

# TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
December 18, 2007

The regular meeting of the Township Committee was held this date at the Municipal/Police Building located on Little Philadelphia Road. The meeting was called to order at 7:46 p.m. by Mayor John Horensky.

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 and transmitted to the Express Times, posted at the Municipal Building and a copy is in the Clerk's Office

ROLL CALL: Elbassiouny, present; Kovacs, present; Mueller, present; Horensky, present. Dempski was absent. Peter de Boer, Public Works Manager, Chief James Mc Donald and Dawn Stanchina, CFO were also present.

## SALUTE TO FLAG

The Mayor asked for a few moments of silence in remembrance of Cef Garcia, Emergency Management Coordinator who passed away recently.

## APPROVAL OF MINUTES

Kovacs made a motion to approve the Regular minutes from November 20, 2007, Mueller seconded. Elbassiouny asked that the minutes be amended to include the conversation after RJ Strunk's discussion last month on the Brown and Brown Building. Kovacs amended the motion, Mueller seconded. All were in favor. The amended comments, verbatim, was as follows:

Kovacs said he had two comments. Strunk had mentioned doing a bond and having second reading on January 1. You cannot carry a bond over into the next year. Kovacs said they did it one time in an emergency situation with a developer with his agreement and Township agreement.

Kovacs also wanted to remind Strunk that initially the original architect was hired on his recommendation. The comment was made about the existing architect with deficiencies on the seismic, which was correct. There was some disagreement between the architect and the code official. The code official said there were some deficiencies in the seismic. The original architect had made no provisions whatsoever for any seismic strength of the building. Strunk said he had plans approved down at the DCA. Kovacs said they never had plans and they never had permits. Strunk said they had plans approved down at the existing State Code Office. Kovacs said if they did, why now is the code official saying you don't have enough seismic, you have to have more, but it had approval with the original architect. Strunk said new laws have transpired since that time. Kovacs said they never had plans or permits. Strunk said there were approved plans at the other State Office.

Elbassiouny asked Strunk to produce a copy of the approval to the Committee. Strunk said he could provide a copy for the Committee, because he really wants to know. Strunk has been saying all year long, he wants to see a letter of approval from DCA that states that what he is saying is correct. Elbassiouny said Strunk talked about the Code and Construction Office, the fees that are charged at the office, which was approved by the Committee and DCA and State. It is in an early stage. The Township lent money to the Code and Construction Office to get it started. So, there will be some adjustments, not necessarily in the way of reimbursements, but there will be some adjustments, if the department sees fit. He met with the Construction Official and rates will be adjusted hopefully by the beginning of 2008. They are working on it.

Elbassiouny said he is actually very excited to hear Strunk say that he wanted to do this to get the project moving. Isn't that amazing, the day after you are elected you want to get the project moving. The whole time you wanted to just abandon the project. It amazes him. He is looking forward to serving with Strunk, because honestly, all year long, you had the right answer for every single thing that the Township faces. On a personal level, he was looking forward to it. Welcome on Board.

Strunk said the assumptions that he did not want to move the project along, he has been trying to move the project along from the beginning, with the right steps and on an economic basis. Elbassiouny said four years, four years, no shovel in the ground, that's the right steps!! I disagree.

ROLL CALL: Kovacs, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes.

Elbassiouny made a motion to approve the Executive Session Minutes from November 20, 2007, Kovacs seconded.

ROLL CALL: Elbassiouny, yes; Kovacs, yes; Mueller, yes; Horensky, yes.

## BID AWARD/New Hampton Road Traffic Calming Measures

de Boer said one bid had been received from Tony Concrete Construction in the amount of \$71,390.00 and asked that the bid be awarded. The Mayor asked if this amount is within the dollar amount received from the State Grant to do this project. It was decided to table this until Dempski was at the meeting to find out the status of the finance on this project.

## ORDINANCES

Mueller made a motion to open Ordinance 07-22-Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing chapter 123, Section 123-32G (2)(m) to Permit Service Stations to operate twenty four (24) hours per day in the Highway Commercial Zone to the public, Elbassiouny seconded. All were in favor.

Frank Cregan, 62 Merlin Drive, said if this is deemed necessary by the Committee, he strongly suggested that next month the ordinance be amended for any station of which there are four that want to open for 24 hours. They should go before the Land Use Board for substantial lighting reduction after 10:00 p.m. Cregan said that Sunoco has 7 violations of the Land Use Board conditions and the current zoning officer's approval of signs. If they ask, he requested that they clean up the violations and go before the Land Use Board for any variances that may be needed. The Mayor said Cregan had gone through the violations at the last Land Use Board Meeting. Elbassiouny, who is liaison, to the Zoning Officer was asked that the list be given to the Zoning Officer to address the violations immediately. Cregan said he had already provided the list to the Zoning Officer, with an update today. The Mayor said, that he and Elbassiouny, both agree the issue of lighting must be addressed and will suggest, after the first of the year, that the Committee revisit this ordinance.

