

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

PUBLIC PORTION/PUBLIC MEETING

JUNE 10, 2013

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:38 p.m. by Council President Steven Cascio with the Clerk leading a salute to the flag. Members present: Glenn Beckmeyer, Joseph D'Urso, Richard Hrbek, Steven Cascio. Absent: Fred Goetz. 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.

The Clerk read the total of various bills paid, a copy of which is attached and made part of these minutes.

Report of Mayor

Mayor Sobkowicz indicated that she and the Council were interviewing planners before this meeting began. Mayor Sobkowicz stated that HUMC North asked each of the mayors to appoint someone for a committee for HUMC and the Mayor appointed Rosanne Boylan. Mayor Sobkowicz then stated out of 25 members on the committee, Roseanne Boylan was chosen as a member of the Board of Directors for HUMC North. Mayor Sobkowicz stated that several events were held at the hospital, including a black tie event, open house and ribbon cutting ceremony. First patient was admitted to the hospital at midnight on May 31. Mayor Sobkowicz also wanted to state that WCTV did a great virtual tour of the hospital. Valley Hospital in Ridgewood has established a committee, based on the affordable housing law, the hospital has done quite a few surveys based on that law, and it also talks about the status of health care in the county. It is very interesting information and it will be posted on the website. The Homestead Rebate of 2012 will be applied as a credit to your August 2013 taxes. At the Planning Board meetings of May 29 and Jun 5, the members of the board participated in hearings on the BP Service Station on Washington Avenue. After much discussion regarding various issues, including signage height and size, clean-ups, hours, landscape and height of fences, the board approved the application at the Wednesday, June 5 meeting. On May 19, the Mayor attended an Eagle Scout Ceremony honoring Christopher Han of Troop 321. Troop 321 came in 2nd Place in the Klondike Derby and their Trophy is on display on the 2nd Floor of Town Hall. On May 22 the Mayor was honored to attend and also to be a guest speaker at a Bridging Ceremony for Daisy, Brownie and Junior Girl Scouts. Dr. Cascio and the Mayor attended a collaborative meeting with five surrounding towns for a presentation of the lighting detection system, the presentation that day was from Strikeguard and another system is WeatherBug. This coming Wednesday, June 12, both systems will be discussed and compared. Father Norton of Saint John's Church in Hillsdale celebrated his Golden Jubilee. Many people came out to honor him and he was thanked for his service to the community. On May 27 the Township held its Memorial Day Parade thanking our veterans and those serving our country. Vito Trause was there as a prisoner of war veteran, and our Grand Marshall was Bill Thomson. The Mayor stated our Memorial Day committee works very hard for several months and they meet every Tuesday to get everything in order for the parade. They deserve a round of applause. The Ambulance Corp is looking for new members so if you would like to volunteer and have the time to get certified, please do so. On Saturday, May 11, the Fire Department held its annual inspection dinner. Also right before the Memorial Day parade at 9:00 am the Fire Department held a service to honor all the firefighters that served our town. The Mayor also would like to congratulate the

