

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
January 15, 2008

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 7:30 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 and transmitted to the Express Times and posted at the municipal building.

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, Public Works Manager, JoAnn Fascenelli, Treasurer and James Mc Donald, Police Chief were also present.

SALUTE TO FLAG

APPROVAL OF MINUTES

Horensky made a motion to approve the Regular Minutes of December 18, 2007, Mueller seconded. All were in favor.

Elbassiouny made a motion to approve the Executive Minutes of December 18, 2007, Mueller seconded. All were in favor.

ORDINANCES

Mueller made a motion to open Ordinance 08-01 2007 Salary Ordinance, to the public, Elbassiouny seconded. All were in favor. Nobody from the public wished to be heard. Elbassiouny made a motion to close the public hearing, Horensky seconded. All were in favor. Elbassiouny made a motion to approve Ordinance 08-01, after public hearing and second reading, Horensky seconded. Strunk said he continues to be concerned about the wage that was set for the Land Use Board Secretary. He still thinks there has to be a mechanism to have somebody in the office during the office hours. A raise has also been given in pay, which bothers him. The second item is on the Construction Code Official, where the salary was set at \$20,000. His research has indicated that during the last pay period he only spent four hours in the office. There needs to be some tweaking in the Code and Construction Office to reflect the economic times. He also thought a better job could have been done negotiating the Chief's new salary. He wanted it in record why he was voting on the ordinance.

The Mayor said they did review the salary of Land Use Board Secretary at the last meeting. She will have public office hours from 7:00 p.m. to 9:00 p.m. on Tuesdays, exclusive of monthly meetings, which run about eight hours a month, she will work ten hours a week processing all the applications. She will be working twelve hours a week and available by appointment by telephone or e-mail.

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

Mueller made a motion to open Ordinance 08-02 Ordinance Reauthorizing the Open Space Trust Fund for the Twp of Washington, to the public, Strunk seconded. All were in favor.

Frank Cregan, 62 Merlin Drive asked what the balance was in this fund. The Mayor said they currently bring in approximately \$130,000 a year in revenue, which can be used to preserve farm ,recreation purposes and open space. Cregan suggested they designate some money to acquiring property in District 5 voting district. The Mayor said there are several pieces of property in District 5.

John Grdovic, 7 Baltusol Avenue, said if the money is to be utilized for recreation purposes, he would definitely support it. With the current legislation on the Highlands Preservation Act, any preservation of farm lands seem redundant and would be a duplicate tax.

Strunk made a motion to close the public hearing, Elbassiouny seconded. All were in favor. Strunk made a motion to approve Ordinance 08-12, after public hearing and second reading, Elbassiouny seconded.

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

The Mayor said, he works for a competitor to this ordinance, so was unable to take part in this discussion and deferred to Deputy Mayor R. J. Strunk. Strunk asked for a motion on first reading, Horensky made a motion to introduce Ordinance 08-03 Ordinance Regulating the Statutory Authority of United Telephone Company of New Jersey, Inc., It's Successors and Assigns to use the various Public Roads, Streets or Highways in the Township of Washington, Warren County, New Jersey for its local and through lines and other communications facilities and prescribing the conditions thereof on first reading, Mueller seconded.

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

Public Hearing and Second Reading will be February 19, 2008.

The Mayor said that a request had been made to pull Resolution 08-26 Resolution Authorizing the Recording of Governing Body Executive Sessions & Maintaining Minutes prior to going into Executive Session. Strunk made a

motion to approve Resolution 08-26, Mueller seconded.

The Mayor asked for discussion on motion. Elbassiouny said he believed one of the reasons, last year, the Executive Minutes were not recorded were on recommendation of Township Attorney. Lavery said that it is purely a policy decision. Lavery said, first of all, you are not required to tape Executive Session Minutes or Regular Session Minutes. You are only required to take comprehensive minutes, but it is purely a decision for the Governing Body. His personal opinion was that they will never be used to help the Committee, but again, that is a policy decision and his legal opinion. The Minutes are only required, by law, to have date, time, who was there and what was generally discussed. Elbassiouny asked Lavery for his recommendation. Lavery said, not only here, but other places that the Executive Sessions should not be taped, but this is only his opinion, it is a policy decision for the Committee.

Strunk felt they should be taped and during the problems with the former CFO, the minutes were invaluable in establishing a historic record to be able to go forward and justify the actions taken here. Strunk said he felt the public should have the right to read the minutes and hear the tapes, so the public knows what they are thinking and doing.

