

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

PUBLIC PORTION/PUBLIC SESSION

November 28, 2016

The Township Council held a Public Portion/Public Session in the Municipal Building, 350 Pascack Road. The meeting was called to order at 7:39 p.m. by Council President Michael Ullman with the Council President 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, Administrator; Susan Witkowski, Township Clerk.

Pursuant to the provisions of the Open Public Meetings Act this meeting was listed in the Township Council Annual Meeting Notice which was published in The Bergen Record, forwarded to the local newspapers, posted on the Municipal Bulletin Board and filed with the Municipal Clerk.

Councilman Ullman - Councilman Ullman stated the Saturday, December 3, 2016 a food drive will be held by the Knights of Columbus to benefit the local food pantries. The Knights are asking if you could put non-perishable items on your front porch before 10:00 am Saturday, the members will be canvassing the Township to pick up the items. There is a lot of stress put on the food pantries during the holiday season, so anything anyone can do is much appreciated.

APPROVAL OF MINUTES

A motion was made by Councilman Bruno, seconded by Councilman Calamari to approve the September 12, 2016 Public, Conference and Closed Session minutes.

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

Nays: None.

GENERAL PUBLIC DISCUSSION

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

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

Nays: None.

William Ferrara, 2556 Cleveland Avenue - Mr. Ferrara commented that he has received positive comments with regard to the televising of the meetings, and people also would like to see it expanded televising the planning and zoning board meetings. He spoke of some sound issues and also asked that the video become a permanent part of the minutes. He asked were the Westwood cheerleaders allowed to participate in our cheerleading program as requested by Mayor Birkner. Mayor Sobkowicz replied yes, they did participate. He spoke of taking up the offer Mayor Birkner made to have football play at their facility and the usage of the various fields in the Township. He stated Memorial Field should be closed down on August 1<sup>st</sup> if the drainage issue is going to be addressed in the Fall. He spoke at length of expanding the recycling program. He also asked if grant money can be used for the \$26,000 Police Department equipment. Mayor Sobkowicz replied no, but they are working on lowering the price by using existing equipment.

Eamonn Twomey, 187 Devon Road - Mr. Twomey read in the paper that Councilman Cascio commented there were plans on the drawing board for Memorial Field, he asked what those were. Councilman Cascio replied it did not state Memorial Field, there are also plans with Sherry and Gardner Field. In 2012, there were proposals by MKW, which are still viable options, but we have not decided what we are going to do with Memorial Field. He stated one option he doesn't want to speak about, but there are options for Sherry and

Gardner Field that Mr. Twomey has also seen. A conversation followed with regard to the snack stand which was built in the middle, sharing programs with Westwood and the number of children participating at each level. Mr. Twomey asked if the Mayor met with the engineer. Mayor Sobkowicz replied yes, she did meet with the engineer, discussing several issues and forming a committee. She stated Westwood did come in and aerate the field, seeding will occur tomorrow, which was recommended by the engineer. She stated this is not the plan, but a short term solution so in March we have something that is playable. Councilman Ullman stated the field needs to be maintained. He stated last Spring the Council asked the administration to do everything they could to get the field in a good condition as possible and that involved aerating, fertilizing and over seeding. His understanding is the field was in much better shape this year, and he agrees with the approach the over seeding and aerating. Mr. Twomey stated the surface needs to be leveled and then aerated on top of that, and that just by aerating a bad surface will not make it any better. He stated we have had so many unproductive band aids put on this field. He stated topsoil should be put on to make it level. Mayor Sobkowicz stated until we get a permanent plan, this is something which was recommended by the engineer. Mr. Twomey asked if the engineer looked at the facility. Mayor Sobkowicz replied yes, he did. Mr. Twomey stated that aerating is only going to make it even worse. He stated this has been going on for the past ten years.

Toni Plantamura, 808 Robinwood Court – Ms. Plantamura stated she would like to have the girls softball and soccer program come back to Memorial Field and the football and lacrosse programs go to alternate fields. She stated according to Mr. Twomey nothing has been done to the field for the past ten years, and all of a sudden there is a dire need. She spoke of the prior council and administration not maintaining the field properly.