fire department on its 1st Place finish in the NY/NJ Parade for Tower Ladder 41. Also the fire department held a car show to raise money for the department and over a 100 cars participated, which was the biggest turnout to date. On Saturday, June 8, there was a picnic held for OLGK parishioners, and there was a lacrosse picnic at Memorial Field. The Mayor stated it was nice to see the residents coming out and enjoying each other's company and she thanked all who ran these events. The Mayor stated that our Administrator Catherine Steinel has been working on the front doors and Senior Center doors to make them automatic doors. The administrator has also been working on bid specs, reviewing the tree ordinance, reviewing contracts and organizing our bonding. Mayor Sobkowicz also congratulated Mrs. Steinel in Mrs. Steinel's negotiations with the generator bid. Mrs. Steinel was able to negotiate a lower price by \$31,000. The oversight of the 2013 Budget will begin at midnight this evening, basically the same as last year. Any request to use those funds must be submitted to the Mayor's office. The Mayor also reported the Township recycled 91 tons in May, a lot more than last year so please keep on recycling. The Township needs the revenue. Mayor Sobkowicz stated the Township Recreation Program is getting a new look and a lot of different modules are available, such as before care and after care. Mayor Sobkowicz is happy to announce they there are 241 children registered at this point and the revenue is at \$57,615.00. A lot of new events and activities are planned. It has been a lot of work but the department has really stepped it up, trying to make it great. The Junior Police Academy is filled and applications are no longer being accepted. There are 100 children participating at this point. The council worked very hard on having the circus come to town and it is happening on June 23. Mayor Sobkowicz indicated that you can purchase tickets online by emailing the Y and you will receive a \$5.00 discount. Mayor Sobkowicz also stated her sympathy goes out to all of those affected in Oklahoma. She wished them well. Mayor Sobkowicz also stated that up to this time four roads have been repaved. The primary election of 2013 was held on June 4 and the Mayor would like to thank all for their support of her, Peter Calamari and Tom Sears. Peter and Tom worked very hard for this community and wait until they get here, they will work harder for this community.

REPORT OF COUNCIL

Mr. D'Urso – Mr. D'Urso stated Memorial Day was a nice day, nice and cool outside. Mr. D'Urso would like to commend Bill Thomson for a great speech. Memorial Day is a day to remember our veterans and all the time they gave to this country. Mr. D'Urso also spoke of the car show. Mr. D'Urso also stated he received some nice compliments regarding the hot dogs and hamburgers which were donated by Mr. D'Urso's company Porcky's. Mr. D'Urso spoke of the Planning Board meetings that have been going on with regard to BP. The BP location is a little bit of an eye sore and it does need cleaning up, BP will be a conscientious neighbors. Mr. D'Urso stated that BP also did take some of the board's suggestions with regard to the lighting in the area, but could not lower the sign due to the foundation. Mr. D'Urso would like to compliment the Mayor and her team in the primary election. Mr. D'Urso stated it was a pretty hard fight for both himself and the Mayor, but you guys will be great. Mr. D'Urso stated he did congratulate the Mayor when they were walking out of the school together on primary night. Good luck to all of you.

Mr. Hrbek – Mr. Hrbek states he has no report this evening.

Mr. Beckmeyer –Mr. Beckmeyer thanked everyone who came out on this wet night. It is nice to see everyone here. Mr. Beckmeyer then spoke of the Memorial Day parade and all the people involved that made the Memorial Day parade the event that it was. It was a very nice and well put together event. Mr. Beckmeyer thanked everyone involved. Mr. Beckmeyer spoke regarding

remembering the people who served this country and who put us in the position we are in today. It is very important to pass this knowledge on to the younger generation, who were not around, so they can remember as well. Mr. Beckmeyer congratulated Janet, Tom and Peter on their win, and Mr. Beckmeyer also congratulated Joe, Fred and Lauren on running their campaign. Mr. Beckmeyer stated we will move on from here and make this a better place to live.

Dr. Cascio – Dr. Cascio congratulates the Mayor and Mr. Calamari for their efforts.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

Absent: Goetz

David Snyder, 91 Windsor Circle – Mr. Snyder congratulated everyone. Mr. Snyder also stated that this is all volunteer work and no one gets paid and everyone is giving it their all. What is being done here is done for civic pride and that is what makes this town great. Mr. Snyder also stated he hopes everything that is on the platform gets done before January. Mr. Snyder also wanted to thank WCTV for the coverage they provided, and Mr. Snyder has been saying for the last three years to put a TV monitor in here so people can see the way things are running and see the accomplishments of what has been done. Mr. Snyder spoke of the five minute rule and that no one should be shut down in mid thought. Mr. Snyder stated one of the platforms everyone was talking about was the GSP Exit 171. Mr. Snyder then stated that before the end of 2013, the Township should file a lawsuit against Woodcliff Lake and Exit 171. Mr. Snyder further stated that it has been 33 years since Exit 171 went in. He then went on to talk about the microphones at the Planning Board Meetings and the Zoning Board Meetings and that they need to be replaced so someone can be heard from the dais as well as the lower table. Mr. Snyder indicated that he understands the County and United Water has repaved certain roads and that is great but Mr. Snyder stated that some of the roads should be bonded. Mayor Sobkowicz indicates that bonding is in the works for Phase 1. Mr. Snyder states that most everyone knows he is a realtor, and he is for the beautification of this town. Mr. Snyder states that when you drive into a town, you see curb appeal. It does not cost a lot to have curb appeal. Maybe a landscaper can put up a sign. It does not have to be a big sign, but a small sign. Mr. Snyder further stated that he does not want to be the let us not be the laughingstock of this County. Let us start from tonight and make this a great town.