Elbassiouny said no decisions are made in Executive Session, there is only discussion regarding contracts, litigation, personnel, etc. The Mayor said the only action taken after an Executive Session is done in the public session of the meeting.

Horensky said he did not feel the Executive Session Minutes should be taped and transcribed. He felt the public are served. No decisions are made in Executive Session, there is just conversation on items.

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

EXECUTIVE SESSION

Strunk made a motion to go into Executive Session at 7:55 p.m., for discussion on CFO and Treasurer Candidates, Elbassiouny seconded. All were in favor.

The doors were opened. Mueller made a motion to come out of Executive Session at 8:55 p.m., Strunk seconded. ROLL CALL: Mueller, yes; Strunk, yes; Elbassiouny, yes; Horensky, yes; Dempski, yes.

Lavery said the Township Committee emerged from Executive Session at 8:55 p.m., where they discussed two personnel matters, one being the hiring of a treasurer and one being the hiring of a CFO. No official action was taken. Copies of the minutes will be available at such time as the Committee determines that there is no harm to the public interest.

RESOLUTIONS

08-35 Authorize & Approve Salaries & Wages for Certain Employees (CMFO) - The Mayor said the Committee would be hiring Barbara Emery as the CMFO for Washington Township, to fill an unexpired four year term, effective January 15, 2008 at a salary of \$43/hour, working Tuesdays 7:30 a.m. until 4:30 p.m. and Thursdays from 12:30 p.m. until 5:00p.m. Elbassiouny made a motion to approve Resolution 08-35, under conditions as stated by Mayor, Strunk seconded.

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

08-34 Authorize & Approve Salaries & Wages for Certain Employees (Treasurer) - The Mayor said the Committee would be hiring Meadow Meyer Mc Cain as Treasurer at a rate of \$22/hour, effective January 15, 2008 on Monday, Tuesday and Thursday from 7:30 a.m. until 3:15 p.m. and Friday from 7:30 a.m. until 4:15 p.m.

This could vary at times. Mueller made a motion to approve hiring Meadow Meyer Mc Cain as Treasurer under Resolution 08-34, with conditions as stated by the Mayor, Strunk seconded.

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

Mueller made a motion to approve Resolutions 08-24, 08-25, 08-27, 08-28, 08-29, 08-31, 08-32, 08-33 and 08-37, Strunk seconded.

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

08-24 To Authorize and Approve Salaries and Wages for Certain Employees (Police Dept)

08-25 Release of Driveway Performance Bond/A1 Custom Homes - Block 45, Lot 14.06

08-27 Refund Resolution, Block 18, Lot 5

08-28 Tax Sale Certificate Redemption Resolution, Block 43, Lot 9

08-29 Refund Resolution, Block 18, Lot 5

08-31 Release of Washington Twp LUB, John Walbridge, Block 15, Lot 8.02

08-32 Release of Washington Twp LUB, Victoria Robinson, "C" Variance

08-33 Release of Washington Twp LUB, Joseph Sofia, Block 28.01, Lot 23

08-37 Transfer Resolution

The Mayor told Emery that the Township had passed an ordinance to purchase a development easement on a farm

and they need to get the money in the proper account and get funds certified. The file was given to the Clerk to copy and give to Emery.

The Mayor said that Resolution 8-30 had been pulled and there were two variations. Lavery said it is the resolution authorizing the Committee to sell property at public auction, which would be where the Administration Building is right now. The difference between the resolutions is that one sets a minimum bid price and the other does not. The auction would be with reserve, so at any time, all bids could be rejected. The Committee decided to go with the resolution with a minimum bid. Elbassiouny made a motion to approve Resolution 08-30, Resolution to auction public property with minimum bid, Horensky seconded. The Mayor said, he would be asking for companion authorization to write a letter of intent to the Director of the Local Government Services in Trenton requesting that the Township is seeking to put these auction proceeds into the budget as a capital item. It is at the pleasure of the Director as to whether or not they can do it within the scope of having a closing within a realistic time frame after the budget is adopted.

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

Horensky made a motion to approve the Mayor writing a letter to the Director of Local Government Services in Trenton to request that the Township be able to put auction proceeds in the budget as a capital item, Strunk seconded.

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

Horensky made a motion to approve Resolution 08-36, Resolution to Authorize and Approve Salaries and Wages for Certain Employees, Lydia Schmidt as Tax Assessor and 911 Coordinator, Elbassiouny seconded.

ROLL CALL: Horensky, yes; Elbassiouny, yes; Mueller, yes; Strunk, yes. Dempski, yes. Strunk said there was no time to interview, but he wanted people to know that this person is very good. Horensky said he knew Schmidt and supported the resolution. She would have the assistance of her husband, who was the former Tax Assessor.

