

Township of Washington
Council Meeting
April 26, 2011
Washington Township Municipal Building
7:00 P.M.

Council President Del Borrello called the meeting to order. He asked everyone to stand for the pledge of allegiance to the flag.

Council President Del Borrello delivered the Sunshine Law and the awareness for the town.

Roll Call: Mr. Newman – present, Mr. MacDowell – present, Mr. D’Orazio – present, Mr. Morley – present, Mr. Del Borrello – present, Mr. Chell – present, Mrs. Breslin – present, Mayor Lyons – present, and Ms. Tomczyk – present

Presentations: Environmental Commission

Mayor Lyons reported that unfortunately the weather was not cooperating with Earth Day festivities and that the Environmental Commission works hard all year round to serve the citizens of Washington Township. He recognized the Environmental Commission for all their hard work.

Mr. Lakritz from the Environmental Commission recognized the hard work of Ann Hastings for all her preparation for Earth Day.

Ann Culkin recognized the winners of the 4th grade poster contest.

Mr. Lakritz honored former Councilwoman Michelle Martin for her years of service to the Environmental Commission.

Proclamations:

Mayor Lyons gave a proclamation and honored the 4th grade girls travel basketball team.

Mayor Lyons gave a proclamation and honored the 4th grade boys travel basketball team.

ORDINANCE #6-2011: CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Public Hearing

Mr. Del Borrello read and explained Ordinance.

Motion to open to the public: Mr. Newman, 2nd Mr. MacDowell

There was no public participation.

Motion to close to the public:

Mr. Morley, 2nd Mr. Newman

Motion to Move Ordinance #6-2011:

Mr. MacDowell, 2nd Mr. Newman

Roll Call 5 yes votes

ORDINANCE #7-2011: ORDINANCE AUTHORIZING THE TOWNSHIP OF WASHINGTON TO PARTICIPATE IN THE PERMANENT PRESERVATION OF FARMLAND OWNED BY SAMUEL AND RICHARD AILING LOCATED AT BLOCK 82.21, LOT 28 WITHIN THE TOWNSHIP OF WASHINGTON

Public Hearing

Mr. Del Borrello read Ordinance.

Motion to open to the public:

Mr. Morley, 2nd Mr. Newman

Mr. Jay Kandle- 234 Chapel Heights Road

Mr. Kandle brought to the attention of the Council that just the easement rights are being purchased on the property and not the land itself. He wanted to clarify that for the record and the public.

Mrs. Ayling

Mrs. Ayling explained that they are doing this to honor her husband's parents and grandparents. She explained that her property has been used as farmland since 1940. She thanked the township and the county for entering into this agreement.

Mr. Chell clarified Mr. Kandle's comment and stated that the explanation below the Ordinance on the agenda was intended to say that we are using the open space trust fund money. The Ordinance itself is proper and there is no need to amend the Ordinance.

Mr. DelBorrello asked if the open space committee is in favor of this.

Mr. Larzelere addressed Council as Chairman of the open space committee and a resident of the township. He is explained that this is a greenway and it will be 260 total acres with all three neighboring properties. He applauded the fact that we would have a tract this big in a town of 50,000 people. He finally stated that the board endorses it one hundred percent.

Motion to close to the public:

Mr. Morley, 2nd Mr. MacDowell

Motion to Move Ordinance #7-2011:

Mr. MacDowell, 2nd Mr. Newman

Roll Call 5 yes votes

ORDINANCE #8-2011: ORDINANCE AMENDING A CHAPTER OF THE CODE OF THE TOWNSHIP OF WASHINGTON, CHAPTER 100 "OPEN SPACE TRUST FUND"

Public Hearing

Mr. Del Borrello explained that this was Council's task to alleviate some of the tax burden. The purpose of this Ordinance is to temporarily suspend the open space tax which is 2 cents.

Motion to open to the public:

Mr. DelBorrello, 2nd Mr. Morley

Mr. Larzelere- 11 Ternberry Court

He mentioned that this is only for one year, and that we have a debt service that extends to 2021. He cautioned Council on this.

