

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

PUBLIC PORTION/PUBLIC MEETING

December 9, 2013

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:33 p.m. by Council President Steve Cascio with the Clerk leading a salute to the flag. Members present: Joseph D'Urso, Fred Goetz, Steven Cascio. Absent: Glenn Beckmeyer, Richard Hrbek. Also present: Janet Sobkowicz, Mayor; Catherine Steinel, Administrator; Ken Poller, Attorney.

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

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

There was a discussion with regard to T&M Associates being paid. Mr. Goetz would like to know how they were paid since we don't have a professional service agreement with them. Mrs. Steinel explained that a professional services agreement is a 12 month appointment cycle, but if you do not have the professional replaced they are in carry over status. Mrs. Steinel further stated your prior year's agreement is still in place until you replace the professional or unless the current professional chooses not to serve you anymore.

REPORT OF MAYOR

Mayor Sobkowicz stated the fire department is selling trees, grave blankets, roping and wreaths every day from 10:00 am to 9:00 pm and to please support them. Annual election was held for the officers and members of the Fire Prevention Bureau and they will be installed on January 1, 2014. The administration is currently working on a grant called the Assistance to Firefighters and the goal of the grant is to improve control and command in emergency situations, and also training exercises. The grant requires a 10% match not to exceed \$6,000 for each town, and there are 8 towns in the Mutual Aid Group. The Annual Tree Lighting Ceremony will be held on Friday, December 13, 2013. The gathering will take place at Finnerty Place for the festivities and then move to Veterans Square for the lighting. Tom Sears and Peter Calamari are organizing a Veterans Award Program ceremony with Kathleen Donovan's office which will be held in the Township in March of 2014. If anyone would like to nominate a veteran and receive a medal and certificate, please contact Bernadette. With regard to recycling, would like to thank everyone for a job well done. For the third month in a row we exceeded the tonnage for the same period last year and also the revenue for the first time this year. She said that we are behind overall for this year so December will really count. On November 19 we received our 2011 Recycling Tonnage Grant which amounted to \$24,125. In 2010 we received \$12,787, which is almost double. Our efforts paid off. The Police Department is proud to announce that Billy Cook of the Township was nominated and did receive the Exceptional Citizen Award given by the North Jersey Regional Crime Prevention Officers Association in recognition of a military service project in which he collected baseballs and had people write notes on them and then sent them to the armed forces. Also proud to announce that Lt. Skinner received the Crime Prevention Officer of the year award from the same group for his services, which include the Junior Police Academy, Municipal Alliance and school talks. The mayor said that he also took Pack 228 on a tour of the police department. Police Chief Randy Ciocco would like to remind everyone to please keep their cars locked in the driveway and to lock all windows and keep a light on. Also thanked the residents for being vigilante in reporting suspicious activity. The

