

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

PUBLIC MEETING/CONFERENCE SESSION

November 21, 2011

The Township Council held a Public Portion/Conference Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:35 p.m. by Council President Fred Goetz with the Clerk leading the salute to the flag. Members present: Glenn Beckmeyer, Steven Cascio, Joseph D'Urso, Fred Goetz. Absent: Richard Hrbek Also present: Janet Sobkowicz, Mayor; Kenneth Poller, Attorney. Absent: Lilly Chin, Acting Administrator.

Pursuant to the provisions of the Open Public Meetings Act, this meeting was noticed with the Ridgewood News, posted on Municipal Bulletin Board and filed with the Municipal Clerk.

APPOINTMENT OF MAYOR

Mayor Sobkowicz announced the appointment of Eugene Grecco as a member of the Advisory Board of Health, to fill an unexpired term ending December 31, 2012. Mr. Grecco is a pharmacist and volunteer member of the ambulance corp.

PUBLIC DISCUSSION

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

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

Nays: None

Rosa D'Ambra, 423 Colonial Blvd – Mrs. D'Ambra asked the Council why the contamination found by the DEP on the corner of Pascack and Washington had not been cleaned up before the property was sold. Mr. Goetz said that he was not aware of the contamination until he read about the issue in a recent letter to the Editor in the community newspaper. The Sky Trading application, the contaminated property, is being heard by the Zoning Board at this time. Mrs. D'Ambra stated that the contamination is spreading and endangering the neighboring areas. She cited a recent article in the Record involving an unrelated contamination situation in Garfield. She said that she is not blaming this Council for the situation not being addressed but wants them to become informed of the danger to the area. Mayor Sobkowicz stated that she met with Linda Murphy and went over the data in Mrs. Murphy's possession. Mrs. D'Ambra stated she does not want the town to allow anything to be done to the corner property because it will make the contamination spread. Mrs. D'Ambra said that at the last meeting there was a discussion in regard to a number of older open checks on the Finance Office records. The Finance Department has not located the names to match the checks at this time. Mrs. D'Ambra said that cancelling the checks is not right and the residents whose names are on the checks should be located. She said that the names should be advertised in the newspaper if the people cannot be located. Mr. Goetz stated that the Council is looking forward to getting the names.

Grace Hogan, 898 Washington Avenue – Mrs. Hogan gave the Council and Mayor the DEP report on the gas station corner site dated March 28, 2011. She described the information contained in the report and read specific points of the report, including the fact that since 2008 nothing has been done to the site. She also read from a fact sheet from an environmental service agency on contamination, both documents are public records. Mrs. Hogan spoke about the need to make sure the

contamination is contained now and asked Council to do something about making that happen. Mr. Goetz said that the Council will look at the information she has given them and follow up on the issue of the contamination that can lead to ground water contamination.

Elizabeth Leahy, 275 Wilson Avenue –Mrs. Leahy asked if there was any progress or news about the cell tower from Verizon. Mr. Poller said Verizon has agreed to put the tower on the north side of the town hall building and specific tests are being done. The bid has been awarded but the lease has not been signed yet. Progress is being made.

Agnes Smith, 646 Valley Court – Mrs. Smith said she spoke to someone from the county in regard to exit 168. She said that she requested information and any plans that are being worked on from the county. The county representative told her that the information had already been sent to Township about 4 to 5 weeks ago. She stated that something must be done to ease traffic at the exit. Mrs. Smith stated that the community is being destroyed. Mayor Sobkowicz stated she would try to initiate a letter writing campaign to the Turnpike Authority from people living in surrounding communities urging the Turnpike Authority to open exit 171 up to right-hand turns.

Linda Murphy, 675 McKinley Avenue – Mrs. Murphy said that in 1996 all of the contamination had been taken away from the northeast corner of Pascack Road and Washington Avenue. Since 2004 the contamination is back due to leaky gas pipes underground. She spoke about the additional fuel the new owners are proposing at the site. It continues to get worse. She said that there are approximately 22 children living in the neighborhood behind the gas station and everyone is afraid of long-term adverse health conditions.