Natalie Nese, 561 Mountain Avenue – Mrs. Nese stated that her family was in their new home for only three months when, during Hurricane Sandy, a large oak tree crashed into their home damaging the 1st and 2nd floor. Mrs. Nese wanted to thank the first responders for getting her family out safely. She also stated that she and her family are blessed to be alive. Mrs. Nese further stated that due to the damage from the tree her home was deemed not livable and her family spent two months with relatives. Her family is now in a rental home. Mrs. Nese wants to thank everyone in town that supported her family and her family plans to move back home at the end of this month. Mrs. Nese stated that since there were other trees on the property, she felt it was important to meet with an arborist for a consultation. The arborist stated that the other trees on the property, nine of them, showed stress, cracks and disease, and was an immediate threat to the home. Mrs. Nese stated that,

although it is a financial burden to remove the trees, she believes it is necessary in order to ensure the safety of her family. Mrs. Nese further stated her family cannot wait to move back into the home and not be in danger. She said that she is extremely thankful to everyone in the office of zoning, the administrator and her office, and the mayor and council for understanding how overwhelming this experience was. Dr. Cascio said that the Emergency Tree Removal is on the agenda tonight and he sees no problem in it passing.

Rose D'Ambra, 321 Colonial Boulevard - Mrs. D'Ambra asked what the special session was for earlier this evening. Dr. Cascio replied it was for picking a planner. Two planners were interviewed today. The planner will look at the Master Plan, other issues, COAH Housing, and they would also consult with Zoning and Planning Boards. Mrs. D'Ambra asked about an article that appeared in the Bergen Record on June 7 regarding a letter of May 10 with regard to terminal leave. Mrs. D'Ambra wanted to know why this letter didn't come out before the election. Dr. Cascio replied it didn't come out because it was a closed session matter and it still is ongoing. Mrs. D'Ambra indicated that the article stated that it has been thoroughly reviewed by the Bergen County Prosecutors Office and that there was nothing in the document that would warrant an investigation. Dr. Cascio replied that it still is pending before two other boards. Mrs. D'Ambra states that this \$5,000.00 is a lot of money, and if this is not true then whoever brought this up should pay for it, not the taxpayers. Mrs. D'Ambra further stated that this should have been looked through thoroughly before anything got out of hand. She also spoke about the \$25.00 fee with regard to the trees. She does not understand why everything has to have a fee. Mrs. D'Ambra asks if a bench could be put outside the courtroom where the old telephone was so that people who had to wait would have a place to sit. Dr. Cascio replied that it would be taken under advisement.

Alfred Gillio, 746 Wayne Place - Mr. Gillio states that he spoke to the Township Clerk and the Township Administrator's office with regard to 741 Wayne Place and it is really getting out of hand, especially with all the rain we have had. Mr. Gillio stated that the grass is high, the pool is filthy, and it is a horrible situation right now. Mr. Gillio stated that he understands now the building inspector needs to be involved. Mrs. Steinel said that the Health Department had Bergen County Mosquito spray the pool for the safety of the contiguous properties and the property has been inspected by the building department. A letter has gone out by property maintenance and the property owners are being given a ten day notice before a violation is issued. Once a violation is issued, then Mrs. Steinel can have it come forward to council for them to authorize a lien on the property. Mr. Gillio said that he is now looking at two weeks before anything is done. Mrs. Steinel stated she cannot do anything with regard to due process. Mr. Gillio asked if it would be a problem if some of the neighbors got together and did something themselves. Mrs. Steinel stated that would be considered trespassing and that Mr. Gillio could get hurt. Mr. Gillio stated he has been coming to these meetings for four years and he thinks it is a good idea to videotape them. Mr. Gillio feels more people would get involved if they saw the meetings on cable television.

