

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

PUBLIC PORTION/PUBLIC MEETING

March 14, 2011

The Township Council held a Public Portion/Public Meeting in the Municipal Building, Pascack Road. The meeting was called to order at 7:30 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, Richard Hrbek. Absent: Fred Goetz. Also present: Janet Sobkowicz, Mayor; Lilly Chin, Administrator; Kenneth Poller, Attorney.

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.

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

REPORT OF MAYOR

Various improvements have recently been made to the website by Heather A. Henry, website manager. Residents may now contact council members, the mayor and departments and most staff directly via email. If they click on the Contact Us page they will see everyone's name is now a link to their individual email addresses. There is also a Staff Directory Page at the bottom of the Contact Us page that has a full listing of everything available.

There are about 80 residents signed up for E-Alerts/News since the Citizen went out with a small article about it. The first email blast was on 2/22 regarding door to door solicitation that weekend. I urge residents to sign up for this service.

The Suggestion Box feature at the top of the home page continues to be a successful tool for communication between residents and the administration - questions are asked and answered quickly and efficiently. I've already received requests for the date for town day.

Council Minutes are now posted on the website beginning with January 2011. Budgets for the past three years are posted also.

We ordered the *communitypass* software program that allows residents the ability to sign up for recreation programs 24/7. We hope to have it up and running by the end of April for summer recreation registration. Mrs. Henry is working with the independent Sports Groups in case they want to use the community pass option.

On Saturday, March 26, we will have Paper Shredding and e-recycling from 9 a.m. to 12 p.m. sponsored by Greenstar. For e-recycling, you can bring any electronics except TVs with the wooden cabinets. Of course, the town dump will be open regular hours from 9 to 1 p.m. Also, our Green Team will be on hand to provide information and awareness on programs and progress. The Baseball Association will be having its annual cleanup of Sherry Field that day.

As you are aware, the Township Police Dept. recently received the highest award of excellence from the AAA for its traffic safety programs. I have authorized a new initiative, *Safety First*, in which Vic Fadini, our insurance agent and Lilly Chin, administrator, will create a program aligned with parameters of the JIF including: 1-3 year accident/lost time rate; safety meetings of DMF, police, ambulance, fire, recreation, and administration; job site observation by senior personnel; safety videos and/or classes through the MEL; and municipal fleet safety policy checking driving records of all who operate township vehicles. All of this

has to be documented and reported online. The goals are obvious--improve safety, document the safety measures we already have in place, and then qualify for a Municipal Joint Insurance Fund recognition award.

Speaking of awards, congratulations are in order for the Girls Track Team at Westwood HS for their second year of winning the North 1 Group 1 state sectional title, Big North American Division title (smaller group), and also went to the Nationals for the first time. Three girls got all county first team honors—Dana Bianchi, Michelle Cascio, and Gabrielle Sloezen. Meghan Kocher and Caryn Meyers got second team All County. Dana Bianchi, Michelle Cascio, Meghan Kocher, and Gabrielle Sloezanm medaled in the 400x400 in the National Indoor Championships.

The next meeting of the Memorial Day Parade committee is Tuesday, March 22, 2011, at 7 p.m. in the third floor conference room at the Town Hall. Please join us if you are interested in helping with this memorable event.

The Knights of Columbus is sponsoring a Farmer's Market from June to September this year as other organizations are doing in neighboring communities.

From my previous reports, it is very obvious that our scouting program is flourishing and provides us with a network of traditional values. On March 3, I was proud to attend a gold award ceremony for Troop 1144 where 10 young ladies received the highest award in Girl Scouts. Parents, troop leaders and scouts deserve a huge thank you for their work.

On March 6, I attended the Blue and Gold Dinner sponsored by Cub Scout Pack 228 in which various levels such a tigers, wolves, bears, webelos I and webelos II talked about their activities and accomplishments. I was very impressed with the trips, projects, and activities completed by the scouts. The volunteerism here is great--den leaders and parents are doing an outstanding job--makes me proud to be the mayor of this community.

On March 9, I attended the Pascack Valley Mayors Meeting with Senator Cardinale as our guest speaker. It was very timely because we were able to be part of a conference call with the Governor's office where we learned about a new resource that would be available to us for the oncoming storm of March 10 and 11. It is called The Rock and we have a specific number and access code to call should be need outside resources to assist with flooding in our communities. Fortunately, we did not need it.