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

REPORTS FROM STAFF

de Boer said his items are on agenda.

Chief Mc Donald had submitted his Monthly Report and Overtime Report. All other items will be discussed in Executive Session.

PUBLIC QUESTIONS/CONCERNS

Frank Cregan, 62 Merlin Drive, said, at the last meeting they had passed an ordinance on stations being open 24/7 and he is concerned about lighting after 10:00 p.m. He asked that the ordinance be amended to reflect reduced lighting by at least 50% as a starting point. Lavery said he had been contacted by Committeeman Elbassiouny about this. He had called Bill Gleba, Land Use Board Engineer, who said presently when the applications come before the Land Use Board, the board has complete jurisdiction to decide what type of lighting is there. There are presently no standards in the ordinance.

Strunk said there are four existing stations, could the Township pass an ordinance that if an existing station wanted to be open 24/7 that they would have to go back to the Land use Board for a lighting schematic to support their 24 hours being open.

Cregan said his other recommendation was that before any existing stations get approval for 24 hour lighting or anything beyond 10:00 p.m. that they be in compliance with all their conditions associated with the property and anything else that comes up in terms of ordinances. He said Sunoco, with multiple violations, and they are open after 10:00 p.m.

Cregan wanted to comment on New Business Item 14. At Hawk Pointe they have two retention ponds that 120 home owners are responsible for maintaining. If grit is used, it has to be swept up in early April or it will wash into the ponds.

John Grdovic, 7 Baltusol Avenue, said in reference to the utilization and proceeds of the funds from the sale of the existing Administration Building, it was his understanding that there was outstanding debt in the Township. Have the current interest rates been investigated on what is being paid on those as opposed to what they can currently get. If better interest rate, then it makes more sense to pay off the existing debt and issue new bonds at a lower interest rate utilizing those funds.

Also, he has concerns about the oversight of the construction of the current Administration Building. Nobody has been appointed from the Committee as a liaison for weekly evaluations of what is being done. There needs to be

somebody overseeing this and reporting to the public the progress of the building.

The Mayor said he had talked with Coopersmith and made a few requests. From now on, he wanted a weekly status report every Friday of the status of the building. He has also asked for weekly risk areas, what is not being done and what is at risk. The Mayor said that he is going to propose monthly workshop meetings to address construction meetings. Also, on February 19th, he intends to release RFP's for solid finishing, telecommunications costs, paving and sidewalk plans.

John Lombard Asbury Anderson Road, said on the lighting, it has been three meetings of talking about businesses not in compliance. They say they are doing something about it, but that station is staying open longer and longer, so it is definitely in defiance. He has concerns about that. He lives in the area and sees ongoing construction going on at the site. It hasn't been brought before the board, so he asked people to start looking at it.; On the auction, the last time was not met at the price set, so the concern is, at this time when the market has gone down, that you are going to get it. He thinks the Committee needs to propose Financial Impact Statement with any new development in the Township. (Public Session closed at 9:30 p.m.)

OLD BUSINESS

1. Lavery is reviewing the manual and procedure with a labor attorney.
2. de Boer said there was a meeting at the site on January 14th and there were alternatives proposed. The school will determine which will be done. The parking lot would be prepared so anyone wanting to drop off children would be parked there for safety reasons on the road, no parking on Pacesetter Drive at all. The Chief said they could enforce the issue of parking with citations, but agreed the entire thing is up to the school. The report will be sent to the school.
3. Horensky said there was an open issue of the Emergency Management Coordinator. He had talked with Vergos and would like to fill the position. Horensky made a motion to make James Vergos Emergency Management Coordinator to fill the unexpired term, Elbassiouny seconded.
ROLL CALL: Horensky, yes; Elbassiouny, yes; Mueller, yes; Strunk, yes; Dempski, yes.
Horensky said he would like to see Thomas Cicerelle as Deputy, but this is an appointment made by Vergos.

