

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

PUBLIC PORTION/CONFERENCE MEETING

May 20, 2013

The Township Council held a Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:34 p.m. by Council President, Steve Cascio with the Clerk leading a salute to the flag. Members present: Glenn Beckmeyer, Joseph D'Urso, Richard Hrbek, Fred Goetz, Steven Cascio. 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 Municipal Bulletin Board and filed with the Municipal Clerk.

Mayor Sobkowicz – Stated that before the meeting was started, she had a presentation. Mr. Robert Stickle a member of our Community who is president of Lifesavers is donating four defibrillators and we will be putting one in each of our fields. Sudden cardiac arrest is the number one cause of death in the United States and about 41% occur outside of hospitals. Mayor Sobkowicz said she was sure that some of our residents have read some of the articles in the papers. We have a need for defibrillators and they save many lives. Mr. Stickle presented the defibrillators to the Mayor.

GENERAL PUBLIC DISCUSSION:

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

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

Nays: None.

Peter Mayer, 133 Woodfield Road - Mr. Mayer had a question for Mr. Poller. He asked if Council played any role in eminent domain. Mr. Poller stated yes, it authorizes the lawsuit that would start a proceeding. Council votes on that and authorizes the expenditure of monies for that. Mr. Mayer stated that someone said that the Mayor was solely responsible for the eminent domain at the VFW. This is not true. Mr. Poller said that this is not true, totally incorrect. Mr. Mayer asked Council if they are going to release the report regarding the overtime payments. Dr. Cascio indicated that the synopsis of the report is out there, minus the opinion of the outside attorney. Mr. Mayer then asked if this is with regard to the \$14,000 differential and the monies paid. Dr. Cascio stated yes. Mr. Mayer then went on to state since Dr. Cascio likes to investigate problems with finances, since we do not have a cell tower yet, we were supposed to have a cell tower two years ago, but Mr. D'Urso proposed another location, and we lost to years. Didn't the town then lose two years of revenue? Dr. Cascio indicated that he was assuming the cell tower would have been up in the two years. It would have taken longer than two years to put up the cell tower. Mr. Mayer then went on state that he was a member of the search committee looking at resumes for an administrator. Mr. Mayer understands that the current administrator is doing a fine job, but Lilly Chin did two jobs very well, and she was being paid \$65,000 per year. We now have replaced Lilly with two people that are costing us \$125,000 a year which is costing the taxpayers an additional \$65,000. Mr. Mayer stated that we all know the reason Lilly Chin is no longer Administrator and that is because she worked well with the Mayor. This is more money down the drain. In addition, because they wanted Lilly Chin out so bad, she was abused by the people on Council and now she is suing our town and it is going to cost us hundreds and thousands of dollars to get out of this lawsuit that was brought upon by the abuse of certain Council sitting here. Mr. Mayer further stated if you are

worried about \$14,000 and there are hundreds of thousands of dollars that are being wasted of taxpayer money for no good reason. Mr. Mayer indicated he has said enough and reserves the right to reappear before council.

Ray Bernroth, 838 Crest Place - Mr. Poller indicated that he understands that Mr. Bernroth is going to ask about the cell tower so Mr. Poller will give Mr. Bernroth an update. Mr. Poller stated the Verizon lease was finalized today and the AT&T lease was already finalized. Mr. Poller stated that the paint chips are here to pick out the color and we are on the verge of getting this done. Mr. Poller stated the only thing that is left to be done is a balloon test, which is actually going to be done by a crane. Mr. Poller stated that he just wanted to let Mr. Bernroth know.

Bill Thomson, 560 Hoover Avenue - Mr. Thomson asked Mr. Poller about a statement that was made at the last meeting. He asked about the temporary appointment of a CFO, which Mr. Poller stated was for two years. Mr. Poller stated that he didn't say two years. The statute authorizes one year, and the maximum is two years, with the approval of the director. Mr. Thomson asked if the acting treasurer/cfo is a resident of the Township. Mayor Sobkowicz stated no. Mr. Thomson stated that according to 40A:9-12 it states that the appointment of a non-resident has to be done by an ordinance. There was a discussion whether this applies to an acting person in that position or the actual position. There was also a discussion regarding the difference between full time appointments or acting appointments. Mr. Thomson asked if this person is certified. Mayor Sobkowicz stated that yes, she is and the Mayor had handed out her certification to Council. There was a discussion among council if anyone had seen the certification, and Mr. Goetz stated that yes, he recalls seeing the certification. Mr. Thomson would like a copy of her certification. Mr. Thomson stated with regard to the definition of equality in the US Constitution, to protect us, what exactly does that mean. Mr. Poller stated if he had a couple of hours he would explain it. Mr. Thomson stated if people in a segment of the community are treated differently than other people from another segment of the community, isn't that a civil rights issue. Mr. Poller stated he is here to represent the community through the direction of the Mayor and Council. If was asked of Mr. Poller if he was here to make sure the Council and Mayor were not going to get sued. Mr. Poller stated he gives opinions when he is required to give opinions. Mr. Thomson then went on to state that the police department, from what he understands, has been told to enforce the number of political signs on properties, but they are doing it only for one side, Mr. Poller stated that, if Mr. Thomson thinks he has a claim, then Mr. Thomson is entitled to file whatever claim he likes. Mayor Sobkowicz states that both sides are being treated equally. Dr. Cascio states to Mr. Thomson that his time has expired.