Jim Hanson, 11 Lindenwood Court – Mr. Hanson stated his street was recently paved and is already cracking. He would like to know the status since he has not seen any action; he would like it to be addressed. He stated men's softball does play at Memorial Field, but they have been told the field is not good for soccer. He spoke of the surrounding fields getting worn out, more usage on those fields, and a future increase in population of kids coming into the Township. He coaches instructional basketball and there are 46 boys signed up. He is looking forward to hearing solutions from the Council with regard to Memorial Field. Administrator Groh spoke of the Green Acres Program, correspondence received on 50% matching grants and funding for possibly drainage improvements.

Mary Ann Ozment, 960 Adams Place – Mrs. Ozment asked what is the plastic on the wall in the chambers. Administrator Groh explained the DMF was asked to fix the cracks, and they noticed there was some mold in the sheetrock. She stated we did have it tested and it is safe to be in the room. Mrs. Ozment stated this is an emergency, she feels it should have been remediated immediately. Administrator Groh stated it was considered a high priority. She stated it involves the repair of the siding, which is as a result of a gutter which had not been cleared for a while. She stated everything was evaluated by the Health Inspector along with an outside agency. Mrs. Ozment spoke of having mold in the ceiling in her office, which was not fixed for a long time. She spoke at length of collecting monies for Commuter Parking and Dog Licenses in 2016 for 2017, she questioned why that is being allowed, since fees are being collected in 2016 for 2017. She also asked why the electronic board does not state that the meetings are being taped. She also asked if Council has seen a DMF report with regard to the DMF building, Mayor Sobkowicz stated there was a plan that was submitted by an outside company when Mr. Cavallo was Administrator. Councilman Cascio asked that the plan be forwarded to Council.

Nancy Viviano, Van Emburgh Avenue – Ms. Viviano stated she made an inquiry for some paperwork with a meeting with Council regarding status of American Dream Estates and has not received a response back from Council. Councilman Ullman stated he doesn't believe that Council is in direct receipt of

such a direct request. Ms. Viviano stated she received a communication from Mr. Azzolina stating that her topic would be discussed at the September 26<sup>th</sup> Township Council meeting, when she looked for the information resulting from that meeting, there were no minutes. Mr. Poller that is because it was Closed Session and Mr. Azzolina was here a letter will be sent tomorrow stating it was in Closed Session. Ms. Viviano asked about the status of what was discussed in Closed Session. Mr. Poller stated the substance that was discussed in the Closed Session will not be given. He stated he will get a letter out through the Clerk's Office stating it was in Closed Session. She asked if Mr. Poller will respond to the request that generated the review of that part of our project. Mr. Poller stated he doesn't know the part of the project she is referring to. She stated Mr. Forstner has sent forth a few letters requesting Mr. Poller's signature on treatment works approval. Mr. Poller stated he has contacted Mr. Forstner on several occasions and the last occasion he requested Mr. Forstner outline in a letter exactly what he was looking for from the Council, as of yet he has not received that letter. He stated there are issues here whose jurisdiction it is, whether of the Council, Planning Board or Zoning Board. Ms. Viviano stated she will contact Mr. Forstner.

Julianne Lipnick, 184 Finnerty Place - Ms. Lipnick stated the Mayor at the last meeting indicated the Y was going up for auction. She would like to know if there is a date for the auction, has it taken place or any other details. Mayor Sobkowicz stated she cannot give any details with regard to the Y at this point. Ms. Lipnick asked if there a particular reason why. Mayor Sobkowicz stated it is not a public knowledge issue.

A motion was made by Councilman Sears, seconded by Councilman Cascio, to close the general public discussion.

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

Nays: None.

## ORDINANCE

### 2<sup>ND</sup> Reading Ordinance No. 16-09

The Clerk read Ordinance No. 16-09 entitled: AN ORDINANCE PROVIDING FOR AN APPROPRIATION OF \$26,466.25 FROM THE GENERAL CAPITAL FUND, CAPITAL FUND BALANCE ACCOUNT TO FINANCE THE COST OF HARDWARE AND PERIPHERALS FOR THE POLICE DEPARTMENT.

A motion was made by Councilman Sears, seconded by Councilman Cascio, to introduce and pass Ordinance No. 16-09 at second reading by title.

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

Nays: None.

The following resolution, Resolution No. 16-311 was presented and adopted on a motion by Councilman Sears, seconded by Councilman Cascio.

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

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 16-09 entitled: AN ORDINANCE PROVIDING FOR AN APPROPRIATION OF \$26,466.25 FROM THE GENERAL CAPITAL FUND, CAPITAL FUND BALANCE ACCOUNT TO FINANCE THE COST OF HARDWARE AND PERIPHERALS FOR THE POLICE DEPARTMENT be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Councilman Cascio, seconded by Councilman Sears, to open the Public Hearing.

