

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
June 17, 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 7:35 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.

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

Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, and Pete de Boer, Certified Public Works Manager, were also present.

SALUTE TO FLAG

OLD BUSINESS

The Mayor said they would be discussing an item that is not on the agenda. It is regarding the continuing traffic calming project on New Hampton Road. There was a meeting with the residents on Friday, June 13, 2008 to hear their concerns. Thomas Quinn, Engineer from Medina Consultants, was present. As a result of that meeting, they wanted to come up with a potential compromise to implement the traffic calming measures for the New Hampton Road. Quinn was present and gave an overview of where they were on the project and the options. The Mayor asked that anyone wanting to speak come to the microphone.

Sharon App, 25 New Hampton Road, asked if the islands were still going to be skewed. Quinn said they are still skewed. They like the idea of skewing, because it works well with reflectors.

Anthony Tambasco, 70 New Hampton Road, is in favor of the new proposal. Tambasco asked about speed bumps. Quinn said they are beyond the scope at this time and a different item altogether. He said this would actually be a local issue.

Dean Springmeyer, 20 New Hampton Road, asked, Is the new island that is down at the intersection of Asbury Anderson and New Hampton Road positioned such that it will deter traffic speed? The traffic when entering New Hampton Road initially is somewhat slowed down, because it is a negotiated turn. They only begin to accelerate once they are on New Hampton Road. At that point, they will be past the islands, so the island will not have effectively deterred speed. Quinn said the island came about at a meeting at a gathering information meeting of the residents. Springmeyer said it is good they are putting an island on a straightaway somewhere. Quinn said it is the best place he can put it without impacting the residents.

Claire Tondreau, 61 New Hampton Road, thanked them for coming out last week to the neighborhood, remaining calm and having a good solution. She is pro-traffic island. The three island plan seems like a good compromise. If there is still an issue, she would be glad to have one down by her property.

Maria Reisenberg, 27 New Hampton Road, said she wanted to make sure there is no island to the west of their driveway. Quinn said there is none. She said, for the record, there were some concerns about certain neighbors and the convenience. It isn't a matter of convenience for her personally. She sent a letter to Mayor and Council, she has a medical problem and is visually impaired in one eye. It makes it hard for her to make a left turn. She said over 25% of her vision is lost in her left eye, which makes it hard for her to see what is going on. To put the island in the middle where there are kids riding bikes, walking, crossing the street, it could be a safety issue.

Palmer App, 25 New Hampton Road, had a written statement, which will added as an attachment at the end of the minutes. He has changed with the program that has come forward. #1 New Hampton Road wants it. The people on the flat do not want it. His concern was how this has been handled for the past 18 months. There were commitments that were made that were not kept, promises made that were not kept, communication did not occur. This could have been avoided back in 2006 and they could have arrived at a perfectly valid situation, or you would find out the majority did not want to waste \$70,000 of the tax money. Regardless of whether the State is paying for it or not, it is still out of their pockets.

The Mayor said some of the concerns residents brought up were that some islands were installed along River Road in Hunterdon County by the Freeholders and were not maintained well. Is there a way of switching to brick pavers or Belgium block pavers to fill up the center of the island instead of landscaping. Quinn said the DOT said they would also consider this.

Dean Springmeyer said he is in favor of traffic calming and the original plan. He lives on the flat part of the road

and wants the traffic calming. The majority of the neighbors are also in favor of traffic calming that live on the flat part of the road. There are some that do not care.

The Mayor said there was a break down in communications and for this, he did apologize. He wanted this as part of the record.

George Polachak, 48 New Hampton Road, presented a letter from Joann and Gordan Wallace, 43 New Hampton Road, asking the letter be made part of the minutes. They were unable to attend due to other commitments. They thanked Mayor Dempski and Deputy Mayor Strunk for meeting with them on the issue. Though some oversights may have occurred, we need to address the issues at hand. No finger pointing please. Though the issues of speed and expedience was addressed at the many bridge upgrade meetings, there was never a true consensus how that would be managed. Traffic calming devices were proposed, yet we now see them without input from our neighbors. Their impact on our street is the issue. I am not an engineer, but I do drive and I submit many mailboxes will be demolished per the present design. We oppose any additional signs, road striping or caution marks on our beautiful street. We respectfully ask for your input to our concerns.