Peter Calamari, 28 Gabriel Way - Mr. Calamari stated in a letter to the editor he was indirectly accused of stating a wrong position. Mr. Calamari would like to get that clarified. Number one, no town resident has asked Mr. Calamari the question that Mr. D'Urso posed. Mr. Calamari asked Mr. D'Urso if he changed his mind or if he was in favor of civilian dispatchers in the Township of Washington. Mr. D'Urso stated that for four years the Council has have put money aside and for four years it has been cancelled out. Mr. D'Urso further stated that this year they put aside \$165,000 for civilian dispatchers. Mr. Calamari asks Mr. D'Urso if he is saying he is in favor of the Township using outside dispatching services. Mr. D'Urso stated that he is in favor of anything working. It is the Mayors call. Mr. Calamari stated that in a letter to the editor Mr. D'Urso accused him of misstating his position, so Mr. Calamari would like to make sure he understands Mr. D'Urso position. He asked if Mr. D'Urso was in favor of Washington Township dispatching our town emergency services. Mr. D'Urso replied he is in favor of anything that works but it is the

Mayors call. Mr. Calamari stated it is a yes or no question. Mr. D'Urso then replied yes, he is.

There being no further questions or comments, a motion were made by Mr. Hrbek, seconded by Mr. Goetz to close the Public Portion of the meeting.

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

Nays: None

ORDINANCES

The Clerk read Ordinance 13-11 entitled: BOND ORDINANCE APPROPRIATING \$285,897, AND AUTHORIZING THE ISSUANCE OF \$218,274 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY.

A motion was made by Mr. Beckmeyer, seconded by Mr. Hrbek to introduce and pass Ordinance 13-11 at second reading by title.

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-11 entitled: BOND ORDINANCE APPROPRIATING \$285,897, AND AUTHORIZING THE ISSUANCE OF \$218,274 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, be read on second reading and the public hearing be held thereon pursuant to law.

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

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

Nays: None.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 13-11 on second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

The Clerk read Ordinance 13-12 entitled: BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MUNICIPAL COMPLEX SITE IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$94,320 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$89,604 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to introduce and pass Ordinance 13-12 at second reading by title.

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-12 entitled: BOND ORDINANCE PROVIDING

FOR THE IMPROVEMENT OF MUNICIPAL COMPLEX SITE IN AND BY THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$94,320 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$89,604 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION be read on second reading and the public hearing be held thereon pursuant to law.

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

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

Nays: None.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 13-12 on second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

Mr. D'Urso - Mr. D'Urso is voting yes, but would like to make a clarification of what was put into the ordinance. Mr. D'Urso gave a comment with regard to the monitoring wells where the cell tower is going in. Mr. D'Urso also spoke of the planning board, the share of the money being put in, and the spot where the monitoring wells are being put in. Another spot was looked into and with council's approval 350 Hudson was agreed upon, and it is going behind the flag poles. Mr. D'Urso spoke of fees which are included and the income incurred. Mr. D'Urso also stated that the cost is included in this ordinance and he is voting yes on it.

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

Nays: None.

The Clerk read Ordinance 13-13 entitled: AN ORDINANCE AMENDING AND ADDING FEES FOR SUMMER RECREATION PROGRAM.

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

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-13 entitled: AN ORDINANCE AMENDING AND ADDING FEES FOR SUMMER RECREATION PROGRAM 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. Goetz to open the public hearing, and there being no comments or questions was closed on a motion by Mr. Hrbek, seconded by Mr. Goetz.

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

Nays: None.

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

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

Nays: None.

The Clerk read Ordinance 13-15 entitled: AN ORDINANCE AMENDING ALCOHOL BEVERAGE FEES EFFECTIVE IN THE TOWNSHIP OF WASHINGTON.

A motion was made by Mr. Goetz, seconded by Mr. Beckmeyer to introduce and pass Ordinance 13-15 at second reading by title.

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

Nays: None.

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

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-15 entitled: AN ORDINANCE AMENDING ALCOHOL BEVERAGE FEES EFFECTIVE IN 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. Goetz, seconded by Mr. Beckmeyer, to open the public hearing, and there being no comments or a question was closed on a motion by Mr. Hrbek, seconded by Mr. Goetz.

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

Nays: None.

A motion was made by Mr. Goetz, seconded by Mr. Beckmeyer to pass Ordinance 13-15 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, Goetz, Hrbek, Cascio.