David Snyder, 91 Windsor Circle – Mr. Snyder asked if Council members were allowed to attend Zoning Board meetings. Mr. Goetz said that the Council has been historically discouraged from attending because it would create the appearance of impropriety. Mr. Snyder stated that the Council needs to have more information of what is going on at the meetings. He said that on December 13, 2011 the Zoning Board meeting will be an open discussion session and residents will be invited to ask questions. Mr. Snyder questioned how far the debris field of contamination is at the Sky Trading site. He said that he agrees with Agnes Smith that the GSP exit 171 needs to be opened to right-hand turns. He spoke about shared services and used the recent changes in services Teterboro is making as an example. He said that he does not want Bergen County taking over the Washington Township's services.

Robert Bruno, 697 Hillcrest Road – Mr. Bruno said that he was happy with the progress of clean up around town so far after recent storm.. He stated that he had attempted to get information from the town attorney two months ago in regards to the lack of permits that had been taken out to do work on the properties along Pascack Road on the corner of Washington Avenue. He asked if soil movement paperwork was correct and if the work that was done with a permit was done correctly. He asked how he could obtain copies of the permits and any engineering reports on the project. Mr. Bruno said that he OPRA'd the information from the Clerk. He was given some documentation but was told that there was no additional information other than the permit and soil movement application for the planter. There was no permit issued to raise the ground level by 3 to 4 feet and no violations have been issued. Mr. Poller stated that the next step is to involve the Code Enforcement Officer and the Building Official so that they would get involved. Some summons may have already been issued.

ORDINANCE

The Clerk read Ordinance 11-17 entitled: AN ORDINANCE AMENDING THE DIMENSION RESTRICTION UNDER SECTION 71-5 CHAPTER 71 OF THE CODE OF THE TOWNSHIP OF WASHINGTON

A motion was made by Dr. Cascio, seconded by Mr. Goetz to introduce and pass Ordinance 11-17 at first reading by title.

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

Nays: None

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

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

Nays: None.

WHEREAS, Ordinance No.11-07 entitled: AN ORDINANCE AMENDING THE DIMENSION RESTRICTION UNDER SECTION 71-5 OF CHAPTER 71 OF THE CODE OF THE TOWNSHIP OF WASHINGTON was introduced and passed at first reading by title at a meeting of the Township Council of the Township of Washington on the 21st day of November, 2011.

NOW, THEREFORE, BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 7th day of December, 2011 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, NJ at which time and place all persons who may be interested will be given an opportunity to be heard concerning said ordinance;

BE IT FURTHER RESOLVED, that the Township Clerk is authorized to advertise in the Ridgewood News a newspaper circulated in this Township, the introduction and notice of further consideration for final passage and public hearing of this ordinance as required by law.

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

Nays: None.

CONSENT AGENDA

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

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

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

Nays: None.

WHEREAS, June Fink posted engineering escrow on premises known as Block 2201.03, Lot 3, 624 Hoover Avenue; and

WHEREAS, she is withdrawing her application to move forward with her project as per her letter dated November 7, 2011 and wishes to have her escrow refunded,

WHEREAS, there are no outstanding invoices due to Township Engineer as per telephone call with Azzolina & Feury Engineering Group, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the escrow money in the amount of \$1, 000.00 to the above.

WHEREAS, Big Sky posted engineering escrow on premises known as Block 2501, Lot 4.05, 2005 East Glen Avenue; and

WHEREAS, the Construction Code Official has issued approval dated October 25, 2011, C.O. No. 10-266,

WHEREAS, there are no outstanding invoices due to Township Engineer as per his letter dated October 19, 2011,

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer of the Township of Washington is authorized to refund the escrow money in the amount of \$60.00 to the above.