Also at that meeting, Senator Cardinale told us about a bill (S-54) that changes restrictions on certain county or municipal stream cleaning activities to "streamline" the process for undertaking projects to clean, clear, or desnag. He has requested that the council pass a resolution endorsing this bill.

Ken Poller, township attorney; Joe D'Urso, councilman; Rich Hrbek, councilman; representatives from the cell tower companies, and I met here last week to discuss the tower, which is on the council agenda.

On Saturday, March 12, 2011, Lt. Glen Hooper was promoted to Captain and First Sgt. Hackbarth was promoted to Lieutenant. Chief Ciocco and Director Cicchetti made these recommendations in December 2010. Glen Hooper, a dedicated member of the department, has been doing captain's work for many years now, and Gregg Hackbarth's reputation as a safety expert and all-around excellent policeman is well known throughout the area. Of course, the cost factor worried me as I

approached the new budget season as well as the council's motion to remove captain from the line up. However, both of these officers agreed to the new positions without any increase in pay for the rest of the year. I know that the Council is discussing changes to the table of organization, and it does need to be done since the department is getting smaller in numbers. After March 31, we will have 20 members down from 22 in 2009. I support streamlining the t o and e from this point on.

Yes, there was a fatal shooting encounter. Everything is in the hands of the prosecutor's office and we cannot make comments on the incident. However, when I got the call very early Saturday morning, there was no doubt in my mind that everything would be handled impeccably by this police department.

If that wasn't enough, Sgt. Curl called me to come to a raging house fire late Sunday night. Again, I was impressed by the coordination of the entire fire scene. I want to thank our fire department, ambulance corps, and mutual aid fire departments that came to assist us in this difficult time. Many neighbors came out to offer help also.

I have attended several meetings in reference to the above roadways—at the highway authority, here with representatives from Woodcliff Lake and assistant county engineer Gary Ascolese, and a simulation at the Bergen County Administration building. Much to my chagrin, I received an email from the County with a Resolution attached approving the plan and awaiting a concurring resolution from the Township of Washington. They have a long wait.

Tom Mechan, fire prevention chief, retired from that bureau after many years of service to this community.

As such, Fire Director Tom Sears worked with Lilly Chin, administrator and OEM director Bill Cicchetti to organize a new fire prevention bureau. The bureau inspects buildings for fire hazards, reviews building plans for compliance with fire prevention ordinances and codes, and educates the public about Fire Prevention. Director Sears actually enrolled in a 12 week course to be up to date on the state requirements. He is to be commended for his hard work and dedication in making sure that everything is state compliant. The new chief of the bureau is Jim Strabone and he will have 3 inspectors. The council has been given a list of fees that need to be updated in our current ordinance. Also, we had to purchase a software program called ESPN, which is connected to the state and keeps track of every inspection and the results of each one with printouts available at any time. We will all learn more when Director Sears and Prevention Chief Strabone appear at the March 28 council meeting.

REPORT OF ADMINISTRATOR

Mrs. Chin spoke about the amount of money the town received from recycling. The work at the Firehouse is scheduled to begin soon with money received from the Energy Grant. Mrs. Chin thanked all emergency departments for staying on standby during the recent rainstorm on March 9 through the 10th. She reported the cost of purchasing tracking devices for vehicles used by the DMF.

REPORT OF COUNCIL

Mr. Hrbek - Mr. Hrbek thanked the police department and commended them on the way they handled the gunman situation over the weekend. April 30 is opening day of Baseball season. The town did not experience any major flooding during this last rainstorm.

Mr. D'Urso - Mr. D'Urso said that he did not like the sight that the township has chosen for the cell tower and felt the town overlooked specific town-owned sites along Pascack Road. He congratulated the two police officers on their promotions. He was not aware of the promotions until this afternoon. At recent JIF meeting a topic of discussion was to look into ranking and structure of police departments during this economically hard time and to follow the lead of Trenton. Contract negotiations are coming up soon.

Mr. Beckmeyer - Thanked Mr. D'Urso for looking into the new spots for the cell tower. He thanked the fire department and police department for all the work they did this weekend. They were very professional and did things the right way. He congratulated the two police officers on their promotions.

Dr. Cascio - Dr. Cascio congratulated the police on their promotions and commended the police and fire department on their handling of the events that occurred over the weekend.