Dempski came into the meeting at 7:52 p.m.

Marsha Marasco, 19 Asbury Anderson Road, said that one of the things discussed with the Land Use Board was the type of signs that will be going up along Route 31 with the various uses of businesses. She said it was her understanding that the Land Use Board can present the ideas and vote on these ideas. Do they then present to them Washington Township? If the Committee does not agree with it, does it go back to the Land Use Board for open discussion for the concept of using signs, lighting, pollution of noise, etc.

The Mayor said the Sign Ordinance was passed last year. It was presented to the Land Use Board for their review and consideration. They reviewed it and offered suggestions and modifications were made. So, right now, the Land Use Board and Township Committee are in sync as to what the lighting requirements and sign requirements are on Route 31. It does not seem to be a problem, but there is a problem with the enforcement of the ordinance. Marasco said there is not enough support to back up the Township to be able to go out and monitor the businesses.

Marasco said, three years ago she had to call the police to shut down Petro 31, after they were told not to pump gas because it was leaking. She spent her New Years Eve, all night, trying to get it shut down, because they felt nobody was going to stop them. Some of the rules are not being enforced. So, if you have 24/7, who is going to enforce it? How will the demands be met?

The Mayor said the issue is an enforcement issue. The Land Use Board is not an enforcing body. There is a Zoning Officer that is the Township's Agent that is supposed to be going out and doing those types of enforcement. Elbassiouny said they have been working on this during the year.

The Mayor said the main reason that he would support this ordinance has to do with the fuel costs. The vehicles operate on a 24/7 basis during snow storms, work outages and the police department works 24 hours a day. Right now, there is only one gas station open 24 hours a day. Going through the records, it is apparent that the Township has to be in a position to provide a cost savings to the residents. For one month of fuel supply, if they could save a penny, they could save the residents \$700 a year for every penny they save on gasoline costs based upon the fuel uses that are being used right now. Without any competition, the Township has no way of realizing any savings at all. By giving the opportunity for the Township to be able to go out and get additional suppliers of fuel, they give the municipality the opportunity to save money for the tax payers. They do not have the opportunity right now.

This service would now have to be bid for fuel. Marasco said that by being open 24/7 it will increase the truck traffic. The Mayor said that gasoline does not increase the truck traffic. Marasco said that the trucks have access to sit for an hour before they go to 287. They will come up Route 31 all through the night and stop there, because it is 24/7, rest for an hour and then continue on. She said nobody is controlling the traffic, which is what they have been saying to the Committee. She does not want to see the Township have open range for the trucks to have access to the roads. The Mayor agreed and said that one of the other issues that will be brought up to modify this ordinance further after the first of the year is to put a further restriction on it, so trucks cannot wait an hour. They can only be there during fuel up. This is another way to address the issue and concerns.

James Vergos, Rymon Road, said, for clarification, diesel trucks with sleeper cabs are exempt by federal statute from the law.

John Lombard, 21 East Anderson Road, said that when you go to a gas station you see those trucks, they are idling when they are filling up. As far as it is the best interest to have 24/7 open gas stations, that is the Mayors opinion and he sits on both boards. The Mayor had said the Land Use Board would address the issue sign variances, but the fact is they were reported over two or three months ago and nothing has happened. People are told to report violations and nothing happens. The existing stations will not apply to the rule that is being put in effect. Once passed, they will be open 24/7.

Lombard said that at the Land Use Board Meeting, when reviewing the Master Plan, in the 30 page document there was 1 sentence talking about traffic and 12 pages talking about shrubs. At this point, when it is mentioned that it is the best interest of residents to allow 24/7 on any road in the Township, he is opposed to it and asked, at this point, that Environmental Impact Statements be provided to allow and what the cost would be to the community before any decisions are made.

Elbassiouny made a motion to close the public hearing, Kovacs seconded. All were in favor.

Elbassiouny made a motion to adopt, after public hearing and second reading, Ordinance 07-22, Kovacs seconded.

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

Mueller made a motion to Open Ordinance 07-23 Ordinance of the Township of Washington, County of Warren, State of New Jersey Amending and Supplementing Chapter 66 Titled "Dogs" 66-4 titled " Fees" to the public, Dempski seconded. All were in favor. Nobody wished to be heard. Kovacs made a motion to close the public hearing, Mueller seconded. All were in favor. Dempski made a motion to adopt Ordinance 07-23, after public hearing and second reading,

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

Kovacs said, under Ordinance 07-22, the Committee might increase the zoning officers hours so he can do more inspections or hire a part timer that does nothing but inspections. Elbassiouny asked if this position could come under the Code and Construction Office. Could they do it or must it be strictly zoning? Lavery said the Statute does not even specify zoning officer, it says an administrative officer charged with those duties. Elbassiouny said they are on the road all the time. Elbassiouny asked Lavery to look into this as to whether it is a possibility for the Township. Lavery will confirm it and find out what the procedure would be for this.

