

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
December 16, 2008

The regular meeting of the Township Committee was held this date at the Washington Township Municipal Building located at 211 Route 31 North, Washington, NJ. The meeting was called to order at 7:31 p.m. by Mayor David Dempski

SUNSHINE LAW COMPLIANCE - The Mayor noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Star Gazette, transmitted to the Express Times, posted at the municipal building and a copy is on file in the Clerk's Office. This agenda is subject to change by order of the Washington Township Committee and/or during the scheduled meeting.

ROLL CALL: Dempski, present; Elbassiouny, present; Horensky, present; Mueller, present; Strunk, present. Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Certified Public Works Manager, Chief James Mc Donald and Lt. Thomas Cicerelle were also present.

SALUTE TO FLAG

RESOLUTION 08-142

The Mayor said they would be changing the agenda. Committeeman Elbassiouny said Township Committee accepted the resignation of Carolyn Quinn, Technical Assist, of the Code and Construction Office. The Committee decided to fill this position with two part time positions. Elbassiouny, Strunk and the Electrical Inspector had been interviewing applicants and have selected two applicants for the Code and Construction Office. The position will be for 20 hours a week, or if one employee is out, then the other employee would cover for her. The position is \$15 per hour, no benefits, with a 30 day and 60 day probation period. It will be determined, after training, which applicant would be the main worker, by the Code and Construction Officials. Elbassiouny made a motion to approve Resolution 08-142, Resolution to Authorize and Approve Salaries and Wages for Certain Employees, Carolyn Diane Edwards and Susan Berger, as Technical Assistants in the Code and Construction Office, at \$15 per hour, effective 12/16/08, not to exceed 20 hours a week, probations of 90 days after a 30 day review and no benefits, , Strunk seconded.

ROLL CALL: Elbassiouny, yes; Strunk, yes; Horensky, yes; Mueller, yes; Dempski, yes.

APPROVAL OF MINUTES

Elbassiouny made a motion to approve the Regular Minutes of October 21, 2008, Mueller seconded. All were in favor.

Mueller made a motion to approve the Executive Minutes of November 18, 2008, Strunk seconded. All were in favor, except Horensky and Elbassiouny who abstained.

Strunk made a motion to approve the Regular Minutes of November 18 2008, Mueller seconded. All were in favor, except Horensky and Elbassiouny who abstained.

ORDINANCES

Strunk made a motion to open Ordinance 08-16, Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend, Revise and Supplement chapter 50, "Brush Grass and Weeds" Section 5, "Fees, Convenience Center Usage and Curbside Collection Fee Schedule," of the Code of the Township of Washington, to Revise the Time Frame for Annual Fees and Hours of the Finance Department,

Mueller seconded. All were in favor. Nobody from the public wished to be heard.

Mueller made a motion to close the public hearing, Strunk seconded. All were in favor.

Strunk made a motion to adopt Ordinance 08-16, after public hearing and second reading, Mueller seconded.

ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes; Dempski, yes.

Strunk made a motion to open Ordinance 08-17 Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 117, Section 117-40, Schedule XVIII, Titled Restricted Parking to Prohibit Parking from 9:00 a.m. to 10:00 p.m. on Fridays, while Warren Hills Regional High School is in Session to the public, Elbassiouny seconded. All were in favor. Nobody from public wished to be heard. Elbassiouny made a motion to close the public hearing, Mueller seconded. All were in favor. There was discussion on Ordinance 08-17 on the parking, hours and other parking points. The Mayor asked twice for a motion to approve Ordinance 08-17, none was made, ordinance did not pass on second reading. The Mayor suggested getting input from the high school and board of education and amending this ordinance later.

Mueller made a motion to open Ordinance 08-19 , Ordinance Amending, Revising and Supplementing Chapter 11 of the Code of the Township of Washington Entitled, "Ethics, Code of," Section 11-3 entitled, "Use of Township Vehicles, to the public, Mueller seconded. All were in favor.

Eric Lucy, 262 Buckley Avenue, Oxford, NJ and representing Shop Steward for Department of Public Works. He asked for clarification on what the Committee feels is personal use of Township Vehicles. The Mayor said an example would be if you took a Township Vehicle and went on vacation with it. Personal use means using the Township Vehicle for other than township business. Lucy asked, if they stop for a cup of coffee, is that personal business? The Mayor said his intent was not to say anything about stopping for coffee as personal business. Lucy said if they are out late and plowing, they will have to stop. Mueller said this would be fine, because they were working.