APPROVAL OF MINUTES

A motion was made by Mr. Beckmeyer, seconded by Mr. D'Urso to approve the minutes for February 28, 2011 Public, February 25, 2011 Budget, March 7, 2011 Budget

Ayes: Councilmen Beckmeyer, Cascio, D'Urso, Hrbek
Nays: None

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to approve the minutes for March 2, 2011 Budget

Ayes: Councilmen Cascio, D'Urso, Hrbek
Nays: None
Abstain: Mr. Beckmeyer

PUBLIC PORTION

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

Ayes: Councilpersons Beckmeyer, Cascio, D'Urso, Hrbek
Nays: None

Eamonn Twomey, 187 Devon Road - Mr. Twomey commented on the increase of the recreational programs. He stated that the increases over the past two years in some of the programs were up 75%. Dr. Cascio said the five dollar increase in the registration cost for all sports was due to the new on-line sign up system. He said that the increases were looked at and it was not fair that some sports programs greatly fund other programs.

Arthur Knox, 353 Jackson Avenue - Mr. Knox said that municipal property trees are in bad shape, with some dying due to neglect and DMF trucks running engines near them. He said the complex looks unkempt and the fence running behind the Jackson Avenue properties is falling down. The DMF is an eyesore. The trucks take to much room in the parking lot. He said that a new DMF should be built in a different location and additional parking and landscaping could be put in its place. Mayor Sobkowicz said that the yard is cleaner and in better order than in the past. The trees will be replaced and she asked Mr. Knox to help pick a new fence to replace the old. Mr. Knox said that he knows the majority of council does not want a cell tower.

Raymond Bernroth, 838 Crest Place - Mr. Bernroth said that he was happy that Mr. D'Urso is working so hard to look for a new location for the cell tower. He would like the tower to go in soon.

Diane Ferrara, 745 Amherst Drive - Ms. Ferrara said that she was involved with the cell tower issue when it was proposed on private property. She stated that it is not a matter of cover, it is capacity. The town needs to make municipal property available. She said she can not tell the difference between a tower 140 and 120 feet. She spoke about different styles of towers. She asked if the town would hire an expert during the process. She said the housing for the tower components could be made to look attractive. She commented on articles from Pascack Press. She asked the council to consider changing technology in the future.

Rosa D'Ambra, 423 Colonial Boulevard - Mrs. D'Ambra spoke about alternative technology that the expert brought up during a presentation three years ago. Mr. D'Urso stated that all three carriers stated that a tower is needed and they could not do an alternate means. If the town does not comply with a tower the carriers will sue the town.

Elizabeth Reeves, 266 Wilson Avenue - Mrs. Reeves spoke about the fact that the end of Wilson Avenue has never been taken care of well by the town. She stated that if the tower goes on the town-owned Wilson Avenue property than it will be abutting Pascack Road and will be highly visible to those who drive through the town. Mr. D'Urso said that he is aware that the town has allowed the property to be used for a number of projects and have neglected the property. This has had a negative impact on her neighborhood.

Joanne Anastasi, 330 Pascack Road - Mrs. Anastasi read several passages from the town's master plan. She told the council that she requested certain pieces of information, studies and reports regarding the cell tower and was told that the town did not have certain requested information to give her. She spoke about property maintenance codes and the fact that the tower has not gone in front of the town planning board as yet. Safety reports and other information that should have been done at this point still need to be done. Mayor Sobkowicz stated that the cell carriers still need to provide a site plan to the town and go up in front of the planning board. Mr. Poller said that there is a process that needs to be gone through. All parties needed are involved. No one targeted any specific area. He spoke about the fact that even though something is not in the master plan that does not mean the state or county will not supersede our plans. Mrs. Anastasi asked why municipal properties do not have to follow zoning ordinances for the zones they are in.

David Snyder, 91 Windsor Circle - Mr. Snyder said that he wrote an editorial in Community Life recently. He said that not having a cell tower is a danger to the town. The issue of the cell tower has been a topic for four years. He said the town hall municipal property is the most logical place. Mr. D'Urso stated that there are municipal properties that were never considered. Mr. Snyder asked how long it will take to finalize a decision.

Charles Matasker, 347 Jackson Avenue - Mr. Matasker said that he is happy to see that the council is looking into alternative spots for the cell tower. The residents of the neighborhood surrounding the municipal complex deal with a great deal already.

