

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

May 16, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:320 p.m. by Council President Michael Ullman with the Clerk leading a salute to the flag. Members present: Robert Bruno, Peter Calamari, Steve Cascio, Tom Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Ken Poller, Attorney; Mary Anne Groh, Business 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 Bergen Record, forwarded to the local newspapers, posted on the Municipal Bulletin Board and filed with the Municipal Clerk.

Mr. Ullman – Mr. Ullman stated we will be receiving updates to Memorial Field, so that will be put on the Conference Agenda as item H.

APPROVAL OF MINUTES

A motion was made by Mr. Sears, seconded by Dr. Cascio, to approve the April 18, 2016 Public & Conference Minutes.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

GENERAL PUBLIC DISCUSSION

A motion was made by Dr. Cascio, seconded by Mr. Sears, to open the general public discussion.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Rosa D'Ambra, 423 Colonial Boulevard – Mrs. D'Ambra read from the article entitled "Law Fee Structure led to Heated Exchange." She asked since Mr. Poller is retired and collecting a pension, is still allowed to be the Township attorney. Mr. Ullman replied he believes so. She spoke of the Stone Mill Gardens having a large pile of mulch and not selling goods packaged, such as mulch and dirt. She also spoke of the RV which is parked in the back. She asked why wasn't the Township involved in the Annual Watershed Clean Up since there is debris in the brook which does need to be cleaned up. Mr. Ullman spoke of the Green Team hopefully gaining momentum and their past involvement in Township clean ups. Mayor Sobkowicz stated she did speak with the Zoning Officer regarding the Stone Mill Gardens. She stated herself and Councilman Sears did plan for the Scouts to clean up the brook area, but it was canceled due to rain. She stated she did spoke to the new manager of the Food Town and the salt pile was removed, they are making some progress.

Ray Bernroth, 838 Crest Place – Mr. Bernroth spoke of the condition of the flag stripes being a grayish color and not white. He asked money be spent to purchase a new flag. Mr. Ullman replied he will look into that.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment spoke of attending the pavilion dedication to Mrs. Ritter and the length of time it took for the dedication to happen. She asked if Mr. Cavallo is being compensated as a QPA for the Township. Mayor Sobkowicz replied no. Mrs. Ozment stated if someone from WCTV is going to be paid; it should be looked into since the Salary Ordinance is being discussed in Conference. She spoke of resolutions being prepared in the past memorializing certain streets which would be closed for the Memorial Day parade. She asked if Mr. Ullman can explain the No-Knock Ordinance which is being discussed. Mr. Ullman stated he believes it is a mechanism where residents can register with the Township to indicate they do not want solicitors and for a nominal fee they receive a sticker to put on

their window/door to ward/warn off solicitors. Mayor Sobkowicz spoke of the dedication of the pavilion to Mrs. Ritter and the time line. She stated the family wanted to wait until the new field, but since that didn't happen they selected this year since Benjamin, Mrs. Ritter's grandson, will be in 8<sup>th</sup> grade and it will be the last year he will be playing on Memorial Field. Mayor Sobkowicz stated with regard to the No-Knock Ordinance, she believes Montvale and Woodcliff Lake have adopted this. A conversation followed regarding parking on certain streets during the Memorial Day Parade.

Toni Plantamura, 808 Robinwood Road – Ms. Plantamura spoke at length of the traffic situation coming off of Exit 171 of the Garden State Parkway. She stated she has observed cars going over the double yellow line and does not see police issuing tickets. She spoke of the surrounding areas being developed and as a result the traffic will come to the Township off of Exit 168. She stated she will go out there with signs and draw attention to the fact that taxpayers are being inconvenienced. Mayor Sobkowicz spoke of the Police Chief putting officers out there to issue tickets. She stated she also contacted the sheriff's department and they indicated they would periodically help us at that location. Mr. Sears stated he agrees with Ms. Plantamura, he has yet to see a police officer stop a vehicle at that location and he would like to see county police officers issuing tickets. He stated if Ms. Plantamura wants to stand out there with signs, he will stand out there with her. Mr. Bruno suggested putting cones at the location to deter people. He stated he lives at the location and there is traffic every morning and evening. He stated there needs to be a plan.

William Ferara, 2536 Cleveland Avenue – Mr. Ferara stated he hopes Township police officers issue tickets so the Township will receive the revenue. He asked where the property line between the school and Memorial Field is. Mayor Sobkowicz replied at the top of the hill. He stated since the water runs off from the school why would that be the Township's problem. He spoke at length of contacting Ms. Schepisi's office and being provided with a list of New Jersey Laws and Regulations that regulate how school boards put away 20% of their operating budget. He stated the Board of Education has 11 million in reserves and two of the elected board members are residents of the Township and they should be criticized for voting to pass that budget. He stated on page 14 of the budget, it states the attorney salary and wages is \$70,959 and there is a line underneath for \$79,000, he would like to know what that represents. Mr. Ullman stated the \$79,000 represents outside assistance for the defense of COAH, Econsult, the Special Master and T&M Associates. Mr. Ferara asked is the \$10,000 to defend against tax appeals. Mr. Ullman replied no, that is not for attorney fees, it is for appraisal fees. Mr. Ferara asked how many tax appeals does the Township currently have. Mr. Ullman replied he doesn't have that number. Mayor Sobkowicz spoke of attending the Pascack Valley Mayor's meeting and the guest speaker was the chairman of the State Municipal Managers Association. She stated he did indicate that tax appeals are bad for municipalities because they are taken out of surplus.