Agnes Smith, 646 Valley Court - Mrs. Smith first congratulated everyone. Mrs. Smith then spoke about literature she has from when Janet was first running for Mayor. Mrs. Smith stated the first thing on the literature with regard to the Township states keeping the Township residential. In 3 ½ years at the Zoning Board level, a gas station has already been accepted with a convenience store. Mrs. Smith further stated words are spoken but action has never been taken. Mrs. Smith said that she does not want to wait until next January when the Township has already been ruined. She asked Mayor Sobkowicz what she has done according to the literature she has in reference

to the corner of Washington and Pascack. The Mayor replied she has done everything possible. The Mayor further stated that she was able to change engineers due to a conflict with the previous engineer. The Mayor stated the current engineer on record was the one who discovered the C1 waterway and issued a stop order. They were able to proceed with the application, but there is a stop order on the property. The Mayor further stated that she did bring up the fact of townhouses, and that idea might be approached again. The Mayor also stated she is working with the attorney with reference to the boards, that being the Zoning Board and Planning Board not being separate entities. Mrs. Smith stated it was actually someone in the audience that pursued the deed and went after them to find out about the waterway, not the Council or the Mayor. The Mayor replied it was the engineer who did the research and the Mayor also went on to explain Washington Avenue and Pascack Road. Mrs. Smith said that the Mayor was sitting there like it is ok and it is a done deal. Mrs. Smith further stated that Council and the Mayor are forgetting the east side of the Township. She said it was time for everyone to get up off their chairs and do something. Mrs. Smith further stated that the master plan is being violated already with a convenience store located at a gas station which has already been approved. Mrs. Smith also stated that this was a disgrace. She said people are asking her what is going on with the town.

Peter Mayer, 133 Woodfield Road – Mr. Mayer began by addressing Mrs. Smith and he was then asked by Dr. Cascio to please address Council. Mr. Mayer begins by stating this past election three heroes' emerged. Mr. Mayer then went on to list the heroes, Glenn "The Truth" Beckmeyer, who supported every intention of this report that was available by May 10th to show there was not any wrongdoing. Mr. Mayer thanked Mr. Beckmeyer for a fine job. Mr. Mayer then spoke of Mr. Poller and thanked him for getting through the past 3 ½ years and helping the Township. Mr. Mayer then thanked Mayor Sobkowicz for doing an unbelievable job under unbelievable pressure. Mr. Mayer further stated that with two new council members who have pledged to support the Mayor, the next 4 ½ years will be great. Mr. Mayer mentioned that when Janet ran four years ago Ken Poller, Vic Fadini and Gus Calamari attended Janet's celebration and congratulated her since they were part of the other team. Mr. Mayer stated he is disappointed that did not happen this year. Mr. Mayer further stated that we are all Republicans, and there is still an opportunity in the next six months to work together. No more investigations. We are done with all of that. We need to move on and unite. Mr. Mayer stated that the other good thing that has emerged from this is that all along we have been hearing that Mary Ann Ozment needs help, Mary Ann Ozment is doing a great job, Mary Ann Ozment has spent the last 3 ½ years drafting resolutions against our Mayor and now that too will be ending. Mary Ann Ozment will not need the extra help and will be able to get her job done without a problem. This is a real plus. Mr. Mayer addressed Dr. Cascio and asks him when Dr. Cascio voted to suppress the letter of May 10 absolving the administration of any wrongdoing. Dr. Cascio replied there was no vote. Mr. Mayer asks Dr. Cascio that he had the information but just decided not to release it, and Mr. Mayer further asks why did we the taxpayers have to read about it in the Bergen Record. Dr. Cascio replied it is a closed session matter and will remain a closed session matter until the other two agencies submit their opinions. Dr. Cascio further stated that the opinion of one agency was received. There are still two more agencies that need to submit their opinions. Dr. Cascio also stated he cannot answer why it was in the Bergen Record. There must have been a leak on the Council. It was a closed session matter. Mr. Mayer feels this was a witch hunt. It accomplished nothing and the taxpayers want their money back. Dr. Cascio replied that is what you think and Dr. Cascio then

Informed Mr. Mayer that his time had expired. Mr. Mayer then replied to Dr. Cascio that Dr. Cascio's time had expired.