#### RESOLUTIONS

The Mayor advised that any item for discussion should be removed prior to approval. Otherwise, one motion will cover all items on Consent Agenda. Kovacs said he wanted to comment on Resolution 07-125 and 07-129. Money is available under 07-129, so that 07-125 is not necessary. Therefore, Kovacs moved to approve 07-120 through and including 07-131, with the exception of 07-125. The Mayor said on 07-129 there are Options 1 or 2, one of the options gives the ability to eliminate 125, so this would also be pulled. Kovacs amended his motion to pull out 07-125 and 07-129, Dempski seconded. The Mayor said that 07-130 would be, by title only this evening, to authorize an interlocal service agreement with PCFA. The Mayor said there were two additional Resolutions 07-132 (Authorizing change in salary for Thomas Cicerelle) and 07-133, transfer money from group insurance. Kovacs amended his motion include 07-132 and 07-133, Dempski seconded.

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

07-120 Authorize & Approve Salaries & Wages for Certain Employees ( Helen Hartrum)

07-121 Cancel Delinquencies Less than \$10.00

07-122 Cancel Overpayments Less than \$10.00

07-123 Refund of Overpayment, Block 82, Lot 5.01

07-124 Cancel 2006 Taxes - Various Properties

07-126 Refund of 2007 Overpayments

07-127 Release of Washington Township Land Use Board Escrow, Block 40, Lot 14.01 (Anna Mc Clement)

07-128 Tax Sale Certificate Refund Resolution Block 40, Lot 74

07-130 Authorizing Interlocal Agreement with PCFA (to be supplied by Lavery)

07-131 Authorize and Approve Salaries and Wages for Certain Employees (Carolyn Quinn)

07-132 Authorize and Approve Salaries and Wages for Certain Employees (Thomas Cicerelle)

07-133 2007 Budget Appropriation Transfer

Kovacs made a motion to approve 07-129 Transfer Resolution (Option A), Dempski seconded.

ROLL CALL; Kovacs, yes; Dempski, yes; Elbassiouny, yes; Mueller, yes; Horensky, yes.

Resolution 07-125 was removed and no action was taken.

#### REPORTS FROM STAFF & PROFESSIONALS

Chief Mc Donald had distributed his overtime reports to Township Committee. He will have some items to discuss in Executive Session.

Pete de Boer, Public Works Manager, asked that the change order be approved and it would be a zero dollar amount. Kovacs made a motion to approve the Change Order on the Brown and Brown Building, at a zero amount, Elbassiouny seconded.

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

Kovacs said, on the same subject (Brown and Brown Building) to Dempski that he understood that he managed to find a way to get back on the job. Dempski said he just basically paid his fees until the end of the year. Kovacs asked, until the end of the year. Dempski said yes this year 2007. Kovacs asked, at the end of this year. Dempski said, yes 2007. Kovacs again asked, until the end of this year, Dempski said yes, that was part of the Emergency Appropriation. Kovacs said that was not what he understood in talking to him.

From what he told me, that the work that he was doing, right now, that he started in November, like a week after the last meeting, after Dempski had talked to him and put him back on the job, that he would be paid either out of a bond or budget next year. Dempski said, "yes" there would be new funds allocated for him specifically. Dempski said, for next years budget, yes for next year.

Kovacs said he did not understand why the Township Committee, after they had a lot of numerous discussions about this in the past, why the Committee didn't get to approve putting him back on the job. Dempski said he did not say he put him back on the job, he was to approve every purchase order, every change order. In terms of what we need for next year, it would part of the budget. Kovacs said he had authorization to go back work, that was the point. Dempski said he did not say go back to work this year, because there was no money to pay him. He said next year. He did not give him authorization to go back to work, because there is no money to pay him. Kovacs said it was his understanding that he was told to go back to work and they did get a report.

Dempski said they would have money in the 2008 budget. Kovacs said they talked about this many, many times before that it is against the law that knowingly having to spend any money that you don't have. Dempski said he told him that we have no money this year to pay you. Kovacs said, right and he would be paid next year. Dempski said he would be paid next year for 2008 work. Kovacs said, and he is working. Dempski said there is no money to pay him this year.