Mayor Lyons urged that this only be limited to four quarters at the most. He explained that anything more than that will inhibit the township's ability to pay for open space purchases that were already made. He made clear that this is a suspension not an abolition of the tax because the debt service must be paid. The fund must be replenished or we will not be able to meet our obligation.

Vicky Binnett- 50 Berkshire Drive

Mrs. Binnett made the point that if we suspend the open space tax it precludes their ability to make any further acquisitions of land or easements.

Motion to close to the public:

Mr. MacDowell, 2nd Mr. D'Orazio

Motion to Move Ordinance #8-2011:

Mr. Morley, 2nd Mr. Newman

Roll Call 5 yes votes

RESOLUTION #66-2011: RESOLUTION SUPPORTING S-2404 CAPPING
ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

Mr. Del Borrello read Resolution and explained that this is way to have tort reform in our State.

Motion to Move Resolution #66-2011:

Mr. D;Orazio, 2nd Mr. Morley

Roll Call 5 yes votes

RESOLUTION #67-2011: RESOLUTION AUTHORIZING THE ADVERTISEMENT
FOR SALE BY SEALED BID OF A PLENARY RETAIL DISTRIBUTION LICENSE

Mr. Del Borrello read Resolution. The Council decided that the minimum bid would be set at \$500,000.00.

Motion Move Resolution #67-2011 with a minimum bid price at \$500,000.00:

Mr. Newman, 2nd Mr. Morley

Motion to Move #67-2011:

Mr. Morley. Mr. Newman

Roll Call 5 yes votes

RESOLUTION #68-2011: RESOLUTION AUTHORIZING AN EMERGENCY
TEMPORARY APPROPRIATION OF FUNDS

Mr. Del Borrello read Resolution.

Motion to Move Resolution #68-2011: Mr. Morley, 2nd Mr. MacDowell
Roll Call 5 yes votes

RESOLUTION #69-2011: RESOLUTION AUTHORIZING TAX REFUND FOR
TAX OVERPAYMENT FOR BLOCK 115.04 LOT 12

Mr. Del Borrello read Resolution.

Motion to Move Resolution #69-2011: Mr. Morley, 2nd Mr. Newman
Roll Call 5 yes votes

RESOLUTION #70-2011: RESOLUTION AUTHORIZING SELF EXAMINATION OF
BUDGET EXAMINATION OF MUNICIPAL BUDGET FOR CY2011

Mr. Del Borrello read Resolution.

Motion to Move Resolution #70-2011: Mr. Newman, 2nd Mr. D'Orazio
Roll Call 5 yes votes

RESOLUTION #71-2011: RESOLUTION THE TOWNSHIP CLERK TO ADVERTISE
FOR PUBLIC BIDS FOR THE 2011/2012 SENIOR LUNCHEON PROGRAM

Mr. Del Borrello read Resolution.

Motion to Move Resolution #71-2011: Mr. D'Orazio, 2nd Mr. MacDowell
Roll Call 5 yes votes

RESOLUTION #72-2011: A RESOLUTION AUTHORIZING TOWNSHIP TO APPLY
FOR DISCRETIONARY AID FOR GOODWIN PARKWAY

Mr. Del Borrello read Resolution. He explained that we are trying to take steps to correct the problem that has been ongoing for many years.

Motion to Move Resolution #72-2011: Mr. Newman, 2nd Mr. MacDowell
Roll Call 5 yes votes

APPROVAL OF BILL LIST #1:

Motion to Move: Mr. Morley, 2nd Mr. MacDowell
Roll Call 5 yes votes

APPROVAL of BILL LIST #2:

Motions to Move: Mr. MacDowell, 2nd Mr. D'Orazio
Roll Call: 5 yes votes

APPROVAL OF MINUTES:

February 23, 2011:

Motion to approve: Mr. MacDowell, 2nd Mr. Newman
Roll Call: 4 yes votes, 1 abstention (Mr. DelBorrello)

Mr. D'Orazio questioned Resolution #38-2011. He questioned why there were no explanations in the minutes, and asked to table the minutes.

Mr. Chell asked Mr. D'Orazio if he had an addition or correction to the minutes. He stated that he never heard of tabling the minutes.