NEW BUSINESS

1. A presentation was made by a representative of the American Cancer Society on using the pavilion area walking paths and adjacent fields to hold an overnight Relay for Life Event. The Mayor said a waiver would be required to use the park after dusk hours if this would be approved. Also, they would have to apply for a license through the Ordinance on Public Exhibitions through the Township Clerk. Strunk made a motion to allow the American Cancer Society to use the pavilion area walking paths and adjacent fields, providing they have complied with application requirements, Elbassiouny seconded. All were in favor.
2. Discussion on Coopersmith Payment on Electricity - no action taken.
3. Vouchers on Medina - Fascenelli said the vouchers had been given back because there was not three signatures. The Mayor said, with the exception of the \$4,627 voucher, all the others were covered by a transfer resolution in December. The Mayor said the vouchers with blue tags may require more discussion
4. Police Services Agreement - Horensky made a motion to approve the new police contract on outside work, Mueller seconded. Strunk said that he felt \$ 60.66/hr for outside overtime, it is an unrealistic cost in today's world where there is outside agencies that can do the same thing. It is something that should have been negotiated better in the contract and look forward to doing it in the future.
ROLL CALL: Horensky, yes; Mueller, yes; Elbassiouny, yes; Strunk, no; Dempski, yes.
5. Taxable Fringe Benefits - Fascenelli said there was concern regarding any clothing that was issued to the chief or cleaning expenses. Last year, they made this part of their paycheck, it is a fringe benefit. If clothing does not have the township logo on it, it is considered a taxable fringe benefit. She did not know if it was different for police chief or detective. Lavery said he would check with the auditor, because he did not know. Strunk asked the chief, on the car, would it be a fringe benefit? The Chief said that police officers and public works are exempt from taxable items. He said he had the paperwork to give to Finance on this.
The Chief said that police officers with unmarked vehicles are exempt from fringe benefit tax.
6. Insurance Enrollment Change - This was a termination of benefits for Fascenelli.
7. The Mayor handed out 2008 liaison lists to the Committee. He wanted to stress what three things a liaison is - (1) fosters communications between the governing body and various staff, (2) is an advocate, working

with department and making it better and (3) provides oversight. He stressed it is a communications vehicle. A letter will be sent out to departments advising their 2008 liaison.

8 Finance - Handled earlier in meeting.

9. Tax Assessor - Handled earlier in meeting.

10. CFO/Treasurer - Handled earlier in meeting.

11. A letter had been provided by Chief Mc Donald recommending appointment of Brett Morrow as Prosecutor. Elbassiouny made a motion to appoint Brett Morrow as Washington Township Prosecutor, Mueller seconded.

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

12. Elbassiouny had met with Thomas Bocko, Zoning Officers, regarding several issues in the Township on Enforcement. Elbassiouny asked that a schedule of complaints be submitted to him. He is to warn the person he is dealing with and have them sign it. There will be three strikes and you are out on zoning enforcement. Elbassiouny made a motion to appoint Thomas Bocko as Zoning Officer for a term of one year, term ending 12/31/08, Strunk seconded.

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

13. Engineer Transition - The Mayor said he been in contact with Medina Consulting Engineers and Finelli Engineering to make sure there is a clear and distinctive transition plan with associated costs to make sure they have the proper transfer of information from vendor to another. Strunk asked who the official engineer of the Township was for 2008.

14. Use of Salt/Grits - de Boer had prepared a report for the Committee on the use of Salt/Grits which was provided to Committee. There was discussion on the report. It was the consensus of the Committee that de Boer should make the decision on how to use the salt on roads.

15. Official Newspaper Review - The Mayor said there was concern about the legal ads being in the Star Gazette. After some research, an ad put in Star Gazette 67 times would run \$3853, same ad in Express Times would be \$49,714 and it would be 25% more than this amount with Star Ledger. The Township will remain with Star Gazette.

16. Building Project Workshop Meetings - The Mayor said the Committee will be holding Workshop Meetings on the new building. This would be restricted to discussion on the new building. All ordinances, resolutions, public interaction and new business will be done at the regular meeting each month. Strunk said as he has said before, the Township collects \$15 million dollars and a business of \$4 million dollars, they need two meetings a month to conduct the business of the Township. The Mayor said his main focus would be building related, but if something else needs to be put on, it could be done. The Mayor would like to see a second meeting, from February through August, the first Thursday of the month for workshop meetings. Each committeeman was to review their schedule to pick out a night. Fascenelli suggested that bills be paid and Elbassiouny wanted Executive Session, if needed.

17. Elbassiouny made a motion to approve Mayor David Dempksi to serve on Township Safety Committee, Strunk seconded. All were in favor.

18. Mueller made a motion to approve the Recreation Commission using the Meeting Room on Monday, February 25 from 7pm to 9pm, Strunk seconded. All were in favor.

19. Warren County Municipal & Charitable Conservancy Trust Fund Committee - The Mayor appointed Samir Elbassiouny to this Committee for the Township.