Jim Hanson, 11 Lindenwood Court – Mr. Hanson thanked the Township for acknowledging the Stigma Free Zone. He spoke of the Memorial Field project being ADA Compliant. He spoke of a video that he posted on YouTube showing how bad the ramps are at Memorial Field. He stated he would like to remind people that the Memorial Field project addresses all of the ADA Compliant deficiencies on the field. He stated the project also addresses all of the drainage issues on the field. He stated putting sod down doesn't address the drainage issue and it does become costly. He asked if Wayne Place will be paved this year. Mayor Sobkowicz replied yes, Wayne Place and White Birch. He asked if a bike/pedestrian lane can be put down the right hand side since it is extremely narrow to walk. He also spoke of the drain on the corner of Lindenwood and Sycamore that is going uphill and does not drain properly and also asked that the County drain a drainage ditch near the YMCA since there is standing water. He asked that as much information as possible be put out there for the public with regard to the Memorial Field project.

Introduction Ordinance No. 16-04

The Clerk read Ordinance No. 16-04 entitled: AN ORDINANCE REVISING CERTAIN TIME LIMIT PARKING WITHIN THE TOWNSHIP OF WASHINGTON.

A motion was made by Dr. Cascio, seconded by Mr. Calamari, to introduce and pass Ordinance No. 16-04 at first reading by title.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

The following resolution, Resolution No. 16-198 was presented and adopted on a motion by Dr. Cascio, seconded by Mr. Sears.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

WHEREAS, Ordinance No. 16-04 entitled: AN ORDINANCE REVISING CERTAIN TIME LIMIT PARKING WITHIN THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township of Washington on the 16<sup>TH</sup> day of May, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on 13<sup>th</sup> day of June 2016, at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Building, 350 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 Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration.

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 Dr. Cascio, seconded by Mr. Sears.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Resolution No. 16-199

Mountain Avenue Improvement Project

BE IT RESOLVED that Township Council of the Township of Washington formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-Washington Township-00115 to the New Jersey Department of Transportation on behalf of Township of Washington;

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

Resolution No. 16-200

Tax Refund

WHEREAS, an overpayment for the 2nd quarter property taxes was received from two parties, Financial Freedom and Wendy Weiss, occupant of Block 4301.02, Lot 1, 495 Colonial Blvd,

WHEREAS, under the N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer:

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:

Wendy A. Weiss  
495 Colonial Boulevard  
Township of Washington, NJ 07676

Amount of Refund: \$3,000.00

Resolution No. 16-201

Tax Refund

WHEREAS, an overpayment for the 2nd quarter property taxes was received from two parties, Corelogic Tax Service and the new homeowner, Salma Ali, represented by her attorney, Robert A. Silver, Esq for Block 3401, Lot 1, 785 Ridgewood Road,

WHEREAS, under the N.J.S.A. 54:3-27.2, tax overpayments shall be refunded to the payer:

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:

Robert A. Silver, Eq.  
15 Engle Street, Suite 100B  
Englewood, NJ 07631

Amount of Refund: \$2,478.00

Resolution No. 16-202

Zoning Refund

WHEREAS, Prabhu Goud paid a Zoning Application Fee of \$50.00 for work on premises known as Block 2312, Lot 6, 604 Van Emburgh Avenue; and

WHEREAS, according to the attached email correspondence from the Zoning Official, he determined that the work did not require zoning approval; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the Zoning Application Fee of \$50.00.

Resolution No. 16-203

Escrow Refund

WHEREAS, Rock Hammer Investments posted engineering escrow money on premises known as Block 2312, Lot 37, 434 Coolidge Avenue; and

WHEREAS, the Construction Code Official has issued approval dated 3/28/16, C.O. No. 15-288; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated March 21, 2016; and

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 \$161.00 to the above.

Resolution No. 16-204

Escrow Refund

WHEREAS, Diane & Joseph Ferrara posted engineering escrow money on premises known as Block 2201.01, Lot 10, 743 Amherst Drive; and

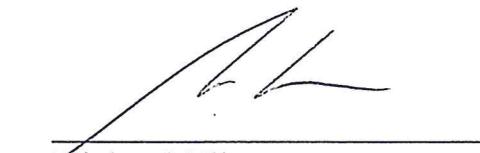
WHEREAS, the Construction Code Official has issued approval dated 10/2/12, C.O. No. 12-420; and

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated March 28, 2016; and

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 \$559.00 to the above.

Time noted: 8:14 p.m.

  
Elaine Erlewein  
Township Clerk

  
Michael Ullman  
Council President

Approved: June 27, 2016

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

CONFERENCE PORTION/PUBLIC SESSION

May 16, 2016

Members present: Robert Bruno, Steve Cascio, Peter Calamari, Tom Sears, Michael Ullman. Also present: Janet Sobkowicz, Mayor; Mary Anne Groh, Administrator; Ken Poller, Attorney.

Time Noted: 8:16 p.m.