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

Nays: None.

William Ferara, 2556 Cleveland Avenue - Mr. Ferara asked if there were any Department of Homeland Security grants available. Mayor Sobkowicz spoke at length of the Police Department trying different options for grants, what grants were previously received and the difficulties encountered. Administrator Groh stated this is an unfunded mandate by the State of New

Jersey. Mayor Sobkowicz stated spoke of this being tied into the New Jersey Bail Reform Law and what is required under that law. She also stated the Police Department is also looking into using their current printer, which may save \$3,000 - \$4,000. She stated this will be taken out of the Capital Fund. Councilman Cascio stated he does credit the Police Department in looking for grants, but he feels in the future the Township may want to consider hiring a grant writer. He also spoke of sharing this service with a surrounding town to cut down the costs. Mayor Sobkowicz stated they did investigate sharing with another community, but the Police Department would have to transport the actor back and forth, and it would require two police officers. She stated she doesn't believe it would save money and she prefers to have it here.

A motion was made by Councilman Cascio, seconded by Councilman Sears, to close the Public Hearing.

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

Nays: None.

A motion was made Councilman Cascio, seconded by Councilman Sears, to pass Ordinance No. 16-09 on a second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

#### Introduction Ordinance No. 16-08

The Clerk read Ordinance No. 16-08 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF OFFICERS AND EMPLOYEES IN SAID MUNICIPALITY FOR THE YEAR 2016.

Councilman Ullman - Councilman Ullman stated he does have some questions regarding two line items, one being the elections and mileage allowance. He asked both the Administrator and Clerk to include those in the ordinance that was considered, if they were deemed not appropriate it would have to be stricken out. He stated he will pass out a copy of the Ordinance with the revision for Council's consideration. He stated the line items were added on page 4, under Office of the Township Clerk, number 2, Election Officer per election is \$400.00 and the second is on page 5, Annual Mileage Allowance payable quarterly, number 7, Municipal Clerk \$600.00. When referring to Ordinance No. 16-08, it is referring to the copy which was handed out. A conversation followed on the increases, which is a back valuation to January, but it would not affect employees who left. Councilman Bruno asked why a new annual amount is being added. Administrator Groh stated if it is not expressed in annualized terms, and then there is carry over situation from one year to the next, it makes it difficult to implement it if you only give a prorated figure in the Ordinance. An annualized amount is prorated based on the persons date of hire. Mayor Sobkowicz asked why Councilman Ullman is adding these two items. Councilman Ullman stated he believes that there was an agreement on the salary for the position, he doesn't recall discussions of removing those items from the compensation, therefore he believes it should be included. He stated these two line items were in the 2015 Ordinance, 2016 Ordinance which was vetoed and removed. Administrator Groh stated the reason they were removed is that the Ordinance was made to comport with the offer and acceptance by the employee that was based on the council's directions. Councilman Ullman stated his personal opinion is that it is not what was discussed and agreed to. A salary was discussed at a meeting, so he differs in his recollection and he differs in his interpretation that is why he asked that it be added back in. Councilman Bruno stated he also doesn't recall these items; we were going back and forth with the salary. Administrator Groh stated the outgoing Clerk was at \$56,000, which included the components of a Clerk. She stated it was her understanding, if the understanding is different, Mr. Poller