Ray Bernroth, 838 Crest Place – Mr. Bernroth asked if the cell tower was up and working? Mr. Bernroth stated he came up here to congratulate the winners. Mr. Bernroth also stated it is wonderful to see so many people in the room for this meeting, and he further stated that he feels this room should be filled for every meeting so people know what is going on and what the Council and Mayor are doing.

Jeffery Rogers, 25 Woodfield Road – Mr. Rogers stated that while this town is doing the repaving of the roads he would like Council and the Mayor to consider putting speed bumps on some of the streets. Mr. Rogers stated that a lot of the speeders are residents that live in the Township and the police are kind of leaning on not issuing them tickets. Mr. Rogers feels that one way to stop speeders is by putting speed bumps. Other towns have done it successfully and Mr. Rogers believes it can be done successfully in this Township. Mr. Rogers stated he does not understand why meetings can't be televised. He encourages Council to try and find the money. A camera can be put in the back and Mr. Rogers is sure we can get some volunteers to help out. Mr. Rogers further stated a few years ago there was some behavior that occurred that might not have occurred if the person knew they were being videotaped. Mr. Rogers asked who were the two other agencies the Council was waiting to hear from in reference to the ongoing investigation. Dr. Cascio replied the two other agencies are the Local Finance Board and the DCA.

William Thomson, 560 Hoover Avenue – Mr. Thomson would like to use the Mayors mailer as a reference point. Mr. Thomson asked the Mayor that she stated there are a few retired employees that are receiving dental. He asked if this is correct. The Mayor replied yes. She said there are three. They pay for it every January. Mr. Thomson addressed Mr. Poller with regard to the CFO/Treasurer and asked if he or she does not have to live in town and that the person can just come in during the middle of the night. Mr. Poller replied he did not state anything about a person coming in the middle of the night to you or anyone else. Mr. Thomson stated that this CFO we are using is not working during normal business hours. The Mayor replied nothing was said about her coming in the middle of the night to you Mr. Thomson or anyone else. That is not fair to say. The Mayor further stated that this person comes in after work or on Saturday or Sundays. There may be anyone else here, but she signs in at the police station and signs out at the police station, so we know exactly what hours she is here. There was a lengthy discussion regarding the ordinance and the fact that it is or is not ok if the person does not live in town. There was also a discussion between Mr. Poller and Mr. Thomson regarding the former Mayor, and there was also a discussion that Mr. Thomson had consulted another attorney from another town who also disagreed. Mr. Poller spoke of interpreting the law, the guidelines Mr. Poller follows and that people may have different opinions. Mr. Poller spoke of the Faulkner form of government. He said that it is very different from other forms of government due to the fact that the powers are vested in the Mayor's office. There was some confusion on what the conversation was, with regard to the CFO and Treasurer position. Mr. Thomson stated the Mayor said the person is the Treasurer/CFO. Mr. Poller stated it is the CFO. Mr. Thomson stated either you are acting or non-acting. Mr. Poller stated that he and Mr. Thomson disagree.