Ambulance Corp is looking for new members. It is a lot of work, but a job well done. The Homestead Rebate for 2012 has been extended to December 31, 2013. The Township Library Director Laura Rifkin notified us that the library has been awarded a \$4500 grant for an Emergency Preparedness Program. Between January and March of 2014 they will be offering CPR Certification, First Aid classes, an emergency pet care class and family emergency planning taught by our police department. Thanked the library for being proactive and going out and seeking new revenue sources. Congratulated the Westwood Regional High School Football Team for winning the North 1, Group 2 State Championship. They beat Waldwick 26-7. The DMF is more than half done with the second passing through town for leaf pick up and they will have the leaves picked up before Christmas. One vehicle did break down and another vehicle was rented, which we are keeping for another week or two and an arrangement has already been made for the streets to be swept as soon as the leaves are gone. The new playground at Memorial Field is almost complete. The next project is the Ceil Ritter Memorial Pavilion which will have new benches, tables and also a new roof. This pavilion is part of a matching Bergen County Open Space Grant and once the renovation is complete there will be a formal dedication. The Planning Board issued preliminary approval for a new home on Webster Avenue. Most of the departments have submitted their budgets for 2014. The CAP is at 2%. Received a 25% increase in recycling, and a 30% increase in the removal of leaves stockpiled at Sherry Field. Scout Pack 228 requested a tour of Town Hall and also the raising and lowering of the flag as part of their fulfilling a requirement for a patch. The scouts had a great time. They learned a lot about town government, local laws and the police department. They will also be distributing flash lights which were donated at the Holiday Event. The Knights of Columbus had a Memorial Mass and brunch to remember the past knights who did so much in raising funds to help local residents. Progress has been made with regard to the cell tower. The target date is December 24 and the monopole is being delivered Friday. The conduit was also put in for the public safety antennae which will be moved there and she said that she would like to thank the Administrator Catherine Steinel, Chief Ciocco, Rio Fasciano and the ambulance corps for all the work they did in getting a firm price and all the details that were involved. It was very complicated. The installation of the generator is also expected to be done around December 24. Rio Fasciano, the administrator, and myself decided to apply for a Federal Energy Grant that was announced as a result of Hurricane Sandy and, after much research, a detailed project description was drafted which included the purchase of four portable generators for use at intersections and county roads, six portable generators to illuminate dangerous areas of the community, possible replacement of a natural gas generator at the firehouse, and also the purchase and installing of a shelter for the new lighting system. Administrator Steinel also completed a grant application for the replacement of the tiles for the Senior Center, which are in bad shape. They are popping up and it is creating an unsafe situation. The sod at Memorial Field was aerated and seeded and provisions were made for sod replacement if we should need it.

REPORT OF COUNCIL

Mr. D'Urso – Thanked everyone on the council that he worked with for the last four years. He said that this was the last meeting where he could give a report and would like to thank the residents and everyone. It has been an interesting four years and he said he wishes Peter Calamari and Tom Sears a lot of luck coming on the board. Thanked Mrs. Steinel for being a shining light for this organization for the last two years. Thanked Mayor Sobkowicz, Mr. Poller, and Dr. Cascio. Thanked Mary Ann Ozment and said that she has been

great and hopefully the new council will appreciate what she does for the town. Said he would also like to thank Councilmen Beckmeyer and Hrbek, but they are not here tonight.

Mr. Goetz – Extend the thank you and thanked everyone for their service. Also thanked the incoming councilmen for stepping up. Need people willing to do this job, He thanked everyone.

Dr. Cascio – No report.

APPROVAL OF MINUTES

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to pass the September 23, 2013 Minutes of the Township Council of the Township of Washington and the October 21, 2013 Public and Conference minutes of the Township Council of the Township of Washington.

Ayes: Councilpersons D'Urso, Goetz, Cascio

Nays: None.

GENERAL PUBLIC DISCUSSION

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to open the general public discussion.

Ayes: Councilpersons D'Urso, Goetz, Cascio

Nays: None.

Vic Fadini, 698 Kennedy Boulevard – Added his congratulations to the Westwood football team for their victory. Also would like to congratulate the Rutgers football team. They will be playing in the Pin Stripe Bowl on Saturday, December 28. Mr. Fadini asked Council President Cascio for a list of the town with regard to the ordinance. Dr. Cascio did name the towns and Mr. Fadini indicated there were not 20 towns as Dr. Cascio had stated. Mr. Fadini stated that Dr. Cascio didn't tell the truth back then. Dr. Cascio stated he is not going to go through 536 Municipalities to satisfy Mr. Fadini. There was a discussion with regard to what websites were checked. Mr. Fadini stated that Dr. Cascio was wrong and Mr. Fadini wanted to prove that point. Mr. Fadini would like the list that Dr. Cascio has and Dr. Cascio stated the clerk will have it tomorrow and Mr. Fadini will get it from the clerk.

Ray Bernroth, 838 Crest Place – Mr. Bernroth stated he was told earlier that the cell tower will be operational soon. Mr. Bernroth stated he was in his 60's when he started complaining and now he is 73, so he has been complaining for a number of years. He is glad it will be operational. Would also like to compliment the people who take care of the leaves. They have a really tough job. He has been in this town since 1976 and the trees have gotten a lot bigger in that time and they do a good job considering all they have to do. Further stated it has been a pleasure speaking to all of you and said he tried not to give everyone a hard time. Also stated he will still be here when the new council takes over.