can guide us. She is going with her understanding, she also listened to the recording, and the way it was originally presented without those two line items was consistent with what the offer was and what the acceptance was. Councilman Ullman stated his understanding is for the election is reflects extraordinary efforts of having to be in Town Hall at 5:00 am, to prepare for the polls to open, and to be in Town Hall until the results are tabulated and submitted. He stated this past General Election he was sitting in the hallway at 11:30 pm watching the Clerk and her assistant tabulates those numbers. It is a long day and he doesn't believe it is compensation for the day. He stated on a Primary Day there is no compensation because the Township building is open for business, so there is no need to compensate that person. On a day where the offices are closed, as a public Holiday, the individual working would be entitled to a day in lieu, because they are working on that day. He feels there are two separate issues, the day in lieu and the \$400.00 stipend for the extraordinary effort. Administrator Groh stated in the past the day in lieu was not given, and in fact it was something that the candidate requested along with some other things that were not previously granted to the other Clerk. Councilman Cascio stated past Clerks have gotten the \$400.00 per election, and he believed the salary that was offered was the salary; it was a salary line item. His understanding is all of the other line items would have stayed intact. He stated if it is going to be rolled up, he feels the salary should be raised to \$69,000. He stated the Clerk works for the Township during elections, she is there extra hours on a day she doesn't have to be there and he thinks it is unfair for her to come in a day she doesn't have for no compensation. He believes the Council's desires when the salary was offered and she took it. He doesn't think anyone realized that the \$400.00 and \$600.00 for travel was going to be rolled out. He stated he would like it put back in, other Clerks have gotten it and this Clerk is no different in getting additional compensation for additional work. Administrator Groh stated the floating holiday was negotiated. She stated the State Statute and the Town Ordinance define the role of Municipal Clerk to include all election duties, and it was her understanding coming into this the person knew they would have to work on Election Day, knew it was a town holiday and instead asked for the floating holiday. Councilman Cascio asked does the administration want to go on past precedence or not. He stated the Clerk has been paid \$400.00 per election since he has been here, he feels to take that out is unjust and wrong. He stated this line item was not discussed, the salary doesn't include any other line item, whether traveling or election coverage. He believes it is unfair to the Clerk not to get compensation for that day. He stated for both elections, Primary and General it is \$800.00, and it will not break the bank of the Township of Washington. Councilman Calamari asked Mr. Poller is the Council free to continue speaking on this topic in a public forum. Mr. Poller replied stated it be an item that Council can certainly put into Closed Session, a RICE Notice would need to be given to the employee. A conversation followed if this item would need to be put into Closed Session. Councilman Ullman stated he views this as a component to the Salary Ordinance and it is a discussion of a function not an individual. Mr. Poller stated there are arguments on both sides, and he understands both positions. Councilman Sears stated he would like to make a motion to go into Closed Session. Mr. Poller stated the employee would need to be given a RICE Notice. Councilman Calamari spoke of the Salary Ordinance passing at first reading and the ramifications to employees if raises are given in 2017. He would like to see it introduced as it was, and the two line items, Election Officer per election \$400.00 and the mileage discussed at a later date. He stated an amendment can always be done. Councilman Bruno stated we have all part-time, a CFO salary of \$12,500, a Treasurer/CFO at \$15,000, a Treasurer/CFO/Tax Collector at \$20,000 and a Deputy/Treasurer/Finance Assistant/Benefits Coordinator/Tax Collector at \$36,000. He asked are line items 2, 3 and 4 all new. Administrator Groh that gives flexibility on hiring the department heads, line item number 5 is a current employee's role. She spoke of the flexibility needed in the salary ordinance. A conversation followed on the increase to the

line item number 5. Councilman Bruno spoke of the hours of the CFO, which is 3 hours per week. Mayor Sobkowitz stated we have been interviewing, someone is doing the tax sale and being paid an hourly wage. She stated that person is paid out of line item number 2. A conversation followed on the difference between CFO and Treasurer in terms of functions. Administrator Groh stated these salaries are maximums; it is intended to give some flexibility in the hiring process. If an individual is hired as a Treasurer/CFO, even part-time, it is a four year commitment, however if they are just hired as a Treasurer, or some other role to start and convert them to the CFO, there is at least a testing out period. The idea is to give flexibility the Township having non-minimum term positions to try someone out. Councilman Bruno asked if the Township has a Treasurer. Administrator Groh replied no. A conversation following on adding an additional line item entitled Treasurer in the Salary Ordinance. At this time line 3 will read as Treasurer/Part-time, at a maximum of \$15,000. An adjustment/amendment was commented on with regard to the second reading of the Salary Ordinance. Councilman Cascio stated he would like to pull out Department of Law, \$135.00 per hour and have that discussed as an amendment to the second reading. Councilman Calamari asked if the Department of Law requires a RICE Notice, as the Clerk's office does. Mr. Poller replied no. Councilman Calamari stated that line item can be left in, and a vote taken to introduce the ordinance, and any questions we have can be answered right now. Councilman Cascio asked why one requires a RICE Notice and the other does not. Mr. Poller replied because that was a negotiation for employment, setting the parameters of the compensation. Employees receive their compensation on the 15<sup>th</sup> and the 30<sup>th</sup>. There is also a 20 day Estoppel period before any employees can be paid. Councilman Ullman stated at the moment, there are three adjustments, one for the Treasurer, one for the Election Officer and one for the Municipal Clerk. The Department of Law is on, it is there, and based on Councilman's Cascio request, there can be further discussions. Councilman Ullman stated we are moving CFO from number 3, and now will read Treasurer, part-time \$15,000.00, pulling Office of the Clerk, Election Officer, \$400.00 and mileage allowance for Municipal Clerk, \$600.00. Mr. Poller indicated he doesn't need to be RICE-Noticed, and can be included in the public discussions at this time. Councilman Ullman stated he is inclined to leave it in and Council can vote how they feel in reference to this.