CURRENT BUSINESS

Salary Ordinances – Mr. Ullman spoke of both ordinances, the first ordinance (No. 16-05) related to the Fire Department and the second ordinance (No. 16-06) is the broader ordinance covering the majority of positions within the Township. He stated he had requested an edit around the Department of Law which removed the verbiage regarding the billings over and above the salary which would be specified at a specified rate. A conversation followed regarding WCTV broadcasting the meetings and those individuals would not be part of the salary ordinance since they are considered independent contractors not employees. Mr. Ullman asked that both ordinances be discussed before introduction. A discussion followed regarding Ordinance No. 16-05 concerning the Fire Department. Mr. Calamari questioned the edit that was made to the Township attorney (Ordinance No. 16-06.) He would like to know if Mr. Ullman decided this on his own or spoke to any members of the public or special interest groups. Mr. Ullman stated the edit was requested by him and he spoke independently to two members of council regarding the edit, Mr. Bruno and Dr. Cascio. Mr. Calamari asked if there is a reason two members of the council were left out of the discussion. Mr. Ullman replied there is not, but he believes Mr. Calamari's position was quite clear. Mr. Calamari replied he wishes that Mr. Ullman had included him since people do change their votes as Mr. Ullman demonstrated. He stated it is a council discussion, not a select few members of the council discussion. He would like to know why this is being changed since it has been the same for many years and worked very well. Mr. Ullman stated things have occurred for many years, such as consenting or affirming various individuals. He stated the charter and ordinances were reviewed and deemed not to be valid specifically to Mr. Poller. He stated the Director of Law is appointed for the term of the Mayor and was subject to the consent of council, and that is how it was voted. He stated in reviewing and speaking with select fellow councilmen they are of the opinion that there is a salary in the Salary Ordinance for \$70,959 and that function should be performed for that amount. Mr. Calamari asked no matter how much or how little work is involved. Mr. Ullman replied yes. Mr. Calamari asked are we asking the Township attorney that this would be a full time effort of his, if needed for \$70,959. Mr. Ullman replied yes. Mr. Calamari stated the Construction Code Official is paid \$27,146, is that a full time or part time position and where is it stated. Mr. Ullman replied he doesn't believe it is explicit in the Salary Ordinance. Mr. Calamari stated we seem to be making an assumption for Department of Law, Township Attorney that it covers everything, even if a full time effort is required. He would like to know the positions listed are they considered full time or are some of them part time. Mr. Ullman believes we would have to go line by line to make that determination. Mr. Calamari stated his feeling is the Township Attorney is being penalized unfairly and positions cannot be backed if they are full time or part time. He stated if the Township had a boom in construction, are we expecting the construction official to put a full time effort for \$27,000 per year. He stated the same holds true with respect to the Plumbing Sub-Code Official is he expected to work full time for \$10,011. He stated he believes this is being

done to penalize one department and can any justification be given for singling out this one department for this change. Mr. Ullman he thought he had but will reiterate it. He stated there is a salary that is appropriated for the Township attorney and the role is defined in the Charter for the Township attorney that is what he is being paid for that role. Mr. Calamari asked if Mr. Ullman looked in the Charter for all of these other positions. Mr. Ullman replied he did not. Mr. Calamari replied it seems a bit discriminatory to him, why single out one. He asked if Mr. Ullman spoke to anyone in the public or any special interest group to take that line item out. Mr. Ullman replied he has not spoken to any special interest groups or any individuals of the public. Mr. Calamari stated Mr. Ullman spoke to Councilman Bruno and Councilman Cascio. Mr. Ullman replied that is correct and he doesn't know if either Councilmen have any comments. Mayor Sobkowitz stated her main concern is that in the past the tax appeals were separate, when the Township went to Court, someone had to be brought in to conduct assessments and so on. She stated Mr. Poller was paid for litigation, the salary is \$70,000 but that basically covers the nine departments that he oversees, speaking with them, figuring things out, solving problems, whatever is needed. She stated when it comes to going to Court; if you look at the town attorneys they do receive a separately hourly payment to handle those cases. She stated we do have very heavy litigation this year in terms of defending the Township against affordable housing and fair share housing. She stated we have already had quite a bit of discussion on it, actions have been taken and she believes it is important to fund it correctly. She stated the line item Mr. Calamari is referring to does not have to be in the Salary Ordinance, per say, but it must be funded in the budget and it is not. She stated it is important to this community that we have adequate protection when it comes to litigation, which she feels is serious and important. Mr. Calamari stated that we are stating for all litigation, COAH, tax appeals, whatever comes up during the year, we expect the Township attorney to do all of that for \$71,000. He spoke of the administrator being paid \$88,000 per year, the superintendent of DMF \$73,588, the CFO on an hourly basis of \$75.00 per hour, if we work out the hourly rate for the attorney is comes out to \$39.00 per hour. He doesn't know how this cannot be considered a penalty that he is not being singled out for some unknown reason. Dr. Cascio stated we are talking about a position; we are not talking about the individual. He stated going back to the past history of the department that position was paid as a full time employee because that position was receiving health benefits. He stated in the Township Handbook you receive health benefits if you work 35 hours or more, to him that is a full time employee. He stated that position in the past was also in the pension system, it is only pensionable if you are a full time employee. He stated those set precedent of what that position was, 35 hours per week and receiving those two benefits, even though the current holder of that position is no longer in the pension system and not receiving health benefits, it didn't change. He stated that particular line item is increased every year 1.5%. He stated if you are going in the past precedent of that position it has not changed at all. He stated the Charter specifically delineates what the duties of the director and the attorney of the Township is which is to handle all litigation, all appeals, all manners concerning legal situations for the Township. He stated that position is basically a manager, statements were made that he gets called by various departments, yes, he does he handles the various problems in those departments. He stated that is his job, he is a manager and if he receives a call at two a.m. it should be taken care of. He stated he doesn't care how the 35 hours are delegated, if he wants to spend 10 hours doing research and 25 hours doing appeals/litigation that is up to how that individual wants to handle it and that is how it was determined the position is a full time position. He stated no one is being singled out and it is not a political move, it is something that is in the Charter, it is specific to that position and that Charter should be followed. He stated things cannot be made up, we are following it by the book the way it should have been done and for a number of years it has not been. He stated we are correcting either an error or an omission and that is how he perceives that particular part of the ordinance.