April 13, 2011:

Motion to approve: Mr. D'Orazio, 2nd Mr. Newman
Roll Call: 5 yes votes

March 9, 2011 Closed Session:

Motion to approve: Mr. Del Borrello, 2nd Mr. Morley
Roll Call: 4 yes votes, 1 abstain (Mr. MacDowell)

March 23, 2011 Closed Session:

Motion to approve: Mr. Morley, 2nd Mr. Newman
Roll Call: 5 yes votes

April 13, 2011 Closed Session:

Motion to approve: Mr. Newman, 2nd Mr. MacDowell
Roll Call: 5 yes votes

REPORTS:

Mr. Newman explained that all donations for Mother's Cupboard can be dropped off at the bin in the Municipal Building. He explained that the Washington Township Rotary is running the Cupboard now. Rotary is sponsoring a wine tasting event at Wedgewood Country Club on Friday night from 6:30-9:30. He also mentioned that Softball is having

their opening day on Saturday. He also stated that June 3rd is WT night at the Riversharks.

Mr. MacDowell stated the library is due to open June 18, 2011. The ribbon cutting is June 1st. He commented on the beauty of the building.

Mr. D'Orazio stated the Board of Economic Development will hold their first business forum on May 5th from 7-9.

Mr. Morley recognized all the hard work of the Environmental Commission for Earth Day preparations. He mentioned that there are a lot of tree saplings to still give away.

Mayor Lyons deferred to the next meeting.

Mr. Del Borrello stated the classic car show will be April 30th at the Old Stone Village. The Veteran's advisory board is working on Memorial Day preparations.

NEW BUSINESS:

Mr. D'Orazio requested to have the meetings videotaped when the budget is being discussed to benefit those who have other obligations.

Mayor Lyons asked why the budget can't be discussed since the camera's are here tonight. He explained that he has repeatedly been going over the budget since the beginning of the year and welcomes the cameras. He further stated that he wanted to be guided by the deadline for estimated tax bills. Mrs. Breslin stated that the budget must be adopted by the first meeting in June to avoid sending out estimated tax bills. The cost is \$20,000.00. Mayor Lyons stated that there have been every opportunity to discuss the budget.

Mr. D'Orazio responded that the budget was not on the agenda and was not ready to speak on it.

PUBLIC PARTICIPATION:

Motion to open to the public: Mr. Morley, 2nd Mr. Newman
All in favor

Chief Rafael Muniz

Chief Muniz explained that the police department made significant cuts to their budget and will not be purchasing vehicles. He updated the Council on some of the shared services projects that they have been involved in. Since 2005, a detective has been assigned to the EEA which allows the municipality receives a percentage of the money that is seized from any drug investigation. The money received is used to purchase

cameras, vehicles and computers. The police department is also involved in the Gloucester County Police Academy as instructors and have received over eight thousand dollars for credit hours. He further explained the shared service with Vineland PD to use their firing range at no cost. In 2001, the dispatchers were eliminated saving the township roughly \$500,000.00. He explained that two officers are assigned to the SWOT team. This entitles the department to free training. Chief Muniz further explained that they have joint training with the Fire Department. The Chief discussed the staffing level of the department. In 2006, he stated that there were 86 officers, and currently there are 79 and as of June it will be 78. Chief Muniz explained the effects that 6 layoffs will have to the police department. The special operations division will be eliminated which includes community response, traffic and training unit. He also stated that with staffing reductions he would need to suspend or eliminate town watch program, the junior police academy, and kid fit program, the DARE program, Explorer program. He explained all the duties and tasks of the special operations division and the results of what could happen if the unit was eliminated.

Chief Muniz further explained the staffing level of the police department stating that currently there are 78 officers, with the six layoff and 3 injured, the department will only have 69 officers. Chief Muniz introduced the six officers that are facing a layoff.

Mayor Lyons further stated that thru attrition the police department's salary line item was down \$254,000.00.