Michael Ullman, 2 Clark Avenue – Mr. Ullman asked with regard to the salary ordinance if the 2% increase is merit based or a blanket increase. Dr. Cascio replied the increase of 2% is not merit based and that it is a blanket increase. Mr. Ullman asked if for the 4th year everyone is going to get a raise of 2%. Dr. Cascio replied that is correct, that is what was presented. Mr. Ullman asked what expenses have been incurred to date with regard to the cell tower,

the monitoring wells, engineering fees, other professional fees, and attorney fees. Mr. Poller replied that everything that has been a part of the cell tower has not been billed by his office. Mr. Poller went on to further explain that the engineering fees that are being posted are going to be paid for by Verizon. Mr. Poller said that escrow is being posted. Mr. Poller then talked about the monitoring well and that it was an ancillary item and that the cost could not be totally on Verizon. The cost will be split and Verizon will pay 25%, AT&T will pay 25% and the Township will be responsible for 50%. Mr. Poller stated at this time that there is a quote of \$20,000, which is only an estimate from the engineer. Mr. Poller stated there will be a revenue stream in terms of the lease with Verizon, AT&T and when other carriers come on. Mr. Ullman asked with regard to the police antennae going to the new location and Dr. Cascio indicated that probably will not happen. Mr. Ullman stated going back to prior discussions, there is a service gap for the police, fire and ambulance on Van Emburgh, other side of the Parkway, which poses a safety issue. Is there anything being done to address that issue. Dr. Cascio stated that the issue will remain the same. The antennae cannot go on the new tower due to running of some electrical lines and wiring. Mr. Ullman stated this issue was raised by the Fire Director, Police Director, Police Chief and Fire Chief. Mrs. Steinel asked Mr. Ullman what safety issue and he said he was referring to the service gap problem. Mrs. Steinel explained that since the last meeting this problem was discussed. We have asked for plans from the cell tower company and one of the gentlemen from the ambulance corps, who is very radio savvy, will be assisting us in getting a proper estimate to present to the governing body as it pertains to moving the antennae. Mrs. Steinel further stated she does not have an estimate at this time. Dr. Cascio states that the issue has been raised and it is going to be addressed at the next meeting. Mr. Ullman further stated he would like to thank the administration with regard to the debris on Van Emburgh that the administration was kind enough to have removed. Mr. Ullman further stated he was left a message from the DMF that the DMF was going to remove the debris the next day. That next day the debris was gone. Mr. Ullman would like to know why DMF resources were used to move debris from private property. Mrs. Steinel asked Mr. Ullman if he witnessed the DMF removing the debris. Mr. Ullman replied he did not witness it. Mr. Ullman stated he received a voice mail from Chris Reidel that he was sending out DMF employees to remove the debris. Mrs. Steinel replied she is going to have to speak to the director of the DMF regarding this matter.

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, Hrbek, Cascio.
Nays: None.

ORDINANCES

The Clerk read Ordinance 13-14 entitled: AN ORDINANCE AMENDING THE PROCESS OF REMOVAL OF TREES WITHIN THE TOWNSHIP OF WASHINGTON.

A motion was made by Mr. Beckmeyer, seconded by Mr. Hrbek to introduce and pass Ordinance 13-14 at second reading by title.
Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio.
Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-14 entitled: AN ORDINANCE AMENDING THE PROCESS OF REMOVAL OF TREES WITHIN THE TOWNSHIP OF WASHINGTON 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.

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio. Nays: None

Rose D'Ambra, 321 Colonial Boulevard – Mrs. D'Ambra wanted to know why the Township is charging residents \$25 to cut down a dead tree and if the tree is already dead, does the \$25 still have to be paid. It was explained to Mrs. D'Ambra that the \$25 is to cover administrative costs. Mrs. D'Ambra asked if the person cutting down the tree needs to pay to have the tree cut down and if so then why should we have to pay the Township too. Dr. Cascio explained the Townships needs to certify that the tree is actually dead, either by the landowner's arborist or if the tree is evidently dead then a photo would be sent to the administrator and she would certify that the tree is no longer viable. All that takes time and it is at a cost to the Township. The Township is not trying to make money; it is trying to cover the cost. Mrs. D'Ambra disagreed and indicated that every time there is a new ordinance a big fee is attached. Mrs. D'Ambra stated that the building department should go around and inspect the trees. She said why should the Township people be charged to cut down a tree. Mrs. D'Ambra would like to know what if the tree is already down due to a storm. She was told that you would not have to pay for that. Mrs. Steinel stated that in the prior ordinance it stated if a tree is down due to a storm, you are not required to pay the fee. Mrs. Steinel further stated that this ordinance is so trees are not taken down without a permit. Dr. Cascio stated this ordinance is to make sure we are cutting down trees that are already damaged.