A motion was made by, Councilman Calamari, seconded by Councilman Cascio, to introduce and pass Ordinance No. 16-08 at first reading by title.

Ayes: Councilmen Calamari, Sears, Ullman.

Nays: Councilmen Bruno, Cascio.

The following resolution, Resolution No. 16-312 was presented and adopted on a motion by Councilman Calamari, seconded by Councilman Sears.

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

Nays: None.

WHEREAS, Ordinance No. 16-08 entitled AN ORDINANCE UNDER CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF WASHINGTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF 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 28<sup>th</sup> day of November, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 5<sup>th</sup> day of December, 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. 16-10

The Clerk read Ordinance No. 16-10 entitled: AN ORDINANCE AMENDING CHAPTER 197 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH A REVISED PLASTIC BAG SYSTEM FOR SOLID WASTE COLLECTION WITHIN THE TOWNSHIP OF WASHINGTON.

Councilman Ullman - Councilman Ullman stated essentially the Ordinance is removing the requirement of the colored bags. Councilman Calamari stated this will allow homeowners to contract with their hauler of choice and use whatever method they agree on, that being a per bag system or per container system. Mr. Poller stated as long as it is a sealed plastic bag, the resident cannot throw garbage in a can; the garbage must be in a sealed plastic bag. Mayor Sobkowicz stated the bag can be in container, but the garbage must be in a sealed plastic bag.

A motion was made by, Councilman Sears, seconded by Councilman Cascio, to introduce and pass Ordinance No. 16-10 at first reading by title.

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

Nays: None.

The following resolution, Resolution No. 16-313 was presented and adopted on a motion by Councilman Calamari, seconded by Councilman Cascio.

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

Nays: None.

WHEREAS, Ordinance No. 16-10 entitled: AN ORDINANCE AMENDING CHAPTER 197 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH A REVISED PLASTIC BAG SYSTEM FOR SOLID WASTE COLLECTION WITHIN THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading at a meeting of the Township of Washington on the 28<sup>th</sup> day of November, 2016.

NOW, THEREFORE BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 5<sup>th</sup> day of December, 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.

#### INDIVIDUAL RESOLUTIONS

Councilman Ullman - Councilman Ullman stated at the last meeting he had requested a summary of the legal expenses to date, as well as projections. Mr. Poller stated the planner indicated per conversation assuming no unforeseen problems that his quote/the number was to bring the COAH suit to a conclusion. Councilman Ullman asked if a summary can be compiled as to what has been incurred to date and over that to the final number, which was discussed. Mr. Poller stated we cannot get a projection from the Court Master. He stated we do have a projection for the Planner and he doesn't believe we would have any more expenses with E-Consult. Councilman Ullman asked if that can be compiled in one document. Mr. Poller replied yes. Administrator Groh asked if Mr. Poller would like tax appeals as well. Mr. Poller replied yes.

A motion was made by Councilman Calamari, seconded by Councilman Cascio to approve Resolution No. 16-314, Budget Transfer.

Ayes: Councilmen Cascio, Calamari, Sears, Ullman

Nays: Councilman Bruno.

#### Resolution No. 16-314

Budget Transfer

WHEREAS N.J.S.A 40A:4-58 provides that if it should become necessary during the last two (2) months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the sums appropriated therefor and there shall be an excess in an appropriation over and above the amount deemed to be necessary to fulfill another purpose, the governing body may by resolution adopted by not less than 2/3 votes of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Washington that the Deputy Treasurer be and is hereby authorized to make the following transfers in the 2016 Budget Appropriations:

<u>Account</u>	<u>From</u>	<u>To</u>
Resurfacing Memorial Field	\$911.25	
Law and Council O/E Prof Services		\$911.25

Councilman Sears – Councilman Sears stated regarding the Approval of the Fire Department By-Laws, the Fire Department has worked on this for a year and a half. He commends the members on going through the by-laws and bringing them up to date.