Nays: None.

Discussion was had with regard to Ordinance 13-15 and upon the recommendation of the Administrator; the fee was increased from \$10.00 to \$25.00.

A motion was made by Mr. Hrbek, seconded by Mr. Goetz to increase the with regard to Ordinance 13-15 from \$10.00 to \$25.00.

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

Nays: None.

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. Goetz, seconded by Mr. Hrbek to introduce and pass Ordinance 13-14 at first reading by title.

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

Nays: None.

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

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

Nays: None.

WHEREAS, Ordinance 13-14 entitled AN ORDINANCE AMENDING THE PROCESS OF REMOVAL OF TREES WITHIN THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township of Washington on the 20th day of May 2013.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 10th day of June, 2013 at 7:30 o'clock in the evening, prevailing time, or as soon thereafter as said matter can be reached in the Municipal Building, Pascack Road, Township of Washington at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance;

BE IT FURTHER RESOLVED, that the Township Clerk is authorized to advertise in the Ridgewood News, a newspaper circulated in this Township, the

introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

At this point, Mr. Beckmeyer said he would like to give a clarification on something that was brought to his attention regarding a letter to the editor that a resident wrote about why Mr. Beckmeyer abstained from voting on the report regarding terminal leave. Mr. Beckmeyer went on to clarify the timeline about when he actually received the email. Mr. Beckmeyer indicated he opened up the email right before the meeting and printed out certain pages. Mr. Beckmeyer then went on to state the report was more than three pages, Mr. Beckmeyer would like just to point out what was sent and what he received.

CONSENT AGENDA

The following resolutions were part of the Consent Agenda and were made available to the Governing Body and the Public prior to the meeting.

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

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

Nays: None.

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

Anthony Perrino
125 James Street
Westwood, NJ 07675

2 Summer Recreation Fees (2013) - \$420.00

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 adoption of the budget, and

WHEREAS, the Township of Washington has received \$1500.00 from the Bergen County Municipal Joint Insurance Fund 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 as revenue from:

Miscellaneous Revenues

Special items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:

Additional Revenues offset by appropriations.

Appropriations:

Gold Certificate Safety Award FY 2012

BE IT FURTHER RESOLVED, that a like sum of \$1500.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations excluded by 5% CAPS

Public & Private Programs offset by Revenues

Bergen County Municipal Joint Insurance Fund FY 2012

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

WHEREAS, Mr. Peter Lindsey posted engineering escrow on premises known as Block 2503.04, Lot 20, 59 Edgewood Drive; and

WHEREAS, Mr. Lindsey abandoned the project and hence sold his house, according to his letter which is attached,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is hereby authorized to refund the balance of the escrow money in the amount of \$755.00 to the above.

After Closed Session a motion was made to go into Open Session by Mr. Hrbek, seconded by Mr. Goetz.

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

Nays: None.

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

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

Nays: None.

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes and permits contracting units, such as the Township of Washington (the "Township"), to enter into service agreements for the services contemplated below without competitive bidding for same, pursuant to and in accordance with N.J.S.A. 40A:11-5 (1)(a)(1); and

WHEREAS, the Township has determined that a Township-wide Revaluation of real property should be undertaken to be effective for tax year 2014; and

WHEREAS, pursuant to the application of the Township of Bergen County Board of Taxation (the "Board") for the issuance of an Order To Implement A Municipal-Wide Revaluation ("Revaluation Order"), the Board and the Director of the Division of Taxation (the "Director") issued such Revaluation Order dated March 26, 2013, authorizing a Township-wide revaluation for tax year 2014; and

WHEREAS, the Township has passed an emergency resolution appropriating \$280,000.00 for the preparation and execution of a Township-Wide Revaluation; and

WHEREAS, the Township has received three (3) proposals in connection with said Reevaluation and has determined that the proposal from Appraisal Systems, Inc. of Glen Rock, NJ in the amount of \$232,545.00 represents the most responsible and responsive proposals for the Township's revaluation needs; and

WHEREAS, N.J.A.C. 18:12-4.2 requires that the Township submit the proposed contract for services to be provided by Appraisal Systems, Inc. of Glen Rock, NJ (the "Contract"), to the Director within 30 days of submission, and that upon written receipt of approval of the Contract from the Director, the Township may enter into the Contract with Appraisal Systems, Inc.

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

1. The Township Council hereby approves the contract proposal received from Appraisal Systems, Inc. of Glen Rock, NJ for the above stated purpose and price.

2. Upon written approval from the Director of the Division of Taxation of the proposed Contract between Appraisal Systems, Inc. and the Township of Washington, the Township Council hereby authorizes the Mayor to execute said Contract with Appraisal Systems, Inc., for the above stated purpose and price.

Mary Ann Ozment, Township Clerk

Dr. Steve Cascio, Council President