He stated it doesn't state how he should be compensated and that it how it traditionally has been compensated in the past, but in his eyes some areas have not been done correctly. He stated the building inspector is getting a salary of \$26,000 per year to do whatever he needs to do, if it takes him ten minutes to do the work or if it takes him five days to do the work that is the salary. He stated if he is efficient he can handle it, but if he is not efficient that is not a council problem, that is an administrative problem. He stated we set ordinances, salary ordinances, budgets and special investigations, this falls within our purview and the three council members feel that is how that particular section reads, how it should have been done and that is present upon the full time versus part time. Mr. Calamari asked why it all of a sudden this year, it seems it was an issue the previous council was hot about and it didn't get changed then. He stated for the past two years, it was not brought up, he is curious as to why it has not been brought up in the prior two years. Dr. Cascio replied if you look through the votes, he did vote no on a number of appointments. He stated he voted no on this particular appointments two years in a row. Mr. Calamari stated Dr. Cascio voted no on the appointment, but not on the paying on the salary. Dr. Cascio replied he also voted no on that issue, it is indicated in the minutes. Mr. Calamari stated it is obvious there is a difference of opinion and believes it is being done to penalize that department and it is expected that department do all the court cases that may come up, be it zero or higher number for the exact same price. He stated volume varies from year to year. He doesn't see how one salary can be set to cover a minimum year and a maximum year. He stated in researching all the other towns in New Jersey no one pays as is being proposed. He stated if it is good enough for other towns, why isn't it good enough for the Township of Washington. Dr. Cascio spoke of very few towns being a Faulkner form of government, and a majority of the towns brought up are not Faulkner. He stated he doesn't care what other towns are doing, the charter reads as the charter reads. He stated he is only concerned about this town and the taxpayers of this town. Mr. Calamari stated when other towns do something, we are ready to jump on board and use them as an example, now we seem to want to change something but we don't care what other towns do. Mr. Sears stated in looking back over the years Mr. Poller has fought for this town on multiple occasions. He stated COAH if not handled properly could really hurt this community in a sense that we will no longer be a small home grown community. He stated he has never known Mr. Poller to ask for an extra dollar that he felt was not needed. He stated what is being done here is not right and this does not sit well for the town if it goes forward. Mayor Sobkowicz stated over the years Mr. Poller has been able to solve problems and avoid litigation; he is not the type to spend money for litigation. She stated he really has solved a lot of issues and litigation has been minimal. She stated right now we really have some serious legal issues facing us, not only from Fair Share Housing and COAH, but there are other lawsuits that are on the horizon, so it is really important that the Township protects itself. She stated it will be difficult at this time to do that, if at all. She stated Mr. Poller's hourly wage of \$135 per hour is very reasonable and we need to provide him with the tools he needs to protect the Township. She stated she has always felt good about the Township's financial position, if there is an emergency or a storm she knows the Township can cover whatever we need to get us through it, but this is an area she is very worried about. Mr. Bruno stated he is a little confused that the Mayor is worried about this situation, yet when we went through the budget, our process was to see what was spent in the prior years, what we spent specifically last year and what we thought we needed going forward. He stated in the category of outside legal expense he believes two years ago \$6,000 was spent and last year \$40,000 was spent. He stated from what he understands the department head, which he assumes is Mr. Poller recommended/requested \$70,000, Madam Mayor recommended \$79,000 and we agreed. He stated four months later we have a major problem because the Mayor feels it is a major problem. He doesn't how it went from \$6,000 to \$40,000 to \$70,000 to \$79,000 and the Mayor now voices her opinion when at the budget meeting the Mayor stated she thought it