Kovacs said, what he would like to do at this time, because they are kinda up in the air, is to ask the Attorney to do a little investigation to see if indeed we have violated the law and if so, it really is the Committee's obligation to notify the Attorney General. Kovacs said, if you don't mind Mike (Township Attorney), start the process.

Dempski said to make something clear Mike, he did not tell him, but next year they would try to budget it. Kovacs said that is not what he was told. Dempski said he would not be foolish as to give you such a present by telling him to work. He said they would try to get money next year in next year's budget, there is no way of paying him this year. He would not do something like that. Kovacs said that is not what the architect understood. Dempski said there was no money to pay him this year. Kovacs said, right, he was told to go to work, we will pay you next year. Dempski said he did not say that. He did not say that. Kovacs said that is the architect's understanding. Dempski said he did not tell him to do that. Kovacs said OK. Dempski said I was just trying to get him funds - cut off by Kovacs. Kovacs said Mike (attorney) go ahead and do an investigation. Lavery said he would take a look at it and report back.

Dempski said he did not tell him to do that. He objects on how this is being portrayed, it is completely false, he did not do that. He did not do that. He said there is no money to pay you this year. Kovacs said he understood that. Dempski said they would put money in the budget for 2008, they were not paying him for this year. Kovacs said he started work already. Dempski said no, for 2008 they will put money in the budget or do some kind of bond or find a solution for 2008. There was no money to pay him for 2007, the money they are trying to budget now is for the work that he did in 2007. Dempski said this is unconscionable, unconscionable what Kovacs was doing. Unconscionable and disgraceful. Kovacs said, yes it was. The Mayor asked is there anything else Mike? Kovacs said no I'm done.

Dawn Stanchina, CFO, said she would like to bring closure to the Letter of Resignation given at the last meeting. During Executive Session, Kovacs had asked her if she would be available in the new year should the need arise. She said there is some sort of template on the plate for some sort of Inter Local Agreement with Mansfield Township, which she believed is a great opportunity for the Township. She had not heard anything or seen what was going on from that perspective and what the Township's position was in moving forward with a CFO, she said that the 27<sup>th</sup> would be her last day, because during Executive Session they would be discussing the Mansfield Township Inter Local Agreement. She had been available, but in the meantime, there had been work done to try to move forward with Finance Office to get them on track for 2008.

#### OLD BUSINESS

1. Asbury Farms Developers Agreement & Site Easement - Lloyd Tugman, with Archer and Greiner was present and represented Asbury Farms. She had sent a proposed Developers Agreement to the Township Committee on November 30<sup>th</sup> and two easement agreements. They have been reviewed by the Township

Attorney and Township Engineer. The only comment received back, in writing, was from the Land Use Board's Planner, who said she found the Developers Agreement in order and the two easements are for site triangle for shared infrastructure within the property and to give the Township the right to enter into the property if deemed necessary for stormwater management inspections and/or repairs if necessary. Otherwise, the Developer Agreement puts into a contract type form the developer's obligation to perform in accordance with the approvals to both inspection fees to comply with Mt Laurel obligations and otherwise enforce the preliminary and final site plan approvals that have been granted by the Land Use Board. Kovacs made a motion to approve the Asbury Farms Developers Agreement, Mueller seconded.

ROLL CALL: Kovacs, yes; Mueller, yes; Elbassiouny, yes; Horensky, yes. Dempski was absent.

Mueller made a motion to approve the Easements, subject to the Engineers approving the metes, Elbassiouny seconded.

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

2. Completion Review of RFP's - Dempski said the RFP's had been received and are being reviewed. The Committee will be in a position to provide their recommendations for hiring at the Reorganization Meeting.

3. Discussion Joe Justo - Lavery said this was on the additional street lights. Mr. Gleba had stated that since the Township, once they are accepted will be paying, they thought they would send it to Committee first. Lavery said he advised Gleba that the Committee did not want to get involved in where street lights should or should not go. No action taken. Elbassiouny said he had discussed with Gleba that any new street names should go before the Historical Commission before the Land Use Board gives condition of approval.

4. Bruce Apgar Voucher/Payment/Finance - The Chair said this had come before the Governing Body once before. The subdivision is a matter of court direction. When the court approved the settlement, they set a maximum amount of money that the applicants would be required to spend before the Land Use Board in setting up escrow. Anything above and beyond that, from the point of view of the professionals is something that would be borne by the Township. The Mayor said the Township is obligated to pay those fees. These are additional fees generated as a result of Apgar's application.

#### PUBLIC QUESTIONS AND CONCERNS

James Vergos, Washington Township Fire Chief, said that he came before the Committee last month requesting an ordinance change to 64-32 for fire protection. Vergos went to the Land Use Board and Attorney Gruenberg has requested he come back to the Committee and it be handled the same manner as Ordinance 07-22. Vergos gave a brief description of what he was looking for in changes to the ordinance.