Peter Calamari, 28 Gabriel Way – Appreciates the service of the outgoing council. He can see from coming to meetings in the past few years it is not an easy job. It can be a thankless job. Looks forward to the challenge and hopes he is up to it. Thanks council for their service.

Michael Ullman, 2 Clark Avenue – Asked about the investigation of the fines that were assessed or summons that were issued to the store across the way. Asked if that investigation has been complete. Mrs. Steinel stated information is still being gathered. Mr. Ullman then asked about the cell tower. It seems that the land has been built up to allow for a plateau for the tower to be raised. Mr. Ullman further asked where the measurement is taken for the height and is it going to be the original topography or an updated topography. He asked if it is an updated topography was that covered as part

of the Planning Board approval or resolutions that the Planning Board made. A lengthy discussion followed with regard to the height of the tower, which is 120, the building of the retaining wall and a portion of the property being raised. Mr. Poller stated that the engineer is on site and he will ask the engineer that question. Mr. Ullman stated that there was a resident on Van Emburgh, and this issue came up and there was litigation. Mr. D'Urso stated that you are putting the tower on top of a 58 foot hill, and the tower is 120 feet, and the base of the tower is at least ten feet. Mr. Ullman stated he believed that there was very specific language, and it surprised Mr. Ullman when he went over and looked at it and the large retaining wall. He asked if it is going to be measured from the pole itself at 120 feet, what is provided in the ordinance or is going to be exceeded. Mr. Ullman further stated that a resident did have to tear down part of their house because they didn't measure properly and just wants to make sure the Township follows their own protocol. Mr. D'Urso stated it is a good question. Mr. D'Urso was an opponent of the tower and at the end voted yes, since it is progress, and a good revenue stream but it is a 178 foot tower. Mr. Ullman also asked with regard to the Municipal Facility Study if it is going to look at all the facilities within the Township. Mr. Ullman further stated it seems we are doing a lot of positive work and investing a lot of money, some of it grants, some of it from our capital. Spoke of the fire department, possibly switching the generator from diesel to natural gas and also spoke of the grant received last year for some air conditioning work. There was also a discussion with regard to the trucks and also some structural issues. Mayor Sobkowicz stated all aspects are being investigated. Mayor Sobkowicz further stated that some of the newer trucks are larger, and that also has to be looked at for the future. Mayor Sobkowicz replied that our CAP Budgets are coming in from each department now and that will also give us some direction. Mr. Ullman thanked Mr. D'Urso and Mr. Goetz.

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to close the general public discussion.

Ayes: Councilpersons D'Urso, Goetz, Cascio

Nays: None.

ORDINANCES

The Clerk read Ordinance 13-23 entitled: ORDINANCE ESTABLISHING PUBLIC TELEVISION PROGRAMMING GUIDELINES AND COVERAGE OF PUBLIC MEETINGS.

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to introduce and pass Ordinance 13-23 at second reading by title.

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: None.

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

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance 13-23 entitled: ORDINANCE ESTABLISHING PUBLIC TELEVISION PROGRAMMING GUIDELINES AND COVERAGE OF PUBLIC MEETINGS be read on second reading and the public hearing be held thereon pursuant to law.

A motion was made by Mr. D'Urso, seconded by Mr. Goetz to open the public hearing.

Ayes: Councilpersons D'Urso, Goetz, Cascio.

Nays: None.