was too much to begin with. He suggested the Mayor look at the minutes and listen to the audio. He stated he would be happy to go through the Salary Ordinance and look at every position and indicate a job description, which according to the Employee Manual should be on file for every employee in the Township. He asked does the Township have job descriptions for every employee in the Township as indicated on page 10 of the Employee Manual. He would be happy to look at every job description in the Salary Ordinance to see if it is correct or not correct. He stated during the budget process he was blown away in the amount of people being paid, there are Directors, part timers and we have employees who are the same person that receive two different salaries. He stated he will be more than happy to go through every job description that the Township has and the Salary Ordinance and reevaluate the whole process. Administrator Groh stated we went through this in the budget process and discussed who the person was. Mr. Bruno replied he agrees, but there is a question that is full time/part time and the salary. He asked does the Township have a description for each employee. Administrator Groh stated she believes they have to be created for some. She stated the Employee Manual is the ideal and what the Township strives for, but there are areas that have to improve upon. She stated she knows that evaluation is something that she personally feels needs to be done. Mr. Bruno replied that is on page 11, have employees been evaluated, are they being paid the right amount. He stated he understands everyone received 1.5% even though some members voted not to take 1.5%, but he would like to look at employees we have and the job descriptions, salary, amount of hours, performance/evaluations and adjustments will then be made on the Salary Ordinance. Mayor Sobkowicz stated that is one of the things wanted to do, and a lot of changes/clarifications were made. She a lot of information was given during the budget process on the various positions, part time/full time but in a small town that a lot of how it works. She stated moving forward she will be happy to have other discussions on positions. Mr. Bruno he is not disputing that, but he is throwing out a suggestion that he would be more than happy to go through the every job description and employee on the salary ordinance. Administrator Groh stated she is concerned since the employees have been receiving the same salary as last year since they are being paid under the old Salary Ordinance, but the employees governed by the Collective Bargaining Agreement are enjoying their raises since it is pursuant to the contract. She stated she is afraid what it will do the morale if council decides to cut salaries or reevaluate that was agreed to during the budget and possibly change salaries. She stated most employees are five days a week, but some are four days a week. She is concerned this exercise of looking at every employee will drag out until the end of the year. She stated the funding is there since the council set the increase by 1.5%, but she is afraid that going into this type of exercise will delay the employees getting their salaries. She stated we are trying to get it done before June 30<sup>th</sup> so we would not distort pension numbers. Mr. Bruno replied council voted on 1.5% to everyone across the board, he is looking to understand job descriptions and the person and how it all fits in. Mr. Poller stated this has been gone twice already in depth and believes it is an exercise in futility if he goes through it a third or fourth time. He believes the die is cast and the people who believe in what they are doing are pretty well married to it for whatever purposes or agendas. He stated he was asked to give a number that he would need in the legal budget, and T&M (the planner) gave a number of \$25,000 for the work he had to do, and the money to pay these people is coming out of the legal budget, it is being drawn out of that account and going towards those individuals. He stated the Special Master, who is appointed by the Court and involved in the COAH lawsuit also needs to be paid. He stated he did have a conversation with her about a budget for the year and her number is \$25,000 as well, which brings it up to \$50,000. He stated Econsult who is the expert who replaced Burchell, they rendered multiple reports and need to be available to testify and their number is \$20,000, which is \$70,000 of the \$79,000. He stated the additional money discussed was originally a number to cover legal fees, the COAH suit and any other litigation, that is how that

number came to be. He stated the Code basically sets forth the duties of the Township attorney, it does not say in this section all the things the attorney has to do, how he gets paid. He stated there is another section that says there is a Salary Ordinance that deals on how people get paid. He stated he did ask Dr. Cascio if he knows of any other town in the entire State of New Jersey that does not pay their lawyer extra for litigation and Dr. Cascio replied he did not know of one. He stated he does understand if towns do something it doesn't necessarily mean we have to do it, but when you are the only town that that is dealing with this situation, it does look a little strange that the bullseye is on somebody particularly when the ordinance has been what it has been. He stated it does work in the Faulkner towns as well, River Vale and Verona and there are others. He stated Dr. Cascio ran for office, is doing the good for the Township, helps the taxpayers but he also does receive a pension. He stated as far as the towns that are in the area, which we generally look at, with regard to lawyers being paid, whether it is a salary or a retainer, it doesn't matter since it is a set number that covers general services and general services are generally defined as all the ordinances, resolutions, coming to the meetings and handling departments as well as a whole other host of things. He stated just some of the towns are Haworth, Montvale, Park Ridge, Saddle River, Paramus, Ramsey, Woodcliff Lake, Upper Saddle River, Westwood, Verona, Fair Lawn and many more. He stated there is also a list on the email if you take a look at the 230 municipalities that are in the Econsult consortium, they are all being paid hourly, no one is being paid included in a salary or retainer, litigation is always extra. He stated he does have more to say, but knows it is irrelevant because he knows what people are going to do regardless of what the facts are. He believes everyone has a pretty clear idea of what the motives are with that he really has nothing else to say. Mr. Calamari stated he wants it noted for the record before the council voted on the \$79,000 line item, although it was in the budget books as that was the recommendation, the Department of Law had asked council for \$100,000. He believes we need as much as we can to fight COAH. Mr. Poller replied of which \$70,000 was already allocated to those outside people that were mentioned. Mr. Calamari stated anyone who reads the papers understands it is a State wide problem and every town is putting up a fight to get as few units as possible. He asked Mr. Ullman how does Mr. Ullman communicate with Councilman Bruno and Cascio, are they emails or fax. Mr. Ullman replied phone and in person. Mr. Bruno stated he believes we actually met at the bagel place once. Mr. Calamari stated although he is sure it follows the letter of the law, in his opinion it is certainly skirting what the law is intended for, to have private meetings on this and leave two councilmen out of it altogether. Mr. Ullman asked if Mr. Calamari is stating he cannot speak with Councilman Bruno or Dr. Cascio about issues of the Township. Mr. Calamari replied he believes that is why we have council meetings was to discuss issues of the Township among the council. Mr. Ullman asked when Mr. Calamari walks the back of the property across the street with Mr. Sears and they come across issues, is that special or exclusion. He stated he is the first to tell you that he switched his vote from the vote that was taken, however to imply that he cannot speak to members of the council is absurd. Mr. Calamari replied when Councilman Sears and he walk behind the shopping center, we are not discussing anything as important as this issue, there are different degrees. He stated we are talking about cleaning up a waterway, and per say that is not council's business to get involved in a waterway cleanup. He stated this issue is truly council business, ordinances and budget. He stated he does stand by his statement that yes, what Mr. Ullman did may have followed the letter of the law, but certainly not the spirit of the law. He stated since Mr. Ullman brought up the vote, would he care to share with anyone why he changed it. Mr. Ullman replied he had an opportunity after the vote to speak with members of the council. Mr. Calamari asked which members. Mr. Ullman replied he spoke with Dr. Cascio and Mr. Bruno. He stated they expressed their opinions about the vote and how he voted, they expressed their positions and he switched his vote, he changed his vote. Mr. Calamari stated the spirit of the law was skirted again, it seems like there is a council within a council running