Robert Fink, 4 Jockey Hollow Road, said he lives in the Pacesetter Development off of Asbury Anderson Road. The development is situated such that the first road coming off of Asbury Anderson Road, which is also County Highway 632, is called Pacesetter Drive. There are several roads that connect to that and serve about 44 homes in the neighborhood. Sidewalks only went in between 1/3 and 1/2 of the development. He has gone to the School Board, who chose not to help him. The school bus stop for County 632 is very dangerous, but this is the site the School Board has chosen to make a school stop. There have been many incidents in this area. He has gone to the School Board twice, but they refuse to budge on this issue.

There are three main concerns: (1) children walking from homes must travel great distances with no side walks, (2) parking at the current location is hazardous and (3) the cars speed at the location where the children stand. Elbassiouny said he had called regarding the problem, but they will not change it, because they would have to do it in every development. Kovacs suggested that the Township put in a turn around, because they have property in this area that it could be done. Chief Mc Donald said he had called the school and they will not budge on this issue. After discussion, de Boer is to come back with alternatives to this problem at the next meeting. Elbassiouny Chief Mc Donald should also come up with a recommendation.

John Lombard, 21 East Asbury Anderson Road, said he has seen two incidents where people pass the school bus and the traffic and speeding is very bad.

R J Strunk, 116 Brass Castle Road, said at the last Committee Meeting of November 20, 2007, as a newly elected representative of the Tax Payers of Washington Township he requested several items be acted on by the current Township Committee. At the conclusion of his remarks, about the needless money that has been spent on the new administration building, Elbassiouny asked that he back up the comments on his continued insistence that they had an approved set of plans under the New Jersey State Building Code, under the first architect, Mr. Edward Gagne and no seismic restraint was needed at that time of the review. Kovacs also requested he produce a letter from the State Code office on this information. He wanted to read into the

record the following letter, which is on the letterhead from the State Department of New Jersey, Department of Community Affairs, Division of Code Standards, Office of Local Code Enforcement, 171 Rt 173, Suite 101, Asbury, NJ. Elbassiouny asked the date of the letter and it was December 14, 2007. Elbassiouny asked if he just got the letter and he did. Elbassiouny said he never had the letter before this date. Strunk said no, but got it because he had been requested to do so. Strunk said he did not need one. Elbassiouny asked if Strunk had a letter before the letter of December 14, 2007, prior to this letter being issued, is there any written documentation from DCA that back ups the letter in Strunk's hands. Strunk said only his oral conversations with DCA.

The letter was addressed to RJStrunk, RE: Plan Review for the Washington Township Municipal Building Rehabilitation Project.

Dear Mr. Strunk:

This letter will serve to follow up our recent meeting. You requested a recap of the plan review process this office performed for the above referenced project.

Mr. Ed Gagne, Architect, submitted an application for a construction permit in May 2006 for the rehabilitation projects in the building. David A Reif Sr, a Building Subcode Official and I held several meetings with Mr. Gagne to review the proposed work. The project was reviewed for compliance with N.J.A.C. 5:23 - 6, the Rehabilitation Subcode and the 2000 edition of the International Building Code (New Jersey Edition). Consequently, the building portion of the project was approved on June 15, 2006.

Soon afterwards, a Township Committeeman questioned the need for seismic requirements in that the building housed a Police Station. We had taken this into account during our initial review, but because the question was raised, we looked at the seismic provisions of the code and again found no additional requirements for seismic design in buildings located in Washington Township, Warren County.

We also took the additional step and questioned Richard C Berger, a seismic design expert and Chairman of the VMC Group and the Department of Community Affairs Code Assistance Unit, for their input. Both parties concurred, that no seismic requirements needed to be considered for this building.

The Electric and Planning Subcode Officials also approved the application for release on June 15, 2006. The Fire Subcode Official approved the plans on June 11, 2006, but needed cut sheets submitted for the devices in order to release the application for permit.

I hope this adequately addresses your questions and concerns.

Charles T Herring, Regional Supervisor

This letter confirms and reinforces the fact that under Mr. Horensky's spearheading of this project and while he has been Mayor of 2007 they have gone forward with an altered plan that the taxpayers of Washington Township could not afford. The Township Committee did not need to spend \$114,000 for an architect and have a minimum of an additional \$830,000 for a plan that the Washington Township payers, with their hard earned tax money, could not afford. Additionally, the new architect's plan missed two items in his plan that review by the current building officials have cost in excess of \$42,055 in change order items. These items were missed for seismic restraint issues with his design, the very type of items that the current architect said the original plans did not have and he insisted were needed.