Chief Mc Donald said that Mike Niznak, PAIC, had a proposed Vehicle Use Policy of the Township of Washington. The Mayor said he would like to see Ordinance 08-19 passed and have Lavery review the one submitted by PAIC. If necessary, they can amend 08-19 at next months meeting. de Boer passed out copies of the proposed Vehicle Use Policy of the Township of Washington. He said that Niznik is helping him to comply with the violations of POSHA. He said many of the violations had to do with policies. It was while going over the violations that he came across the template of the information submitted. de Boer said this document could be used and cites IRS law regarding vehicle usage and detailed document. Elbassiouny asked if they could pass Ordinance 08-19, with this document as well.

The Mayor said they were discussing Township Owned Vehicles. They have a Police Department, Department of Public Works and Code and Construction Office. In terms of personal use they should be fairly simple to delineate a justifiable need , through resolution or contract. That was the purpose of the ordinance, as requested by a member of the Committee. It was a simple way of defining, through resolution or contract, to use a car outside of work hours. Elbassiouny asked Chief Mc Donald if he reviewed the policy. He had and said it pretty much spells things out. The department heads for the purpose of this policy shall be the Chief of Police, Principal Public Works Manager, Construction Official and OEM Coordinator (if assigned a vehicle). An annual report and list shall be filed with the Township Committee by January 15th of each year for a Resolution to Adopt an Assigned Vehicle List. On or before January 15th of each year, all department heads are to demonstrate to the Township Committee the continued need for a permanent assignment of a vehicle and the significant advantage to the Township of continuing permanent assignment and allowing the covered employee to take vehicle home. Lavery said you can amend policy manuals by resolution or ordinance. It is easier to do by resolution. Lavery said you could incorporate what you like in ordinance and what you like in the information submitted by deBoer and put into your policy. Elbassiouny said he would have Lavery to review the document de Boer submitted to make sure it keeps the integrity of the ordinance. Maybe the definition of personal use could be added Mueller made a motion to close the public hearing, Strunk seconded. All were in favor. Strunk made a motion to adopt Ordinance 08-19, Mueller seconded.

ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Horensky, no; Dempski, no..

Mueller made a motion to open the public hearing on Ordinance 08-20, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 71, Section 71-3, "Fees for Use of Township Park, Ballfields, Tennis and Basketball courts and other facilities" to update to fees for use of the Township Park, Ball Fields, Tennis and Basketball Courts and other facilities, Strunk seconded. All were in favor. Nobody from public wished to be heard. Mueller made a motion to close the public hearing, Strunk seconded. All were in favor. Mueller made a motion to adopt Ordinance 08-20, Strunk seconded.

ROLL CALL: Mueller, yes; Strunk, yes; Elbassiouny, yes; Horensky, yes; Dempski, abstain.

Strunk made a motion to open Ordinance 08-21, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 93, "Parks and Playgrounds," Section 93-3, "Conduct," to Amend Section 93-3A to Remove the Prohibition against Public Intoxication and Drug Possession to the public, Horensky seconded. All were in a favor. Nobody from the public wished to be heard. Elbassiouny made a motion to close the public hearing, Horensky seconded. All were in favor. Mueller made a motion to adopt Ordinance 08-21, Elbassiouny seconded.

ROLL CALL: Mueller, yes; Elbassiouny, yes; Horensky, yes; Strunk, yes; Dempski, yes.

Strunk made a motion to open Ordinance 08-22, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing chapter 109, "Taxicab, Limousine, Autocab, Etc, Services," Section 109-25,"Violations and Penalties" to specify the penalties for violating this chapter, to the public, Mueller seconded. All were in favor. Nobody from public wished to be heard. Mueller made a motion to close the public hearing, Horensky seconded. All were in favor. Strunk made a motion to adopt Ordinance 08-22, Mueller seconded.

ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes; Dempski, yes.

EXECUTIVE SESSION

Strunk made a motion to approve Resolution 08-143 to go into Executive Session at 8:14 p.m. to discuss pending litigation, Elbassiouny seconded.

The doors were opened. Horensky made a motion at 8:43 p.m. to come out of Executive Session, Mueller

seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 8:43 p.m., where they discussed one executive matter dealing with Ray Koch, resident, and potential litigation regarding a flood plain issue. No official action was taken. Copies of the minutes will be available at such time the Committee determines there is no harm to the public interest.

The Mayor asked for a motion to authorize Bill Gleba, Township Engineer, to contact the indicated homeowner, Ray Koch, to review this application. Horensky made a motion to authorize Bill Gleba to contact Ray Koch to review his application, Mueller seconded.

ROLL CALL: Horensky, yes; Mueller, yes; Elbassiouny, yes; Strunk, yes; Dempski, yes.

