of said 15 day period, confirm with the Township Engineer and Township Attorney that there are sufficient funds on deposit with the Township from United to pay all outstanding vouchers.

3. Upon verification by the Township Treasurer that there are sufficient funds on deposit to pay all outstanding vouchers for professional services, the bond may be cancelled and a letter from the Township Treasurer may be issued to United confirming to the bonding company that the bond may be canceled.

4. A copy of this Resolution, with a copy of the Township Engineer’s Report and Recommendation annexed hereto, shall be forwarded to United.

WHEREAS, United Water of New Jersey ("United") posted a bond to guaranty the performance of restoring Colonial Boulevard in a "curb to curb" manner in connection with the construction of a 30" Transmission Main, within the northerly limits of Colonial Boulevard in the Township of Washington (the "Township"); and

WHEREAS, United has notified the Township Engineer of the completion of these improvements and the desire to have the bond posted by United cancelled; and

WHEREAS, the Township Engineer has inspected all work performed by United and has determined that all such work has been satisfactorily completed, and has made a recommendation to the Township Council for the cancellation of the bond by letter dated January 7, 2013, a copy of which is annexed hereto (the "Township Engineer's Report and Recommendation"); and

WHEREAS, the Township Council has considered the Township Engineer's Report and Recommendation, and is of the opinion that action should be taken in accordance with such Report and Recommendation;

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

1. The Township's Engineer's Report and Recommendation is hereby approved and adopted and subject to the conditions set forth hereafter.

2. The Township Engineer and Township Attorney shall submit all vouchers for professional services to the Township Treasurer within 15 days of the date of this Resolution. The Township Treasurer shall, within 10 days of expiration of said 15 day period, confirm with the Township Engineer and Township Attorney that there are sufficient funds on deposit with the Township from United to pay all outstanding vouchers.

3. upon verification by the Township Treasurer that there are sufficient funds on deposit to pay all outstanding vouchers for professional services, the bond may be cancelled and a letter from the Wosnhip Treasurer may be issued to united confirming to the bonding company that the bond may be cancelled.

4. A copy of this Resolution, with a copy of the Township Engineer's Report and Recommendation annexed hereto, shall be forwarded to United.

WHEREAS, the Township of Washington, Bergen County has a need to acquire services of a Bonding Attorney to be rendered to the Township as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Governing Body of the Township of Washington has determined that the Township requires professional services of a Bonding Attorney for an amount which may be in excess of \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and WHEREAS, Robert H. Beinfield of Hawkins, Delafield & Wood LLP has submitted proposal attached setting froth the rates for services to the Township for the year 2013; and

WHEREAS, Robert H. Beinfield of Hawkins, Delafield & Wood LLP will be the Bonding Attorney; and

WHEREAS, Hawkins, Delafield & Wood, LLP completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafield & Wood, LLP has not made any reportable contributions to a political or candidate committee in the Township of Washington in the previous one year, and that the contract will prohibit Hawkins, Delafield & Wood, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, the availability of funds for such services shall be determined in the Township's annual budget;

NOW, THEREFORE, BE IT RESOLVED that the Township of Washington Council, County of Bergen, State of New Jersey authorizes the Mayor to enter into a contract with Hawkins, Delafield & Wood, LLP as described herein; and

BE IT FURTHER RESOLVED that the contract herein has been awarded to Hawkins, Delafield & Wood, LLP to provide goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et. seq. As such, there undersigned does hereby attest that Hawkins, Delafield & Wood, LLP, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contact to any political party committee in the Township of Washington, County of Bergen, when the contract is awarded, or to any candidate committee of any person servicing in an elective public office of said municipality when the contract is awarded; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and that a notice of the award of said contract shall be published according to law.

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 Bergen County Utilities Authority (the "BCUA") and 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(2); a

WHEREAS, the BCUA seeks to enter into a shared services agreement with the Township whereby the BCUA will provide a Certified Recycling Professional for signing of the annual recycling tonnage report which is required by the New Jersey Recycling Enhancement Act ("REA") P.L. 2008, Chapter 6, for submission to the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, the Township wishes to enter into such a shared services agreement with the BCUA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approves of the proposed, shared services agreement between the Township and the BCUA, a copy of which is on file with the Township;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the subject shared services agreement with the BCUA for the above stated purpose.

Raffle License #885, # 886 was approved for Hawes Elementary School, HAS by the Township Council of the Township of Washington.

Raffle License # #887 was approved for Friends of Ridgewood Library by the Township Council of the Township of Washington.

Raffle License #888, # 889 was approved for the Wyckoff Family YMCA by the Township Council of the Township of Washington.

Raffle License #890, #891 was approved for the Wyckoff Family YMCA by the Township Council of the Township of Washington.

Raffle License # 892, #893 was approved for the River Vale PTA by the Township Council of the Township of Washington.

Raffle License # 894, #895 was approved for the Allendale Woman's Club by the Township Council of the Township of Washington.

Immediately following the Conference Session, a motion was made by Mr. D'Urso and seconded by Mr. Hrbek to approve the following resolution:

Ayes: Councilpersons D'Urso, Goetz, Hrbek.

Nays: None.

WHEREAS, the Township of Washington (the "Township") and the New Jersey State Policemen's Benevolent Association, Inc., Pascack Valley Local 206 ("PBA Local 206") have engaged in collective bargaining for the purpose of agreeing upon and entering into a contract covering wages, hours of work and other conditions of employment for the years 2012 through 2014 inclusive; and

WHEREAS, the negotiated terms have been incorporated into a collective bargaining agreement between the Township and the PBA local 206 covering the time period January 1, 2012 through December 31, 2014 (the "Agreement") which is on file with the Township Clerk; and

WHEREAS, the terms of the Agreement have been approved by the members of PBA Local 206, and the Mayor and Township Council of the Township of Washington;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township of Washington hereby approves the Agreement between the Township and the PBA local 206, and hereby authorizes the Mayor to execute said Agreement on behalf of the Township.

Mary Ann Ozment, Township Clerk

Fred Goetz, Council Vice President