meetings. He stated there are three members that hold a lot of discussions about different things that two of us are not party to those at all, it happened on Mr. Ullman's vote and is also happening on the salary ordinance. Comments followed with regard to being recognized by Mr. Ullman, the Council President, before speaking. Mr. Calamari stated to him it seems as though on very important issues we are running a council within a council, that is why we have council meetings and are supposed to be transparent to the public to discuss these things in an open forum. He stated Mr. Ullman is choosing on two items to have mini-council meetings, which he feels is extremely improper. Mr. Ullman replied he takes exception to his characterization since a mini-council meeting would imply that he is sitting and conversing with Mr. Bruno and Dr. Cascio at the same time and coming to conclusions. Mr. Calamari stated Mr. Ullman is talking council business, he doesn't care if it is with just one other person, it is a mini-council meeting, not by the letter of the law, but the spirit of the law. Dr. Cascio asked if Mr. Calamari is insinuating that the Sunshine Laws were broken. Mr. Calamari replied no. Dr. Cascio replied if Mr. Calamari is insinuating that he recommends that he makes an ethical charge to the DCA and let them know your feelings. Mr. Calamari asked if Dr. Cascio was recognized. He stated it is part of Mr. Ullman's job to keep this meeting in order and he does not appreciate being interrupted. He stated he does always look towards Mr. Ullman to be recognized and people to chime in is very disrespectful and it is the Council President's job to run the meeting accordingly. He stated it seems to him we are having mini-council meetings and if the taxpayers are happy with that so be it, to him it is improper at best. He stated if Mr. Ullman is the one requesting these meetings with the other two council members, he chooses not to finish the sentence and he has nothing else. Dr. Cascio stated Mr. Calamari talks not chiming in, he remembers when he was on the other side he never received an email. He stated he doesn't want to hear we are having talks between council members and not including everyone because that is so hypocritical that it is silly. He stated if Mr. Calamari is insinuating the Sunshine Law is being violated again he recommends that Mr. Calamari make a complaint to the DCA. He has not spoken to other people and does know what the Sunshine Laws are and what is allowed. He stated with that being said he will take himself out of the mix, whenever there is a council function, whether it be for the Ambulance Corp or the Police Department, he will not attend because he is not going to get that insinuation since that what Mr. Calamari is insinuating. He stated we don't do that. Mr. Calamari asked who is "we." Dr. Cascio replied we all don't do that, he stated he doesn't do it, he doesn't believe Mr. Sears, Mr. Calamari, Mr. Bruno or Mr. Ullman do it. He stated he can only speak for himself and he hopes he is correct because he feels most of the people if not all the people up here have integrity and would not do that. He stated with that being said if Mr. Calamari would like to call him, he would be happy to talk to him, if Mr. Sears wants to call him he would be happy to talk to him. He stated he would not anticipate that being a secret meeting of the council. Mr. Sears stated he has no comments but thinks this is done with, transparency is shot and we should move on to the next topic. Mr. Bruno stated when the email was sent out with regard to the Salary Ordinance he did indicate he has some questions, not only on the Department of Law but on many of the salaries and personnel. He stated there was not anything singled out, an email was sent and he responded and voiced his concerns of employees holding multiple functions and paid in multiple ways which was somewhat confusing to him. He stated for him it is the whole issue. A conversation followed with regard to introducing the ordinance at this meeting and if anyone had any concerns.

## ORDINANCES

### Introduction Ordinance No. 16-05

The Clerk read Ordinance No. 16-05 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING

FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY OF THE YEAR 2016.

A motion was made by Mr. Bruno, seconded by Mr. Calamari, to introduce and pass Ordinance No. 16-05 at first reading by title.

Ayes: Councilmen Bruno, Calamari, Cascio, Ullman.

Nays: None.

Recuse: Councilman Sears.

The following resolution, Resolution No. 16-205 was presented and adopted on a motion by Mr. Bruno, seconded by Dr. Cascio.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Recuse: Councilman Sears.

WHEREAS, Ordinance No. 16-05 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF CLOTHING ALLOWANCE OF OFFICERS AND FIREFIGHTERS OF THE FIRE DEPARTMENT IN SAID MUNICIPALITY OF THE YEAR 2016 was introduced and passed at first reading at a meeting of the Township of Washington on the 16<sup>th</sup> day of May, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on 13<sup>th</sup> day of June, 2016 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Building, 350 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 Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration.

#### Introduction Ordinance No. 16-06

The Clerk read Ordinance No. 16-06 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 OFFICERS AND EMPLOYEES IN SAID MUNICIPALITY FOR THE YEAR 2016.

