

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

PUBLIC PORTION/PUBLIC MEETING

May 2, 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: Steven Cascio, Joseph D'Urso, Richard Hrbek, Fred Goetz. Absent: None. Mr. Beckmeyer arrived at 8:15 p.m. Also present: Janet Sobkowicz, Mayor; Lilly Chin, Acting 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.

PUBLIC PORTION

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

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

Nays: None.

Sam Batraki, 329 Hudson Avenue - Mr. Batraki asked if there was any news about the cell tower. Mr. Poller said that he is still waiting to hear from the carrier.

David Snyder, 91 Windsor Circle - Mr. Snyder said that he does not want to negatively effect the police department by laying off officers. Mr. Goetz stated that there will be no layoffs; ranks will be cut by attrition when officers retire. Mr. Snyder said dispatching is going to be sent out as a shared service therefore in-house dispatchers will not be necessary. The police department is at its lowest number. More police need to be added to the department and put on the streets for the sake of safety of the town. He said that he feels uncomfortable with the lack of police in the town. On another note, he asked that residents come to the zoning board meeting on May 17, 2011. Also, he does not like the way the houses were painted on the corner of Washington Avenue and Pascack Road. He is disappointed that there is no news about the cell tower.

Bea Napier, 325 Hudson Avenue - Mrs. Napier asked that the Council not forget that the residents of Hudson Avenue and the neighboring area would like a meeting to discuss the cell tower issue. She also spoke about the need to have a strong police department and the close relationship the ambulance squad has with the police.

Representative from LaRouch Political Action Committee, 268 Forest Avenue, Oradell - A representative of the LaRouche Political Action Committee spoke to the council. He stated that federal action needs to be taken in the banking industry. He spoke about the Glass Steagall Act and asked council to consider passing a resolution supporting HR 1489, now in front of the House of Representatives.

David Snyder, 191 Windsor Circle - Mr. Snyder asked council to clarify their position on the police. Mr. Goetz stated that positions will only be lost through attrition.

A motion was made by Mr. Hrbek, seconded by Mr. D'Urso to close the public portion.

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

Nays: None

CONSENT AGENDA

Mr. Goetz questioned the redemption of tax lien resolution. Mrs. Do said that the tax certificate owner wants to get his house back. At the time of the tax sale the money was given to us and the people are now redeeming the house. There is no cost to the town.

Mr. Goetz talked about the appointment for the Community Development representative and said that if the administrator is not reappointed in the new year that a new representative will have to be appointed.

Mayor Sobkowicz talked about resolution on consent agenda about reassessments. She said that, when we give money back to residents, the entire burden is on the town. The resolution asks the State of New Jersey to share the burden of property assessment appeal refunds.

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 Dr. Cascio, seconded by Mr. Hrbek.

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

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 \$5,360,107.00 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:

Dept. of Recreation	
Salary & Wages	\$38,000.00
Other Expense	\$53,900.00
Insurance-Contribution to Unemployment	\$10,000.00

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 \$4,402,776.00 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:

Township Clerk	
Other Expense	\$ 2,000.00
2010 State Health Service Grant-H1N1	\$10,000.00

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 \$5,360,107.00 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:

Township Clerk	
Salary & Wages	\$ 10,757.00
Dept. of Administration	
Salary & Wages	21,650.00
Dept. of Finance	
Treasurer	
Salary & Wages	19,455.00
Tax Collector Office	
Salary & Wages	5,867.00
Tax Assessor Office	
Salary & Wages	7,850.00
Dept. of Law	
Salary & Wages	10,700.00
Prosecutor Office	
Salary & Wages	995.00
State Uniform Const. Code	
Salary & Wages	10,610.00
Dept. of Recreation	
Salary & Wages	3,800.00
Municipal Court	
Salary & Wages	10,000.00
Department of Municipal Facilities	
Salary & Wages	86,910.00
Planning Board	
Salary & Wages	1,650.00
Zoning Board of Adjustment	
Salary & Wages	3,367.00
Maintenance of Free Public Library	31,950.00
Department of Public Safety	
Salary & Wages	525,420.00
BCUA-Contractual	200,000.00

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

WHEREAS, the Township of Washington has entered into a three year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA40A:8A-1 et. seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with fiscal year July 1, 2011 through June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints Lilly Chin as its representative to participate on the Community Development Committee; and

BE IT FURTHER RESOLVED, that Glenn Beckmeyer be appointed as the alternate representative.