A motion was made by Councilman Cascio, seconded by Councilman Calamari, to approve Resolution No. 16-315, Approval of Fire Department By-Laws.

Ayes: Councilmen Bruno, Cascio, Calamari, Ullman.

Nays: None.

Recuse: Councilman Sears.

Resolution No. 16-315

Approval of Fire Department By-Laws

WHEREAS, the Township of Washington Volunteer Fire Department wishes to amend its By-laws; and

WHEREAS, Section 19-16 of the Code of the Township of Washington sets forth the requirement that the By-Laws of the Township of Washington Volunteer Fire Department and any changes therein, before becoming effective, shall be subject to the approval of the Township Council; and

WHEREAS, the Township Council of the Township of Washington has reviewed the revised By-Laws presented by the Township of Washington Volunteer Fire Department dated December 3, 2015, and is in favor of approving same;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township Council hereby approves the revised By-Laws of the Township of Washington Volunteer Fire Department dated December 3, 2015.

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.

Councilman Calamari – Councilman Calamari asked regarding Resolution No. 16-317, how many actual parking spaces are there in the Firehouse Parking Lot. Councilman Sears replied 38. Councilman Calamari if any problem has been encountered since the Township is giving out more permits than there are spots. Mayor Sobkowicz replied, no, but you have to get there early. Councilman Bruno asked regarding Resolution No. 16-316, what it

means that the Township would enforce these regulations. Councilman Ullman stated there are traffic regulations on the books; the level of enforcement is a different story. Councilman Bruno spoke of the bus stop by Seasons, which he feels is a mess. Councilman Ullman asked was this language provided by the DOT. Ms. Witkwoski replied yes. Resolution No. 16-316 will be tabled upon receipt of a copy of the rules and regulations.

The Consent Agenda (Resolutions No. 16-317 – 16-320) was presented and adopted on a motion by Councilman Calamari, seconded by Councilman Sears.

Ayes: Councilmen Bruno, Calamari, Cascio, Sears, Ullman.  
Nays: None.

Resolution No. 16-317

Commuter Parking Permits Firehouse Parking Lot

BE IT RESOLVED, by the Township Council that the Township Clerk is hereby authorized to issue 65 commuter parking permits for the Firehouse Parking Lot for the year 2017. As of November 28, 2016 forty six (46) parking permits have been issued.

Resolution No. 16-318

Refund Overpayment of Taxes

WHEREAS, an overpayment was received due to both the lien holder, Ebury Fund 1 LP, and the resident paying 3rd Quarter Property Taxes on Block 2325, Lot 2, 450 Pascack Rd; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey, that the Tax Collector be authorized to issue a refund to the lien holder, Ebury Fund 1 LP.

Amount of Refund: \$1893.20

Resolution No. 16-319

Refund Balance Escrow Money

WHEREAS, Carlo & Julia Rivera posted engineering escrow monies on premises known as Block 3307, Lot 19, 490 Chestnut Street; and

WHEREAS, the project falls within the guideline where neither a Certificate of Occupancy nor a Certificate of Acceptance is needed; and

WHEREAS, the outstanding invoice due the Township Engineer as per his letter dated July 20, 2016 has been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the balance of the escrow monies in the amount of \$608.00 to the above.

Resolution No. 16-320

2017 Council Meeting Schedule

BE IT RESOLVED, by the Township Council that the first and third Monday of each month, except for July and August when there will be one meeting per month, in the Municipal Building Council Chambers, 350 Hudson Avenue, Township of Washington, NJ, at the hour of 7:30 P.M. be designated as the time and place of Council meetings for the year 2017; and

BE IT FURTHER RESOLVED, that the Sine Die meeting has been set for January 3, 2017 at 7:30 p.m.; and

NOW, BE IT RESOLVED, by the Township Council in compliance with the provisions of the Open Public Meeting Act (N.J.S.A. 10:4-6 Et Seq.) that:

Section 1. Except as provided by Chapter 4, Section 10:4-12B, all meetings of the Council shall be open to the public at all times.

Section 2. At every meeting, the public may actively participate during the time designated for that purpose in the order of business and the Council may take formal action.

Section 3. The meetings of the Council shall be held on the dates and times set forth in the scheduled annexed hereto and made a part hereof.