RESOLUTIONS

The Mayor asked if anyone wanted to pull any resolutions, otherwise, they would be approved with a consent vote. Horensky asked that 08-139, 08-140 and 08-141 be pulled. Elbassiouny asked that 08-132 and 08-133 be removed. The Mayor took out 08-138. The Mayor asked to approve Resolutions 08-131, Resolution 08-134 through 08-137. Horensky moved Resolution 08-131 and Resolution 03-134 through and including 08-137, Elbassiouny seconded.

ROLL CALL: Horensky, yes; Elbassiouny, yes; Mueller, yes; Strunk, yes; Dempski, yes.

08-131 Cancel 2008 Taxes

08-134 Refund Resolution Bl 74, Lot 6,03Q

08-135 Transfer Tax Sale Payment to Oxford Twp Sewer Collector

08-136 Cancel 2008 Amounts Owed Less than \$10.00

08-137 Cancel 2008 Overpayments Less than \$10.00

Elbassiouny made a motion to approve Resolution 08-132, Waive Interest Bl 48, Lot 74.17, Horensky seconded. Elbassiouny said this was on last months agenda and asked why it was on again. It will be accruing interest on the home owner through no fault of their own. The Mayor said this is a different resolution. Mueller objected, because the bank is the one making the mistake. Elbassiouny asked that the Tax Collector be notified that should this happen again, the banks should be responsible and not bring to the Committee for a waiver. Lavery said if he is supplied with the information, he will write to the bank about the charges.

ROLL CALL: Elbassiouny, yes; Horensky, yes; Mueller, no; Strunk, yes; Dempski, yes.

There was discussion on 08-133 Refund Resolution Bl 51, Lot 6. The Mayor asked for a motion to approve Resolution 08-133, none was made, no action taken.

There was discussion on Resolution 08-138, as amended, Resolution Authorizing Filing the Notice of Intent to Petition Highlands Council for Plan Conformance. . Elbassiouny asked that Resolution 08-138 be approved as amended, Horensky seconded.

ROLL CALL: Elbassiouny, yes; Horensky, yes; Mueller, yes; Strunk, yes; Dempski, yes.

Mueller made a motion to approve Resolution 08-139, Resolution Seeking Extension of the Deadline to Petition for Substantive Certification, Pursuant to Executive Order 114 and the Memo of Understanding between the Highlands Council and the COAH to Petition Highlands Council for Plan Conformance, Strunk seconded.

ROLL CALL: Mueller, yes; Strunk yes; Elbassiouny, yes; Horensky, yes; Dempski, yes.

Strunk made a motion to approve Resolution 08-140, Transfer Resolution, Horensky seconded.

ROLL CALL: Strunk, yes; Horensky, yes; Elbassiouny, yes; Mueller, yes; Dempski, yes.

Elbassiouny made a motion to approve Resolution 08-141 Performance Bond Reduction - Pinnacle/Hawk Pointe, Horensky seconded. George Willan, Hawk Pointe Representative, said the work they have done so far meets all standards, they are doing a good job.

ROLL CALL: Elbassiouny, yes; Horensky, yes; Mueller, yes; Strunk, yes; Dempski, yes.

REPORTS FROM STAFF

Police Chief Mc Donald

The Chief handed out his overtime reports to the Committee. He also had a response for the Committee from the request made at the 12/11/08 meeting, which he handed out to the Committee and read. (Copy attached to minutes)

Strunk said when he originally had this information it was brought to the attention of the Mayor. He tried to get informally the information now available at the new building, but the Chief would not allow him to get the information. He was in touch with Attorney Howard Vex, who advised him of the course of action. It was on advice of counsel that he pursued it this way. He felt it was his responsibility to bring the information to the Committee.

Chief Mc Donald said that Committeeman Strunk has made a statement referring to the video equipment in the

new building. This started in November 2007 and he waited 13 months to send in a request to get the information together for his case. This does not make sense at all.

Strunk said they could agree to disagree, but he wanted to bring this information to the Committee. This information was Counsel and this was the recommended action to pursue.

Peter de Boer, Certified Public Works Manager

de Boer handed out his monthly report.

He is working on the violations with POSHA with the assistance of Mike Niznik from PAIC. He has asked for an extension until January to comply. de Boer said the Committee will need to adopt a large portion of the document, before they are cleared with POSHA. The Mayor said that Lavery should review the document, then take action in 2009. Horensky made a motion that Lavery review the Vehicle Use Policy and documents presented by de Boer, Elbassiouny seconded. All were in favor.

Thomas Bocko, Zoning Officer

Bocko said he would like to have the sign ordinance amended, especially if they are having a special promotion or sales event. This would be public advertising, but the Township Sign Ordinance does not permit any advertising of sales, grand openings, etc. They had to be denied to put up signs. He had a draft to included these special things into the sign ordinance. Bocko said they had to be aware if how this would be regulated.