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to be diminished, if not completely depleted; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imburements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;
NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Washington hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

WHEREAS, at the Tax Sale held on October 28, 2010, the Township of Washington sold a tax lien on 770 Ridgewood Road, for delinquent 2009 taxes, and;

Whereas Block 3404, Lot 3 owned by Venecia Mena;

WHEREAS, this Tax Title Lien Certificate #09-00006 was sold to Robert Rothman, for \$3,164.50 with a premium of \$100.00 paid to Washington Township and:

WHEREAS, the mortgagee (Marix Servicing) has requested to redeem tax lien held by an outside lien holder, 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 \$19,040.80 together with a premium of \$100.00 to the lien holder Robert Rothman. This amount is as follows:

Tax Title Lien	\$ 3,164.50	
2% Redemption Penalty	63.29	1099 for Robert Rothman:
Subsequent Taxes	14,674.51	Sub. Interest: \$1,083.50
Subsequent Interest	1,083.50	2%Penalty <u>63.29</u>
Recording Fee	43.00	Total 1099: \$1,146.79
Search Fee	12.00	
Total:	\$19,040.80	

WHEREAS, the BCUA has informed the Township of Washington that the 2011 fee being charged for their water pollution control services to the Township of Washington has increased by over five percent (5%) over the 2010 rates; and

WHEREAS, the Bergen County Utilities Authority needs to be mindful of the current economic climate and the severe financial strain that municipalities in the State, and especially in the County of Bergen, are under; and

WHEREAS, Chapter 44, P.L. 2010 established a 2% levy cap that all municipalities throughout the state are now mandated not to exceed; and

WHEREAS, the increase proposed by the BCUA would force the reduction of essential services in other areas of the municipal budget; and

WHEREAS, the BCUA needs to reduce operating expenses and bring their budget in line with the State mandated 2% cap levy rather than imposing exorbitant fee increases on the municipalities that it serves.

NOW, THEREFORE, BE IT RESOLVED, that it is the sentiment of the Township Council of the Township of Washington, County of Bergen, New Jersey that an increase of more than five percent (5) in the 2011 fees proposed by the BCUA is unacceptable and measures need to be taken by the utility to reduce the financial burden that they are placing on the taxpayers in the Township of Washington.

BE IT FURTHER RESOLVED, that the Township Clerk shall transmit this resolution to the Executive Director of the BCUA, the Bergen County Executive, Bergen County Board of Chosen Freeholders, and all other Bergen County municipal government services by the BCUA.

Mary Ann Ozment, Township Clerk

Fred Goetz, Council President

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

CONFERENCE PORTION/PUBLIC MEETING

MAY 2, 2011

Members present: Glenn Beckmeyer, Joe D'Urso, Richard Hrbek, Steven Cascio, Fred Goetz. Also Present: Janet Sobkowicz, Mayor; Kenneth Poller, Attorney; Lilly Chin, Acting Administrator.

PRIORITY

Police Table of Organization – Police Chief Ciocco, Captain Hooper and Lt. Skinner met with the Council at the conference table. The police table of organization ordinance that has been recently passed at first reading was discussed. Chief Ciocco said that he was not familiar with the specifics of the ordinance at this time. Mr. Goetz explained the ordinance as it is written. Mr. Hrbek welcomed the police comments and input in the rank structure. Chief Ciocco said that he thinks that the force can be streamlined but the captain's rank is very important. Not all police departments have it any longer. Mr. Goetz stated that the first lieutenant would be in command under the ordinance as it stands. Lt. Skinner said that the police are a para military organization and people only want to speak to upper ranks. Chain of command was discussed. In some towns the rank of captain is in the structure but is not filled at all times. Lt. Skinner handed out a Wikipedia entry and explained military rank structure. He stated that there are good parts of the new ordinance, but the police need the rank of captain to remain in the table of organization. He spoke about the police contract and the town's liability within the police contract. Lt. Skinner quoted an excerpt from the police contract that stating the council can not take ranks away from the contract. Mr. D'Urso spoke about the respect Council has for the police and this ordinance is not to be disrespectful to their positions. All agreed that there is room for cut backs. Shifts were discussed in relationship to ranking hierarchy. It was stated that next year the police are due for a new contract. Mayor Sobkowicz talked about senior officer differential pay. Lt. Skinner said that the title patrolman should be changed to police officer. Sergeant second class is a rank that could be eliminated. Eliminate the rank of corporal. Reduce the number of sergeants to four or five patrol sergeants. Keep the detective sergeant as separate role. In summary, Lt. Skinner listed one chief, one captain, two lieutenants, one detective sergeant, four patrol sergeants, one detective and the rest police officers. If the town goes to a central dispatch than the number of police officers can be revisited. Chief Ciocco spoke about the many officers that are not able to work at this time and that the police department is in need of extra people to relieve some overtime. Council spoke about the possibility of outsourcing dispatching in the near future. Mayor Sobkowicz said that getting the figures from the central dispatch units is a complicated process. Chief Ciocco spoke about the country changing and there are more shootings. The job of the police has gotten harder.