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

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

Nays: None.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 13-14 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, 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, Hrbek, Cascio.

Nays: None

WHEREAS, the homeowners of the property located at 561 Mountain Avenue, Washington Township (the "Homeowners") purchased their home prior to Super Storm Sandy and suffered considerable tree damage from the storm; and

WHEREAS, the homeowners have had several tree removal companies evaluate the trees on their property and a tress estimate was completed by Precision Tree Service, Inc. stating that nine (9) trees currently have serious conditions and that those trees pose a risk of falling on the house at any given time creating an emergency situation; and

WHEREAS, the homeowners have made a request to the Township of Washington Administration to review their situation inasmuch as the ability to meet the Planning Boards criteria for tree removal would not only a create a financial hardship, but would create a risk due to the current condition of the trees on their property and the necessity to have these trees removed immediately based on the risk of these trees falling at any given time; and

WHEREAS, the Township Administration has made a request to the Township Council for its review and consideration to provide relief from the local ordinance; and

WHEREAS, the Planning Board Chairman has stated he has no objections to such relief from the local ordinance; and

WHEREAS, the Township Council voted to approve the removal of the nine (9) trees on May 23, 2013;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that the Township Council hereby memorializes its approval of the request of the homeowners of 561 Mountain Avenue, Washington Township to have the nine (9) requested trees removed immediately under the condition that the Homeowners have agreed to and shall replant a total of nine (9) new trees in accordance with the following schedule: 3 trees within the first 12 months of removal of the 9 trees hereunder; another 3 trees within first 24 months of removal of the 9 trees hereunder; and another 3 trees within the first 36 months of removal of the 9 trees hereunder.

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 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 by 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, on April 10, 2013; and

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

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-5 (3), allows for the negotiation of any 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 a contract 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; and

WHEREAS, a resolution was passed on April 22, 2013, authorizing 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), and the Township Administrator has recommended the contract be awarded to TSUJ Corporation, 48 Brush Hill Road, Kinnelon, NJ 07405 ("TSUJ"), based on the attached Memorandum of Understanding ("MOU") which outlines the specific negotiations agreed upon by TSUJ and the Township;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township of Washington hereby awards the contract for the purchase and installation of an emergency generator to be located on the property of the Township Municipal Complex, 350 Hudson Avenue, to TSUJ Corporation, 48 Brush Hill Road, Kinnelon, NJ 07405, and hereby authorizes the Mayor to enter into and execute a contract for the above stated purpose inclusive of the conditions outlined in the attached MOU.

WHEREAS, United Water posted engineering escrow for a project on Washington Avenue and Van Emburgh Avenue; and

WHEREAS, the project has been completed as per the memo from the Police Department which is attached,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow in the amount of \$490.62 to the above.

WHEREAS, Mrs. Ferrara posted a road opening bond on the premises known as 98 Honeysuckle Drive which will now be paid to the estate of Andrew DeClemente; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated May 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the road opening bond in the amount of \$1000.00 to the above.

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 \$16,860.35 from 2013 Clean Communities Grant 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 \$16,860.35 which is now available as a revenue from:

Miscellaneous Revenue

Special item of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services;

Additional Revenues offset by appropriations.