Section 4. Within seven (7) days following the adoption of this resolution, a copy shall be posted on a bulletin board accessible to the public at all business hours at or near the entrance to the Council's meeting room and shall remain so posted until replaced with a duly adopted resolution setting forth any revision thereof. A copy shall be mailed or sent by electronic means to two (2) official newspapers.

Section 5. Upon receipt by the Township Clerk of a written request setting forth the name and address of the person making the request, the Clerk shall send to such person by regular mail, or by electronic means, between the date of such request and December 31<sup>st</sup> next ensuing, a copy of the meeting schedule referred to in section 3.

The following is the 2017 list of meeting dates as approved by the Township of Washington Township Council at their regular meeting of November 28, 2016. Public/Conference meetings are held on the first and third Monday of each month at 7:30 pm, unless otherwise noted. Meetings are held in the Council Chambers of the Municipal Building, located at 350 Hudson Avenue, Township of Washington, New Jersey. There is the option to take action at every meeting.

## 2017 COUNCIL MEETINGS

<b>January</b>	3 <sup>rd</sup> Sine Die Meeting 7:30 p.m.
	3 <sup>rd</sup> Reorganization 7:30 p.m.
	23 <sup>rd</sup>
<b>February</b>	6 <sup>th</sup>
	27 <sup>th</sup>
<b>March</b>	13 <sup>th</sup>
	27 <sup>th</sup>
<b>April</b>	3 <sup>rd</sup>
	17 <sup>th</sup>
<b>May</b>	8 <sup>th</sup>
	22 <sup>nd</sup>
<b>June</b>	12 <sup>th</sup>
	26 <sup>th</sup>
<b>July</b>	17 <sup>th</sup>
<b>August</b>	21 <sup>st</sup>
<b>September</b>	11 <sup>th</sup>
	25 <sup>th</sup>
<b>October</b>	16 <sup>th</sup>
	30 <sup>th</sup>

<b>November</b>	13 <sup>th</sup>
	27 <sup>th</sup>
<b>December</b>	4 <sup>th</sup>
	18 <sup>th</sup>

Time Noted: 9:15 p.m.



Susan Witkowski  
Township Clerk



Michael Ullman  
Council President

Approved: February 27, 2017

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

November 28, 2016

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

Time Noted: 9:25 p.m.

CURRENT BUSINESS

Professional Appointments for the year 2017 – The Township Clerk raised questions regarding appointments and Pay to Play documents, which need to be completed seven days prior to appointment. The administration does not plan to RFP/RFQ any existing professionals at this time.

Memorial Field – As recommended by the Engineer, the field was aerated today, in conjunction with the High School, tomorrow the field will be seeded and the next day fertilized. Councilman Calamari asked if when the Committee will be formed. Mayor Sobkowicz replied not at this time, but she is working on it. Councilman Calamari spoke of the drought situation and hopes that the Committee keeps that in mind. The tool kit was discussed. Councilman Bruno stated he would like to volunteer for the Committee. Councilman Ullman stated he would ask the Mayor before the first meeting, if the purpose of the Committee could be laid out and what the Committee hopes to achieve.

Update on VFW Property – Mr. Poller stated that Phase II was to begin and he has also prepared an Access Agreement for signature. Administrator Groh stated she does have a new contact person and that person contacted her regarding gaining access to the building, along with initiating the process of disconnecting utilities at their cost. She did ask for that request in writing. Mr. Poller explained that Phase I was basically just a walkthrough, a general idea of what the property looks like, and if something was detected and needs a further environmental investigation they would do Phase II. Piping was discovered that would lead someone to believe that there was at one point oil heat, and there may possibly be an underground storage tank. An environmental company will now go in and make sure that there is no ground water contamination, no soil contamination, things of that nature, installing test borings. The Township has done everything, now it is up to Habitat. A conversation followed regarding the new director who replaced Jaycee Raimondo. We still own the building, and Councilman Cascio asked that any historical artifacts in the building, such as the stained glass window, be preserved. He asked for someone from the VFW go through the building with the Mayor so any historical artifacts are preserved. Councilman Sears stated he will speak to Steve Kohlreiter tomorrow regarding this issue. Councilman Calamari asked how many phases are there. Mr. Poller stated this is part of their due diligence, so hopefully there will be no issues.