John Eastlack, Esquire – on behalf of PBA 318

Mr. Eastlack stated that for over a year the bargaining unit has been trying to reach an agreement with township that is fair to both parties. He stated that the members of this Council have been taking a position on the backs of police officers. He explained the units have made proposals that maintain public safety and officer safety. He made a reference to sound bite politics and that it should not be the politics of Washington Township. He explained that the Council has a responsibility to make sure that the public is safe as well as the officers are safe and that will not occur if there are layoffs. Mr. Eastlack stated that the budget that is presented is under the cap and preserves the safety of the town and the officers. He referenced a federal study that was prepared that stated the department in a township of this size should have 92 police officers. Mr. Eastlack addressed Mr. Del Borrello and stated that the \$220,000 give back was never mentioned in the bargaining session that he attended with Mr. Chell, Mayor Lyons and Mr. Del Borrello.

Mr. Eastlack asked how the taxpayers were going to be responded to when they question lower response times and insufficient officers on special units? He further stated that the police department has been bargaining in good faith. He explained that by laying off the six officers, their careers are damaged in the town, but it also hurts the other 72 officers who are on the street.

Mr. Del Borrello responded to Mr. Eastlack's comments. He explained that he has family members that are members of police departments and respects the work of these individuals. He further commented on the politics of him being personally addressed. Mr. Del Borrello explained that although we are under the state mandated cap, there are other expenses that are exempt from the cap that equate to a 5% tax increase. He also explained that the sick buy back was not just sprung out of the blue and that he talked with both the officers and the Mayor regarding sick buy back. Mr. Del Borrello stated that he is faced to answer those individuals who in December could not pay their taxes and their taxes were faced to be sold at tax sale. He explained that there has been no relief for the residents of Washington Township. Mr. Del Borrello also explained that when the salary line item was cut out of the budget, there was an option left to the unions; give up sick time buy back, layoffs or furloughs. He explained that the Township Council is asking for the police department to defer their sick time buy back for a year in order for the budget to withstand the recession and try to incorporate more revenues.

Mayor Lyons clarified that he did not with any of the police unions consider the option of the furlough and wanted to make that clear.

Mr. Eastlack responded that sick time buy back was announced a Council meeting and it was news to the officers. He stated that this \$220,000.00 line item was never discussed at all in negotiations.

Mr. Del Borrello responded by saying that he was under the impression that the negotiation meetings were to discuss negotiations not concessions for the budget. Mr. Eastlack explained that sick time buy back in part of their contract and the collective bargaining process. Mr. Eastlack urged the Council President that we must work together to maintain public safety.

Mr. D'Orazio responded by stating that he personally had a 50 percent but to his personal budget for the last seven years and explained that many people in township are in the same situation. Mr. D'Orazio explained that he respects the men and women in uniform.

Trish McMillan- 555 Shetland Court

Ms. McMillan explained that the reason she choose to move to Washington Township was because she felt safe in this community. She commented that the Police Department goes above and beyond their call of duty every day. She stated that the decision to layoff six officers makes her feel unsafe in this community. She stated that it is not acceptable to put a price tag on her safety as a resident.

Carol Riskie – 642 Yorkshire Court

She explained that the police department is the one service that residents in condo associations use. She commented on the importance of the police department and said it should be the highest priority of government. She stated that we should hiring more police officers and not laying officer police officers.

Mr. Everett Scott – Crofton Run Development

He stated that he is a supporter of law enforcement. He commented that he always notices that when police officers stop vehicles that they always have back up. The presence of officers is something that is always there and it makes him feel more comfortable. He stated the presence causes prevention. He stated that he thinks it is important that we find a solution and work together.

Mr. Jeff Wooten – Erial, Gloucester Township, New Jersey

He explained that he was laid off from the Runnemede police department for one month. He stated that after the layoffs in Runnemede, crime spun out of control. He expressed that he felt the Council was making a bad decision on this matter.

Bob Timmons – 103 Barclay Drive

Mr. Timmons explained that he went out as a former Council President and did a ride along with Sergeant Simms. He explained that there is a lot happening in the township that we do not know about, He stressed that we really need to support our police officers and firemen, and public works department. He explained that he does not want our police department to have low morale. He urged Council to not layoff any police officers.

Albert Frattali – 6 Palomino Trail

Mr. Frattali asked the Mayor and Council, how much of an increase this budget will have on the taxpayer?

Mayor Lyons explained that on an average assessed home, this line item, for the police, is roughly a \$10.90 increase.