Peter Philis, 326 Hudson Avenue - Mr. Philis said that if the cell tower is built on municipal complex property and the tower should fall, it would cause major damage. He said that it is his opinion that the mountain the tower will be built on is not strong enough to support the tower. He said that everyone should have a land line for emergencies.

Albert Cundall, 380 Jackson Avenue - Mr. Cundall said that the property behind the post office might be a good location for the cell tower.

Bea Napier, 324 Hudson Avenue - Mrs. Napier said that has been on the ambulance corp. for 36 years. She stated that the ambulance has not missed a call at the shopping center. People can communicate when necessary. She said that she was at the weekend fire on Coolidge Avenue and it was very difficult for the emergency departments to maneuver on the cul-de-sac. The same would be true for the town hall complex.

Jared Shapiro, 141 Windsor Circle - Mr. Shapiro spoke about his satellite phone and that it is more reliable than his cell phone.

Michael Ullman, 2 Clark Avenue - Mr. Ullman asked why the town engineer had to become involved in a complaint about a problem on the Kourkoulakos property involving a downed landscaping fence and the runoff of mud. He stated that the engineer's fees are expensive compared to another worker who could come out to look at the situation. Mayor Sobkowicz said that the property owner is responsible for paying the engineer's fee and he was sent to make sure the property was in compliance with the planning board resolution. Mr. Ullman asked if the township uses police as couriers. Mayor Sobkowicz said they deliver the council packages. The packages are not ready for delivery until after the road department is gone for the day. Mayor Sobkowicz stated that the police have delivered the council packets for many years. Mr. Ullman asked about the police promotions and whether the topic was discussed with council prior to the appointments. Mayor Sobkowicz said that one was. She summarized her discussion with the council. Mr. D'Urso stated that he, the Mayor and other council members who attended the recent JIF meeting were told that they should look at trimming their town's police structure in a fiscally responsible way. He stated that the men who were promoted were deserving.

Sandra Philips, 321 Hudson Avenue - Mrs. Philips asked why the town would be sued if they do not go forward with the company whose bid was accepted. Mr. Poller stated that there are legal reasons why he can not answer that question. Mrs. Philips said that the street has to endure enough inconveniences. A cell tower is dangerous for the neighborhood. She also said that the residents in town that did not live in the immediate area were not being supportive.

Steve Gagliano, 326 Jackson Avenue - Mr. Gagliano said that his carrier is ATT and he has never dropped a call. He said that does not want to see the cell tower in his neighborhood.

Mr. Poller spoke about the ATT and Verizon bids in respect to the process of the bidding and how it was done as a further explanation to Mrs. Philips.

Anthony Napier, 324 Hudson Avenue - Mr. Napier spoke about the neighbor's house he sees when he looks out his window. He spoke about what he imagines the view will look like after the town tears down the house and the cell tower is erected.

Lawrence Bernstock, 286 Woodfield Road - Mr. Bernstock spoke about the need for help in three issues he and his neighbors are dealing with on the street. Season's is shuttling employees from the back parking lot of the BC Jewish Y late into the night. There is a rocket club that launches rockets in the parking lot, and Woodfield Road is being used as a speed strip. He is happy that the town is like Mayberry.

Al Gillio, Wayne Place - Mr. Gillio asked about the traffic study around Washington School. Dr. Cascio said that there will be a report when Mr. Goetz gets back into town.

Diane Ferrara, 745 Amherst Drive - Mrs. Ferrara asked about the plans to build a CVS on the corner of Pascack and Washington Avenue. Mayor Sobkowicz stated that the application is in front of the zoning board. She said that Mrs. Ferrara should attend the next zoning board meeting, March 15, 2011. Mrs. Ferrara said that she has started getting water on her property and into her basement. There was driveway work done at a neighbor's house near her and she feels that the problem comes from that. Mayor Sobkowicz told Mrs. Ferrara to give her number to Mrs. Chin to discuss the problem further.

Jeff Rogers, 25 Woodfield Road - Mr. Rogers asked why the Council meetings are not televised. Dr. Cascio stated that the Council was told that the main factor is the cost to the town as well as finding volunteers to record the meetings. Mr. Rogers said that he has an issue with speeding in town. He asked if the town had considered putting in the rubber speed bumps, as neighboring towns have done. Also, he said that the electronic speed counter was placed at Sussex and Woodfield Roads where drivers usually slow down. Mayor Sobkowicz stated that several traffic studies were done in the area and she would speak to Lt. Hackbarth about the past studies and possibly request a new one.