Revisions to the Fire Department LOSAP Program – Councilman Ullman stated some anologmies were identified by Administrator Groh regarding LOSAP and as a result meetings held with the Fire Department. He spoke of the result of those meetings, in which himself the Mayor and Councilman Calamari attended. He stated it is now much more streamlined and will be much easier for the Fire Department to monitor. The new LOSAP point system will go into effect in 2017. Councilman Bruno stated he would like this program be audited, so it adheres to whatever changes that will be made. Administrator Groh stated the audit adheres to the year's budget for which the audit relates. Councilman Bruno stated this needs to be done for the good of the fund. Councilman Ullman stated he would like to know how much that would be and he also asked Mr. Poller to prepare an Ordinance. Currently the contriutuion is \$1,250.00, with the option to increase based on cost of living.

Mr. Poller stated he did make a calculation, but he would like the CFO to look and see if those numbers are right. Administrator Groh stated Louis Mai's proposal for a review of LOSAP is \$1,500.00, but a review is different than an audit, so it will be a different fee. The LOSAP cost of living increase is not automatic, it is done by a resolution which is passed by the Council. A conversation followed regarding increasing the \$1,250.00, which would become effective for the 2017 period.

Status of Leaf Pick Up - On Saturday, the Township was two days behind, but crews did work on Saturday, and by tomorrow the Township will be current. Currently, the DMF is working in District 1 today and tomorrow, and will be working in District 2 Wednesday to Friday, next week they will be finishing up District 3. The three (3) seasonal workers have been increased to 40 hours from 29 hours. The status of the leaf pick-up is not on the bulletin board, each resident did receive a flyer.

Snow Removal Plan/Preparation - All new plow blades have been purchased for the smaller light weight vehicles, and three salters are ready to go. There are two new trucks, 17 and 19 along with truck salter number 9. The salt shed specs are being prepared, but the Township does currently have plenty of salt. Paramus or the County is being used for repairs as needed. A conversation followed on the Ridgewood proposal, which will be on the agenda for the December 5<sup>th</sup> meeting.

DMF Roof Repair/Replace - The roof is currently being looked at and pricing has been received regarding completing a small section and another larger section. The new superintendent will be including in his budget a new building. Councilman Ullman requested the engineer, Christopher Statile, provide a report/assessment of the infrastructures in the Township and indicate to Council what should be priority. A discussion followed with regard to contacting Vladimir Wojno-Oranski, the Director of Engineering. The process of how permits are obtained through the Building Department was also discussed. Councilman Calamari spoke of outsourcing maintenance and repair within the DMF building, which would scale down the building, and also be cost effective. Administrator Groh spoke of the maintenance program that is now being done with the new truck, which is essential and extends the life of the vehicle.

Town Hall Repairs - The flooring will hopefully start during the Holiday break. The Senior Center was done completed with a grant. A quote was received for the 2<sup>nd</sup> and 3<sup>rd</sup> floor along with the Police Department. It is under a coop contract and all 3 locations can be done under the amount in the budget.

Budgets - Most departments have submitted their budgets, those that have not have until Monday. The general statute calls for the budget to be presented to the Council by January 15<sup>th</sup>, but it usually extended by the Division of Local Government Services. Administrator Groh stated that the administration is still waiting for JIF, BCUA and the insurance. A discussion followed on the State deadline, as well as the Township Code.

#### Resolution No. 16-321

Closed Session, November 28, 2016

WHEREAS, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12), which provides for the exclusion of the public from the portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present

at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

1. Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provision of subsection a. of this section.

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendation, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance, and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

5. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

7. Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer-**COAH update**

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.-  
**Personnel Police Department**

9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

BE IT FURTHER RESOLVED, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be

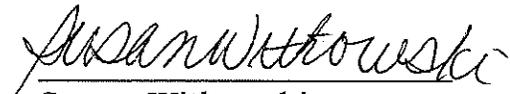
opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

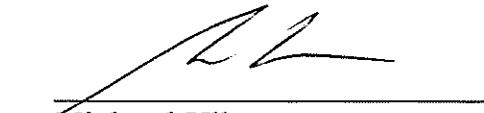
\_\_\_\_\_ The Township Council anticipates that an open session will be necessary.

X  The Township Council anticipates that an open session **will not** be necessary.

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	x			
Calamari		Calamari		Calamari	x			
Cascio	x	Cascio		Cascio	x			
Sears		Sears	x	Sears	x			
Ullman		Ullman		Ullman	x			

Time noted: 10:10 p.m.

  
 \_\_\_\_\_  
 Susan Witkowski  
 Township Clerk

  
 \_\_\_\_\_  
 Michael Ullman  
 Council President

Approved: February 27, 2017