In this letter that was just read from the State, the Committee person referred to is asking a question about the seismic restraint is Mr. Dempski. Strunk commended Dempski for his due diligence to learn the facts on this issue. Now that he has honored the two requests from the Committee to supply information to back up my statements, Mr. Mayor, I asked you last month for some additional things also myself. First, that they take immediate steps to reduce the building costs of the new administration building and to please, as Mayor, come up with a plan for the \$6 million dollar of unfunded debt that has grown during his administration. Also, as Elbassiouny was invited into the Executive Session meetings as a newly elected official in 2006 and prior to that, Mueller and himself had been invited to the same consideration in 2003, will he be allowed to attend the Executive Session of this meeting tonight. The Mayor said yes.

Strunk asked the Mayor if he came up with plan to be able to deal with the \$6 million dollars of unfunded debt. The Mayor said no he had not, because not all that debt was requested by him, some of it was requested by other members of the Committee that Strunk sat on that were approved. So, he would need input from everybody else to assist him in coming up with identifying reasons why you approved Bond Ordinances at that point in time to go forward with the indebtedness. So, he told Strunk, you were part of the bond monies that were being questioned. He said that Strunk sat on the Committee for three years and there were a number of bonds created in that period. The \$6 million dollars were not created by him in one year.

Strunk asked about the \$2.5 million dollars that he created this year. The Mayor said if you want to talk about this, it is the bonding for the building and also money put aside to do some purchases of other materials, other items for the Township. They also did some funding and obligated the Township to spend money on Open Space and other issues. The Mayor said he can take the responsibility of being Mayor, but the Committee makes the entire decisions. It takes five votes to approve any bond ordinance and Strunk sat on the Committee for three years, those bond ordinances passed and they passed with five member majority. So, it wasn't Mr. Horensky that was passing and putting money on the backs of the residents, it was the entire committee that was doing it, and Strunk represented that Committee for a number of years.

The Mayor said, in the letter from DCA, it indicated that it cleared by the different divisions, did they actually say that a permit was issued. Strunk so no, they never went that far.

Elbassiouny asked the Committee, if they recalled it being discussed in June that it was approved and waiting on just the permits. Dempski said it was his recollection that it was approved, they were having bid specs drawn up by Bob Miller, Township Engineer. The Mayor said the bid specs went out in spring of 2007, prior to the Committee going forward, prior to dates on letter. So, then went out to bid beforehand. Elbassiouny said he finds it hard to believe if the Committee were under the assumption they had approvals from the drawings they had, then nobody made it an issue. He said Strunk had been bringing this issue all year long and he finds it hard to believe that since June 15 he was aware he had approval from architectural and he did not make it public to the Committee. He said he also found it hard to believe that the Construction Code Office in the State remembers vividly the whole thing about this application. He said it is disgraceful that there were approvals all along, but they didn't have anything at all, except the letter produced a year and a half later that somebody just wrote this month. Strunk said he has been telling them all along that the plans were approved and last month he was asked to provide a letter. Elbassiouny said before to produce permits and you said it had been all approved. Strunk said he was asked to produce a letter of approvals, which has been done.

Kovacs said, the present architect added all these seismic considerations, which he said they must have. Then they go for a building permit and the Code Official says it is not enough, you need more. So, before he would issue a building permit, they had to add additional seismic to it. Yet, the State Officials, when the Township had them, said you don't need anything. Strunk said there may be different regulations.

Elbassiouny asked if it took six months to look into the seismic regulations, from June 15<sup>th</sup> when Dempski raised the issue regarding seismic, it took DCA six months, without anybody on the Committee to follow through and ask DCA. Strunk said he told the Committee all along that the plans were approved and setting down DCA and he has been telling them verbally all along. Dempski confirmed that he looked into it and was at DCA about it. Dempski said they were approved to go out and bid the project. Elbassiouny asked, were architectural approved for the bid or did DCA approve the plans to go build it as is, in the architectural plans they had. Dempski said he thought it was approved, but he didn't expect the plans to be approved before going out to bid. Dempski said he thought the plans were approved through DCA. Elbassiouny asked, why then, did they go with another architect? Dempski said he was not sure, he was not involved in that decision.

The Mayor said to Strunk that he definitely had the right to question every decision he makes, he has the right to point out issues that have to be taken, but he also deserves to publicly state the fact that it is not the Mayor, the Mayor does not make the decisions independently. The decision to go with a new set of plans, while Strunk was sitting on the Committee, was made by the majority of the sitting Committee at this time, which was Strunk, Kovacs, Dempski, Mueller and himself. The entire Committee looked at the set of plans that were previously drafted and made a decision to change course of action. The Mayor said to Strunk that he should state for the record, instead of just attacking one individual, which he has the right to do. As a citizen he is sitting as Mayor, doing work for the Committee as everyone else is. He asked Strunk to attack with true facts and all the facts, don't blow things out of proportion, don't blame him for \$6 million dollars worth of debt, but it is the Committee and he was part of it too. He was just one of five people who made decisions on developing the building.