WHEREAS, United Water has petitioned the Board of Public Utilities (BPU) for a rate increase for water service to its residential customers effective May 1, 2012; and

WHEREAS, the Township of Washington received a letter from United Water dated October 25, 2011, outlining the rate increase; and

WHEREAS, the estimated average increase per quarter is 23.91%;
and

WHEREAS, this is an exorbitant increase that will adversely affect every resident in the Township of Washington through direct billing by United Water without a breakdown of costs or explanation of profits; and

WHEREAS, the proposed rate increase, which far exceeds 2% cap under which municipalities must abide, will have a direct impact on the 2012 Township of Washington budget; and

WHEREAS, residents will be forced to pay the proposed rate increased for their home and municipal water rates;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Washington are adamantly opposed to this dramatic and exorbitant rate increase; and

BE IT FURTHER RESOLVED that the Township of Washington urges the BPU to reject this rate increase as exorbitant; and

BE IT FURTHER RESOLVED that the Township of Washington requests its sister municipalities in the United Water Service Area to oppose this rate increase and contact the BPU to register their opposition on behalf of all residents and rate payer; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the BPU, Governor Christie, our State Legislator, all Bergen County municipalities, and the Bergen County Flood Task Force.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that permission is granted to extend the closing hours of the Dog House Saloon & Grill to 3:00 A.M. on November 23, 2011 (Thanksgiving Eve).

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:

Mrs. Dena Pinkman
239 Beech Street
Twp. Of Washington, NJ 07676

Basketball - \$115.00

WHEREAS, Victoria Faustini-Tedesco, 16 Cathy Road, Hillsdale, New Jersey (the "Original Developer") executed and delivered to the Township of Washington (the "Township") a Developer's Agreement dated January 26, 2010 (the "Developer's Agreement"), and a Memorandum of Developer's Agreement has been filed with the Office of the Bergen County Clerk; and

WHEREAS, the Developer's Agreement provided for the construction of new homes on the three lots in the approved project at different times; authorization for the Original Developer to request that the Township permit another developer of a lot ("Alternate Partial Developer") to install improvements on one or more of the three new home sites on their individual lots; and the posting of performance guarantees and legal and engineering escrows applicable to each lot on which construction is to be commenced; and

WHEREAS, Ashish Shah and Palak Shah (hereafter designated as the "Alternate Partial Developer"), undertook the responsibility of constructing a new home on Lot 4.05 in Block 2501, 2005 East Glen Avenue, Washington Township, New Jersey ("Lot 4.05"), pursuant to the terms and conditions authorized by the Developer's Agreement; and

WHEREAS, the Alternate Partial Developer took a partial assignment of the rights and obligations of the Original Developer in and to the Developer's Agreement as they pertain to Lot 4.05, executed a Partial Assignment and Assumption Agreement on May 3, 2010, and assumed all of the obligations as developer thereunder; and

WHEREAS, pursuant to the terms of the Developer's Agreement and the Partial Assignment and Assumption Agreement, the Alternate Partial Developer posted with the Township certain surety and cash performance guarantees and escrow; and

WHEREAS, the Alternate Partial Developer has notified the Township of the Alternate Partial Developer's completion of installation of improvements with respect to Lot 4.05, and the Alternate Partial Developer's desire to have a release of the cash performance guaranty, surety performance guaranty and escrow with the Township; and

WHEREAS, the Township Engineer has inspected all improvements of which notice has been given, and has made a recommendation to the Chief Construction Official in connection with the cash performance guaranty, surety performance guaranty and escrow deposited by the Developer with the Township pursuant to the Developer's Agreement and the Partial Assignment and Assumption Agreement by letter dated October 19, 2011, a copy of which is annexed hereto (the "Township Engineer's report and recommendation"); and

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

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

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

2. The following performance guarantees currently posted with the Township are hereby authorized to be released:

Surety Performance Guaranty \$61,938.00

Cash Performance Guaranty \$ 6,882.00

3. The Township Engineer and Township Attorney shall submit all vouchers for professional services to the Township Treasurer within 30 days of the date of this Resolution. The Township Treasurer shall, within 10 days of expiration of said 30 day period, confirm with the Township Engineer and Township Attorney that there are sufficient funds on deposit with the Township in the legal and engineering escrow to pay all outstanding vouchers.