Julie Lipnick, 184 Finnerty Place - Mrs. Lipnick stated that the town needs a cell phone tower. She said that due to health and job reasons her family is in need of reliable service and service is very bad in her part of town. She said she was able to buy a booster from her cell carrier that is plugged into her computer and has increased the reception on the family's personal cell phones dramatically.

Naseem Gilani, 316 Hudson Avenue - Mrs. Gilani spoke about the lack of sidewalks for children to safely walk to and from the high school. She is glad to see that the town has hired a crossing guard for the Pascack Road/Ridgewood Road intersection. She spoke about another area on Pascack Road near the shopping center that is also dangerous.

Rosa D'Ambra questioned the legality of limiting residents to only five minutes to speak during a public meeting. Mr. Poller stated that it is legal and is part of the town's rules of order.

Being no further questions or comments from the public, a motion was made by Mr. D'Urso, seconded by Mr. Beckmeyer to close the public portion of the meeting.

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

Nays: None.

ORDINANCES

The Clerk read Ordinance 11-02 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 CROSSING GUARDS IN SAID MUNICIPALITY FOR THE YEAR 2011

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to introduce and pass Ordinance 11-02 at second reading by title.

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

Nays: None.

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

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio
Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 11-02 entitled: AN ORDINANCE UNDER CHAPTER 55 OF THE COSE OF THE TOWNSHIP OF WAHSINGHTON SETTING FORTH THE RATE OF COMPENSATION AND MANNER OF PAYMENT OF CROSSING GUARDS IN SAID MUNICIPALITY FOR THE YEAR 2011 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. D'Urso 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, Hrbek, Cascio
Nays: None.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 11-02 at second and final reading, submit same to the Mayor for her approval and thereafter be published according to law.

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio
Nays: None.

The Clerk read Ordinance 11-05 entitled: AN ORDINANCE REQUIRING SNOW REMOVAL FROM AROUND FIRE HYDRANTS IN THE TOWNSHIP OF WASHINGTON

A motion was made by Mr. Hrbek seconded by Mr. D'Urso to introduce and pass Ordinance 11-05 at second reading by title.

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio
Nays: None.

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

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio
Nays: None.

BE AND IT IS RESOLVED, by the Township Council of the Township of Washington that Ordinance No. 11-05 entitled: AN ORDINANCE REQUIRING SNOW REMOVAL FROM ARUND FIRE HYDRANTS 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. Hrbek, seconded by Mr. D'Urso to open the public hearing.

Ayes: Councilpersons Beckmeyer, D'Urso, Hrbek, Cascio
Nays: None.

Michael Ullman, 2 Clark Avenue - Mr. Ullman asked what the penalties would be for not obeying the ordinance. Mr. Poller stated that the penalties follow an ordinance that generally states that it is up to the municipal judge and it is determined at his discretion. Mr. Ullman asked who is responsible for enforcing the ordinance. Mr. Poller said that the police are generally responsible for enforcing violations but they do not always have time. Mr. Ullman stated that he supports the ordinance.

John Hannan 564 Jackson Avenue - Mr. Hannan stated that there was a recent ice storm where he had a difficult time clearing his fire hydrant. He asked if there were any provisions in place to help residents such as seniors, who can not clear the hydrants on their property. He asked if there is a phone number for the people to call when they need help or for those who are not able to do it themselves. Mrs. Chin said that people can call the administrator's office. Mrs. Sobkowicz stated that the fire department knows where hydrants are and they are able to clear one quickly if it is needed.

David Snyder, 91 Windsor Circle – Mr. Snyder suggested that the boy scouts may want to get involved as a service project.

Mr. Beckmeyer asked if the ordinance corresponds with the 12 hour sidewalk ordinance. Everyone agreed that it did.

The public portion was closed on a motion by Mr. Hrbek, seconded by Mr. Beckmeyer.

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

Nays: None.

A motion was made by Mr. Hrbek, seconded by Mr. Beckmeyer to pass Ordinance 11-05 at second and final reading, submit same to the Mayor for her approval and thereafter be published according to law.

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

Nays: None.