Mr. Frattali expressed his concern that for public safety is it costing us a minimal amount of money. He explained that the school tax is what is hurting the taxpayer not the municipal tax. He commented on being a victim of a crime and applauded the work of the police officers. His concern is that without these officers more crime will come to Washington Township.

Mr. Del Borrello responded by saying that he hopes there is a concession from the officers and only asking for the officers to defer their sick buy back for one year. He explained that this was offered to all employees both union and non union.

Councilman Morley asked for the sick buy back to be explained.

Mayor Lyons explained the sick time buy back policy. Mayor Lyons explained that once the budget was cut he went to the unions to discuss options. He explained that the money is out of the budget and the longer the township waits, the more difficult decisions will be.

Mr. DelBorrello explained that we are up against a tight timeframe with passing the budget.

Mr. Frattalli stated that he will negotiate all night

Michelle Martin – Garfield Avenue

Mrs. Martin asked Mr. Del Borrello if the police union was asked to negotiate the sick time buy back or was the money just taken out of the budget and then the union found out that six officers would have to be laid off as a result. She stated that there are contractual obligations.

Mr. Del Borrello responded that this was discussed months ago with the Mayor. Mrs. Martin explained that he should have gone to the unions to discuss this prior to the line item being cut. Mr. Del Borrello stated that it was a point well taken.

Mrs. Martin asked them to think about the decision that you make, and that these officers are the last line of defense.

Jill McCrea- 10 Berkshire Drive, MUA Chairperson

She stated that there were various requests from both Mayor Lyons and Mr. Del Borrello and explained that the MUA board did not take action on the requests. Mrs. McCrea asked if the request was for the monies to be earmarked to save the police officers or was request just for the entire budget? She explained that even though the board did not consider it, she feels that one of the most basic responsibilities of the town is public safety. She explained if the money can be guaranteed that this year and next year the money will be used to save police officer jobs, then she feels this request could be placed back on the MUA's agenda.

Mr. Del Borrello explained that declining revenues is the cause of the budget shortfall. He stated that the MUA money that would be received to help get the town thru difficult times would be acceptable pertaining to police officers.

Mayor Lyons asked if the money would be reinserted into the police salary line item as opposed to placing it into the general revenue and moving forward. Ms. McCrea stated that if she was to ask the board again, it would be with stipulations. She explained that she is only one person and would have to ask the board to reconsider.

Mr. Del Borrello stated that he would be in favor of this but would have to ask the rest of Council. Mr. Chell explained that it would caution the stipulations for next year's budget because of the unknown factors and it may be difficult to make that commitment.

Mr. Morley commented that he is speaking on behalf of the other unions who are also facing the same concession. He questioned if monies would be earmarked for those unions as well?

Mayor Lyons explained that there is still a \$52,000.00 shortfall in police line item because 6 layoffs were all that could be afforded by that department. Mayor Lyons explained that the layoff numbers were as follows: 2 public works, 3 clerical union, 1 supervisors and coordinators, and 6 for the police department.

Ms. McCrea asked if it was a no and Mr. Morley stated that the monies from the MUA are only to be earmarked to save the police union however, there were other employees who were faced with the same ultimatum. Ms. McCrea explained that it is not about the ultimatum but public safety.

Mr. Del Borrello stated that the total reduction was \$350,000 and stated that if the MUA were to vote to give the surplus and it is given to the right people, and confirmed it will be put in writing, he asked Ms. McCrea if that would be acceptable? Ms. McCrea stated that she thought the police line item was \$220,000? Mayor explained that for the record it is \$220,163.00 for police as of today.

Mr. Del Borrello asked Ms. McCrea that the original request asked for \$550,000.00 and asked if a request was sent for \$350,000.00 which is the sick buy back for all employees would that be entertained? He explained that he is trying to save all the employees. She responded by saying to do it in separate requests, and explained that she is not comfortable doing this if we are back here next year.

Mr. MacDowell stated he feels that the public will be outraged when they call for a police officer and have to wait 15 to 20 minutes to get one. He stated that a reaction will then be created by the public. Mr. MacDowell stated that people expect public safety. He stated that he is on board with saving the six officers right now.