Strunk said, all the facts that he presented to the Committee throughout the year are information that is available, either through OPRA Requests or he researched. In January, Horensky said he and Kovacs would spearhead the project. The Mayor said this was not true and he was misstating the facts. Strunk said in January 2007 the statement was made that the Mayor and Kovacs would be spearheading the project. Kovacs said this was a decision voted on by the Committee. The Mayor restated, he was one of five sitting on the Committee and the whole Committee should be held accountable for action that was taken. Strunk said that

Dempski read a letter into records that he was not consulted on new plans he cannot hold him accountable, when he was not consulted. Kovacs said an entire presentation, with drawings, was available at a meeting for everyone to see and ask questions. The drawings were also available at the Administration Building.

The Mayor said that Strunk's comment that Dempski indicated he was not made part of it, when there was a bond ordinance for \$400,000, Dempski's numbers that he was consulted on and asked to bring to the table accounted for more than half that number. So, it isn't that Dempski did not know this, it is that he didn't know the numbers. Dempski was asked to be part of a team, to come up with numbers of expertise, which he did. Kovacs came up with numbers that he was working with and he did. They brought the numbers together. So, Dempski knew that more than half the numbers were from him.

The Mayor said that he and Strunk started the project together and about half way through, decisions were being made by Strunk and then Horensky was told what decisions were being made by Strunk. Horensky never argued that, he assumed that Strunk was going to run with the project and he backed off, made no issue at all when he decided to run with the project all by himself. Strunk said that the Mayor was informed of everything. The Mayor said, after the decision was made, Strunk did not remember it that way.

#### NEW BUSINESS

1. Robert Boltz, President of Warren County Regional Chamber of Commerce could not attend.
2. Reorganization Date - Dempski made a motion that January 1, 2008 at noon be the date for the Reorganization Meeting, Mueller seconded. All were in favor, except Kovacs, who abstained.
3. Ability to Auction Public Property - Lavery said that Dempski was right, this sale could be done by resolution, only a purchase has to be done by ordinance. Elbassiouny made a motion to authorize the Committee to auction the property known as Administration Building at corner of Brass Castle and Route 57, Dempski seconded. Kovacs asked if this was just authorization at this time or must they pick a time and date for publication. Lavery said they can modify the requirements and two notices have to be done. Dempski will give information from last auction to Lavery to review.  
ROLL CALL: Elbassiouny, yes; Dempski, yes; Kovacs, yes; Mueller, yes; Horensky, yes.
4. Increase of Clean Communities Grant - Mueller made a motion to increase the Clean Communities Grant for Pack 145 to \$307.46, Dempski seconded.  
ROLL CALL: Mueller, yes; Dempski, yes; Elbassiouny, yes; Kovacs, yes; Horensky, yes.
5. Shared Finance Office - to be discussed in Executive Session.
6. Request by WTYA to reserve meeting room - Elbassiouny made a motion to approve the WTYA using the meeting for spring sports registration on 1/25 from 7pm to 9pm, 1/26 from 10 am until noon and 2pm to 4pm and 2/1 from 7pm to 9pm and 2/2 from 10 am until noon and 2pm until 4pm, all based on availability of building, Mueller seconded.  
ROLL CALL: Elbassiouny, yes; Mueller, yes; Dempski, yes; Kovacs, yes; Horensky, yes.
7. Asbury Farms/Hawk Pointe Golf Community, Proposed Revision to WQMP - Elbassiouny made a motion to approve a letter being sent to DEP approving the application for Asbury Farm/Hawk Pointe Community from the Division of Watershed Management, Dempski seconded.  
ROLL CALL: Elbassiouny, yes; Dempski seconded; Kovacs, yes; Mueller, yes; Horensky, yes.
8. Request from Carolyn Quinn to go on insurance - Discussed in Executive Session.

#### REPORTS FROM OFFICIALS

Barry Mueller reported that the meeting with Washington Boro to discuss Shared Services was snowed out and they will have to reschedule.

David Dempski had no report.

Samir Elbassiouny said they discussed the construction code fee and there are revised copies on some of the Construction Officer's recommendations. They will be revised the beginning of January.

The roof of the Brown and Brown building is down and by the end of this week, they should start constructing a new roof. Everything is moving according to plan.

Michael A Kovacs had nothing to report, except he reminded the Committee that before they do next years budget, the Tax Assessor has to come up with the ratable numbers to be used. A report is sent to State and is usually due by January 12<sup>th</sup>.

Mayor John A Horensky said during the last month, he met with the Regional Plan Association on issues relevant to development and patterns in the Highlands Region.