Appropriations:

Clean Communities Grant FY 2013

BE IT FURTHER RESOLVED, that the sum of \$16,805.35 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations excluded from 5% CAPS

Public & Private Programs offset by Revenues

Clean Communities Grant 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 Municipal and County Utilities Authorities Law (N.J.S.A. 40:14B 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 and without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5 (2); and

WHEREAS, in accordance with the New Jersey Solid Waste Management Act (N.J.S.A. 12:1E-1 et seq.) the County of Bergen, constitutes a Solid Waste management District in which the BCUA is the agency responsible for implementation of a Solid Waste Management Plan to provide for the collection, processing and disposal of solid waste generated with the County of Bergen; and

WHEREAS, ADS Solid Waste of NJ, Inc., was awarded a contract with the BCUA on April 25, 2013 for the acceptance, processing and disposal of municipal solid waste at their disposal facility located at 301 Maltese Drive, Totowa, NJ 07512 ("Transfer Station Facility"); and

WHEREAS, the Township of Washington and the BCUA wish to enter into an agreement whereby the Township will deliver all municipally-generated solid waste to the Transfer Station Facility for processing, transportation and disposal, and the BCUA will provide such solid waste processing, transportation and disposal services to the Township, in a cooperative effort relating to municipal solid waste management; and

WHEREAS, the Township will be billed by the BCUA on a monthly basis at the rate of \$65.35 per ton for solid waste delivered to the Transfer Station Facility by or on behalf of the Township for the period June 1, 2013 through May 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township hereby approves the aforesaid 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.

WHEREAS, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., Teleport Communications of America, LLC and Teleport Communications New York (collectively, AT&T"), is a communications carriers authorized to provide services by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Washington Township rights-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey, Inc., and Verizon has required that AT&T obtain approval of the Township of Washington (the "Township") Council as a condition of such access;

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

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in conduits, in the public right-of-way in Washington Township in order to provide communications services to the

public, and to operate, maintain and repair said facilities, subject to the following:

A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.

B. The initial installation authorized herein is for the route depicted on Exhibit A attached hereto. Should AT&T desire to pursue additional installations, it shall seek further approval as the Township may subsequently determine, as contemplated by Paragraph (G) herein.

C. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local Laws regarding safety requirements for the use of the public right-of-way.

D. AT&T is successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.

E. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Washington Township, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Township.

F. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an insured and including the indemnification clause in this Section F shall be filed with the Township Clerk prior to the installation of any facilities. The Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this Section provided it does so generally for all companies using Township rights-of-way. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

G. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.

H. Such permission be and is hereby given upon the condition that AT&T shall at its expense obtain all applicable permits and make all applicable arrangements which may be required by the Township, including without limitation, arrangements for traffic control.

I. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said installation depicted on Exhibit A attached hereto. Said repairs shall conform to the requirements imposed generally on contractors working in Township rights-of-way, and shall be completed to the Township's reasonable satisfaction, including curb-to-curb paving as required by the Township Engineer.

J. Notwithstanding any provision contained herein, neither the Township nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

K. This instrument is adopted on behalf of the Township by the Washington Township Council and attested to by the Township Clerk as the official act of approval of the Township of Washington with such effect as said approval shall have by law.

L. The permission and authority hereby granted with respect to the installation authorized herein depicted on Exhibit A attached hereto shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Township shall have the right to terminate permission and authority, by Resolution with a minimum once year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

M. The authorization hereunder is expressly limited to conduit telecommunications and to no other uses without the prior approval of the Township of Washington.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that the following Plenary Retail Consumption License renewals for one year, effective July 1, 2013 be and are hereby approved:

TJG, Inc., t/a Seasons
Catering
644 Pascack Road
0266-33-005-004

CB Washington Twp LLC
t/a Charlie Browns
95 Linwood Avenue
0266-33-001-006

Amy LLC
t/a The Dog House Saloon & Grill
270 Pascack Road
0266-33-008

BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution License renewal for one year, effective July 1, 2012 be and are hereby approved:

Township Liquors, Inc.
t/Township Liquors
309 Pascack Road
0266-44-006-008

BE IT FURTHER RESOLVED, that the following Club License renewals for one year, effective July 1, 2012 be and are hereby approved:

Washington Township Columbian Club
79 Pascack Road
0266-31-009-001

BE IT FURTHER RESOLVED, by the Township Council of the Township of Washington that the Municipal Clerk be and is hereby authorized to sign and deliver the respective licensing certificates on behalf of the Township of Washington.

Mary Ann Ozment, Township Clerk

Steve Cascio, Council President