Peter Calamari, 28 Gabriel Way – Stated there were a few unanswered questions at the last meeting and he would like the answers to those. He asked if WCTV is on board with televising the meetings. Dr. Cascio stated he did not receive any answers back. Mr. Poller stated he did do some investigating and there is no actual documentation as to the actual entity WCTV. It was formed in 1982 when Mark Pfeiffer was the administrator. It is not a governmental agency. It is a volunteer organization even though the Township provides funding to it. Mr. Poller also spoke with Larry Lifrieri at length about this, with regard to the specifications, how it is to operate and the fact that they are volunteers. Mr. Poller further stated he and Mr. Lifrieri also spoke with regard to the equipment they are using, when the meetings would be aired, how many times, between what times and there is no way that can be done. Mr. Poller also stated someone would have to be paid at least \$1000 per month, because it is not as easy as just putting up a camera. Mr. Poller also spoke to Mr. Lifrieri with regard to priority. He said that if there is a big football game on or a big event in the Township and all of a sudden because of this ordinance a meeting would prioritize over that and that might be a problem. There was a discussion with regard to a franchise agreement with Cablevision and that it was renewed. Mr. Poller further stated without the cooperation of WCTV, getting volunteers and their cooperation on how this can be done, this ordinance does not make any sense. It is unenforceable. Mr. D’Urso stated that there is \$7000 in the budget for WCTV and no one knows who has the rights to it. Mr. D’Urso further stated the administration does not want to overpay someone if it is a paid service, but at this time we have 6 or 7 people come to these meetings when you can have 20 people come here who have issues. Mr. D’Urso further stated that the Township has a volunteer organization that the Township is paying for their electricity and whatever else, but we do not have clarity on its bylaws or anything else. It is a volunteer group. Mr. D’Urso also stated that he believes we can find volunteers or pay people. It is something reasonable that can be done. Mr. Poller stated he is not saying it can’t be done but it needs work. He said basically this ordinance is a copy of a Jersey City ordinance which came about a little bit differently, and this ordinance is not enforceable. There was a discussion with regard to older ordinances, which become non enforceable due to constitutional issues, court cases or other things that do come up in time. Mr. Poller stated it would be foolish to pass this ordinance at this point knowing that there is a problem with it to begin with. He said the town should have a thought process and we also need the input of others. Mr. Poller also indicated that the first time he saw this ordinance was Tuesday, and it was introduced the following Monday. He said he never saw it before then and never investigated it.

A motion was made by Mr. Goetz seconded by Mr. D’Urso to close the public hearing.

Ayes: Councilpersons D’Urso, Goetz, Cascio.

Nays: None

A motion was made by Mr. Goetz, seconded by Mr. D’Urso to pass Ordinance 13-23 on second and final reading, submit the same to the Mayor for her approval and thereafter be published according to law.

Ayes: Councilpersons D’Urso, Goetz, Cascio.

Nays: None.

Consent Agenda

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

After a discussion Mr. D’Urso and Mr. Goetz stated that they could not support Number 3, the \$93,000 transfer. It was determined that Number 3 will be tabled for further discussion.

The Consent Agenda was presented and adopted on a motion by Mr. Goetz, seconded by Mr. D'Urso.
Ayes: Councilpersons D'Urso, Goetz, Cascio.

WHEREAS, Associated Design Partners, Inc., posted engineering and soil movement escrow on premises known as Block 2202, Lot 12, TD Bank Pascack Road; and

WHEREAS, the Construction Code Official has issued approval dated October 24, 2013, C.A. No. 13-494,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated October 23, 2013,

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 \$456.50 to the above.

WHEREAS, Dan and Elena Andrei posted engineering escrow on premises known as Block 3408, Lot 5, 636 Ridgewood Road; and

WHEREAS, the Construction Code Official has issued approval dated November 18, 2013, C.O. No. 13-237,

WHEREAS, there are no outstanding invoices due the Township Engineer as per his letter dated October 11, 2013,

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 \$657.00 to the above.

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 Borough of Emerson ("Emerson") and 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, pursuant to the New Jersey Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.), Emerson seeks to enter into a shared services agreement with the Township whereby the Township will provide health services of a professional and technical nature to Emerson as provided for in the Local Health Services Law (N.J.S.A. 26:3A2-1 et seq.) and

WHEREAS, the Township wishes to enter into such a shared services agreement with Emerson;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Washington, that the Township approves of the proposed shared services agreement between the Township and Emerson, a copy of which is on file with the Township;

BE IT FURTHER RESOVLED, that the Mayor is hereby authorized to execute the subject shared services agreement with the Borough of Emerson for the above stated purpose.

Mary Ann Ozment, Township Clerk

Dr. Steven Cascio, Council President