The Mayor said he would like to propose the Committee go forward with a Vision Session with the Township that will bring together members of the various Commissions and Committees, representation from the Township Committee, along with the Regional Plan Association that could help them look at issues that relate to land preservation, growth where necessary, get aid in development of new Wastewater Management Plan and Master Plan. He would like to set up a committee that has representation from the Township Committee and he and Dempski sit on it. He would invite the Chair Person from the Land Use Board, plus another member, representation from the Environmental Commission and Economic Development Commission to have an initial meeting that would set the frame work on how they go through a vision session for the Township.

He will be attending the graduation of Chief Mc Donald from a course at West Point sponsored by the FBI.

#### BID AWARD

The Mayor asked Dempski if whether or not on the project, the amount bid is within the scope and dollar amount of what the Township would be getting from the State, as well as Township's contribution, or will additional funds be necessary. Dempski said in terms of the initial bonding, plus the State Allocation, the answer is no. However, they did have a sizeable bond set aside for construction projects. If a motion is made, it should be contingent on financing. He will have to review his paperwork. Dempski made a motion to approve the award of bid on New Hampton Road Calming Devices, contingent on availability of funds, subject to review by Township Attorney Lavery, to Tony Concrete Construction at \$71,390.00, Mueller seconded.

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

#### EXECUTIVE SESSION

Mueller made a motion to go into Executive Session at 10:04 p.m for issues of personnel issue on Carolyn Quinn to go on insurance, contractual matter regarding shared Finance Office with Mansfield and personnel matter requesting payment for attendance at a seminar by construction official and personnel matter regarding the chief's contract., Elbassiouny seconded. All were in favor. It should be noted that Dempski left the meeting and did not go into Executive Session.

Strunk said that he will be attending the Executive Session as a newly elected official, but continues to put on record that he protests the manner in which the Executive Sessions are being held and he feels the Committee is in violation of the Open Public Meetings Act by not providing comprehensive notes and making them available to the public after the Executive Session. Lavery stated that Strunk is unequivocally wrong on that, the law is clear, when you emerge from Executive Session, the only thing that has to be in the minutes, and he would be willing to provide the case law and statutes, is who was there, what time you went in, what was discussed. When you say personnel matter, you do not even have to state what the personnel matter is, just that it is a personnel matter. They can be very short, but that is what the law requires.

The doors were opened. Mueller made a motion to come out of Executive Session at 12:10 a.m., Elbassiouny seconded. All were in favor.

Lavery said the Committee exited the Executive Session at 12:10 a.m. where they discussed a personnel matter regarding the Chief of Police Contract, another personnel matter on a request for payment of attendance at a seminar by Construction Office, contractual matter regarding shared Finance Office with Mansfield Township and another personnel matter dealing with Carolyn Quinn's request to buy into the township's insurance and replacement of the OEM for an Acting OEM and personnel matter dealing with Chris Rose of the Construction Office. 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.

Elbassiouny made a motion to approve the contract for the Chief of Police, as presented by the Chief of Police, Kovacs seconded.

ROLL CALL: Elbassiouny, yes; Kovacs, yes; Mueller, no; Horensky, yes.

Elbassiouny made a motion to amend the Policy Manual to allow employees that work 25 to 30 hours a week to buy into the Township's Insurance, with the Township contributing 10% contingent upon approval by the Township's Carrier and at a minimum of 3 months employment before they are eligible to buy into same, Kovacs seconded.

ROLL CALL: Elbassiouny, yes; Kovacs, yes; Mueller, yes; Horensky, yes.

Elbassiouny made a motion to appoint Thomas Cicerelle as a provisional OEM Director, research to be done as to whether this will be a new term or unexpired term, Mueller seconded. Cicerelle agreed to serve in this capacity until the end of the year with no fee. Research will also be done on the issue of how to avoid double payment of salaries.

ROLL CALL: Elbassiouny, yes; Mueller, yes; Kovacs, yes; Horensky, yes.

Mueller made a motion to have Elbassiouny and Dempski head up a Committee that would investigate the CFO's position and look at the applicants and research the Interlocal Agreement with Mansfield Township, Kovacs seconded.

ROLL CALL: Mueller, yes; Kovacs, yes; Elbassiouny, yes; Horensky, yes.

#### PAYMENT OF BILLS

Mueller made a motion to pay the bills, Elbassiouny seconded.

ROLL CALL: . Mueller, yes; Elbassiouny, yes for the ones he signed; Kovacs, abstain; Horensky, yes.

Kovacs made a motion to adjourn at 12:20 a.m, Elbassiouny seconded. All were in favor.

Respectfully submitted,

Mary Ann O'Neil MMC  
Township Clerk