A motion was made by Dr. Cascio, seconded by Mr. Bruno, to introduce and pass Ordinance No. 16-06 at first reading by title.

Ayes: Councilmen Bruno, Cascio, Ullman.

Nays: Councilmen Calamari, Sears.

The following resolution, Resolution No. 16-206 was presented and adopted on a motion by Mr. Bruno, seconded by Dr. Cascio.

Ayes: Councilmen Bruno, Cascio, Ullman.

Nays: Councilmen Calamari, Sears.

WHEREAS, Ordinance No. 16-06 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 OFFICERS AND EMPLOYEES IN SAID MUNICIPALITY FOR THE YEAR 2016 was introduced and passed at first reading at a meeting of the Township of Washington on the 16<sup>th</sup> day of May, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on 13<sup>th</sup> day of June, 2016 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Building, 350 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 Bergen Record, a newspaper circulated in this Township, the introduction and notice of further consideration.

CFO – Mr. Ullman stated the current CFO is expiring at the end of May. Mr. Ullman stated Mr. Bruno did speak to the Battaglia firm which was put forth as a second choice. Administrator Groh explained if there is an appointment of an individual, it would be for a four year term. She stated it would be healthy for both sides to appoint to the end of the fiscal year. Mr. Ullman asked if council was okay with the firm. Mr. Calamari asked more importantly is the administration okay with the firm. Administrator Groh stated she has not revisited the material for a while, she feels personality wise it is a good fit but her concern is experience. She stated she will speak to the Battaglia firm and see if they are still available. A conversation followed regarding extending Ms. Marabello's appointment for 60 days and having a resolution for that extension at the next council meeting.

Broadcast of Council Meetings – Mr. Ullman stated he spoke to Larry (Lifrieri) regarding doing a Proof of Concept which would be setting up the chamber on a temporary basis with two cameras in the back and having the council mic'd for audio. He stated Larry will be recording the June 13<sup>th</sup> meeting for an hour, it will not be broadcasted or streamlined and it will then be distributed to the council/administration on a disc or some other media so all can see how the video presents itself and listen to the audio and if it would be something we would want to pursue on a permanent basis. Mr. Calamari asked what would the cost be. Mr. Ullman stated Larry did mention on a permanent/production basis it would cost \$200 per meeting to do the recording that would include the gentleman attending the meeting, live streaming the meeting, looping the meeting onto WCTV and publishing the meeting on YouTube or some other medium. Mr. Calamari asked if the audio only can be available on the website. A conversation followed regarding the software update that is needed for the audio. Mr. Calamari asked if this hour recording would be OPRA'able. Mr. Poller replied he believes so, yes. Mr. Ullman stated he has no problem with it being OPRA'd. He stated the reason it is only an hour is for us to observe what it would look like along with the audio. He will also reach out to find out if the one hour trial would be gratis.

Employee Handbook – Mr. Ullman stated he had two concerns regarding the Employee Handbook, one is job description and the other is the employee evaluation policy. He stated when he inquired in the past, he was told there were not job descriptions for the positions and employee evaluations were not performed, exclusive of those covered by the Collective Bargaining Agreements. He asked should employees expect to have a performance evaluation this year. Administrator Groh stated the prior versions have been in effect for many years, and it is recommended by JIF and all employment attorneys to have a personnel manual. A conversation followed regarding moving forward with a merit based system or staying with the current compensation model. Administrator Groh spoke of public employment law and certain statutory provisions that mandate certain employee positions which is something to be considered as part of the determination of a raise. Administrator Groh also explained why the handbook was provided to council. Mr. Calamari expressed his concern of tying the pay into an evaluation since he feels it can open up the Township to lawsuits, such as why is this person getting a raise and that person is not. He also asked that department heads receive training on how to perform an evaluation. Administrator Groh replied they will be given a standard form. Mr. Ullman stated he understands Mr. Calamari's concerns, but does believe it should be merit based but there are also constraints.

DMF Vehicles – Mr. Ullman asked if the third vehicle has been received yet. Administrator Groh it was received Friday. Mr. Ullman asked what vehicles remain out there. Administrator Groh explained the status of the vehicles that remain out in the parking lot, one vehicle is being held for evidence, some vehicles may be put up for auction and the Fire Chief Vehicle may be passed over to the Ambulance Corp. Mayor Sobkowicz stated the vehicles may be put up for County auction or listed on govdeal. A discussion followed regarding the maintenance of the current vehicles and the vehicles which are newer. Administrator Groh stated upon delivery of the vehicles she did require the DMF operator to check every specification to verify the

Township received the correct vehicle and also to become familiar with the literature. A conversation followed with regard to the payment of the vendor, which will be done once certain items that are owed are delivered on one truck and payment for the other truck will be processed once Mr. Kiely verifies the truck delivered is according to the specs. Mr. Calamari stressed the importance of documenting maintenance on the vehicles according to manufacturer's warranty.