DISCUSSION ON NEW BUILDING

The Mayor said he had conversations with Coopersmith, who advised, without an architect he would be closing the building down in another few weeks. The Mayor said he would be reclusing himself from this discussion and left the room at 10:35 p.m. de Boer said there are a lot of unresolved issues. The contract states that the Township is responsible to have an architect employed at all times. The building is at a critical point right, they need to resolve the situation of a lack of an architect on the job. Any change orders or structural changes that are made have to be approved by a licensed architect. The Code and Construction Office will not approve any changes, unless the licensed architects seal is on the page. de Boer said it would be prudent and wise to get the architect back on the job as soon as possible.

Horensky said there is no money to pay him and that is why he is not on the job. They never went forward with the bond or anything before the Committee that would allow them to pay him. The issue has to be resolved before

they bring him back. Strunk agreed with Horensky, they have to focus on discussion on getting the architect back on the job. Strunk asked Fascenelli if they could create a line item for an architect and make it part of the temporary budget. Fascenelli said there is a temporary budget. Last year when they transferred money, the auditor approved the architect be included with the engineer. She will check with him and see if he feels it should be a new line item or whether it should be in Engineer O&E Budget. Strunk said that this will have to be resolved on Saturday at the budget meeting. The Mayor came back into the meeting. Strunk advised him that the Committee is not sure whether they have the ability to do a line item or appropriation for the money at this time.

REPORT FROM OFFICIALS

R.J. Strunk said that there is a new CFO and Treasurer in Finance.

Also, back in May there was system from Snap On ordered. They were paid some money. In October, they still had not had it delivered, so he requested Fascenelli to get the money back and cancel the order.

On the budget meeting, the Police Budget still has not been submitted. The Chief will provide a copy for the files.

John A Horensky said he had been to the Fire Department and Fire District Meetings.

Barry Mueller said the Recreation Commission reorganized. Mel Kries is Chairman and Walter Godfrey is Vice Chairman. The new playground equipment is in, waiting to be installed in February. They arranged for a dam on the canal. Also, a bench is being installed in memory of Dr. Wassar. They have installed a kiosk at the parking lot near the start of the walking trails with a map of the park on it.

Samir Elbassiouny said, on the Construction Office, one of the goals is that they look professional and have a uniform. He had an order for shirts and jackets in the amount of \$1009.48. They would all have Township Logo on with their title. They have about \$67,000 in the account.

Mayor David Dempski said he would be releasing the RFP's on February 19th for paving and sidewalks. He is getting a quotation from the Township Engineer to develop it. He is working with the Chief on RFP for security. He will be developing a data and sound system RFP.

He attended the Environmental Commission meeting on January 8th and there is a full Commission at this point.

On the Land Use Board, on January 9th they passed their budget. There was clarification on the hours for the Land Use Board Secretary. They are including \$20,000 in the budget to amend the Master Plan, which will come from Ordinance 2001-14. He also recommended that they include \$18,000 for the third round of COAH. This will not be spent until regulations are passed in June.

The Center Designation expired January 7, 2008.

The Mayor and Kerry Pflugh will be developing an attendance policy for Land Use Board. There has been problems with chronic absentees.

The Mayor appointed Steve Shareko as Alternate #2, term expiring 12/9/08, to Land Use Board.

On the Sigler Farm, he has asked the new CFO to develop a plan to satisfy the ordinance required as outlined in 2007-19. The cost to the Township would be \$2,271.15. They are taking proceeds from sale of AJR for this.

PAYMENT OF BILLS

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

ROLL CALL: Mueller, yes; Horensky, yes; Elbassiouny, abstain; Strunk, yes for the bills he signed; Dempski, yes.

EXECUTIVE SESSION

Horensky made a motion to go into Executive Session at 11:05 p.m. to discuss personnel matters, attorney-client privilege matter and contractual matter with shared services, Strunk seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 12:15 a.m., Mueller seconded. All were in favor.

Lavery said the record should reflect that the Committee came out of Executive Session at 12:15 a.m., where they discussed a personnel matter the police chief had regarding some letters received from the PBA, they discussed an attorney-client matter dealing with an inquiry he was requested to make, they discussed a pending litigation matter, which is the lawsuit regarding overtime and issues regarding the joint municipal court. No action was taken. Copies of the minutes will be available at such time the Committee determines that there is no harm to public interest.

Elbassiouny asked the Committee to please respect the privacy of the liaison - don't scope.

Horensky made a motion to adjourn at 12:16 a.m. Elbassiouny seconded. All were in favor.

Respectfully submitted,

Mary Ann O'Neil MMC
Township Clerk