Mayor Lyons explained that 12 positions were eliminated this year, and the positions required a lot in separation costs that we are not going to experience next year. The full savings will be realized in January 2012.

Mr. Eastlack explained that if we get to this point with the help of the MUA, then that is what the collective bargaining process is all about. He explained that the police department is ready to put on the table long term solutions. He explained that the union is ready to negotiate and get to a long term contract.

Mr. Del Borrello stated that he has sincere reservations about only saving the police and not the other unions.

Mr. MacDowell made the motion to accept the \$220,000.00 to save the six officers. Mayor Lyons asked for clarification on the motion. Mr. MacDowell stated it will give Jill

permission to go back to the MUA. Mayor Lyons stated that is it with the condition that if she does and is successful that amount of money is added to the police salary line item.

Mr. Newman seconded the motion and asked if the negotiations can be started immediately. Mr. Chell explained that it is unsure if a Resolution can be passed with regard to the 2012 municipal budget that is not even before the Council.

Mr. Newman stated to make a Resolution that 2011 is committed to and work in good faith to work out 2012. Ms. McCrea asked for it to be on the record, so for next year we can see if it was followed thru.

John Rogale

Mr. Rogale stated that the Council President mentioned that the sick time buy back was only being asked for this year and this year only. He stated that next year there should not be a problem with these six police officers. He stated that by voting yes, the health, safety and welfare of the township would be saved.

Mr. Del Borrello stated that he agrees and wants to save the jobs and move forward. He explained that he does not know what he will say to the public works and clerical unions.

Mr. DelBorrello explained that there is a motion on the floor to accept the \$220,000.00 to put back in this year's salary line item for the police. It was moved and seconded.

Roll Call: 5 yes votes.

The Mayor asked Ms. McCrea what the meeting schedule is for the MUA. She explained that she needs to have all board members at the meeting because they do feel strongly about it. Mayor Lyons explained that until the money is inserted into the budget he has no alternate but to make arrangements to deal with this possibility of layoffs. She stated that the next meeting is May 9th.

Mayor Lyons explained that he is trying to avoid sending out estimated tax bills.

Mrs. Breslin explained that the amendment to the budget does not require a separate public hearing to be held.

Ms. McCrea stated that she would like to clear the MUA and her name with regards to the investigation that was launched by the Council President. She explained that it was never acted upon and believes that they do not have the right to investigate. She asked for Council to acknowledge that there has not been an investigation and no formal action was taken, that it was nothing more than a newspaper story. She explained that is has painted the MUA in a very poor light as well as herself as an official act that never took place. She asked that on the record it be stated that there was no formal action taken.

Ms. McCrea asked Mr. Chell is official action was taken. Mr. Chell responded that he thought there was a subcommittee appointed. She commented that there was never a vote taken for this action and stated that she reviewed the code, and Council does not have the authority to do so anyway. She stated that she just wanted to clear the record to the fact that there is no investigation. Mr. Chell explained that there was no motion and vote taken that night. He further explained that Council President can appoint sub committees as to that nature. Mr. Del Borrello stated that there was a subcommittee appointed with Councilman D'Orazio and Councilman Newman.

Ms. McCrea asked for the names of the individuals that were appointed to the committee according to the newspaper? She stated that it was not the Council people, but it was three people and a lawyer. She asked again who the individuals were.

Mr. D'Orazio stated that you cannot believe everything that you read in the newspaper. Ms. McCrea responded that Councilman D'Orazio was quoted saying that there was three people and a lawyer on the subcommittee. Mr. D'Orazio responded that he needs to see the quote. Mr. D'Orazio stated that is was Scott Newman, himself and Mr. Chell.

Motion to Close Public Participation: Mr. Morley, 2nd Mr. MacDowell
All in favor

Mayor Lyons asked if there was any particular direction with the other bargaining units from Council. Mr. Del Borrello stated that he will send a request and speak with Ms. McCrea about securing the other monies for the other bargaining units.

Motion to adjourn: Mr. MacDowell, 2nd Mr. Morley
All in favor

Respectfully Submitted,


Jennica N. Bileci, Twp. Clerk