The Clerk read Ordinance 11-03 entitled: AN ORDINANCE AMENDING FEES FOR RECREATION DEPARTMENT ACTIVITIES.

A motion was made by Mr. Beckmeyer, seconded by Mr. D'Urso to introduce and pass Ordinance 11-03 at first reading by title. A conversation ensued between Council discussing instructional teams paying at a lower rate. Mr. Poller advised that the council could pass and, in the future, another ordinance to amend this one could be passed. Mr. D'Urso agreed that the ordinance should be passed now and to take Mr. Poller's advise of amending it next year.

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

Nays: None.

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

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

Nays: None.

WHEREAS, Ordinance No.11-03 entitled: AN ORDINANCE AMENDING FEES FOR RECREATION DEPARTMENT ACTIVITIES was introduced and passed at first reading by title at a meeting of the Township Council of the Township of Washington on the 14th day of March, 2011.

NOW, THEREFORE, BE IT RESOLVED, that further consideration for final passage and public hearing of said ordinance shall be held on the 28th day of March, 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, D'Urso, Hrbek, Cascio

Nays: None.

Mr. D'Urso requested that Ordinance 11-04 be tabled at this time. It was agreed that the topic would be tabled.

CONSENT AGENDA

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

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

Nays: None.

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

WHEREAS, Laura Weinberg posted engineering escrow on premises known as Block 3206, Lot 9, 2601 Cleveland Avenue; and

WHEREAS, Ms. Weinberg is withdrawing here application to construct a retaining wall as per her letter dated March 2, 2011,

NOW, THERE FORE, 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 \$853.00 to the above.

WHEREAS, an overpayment was received for Block 4212, Lot 10, 550 Howard Street, owner, Thomas Lavin for the 1st quarter 2011. Payments were received on February 3, 2011 by Title Company (\$2,467.00) and on February 8, 2011, (\$2,467.00) paid by lender of record. Title Company has provided authorization to refund homeowner directly and:

WHEREAS, under the New Jersey Statute N.J.S.A. 54:3-27.2, overpayments must be refunded:

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 issue a refund to:

Thomas Lavin, II
550 Howard Street
Washington Township, NJ 07676

REFUND: \$ 2,467.00

WHEREAS, an overpayment was received for Block 3201, Lot 2, C317, owner James Gunther, 80-317 Ridgewood Road, for the 4th quarter 2010. Said property was awarded a tax reduction due to a successful tax appeal. The credit of \$485.26 was transferred to 1st quarter 2011, creating an overpayment. Bank has authorized to refund homeowner directly and:

WHEREAS, under the New Jersey Statute 54:3-27.2, overpayments from a successful tax appeal must be refunded:

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 issue a refund to:

James W. Gunther
80-317 Ridgewood Road
Twp. of Washington, NJ 07676

Tax Appeal Refund Due Homeowner: \$ 485.26

WHEREAS, there exists a need for Blood Borne Pathogen Services; and

WHEREAS, the maximum amount of the contract is not to exceed \$3,000. Funds are available and will be certified to by the Treasurer prior to their expenditure; and

WHEREAS, the local Public Contracts Law requires that a Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute and agreement with County of Bergen, Department of Health Services.
2. This contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5(1) (a) of the local Public Contracts Law because the services to be performed are a recognized profession regulated by law; and Notice of this action shall be printed once in a local newspaper.

BE AND IT IS RESOLVED, BY THE Township Council of the Township of Washington that the Council hereby memorializes the vote to consent to the appointment of Lilly Chin, Acting Business Administrator for a term beginning 3/01/11 and ending 12/31/11.

WHEREAS, the Township of Washington (the "Township") received quotes fro services in connection with e-commerce payment participation; and

WHEREAS, the Township Council has determined that the quotation submitted by "capturepoint.com" with an address of 215 East Ridgewood avenue, New Jersey, represents the lowest responsible quotation;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby accepts the quote from "capturepoint.com" in connection with e-commerce payment participation, with an initial fee of \$3,797.00 for the first year and \$2,499.00 for the second year and for such further years as the Township shall determine at its option.