4. Upon the verification by the Township Treasurer that there are sufficient funds on deposit to pay all outstanding vouchers for professional services, the performance guarantees and unused balance of

the escrow on deposit with respect to the subject project shall be released in accordance with this Resolution.

5. A copy of this Resolution, with a copy of the Township Engineer's report and recommendation annexed hereto, shall be forwarded to the Alternate Partial Developer by certified mail.

WHEREAS, at the Tax Sale held on October 22, 2009, the Township of Washington sold a tax lien on Block 3106, Lot 4, also known as 588 Concord Lane, for delinquent 2009 taxes, owned by Nader Minas and;

WHEREAS, this Tax Title Lien Certificate #08-00001 was sold to Robert Rothman, 409 Grand Street, Englewood, NJ for 18% redemption fee and:

WHEREAS, the mortgagee (Corelogic, Tax Servicer for Morgan Stanley) has effected redemption of Certificate#08-00001 in the amount of \$48,936.12,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Chief Financial Officer, Jacqueline Do be authorized to refund a total of \$48,936.12 payable to Robert Rothman, 409 Grand Street, Englewood, NJ 07631

Tax Lien	11,987.98	
Certificate Interest	4,495.49	1099 for Robert Rothman:
6% Redemption Penalty	719.28	Certificate Interest:\$ 4,495.49
Subsequent Taxes	24,836.95	Sub. Interest: \$ 6,844.42
Subsequent Interest	6,844.42	6% Penalty \$ 719.28
Recording Fee	40.00	Total 1099: \$12,059.19
Search Fee	12.00	
Total:	\$48,936.12	

WHEREAS, at the Tax Sale held on October 28, 2010, the Township of Washington sold a tax lien on Block 2103, Lot 2, also known as 693 Hillcrest Road, for delinquent 2009 taxes, owned by Thomas Lyons and Brenda Lyons and;

WHEREAS, this Tax Lien Certificate #09-00001 was sold to US Bank/Pro Capital I, LLC for 0% redemption fee and a premium of \$8600.00 and:

WHEREAS, the mortgagee (Corelogic, Tax Servicer for HSBC) has effected redemption of Certificate#09-00001 in the amount of \$25,765.30, and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, New Jersey that the Chief Financial Officer, Jacqueline Do be authorized to refund a total of \$25,765.30 payable to US Bank/Pro Capital I, LLC, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102

BE IT FURTHER RESOLVED, that the Treasurer be authorized to a check in the amount of \$8600.00 (Premium) to the aforementioned lien holder.

Tax Title Lien	\$ 3,060.95	
2% Redemption Penalty	61.22	1099 for US Bank/Pro Capital ILLC:
Subsequent Taxes	20,169.89	Sub. Interest: \$2,418.24
Subsequent Interest	2418.24	2%Penalty <u>61.22</u>
Recording Fee	43.00	Total 1099: \$2,479.46
Search Fee	12.00	
Total:	\$25,765.30	

WHEREAS, the Township of Washington Council of the Township of Washington, County of Bergen, State of new Jersey on this 21st day of November, 2011 recognizes that the abuse of alcohol and drugs is a serious problem in our society; and

WHEREAS, the Township of Washington Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township of Washington Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED, BY THE Township of Washington Council of the township of Washington, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Township of Washington Council does hereby authorize submission of an application for the Township of Washington Municipal Alliance grant for calendar year 2012 in the amount of \$10,356.00.
2. The Township of Washington Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Mary Ann Ozment, Township Clerk

Fred Goetz, Council President