UPDATE

Municipal Vehicles – Most towns have policies of the use of municipal vehicles written within contracts. Since the town does not have contracts for the officials that have access to vehicles there needs to be written rules put in place. Mayor Sobkowicz said that she would write a policy that can be added to the personnel manual.

Store Closing Ordinance – A discussion of sample ordinances from other towns was discussed. Council informally agreed that midnight to 5:00 am was reasonable. Mr. Poller's said that he will draft an ordinance for the Council's consideration.

Code of Conduct - Mayor Sobkowicz said that background checks are required by JIF for recreation coaches so it does not need to be written within the code of conduct. Mr. Beckmeyer stated issues with the form being proposed. He stated that parents from other towns should have to sign the same code of conduct as township parents. Code of Conduct policies need to be posted at the town's fields for all spectators to acknowledge and need to be followed. The code of conduct being separated from the background check is important. Streamlining the code of conduct was discussed. Posting the code of conduct at fields and gyms was discussed. How to get all the coaches to sign the background check paperwork was discussed. Dr. Cascio will fine tune the document and bring it back to Council.

Fire Prevention Ordinance – Mr. Goetz said that he has questions with the ordinance as written, for example where the fees go. A new bank account recently set up could be conceived as slush fund. Wording within the ordinance could give the fire officials more power than what may be considered allowable. He asked why fees are not going to the general fund but into a special fund instead. Also, appointments of fire officials have no Council approval. Also, the police cannot enforce codes as written, only fire officials. Fines are set with no definitive fees. Mr. Beckmeyer asked specifically if the state has set these mandates. Mr. Sears stated that the Council did not understand the fire code. The code was reviewed by NJ State Fire Marshall official, approved, and sent to the NJ State Fire Code who set the fees and determine where the fees go. Fines are set by the NJ State code and can not be deviated. The state mandates that fees charged must go into a special fund. Mr. Sears said that he is taking a class to understand the rules and laws, and make the township a better place. He stated that he has issued the school district a warning not to tamper with the fire alarm. Fines will be imposed if necessary. Different fees and where they go were discussed. A new account was set up by Mrs. Do for penalty fees. Eventually the fire prevention bureau will be self sufficient. The new ordinance is tailored to the town. Additional fire ordinances can be written by town officials but the fire prevention ordinance is set by the state of New Jersey. Until this state mandated ordinance is passed the town is liable for certain incidents and in risk of lawsuits. Mr. Sears gave additional fee breakdown information. Mr. Hrbek equated the way the building department's fee schedule is set with the fire prevention program fees. Mr. Goetz stated that certain legal issues within the ordinance need to be reviewed by Mr. Poller. He asked for additional time to look into the ordinance before voting on it. Mrs. Do explained that salaries for fire prevention are paid by the town's salary ordinance. She spoke about the accounts that are set up for the fire department. Mr. Sears spoke about citing infractions and fining procedures. Mr. Poller stated that fire codes are specialized. Mr. Goetz observed that the administration has total jurisdiction over the fire department with no input from Council. The jurisdiction of various departments was discussed. Mr. Beckmeyer asked about details in the town's code on fire zones. Mr. Goetz questioned that some of the language used in the fire prevention ordinance could be

construed as unconstitutional. The ordinance will be further discussed at a future meeting.

There being no further business in Conference Session, a motion was made by Mr. Beckmeyer, seconded by Mr. D'Urso to go into Closed Session.

Mary Ann Ozment, Township Clerk

Fred Goetz, Council President