WHEREAS, permission is required by the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a Municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S. A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures 9or monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Washington as follow:

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions N.J.S. A. A.roA:4-39, as amended by P.L. 1999, C.292 for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal "penalty based" programs in the Uniform Fire Safety Department and Fire Department inspections.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

WHEREAS, the Township of Washington was names as a Defendant in an action in the Superior Court of New Jersey, Smith v. Township of Washington, et al, Docket Number BER-L-2122-10; and

WHEREAS, the interests of the Township of Washington were being represented by the firm of Thomas B. Hanrahan & Associates, LLC, appointed counsel by the Joint Insurance Fund; and

WHEREAS, a settlement of the subject lawsuit was negotiated by the aforesaid counsel, the terms of which were conveyed to the Township Council; and

WHEREAS, the Township Council has deliberated upon the terms of settlement and has determined that it is in the best interest of the Township of Washington to enter into the negotiated settlement with Sergeant John Ryan Smith; and

WHEREAS, Sergeant John Ryan Smith has agreed to the terms of the proposed settlement;

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

1. The terms of settlement of the subject lawsuit, Smith v. Township of Washington, et al., Docket Number BER-L-2122-10 as set forth in that certain Release and Addendum to Release attached hereto be and are hereby accepted by the Township of Washington.
2. The Township Council hereby authorizes the Mayor to execute and deliver the Release and Addendum to Release on behalf of the Township, and to take all appropriate action in conformity therewith.
3. The Township Council acknowledges that Sergeant John Ryan Smith shall, under the terms of the settlement, execute the appropriate resignation/retirement form, indicating that his resignation/retirement shall be effective no later than March 31, 2011, and that he is utilizing all unused vacation days to continue his salary until March 31, 2011, at which time Sergeant John Ryan Smith's retirement will become effective.
4. The Township Council further acknowledges that Sergeant John Ryan Smith has not waived his right to receive all retirement benefits that he would normally receive upon his resignation/retirement if the subject lawsuit had not been instituted; and that Sergeant John Ryan Smith will receive any and all benefits/payments upon his resignation/retirement which he would normally be entitled to pursuant to the collective bargaining agreement between the Township and New Jersey State Policemen's Benevolent Association, Inc., Pascack Valley Local No. 206, Township practice/policy, and state law as per the terms of the Release and Addendum to Release.

After the Consent Agenda was approved the 6 temporary fund request resolutions were discussed and all the questions were resolved. A motion was made by Mr. D'Urso, seconded by Mr. Beckmeyer to pass the following resolutions:

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

Nays: None

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40A:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

Fire Dept.-Sidewinder Stabilization Systems-Grant \$2,320.00

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

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40A:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

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| Group Insurance for Employees | \$180,000.00 |
| Maintenance of Library | 25,000.00 |
| Social Security | 28,000.00 |
| Gasoline & Diesel | |
| Police | 20,000.00 |
| Dept. of Municipal Facilities | 20,000.00 |
| Senior Van | 1,000.00 |
| Municipal Clerk | |
| Salary & Wages | 10,800.00 |
| Dept. of Administration | |
| Salary & Wages | 20,000.00 |
| Dept. of Finance | |
| Treasurer | |
| Salary & Wages | 25,000.00 |
| Dept. of Law | |
| Salary & Wages | 20,000.00 |
| State Uniform Const. Code | |
| Salary & Wages | 20,000.00 |
| Dept. of Recreation | |
| Salary & Wages | 5,700.00 |
| Other Expense | 15,000.00 |
| Municipal Court | |
| Salary & Wages | 15,000.00 |
| Mayor | |
| Salary & Wages | 2,213.00 |
| Township Council | |
| Salary & Wages | 6,972.00 |
| Fire Department | |
| Preventive Maint. Of Fire Equip. | 8,000.00 |

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

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40AS:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

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| Public Employees Retirement System | \$171,000.00 |
| Police & Firemens Retirement System | \$661,893.00 |

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

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40AS:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

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| Public Health Emergency Response/H1N1 Grant | \$10,000.00 |
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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40AS:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

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| Municipal Alliance – State Share | \$7,635.00 |
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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

WHEREAS, an emergent condition has arisen with respect to providing sufficient money for the payment as stated below and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary budget resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40 A:4-20) including this resolution total \$3,101,186.00 exclusive of debt service; and

NOW, THEREFORE BE IT RESOLVED that in accordance with the provisions of N.J.S.40A:4-20;

An emergency temporary appropriation be and the same is hereby made for the following:

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| Judgments | \$227.00 |
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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Mary Ann Ozment, Township Clerk

Steven Cascio, Council V. President