They could modify the sign ordinance and have an application through the Zoning Officer or Code and Construction Office. The information was given to Lavery to review and Bocko asked for permission to work with the Land Use Planner on this. The Mayor suggested Bocko put something together and take to Land Use Board to review. Elbassiouny said the key to this is going to be enforcement. Horensky said that there are still signs on Route 31 that are clearly outside what a permanent sign should be. He asked Bocko if he has taken any action on bringing them into compliance? Bocko said there are some issues, but he is trying to take care of them. Horensky will contact Bocko to discuss this further.

Mayor David Dempski said the Township has received another proposed Share Court Amendment from Mansfield Township, because another municipality wants to join the system. There would be approximately a \$7,000 a year savings for Washington Township. The Mayor said this will be considered in 2009.

The Mayor asked for a motion to accept the resignation of Steven Scher, Emergency Management Coordinator. Strunk made a motion to accept the letter, with regrets, Elbassiouny seconded. All were in favor.

The Mayor discussed the Annual Agreement with the Warren County Pollution Control Finance Authority. There is an interlocal agreement for solid waste disposal each year, which allows the township to get a rate for bulky disposal costs. It would be \$70/ton and \$3 NJ Recycling Tax. Elbassiouny made a motion to authorize the Mayor to sign the Agreement with the Warren County Pollution Control Financing Authority, Horensky seconded.

ROLL CALL: Elbassiouny, yes; Horensky, yes; Mueller, yes; Strunk, yes; Dempski, yes.

The Mayor reviewed the RFP's for professionals.

PUBLIC QUESTIONS & CONCERNS

Elizabeth Scovill, 5 Osprey Court, asked if Lavery had gotten a figure for the condo association for the plowing. Lavery said she was referring to the Municipal Agreement and he will call the Condo Attorney Mark Imbriani and discuss this with him.

Public Portion Ended at 9:36 p.m.

NEW BUSINESS

1. Closing of Washington Twp Golf Course Property/Auction/Asbury Farms - The Mayor said they are waiting on a date for this to happen. Lavery said there was a problem with the title work or lender, he will check this out. and advise Committee. Strunk asked if this will determine if they reduce the amount of debt next year and the auction was in March. The Mayor said it may be possible to amend the budget once the land is sold.

2. Elbassiouny made a motion that the Reorganization Date for 2009 be Thursday, January 1, 2009 at noon, Horensky seconded. All were in favor.

3. Strunk made a motion to approve the Clerk attending a seminar on January 9, 2009 in Asbury, NJ on Bingo and Raffles, Mueller seconded,. All were in favor.

REPORTS FROM OFFICIALS

Barry Mueller said that he and Horensky will be meeting the Warren Hills Officials in near future.

Samir Elbassiouny had no report.

RJStrunk said on the wage increase for 2009 for non union workers,, the CFO has asked what is the preference from the Committee, what should be the percentage? After discussion, it was not to exceed 4%. Elbassiouny made a motion that the rate should not exceed 4%, should be capped at 4%, Mueller seconded. ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes; Dempski, abstain.

John Horensky met with the Fire Department the beginning of December.

Mayor David Dempski wanted to thank the Washington Township Police Department for the great job in starting the tradition of the tree lighting ceremony. They did an excellent job.

He thanked the governing body for supporting him as mayor this year. He was honored and privileged to have served as Mayor, as well as serving on body since 2003. He was honored to represent the people of Washington Township and it was something he has grown with. He will have memories for the rest of his life of the days on the Committee.. He wished the Township Committee good luck in 2009.

PAYMENT OF BILLS

Strunk made a motion to approve the bills, Mueller seconded.

ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes; Dempski, yes.

EXECUTIVE SESSION

Strunk made a motion to approve Resolution 08-144 to go into Executive Session at 9:47 p.m. on contractual obligations and potential impact of state regulations, Mueller seconded. All were in favor.

The doors were opened. Horensky made a motion to come out of Executive Session at 10:51 p.m., Mueller seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 10:51 p.m., where they discussed two matters, one being a contractual matter dealing with Walgreens and the other being a contractual matter dealing with Washington Borough on police contractual matters. No action was taken. Copies of the minutes will be available at such time the Committee determines there is no harm to the public interest.

Elbassiouny asked the Clerk to have the Washington Borough Clerk invite the newly elected officials to the next joint meeting on December 18, 2008.

There being nothing further to come before the Committee, Horensky made a motion at 10:53 p.m., Elbassiouny seconded. All were in favor.

Respectfully submitted,

Mary Ann O'Neil RMC/CMC/MMC
Township Clerk