No Knock Ordinance – Mayor Sobkowicz spoke of residents disliking solicitors come around the neighborhood and the Township does receive calls regarding this. She stated recently several towns in the area have passed the “No Knock Ordinance” which is similar to “Do not Call.” She stated you can put yourself on the list and when people do come to get a permit to solicit, they will be made aware of the fact that we have a “No Knock Ordinance” and a list will be given to them of the residents that do not want solicitors at their door. She stated the resident will also have the option to purchase a decal for a dollar to put on their window/door. She stated Emerson is also looking at this, and Woodcliff Lake and Montvale did pass it based on residents being concerned about the number of solicitations, people going door to door. She stated hopefully this will reduce the number of solicitors going around. A conversation followed regarding what is currently implemented being that solicitors do go the Police Department and they are checked before being allowed to solicit. Mr. Calamari stated he disagrees with charging the resident a dollar for the decal. He asked if this would also apply to political groups. Mr. Poller replied no, it doesn't apply. Dr. Cascio stated his concern with regard to Boy Scout and Girl Scout troops. A conversation followed regarding organizations that would be exempt, such as the Scouts, political and religious organizations. Mayor Sobkowicz explained that we are not preventing people from coming here; we are just indicating to them that certain people do not want to be disturbed. Mr. Poller suggested since Montvale and Woodcliff Lake did pass this ordinance, the Township can wait six months and contact them to see how it worked for them. Administrator Groh spoke of the existing statute which does not include non-profit vendors. Mr. Calamari asked if there are complaints. Mayor Sobkowicz stated we do receive complaints of people going out after dark. Mr. Ullman stated he would like to take Mr. Poller's advice, to let someone else blaze the trail for a few months, see how it works for them and then revisit this ordinance.

COAH – Sample Letter – Mr. Poller stated there is a bill in the assembly to get rid of the gap period when no activity of COAH was taking place and this letter is supporting that bill. He stated it is the recommendation from the head of the consortium to send this letter supporting the bill stating the Township is not in favor of the gap number being applied and the Township doesn't want the extra number of units applied to all the municipalities. He stated it is as though the Township is getting punished for COAH not doing its job for all those years. Mr. Ullman asked if Mr. Poller thinks by introducing this we are disadvantaging ourselves or put ourselves in poor light. Mr. Poller replied no, because you are supporting the bill that is being proposed. He explained the gap period at length and stated Fair Share Housing is taking the position that the numbers should take into account the gap period and the consortium's position is we should not have to take into account the gap period. A conversation followed regarding validating that a number of towns support this letter or just voting as is and allowing Mr. Poller to move forward.

A motion was made by Mr. Sears, seconded by Dr. Cascio, to allow Mr. Poller to move forward with this letter.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.

Nays: None.

Mr. Calamari – Mr. Calamari spoke of an article in The Record with regard to Paramus on COAH and building affordable units. A discussion will not be held since the Township is involved in pending litigation. Mr. Calamari stated with regard to the “No Knock Ordinance” we are willing to see what other

towns do, but we are not willing to see what other towns do with regard to the their Department of Law.

Memorial Field – Mr. Ullman asked if there are updates with regard to the field. Administrator Groh stated the pump was successfully replaced and is working. She spoke of the appointment of the QPA. She stated she did receive a graphic from Mr. Statile showing the delineation of the 20,000 square feet which is an extremely bad area. She stated she did receive an updated spec for the type of soil tonight before this meeting. She stated the last time the field was sodded was in 2012 and the hard costs were just under \$120,000 which doesn't include engineering. She stated there was a meeting held at the field with Mr. Twomey, Mr. Terry Hayes of Men's Softball and Chris Santise, Mr. Statile was also asked to attend but he had a prior commitment. She stated they walked the field to see if it is the right thing to do to spend that kind of money for use by football. She stated she doesn't know if a decision has been made to spend that kind of money on sod if it will not fix the drainage problem, and there also is an issue with significant ruts in the field. She stated conversations were had regarding aerating the field to fill in some of the gaps. She stated at this point letters can be sent to landscapers, but we will have to give them a week or two so we are talking about the middle of June. She spoke of drought conditions and the possibility of relocating softball and football at additional costs. Mr. Ullman spoke of walking the field and it seemed to be very dry and he asked the Administrator to confirm that the pump is actually working. Administrator Groh replied she will check with Dan Kiely. Mr. Ullman spoke of the referendum coming up in November. He stated the field has problems and the council is willing to fund/address some of the problems, it may be a band aid. He spoke of Mr. Twomey coming in, there being a window to sod and council commitment to fund that work at \$40,000. He stated council should seriously consider the path of this interim solution. Mr. Calamari stated he agrees, this was meant to get us through a certain time period until voters have their say. He stated he agrees to not spending a lot of money, just enough to get to the referendum. He doesn't want to see council getting into the drainage right now. Dr. Cascio stated the council did make a commitment to get the field ready for some type of playability, at least for football and it was funded. He stated something needs to be done with the drainage whether it is an artificial or turf surface. Mr. Sears stated a commitment was made and council still has that commitment. Mr. Bruno stated it is funded. Mr. Ullman stated the council feels provisions have been made in the budget to sod the field based on input from some people who are on the field a few couple of hundred times a year and that would be council's recommendation to stay on that path. Mr. Calamari stated with regard to the Conference portion of the agenda, he stated he would like to see Memorial Field, the intersection and solid waste continue to be placed on the agenda until they come to logical solutions.

A motion was made by Mr. Sears, seconded Dr. Cascio to adjourn.  
Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.  
Nays: None.

Time noted: 10:17

  
Elaine Erlewein  
Township Clerk

  
Michael Ullman  
Council President

Approved: June 27, 2016