Polachak said as far as he was concerned they do not need any of this. He listened to his neighbors complaining about people flying off the bridge, there has never been any studies. So he did the "Bat out of Hell Study." He drove like the car was stolen and he was being chased by the cops, he could get the bridge at 25 miles per hour. There is a sharp right, then a sharp left, he could get his truck to 35 miles per hour to the first driveway. The second driveway he could get it to 40 miles per hour. He has never seen anybody come off that bridge the way he drove the other day. The road at the bottom goes from 34 feet down to 16, they do not need a traffic calming device. There is already one down there. They do not need it, they don't want it. It has snowballed out of control. The Committee has gotten approvals and now you want to get further approvals. He does not want it on his street, there is no compromise in his opinion.

Nita Swinton, 49 New Hampton Road, said she did not want any islands.

The Mayor asked Quinn where they stand with the DOT getting approval for any type of changes in either direction. Quinn said if he is authorized, he will submit proposed drawings to DOT and do an amendment to the application.

Nita Swinton asked when they will be making the final decision on this?

Several other people stood and made comments, but never came to the microphone to give name and address.

Mary Ann Polachak, 48 New Hampton Road, said she does use the road, she walks on the road. As a matter of fact, she walks up the middle of the road just to prove a point, there is no traffic. These are considered traffic calming devices, she believed you need traffic for it to be calm. The NJDOT awarded this grant, their mission statement is improving lives by improving transportation. She did not feel this was improving their transportation on the street. She is worried about today and how it affects her life. She is not a crusader, she does not care about anything that goes on unless it affects her life. That is why she is at the meeting. She is concerned about the children on the street. As a matter of fact, her children did play on the street, as did many others. It is a calm street. She is concerned about the kids in the neighborhood. If you put another obstacle in, you would have no place to go if you try to avoid children.

Sean Murphy, 105 Brass Castle Street, said he has to ask, living on Brass Castle Road, can he get a few of the calming devices. Can every street in Washington get them? He doesn't know of anybody that lives in a residential neighborhood who does not think that once in a while somebody drives too fast down the road. If you give it to one street, you should give it to all of them. How much would that cost? It is coming out of the State Budget, he pays those taxes too. He said this should have been thought out better. He asked if anybody looked into active speed limit signs that flash the light. If this is a solution, when is the one on Brass Castle coming. Quinn said that Brass Castle is a County Road. He said he knew this, but there were many other township roads, how many are you going to put on them?

The Mayor said they will try to rework this from the DOT standpoint, but they need authorization to get the plan reworked as it stands with the changes. If that was forthcoming, they would have the plans to review them, the final set of plans, for the residents once again prior to any active construction, provided they get approved. The Mayor asked for a motion to authorize Tom Quinn, Township Engineer, to rework the plans with NJDOT to reflect three islands, removing the landscaping and placing an impervious cover of brick or as he sees fit. Strunk said since he attended the meeting, and understands that some people want it and some people don't, he would make the motion put forth by the Mayor, Elbassiouny seconded.

Horensky asked if the Fire Department has looked at this. Quinn said he met with them previously, but it was not

the three island design. They were talking how they would modify the six islands and how they would modify those. They had gone down to five and they had no issues with it. He would like to see something from the Fire Department that they are comfortable with this design.

Horensky asked Quinn what is DOT's position when projects are initiated and then withdrawn, what is the position regarding future funding for the Township. Quinn said what the DOT does is, when they receive an application from a municipality they basically score it and the score reflects the history with local aid grants. So, if you fail to finish jobs or if you end up not utilizing the aid, those things all affect the score for future applications. The score is affected if you turn back money. Horensky would like to know how the score is affected, Quinn said he could not get an answer on this. The question came up, could the funds be diverted to another project, such as Pleasant Valley Road? Horensky asked Quinn to check into this.

de Boer said he had an alternate. If they have to use the money, they could put the one island on the end of New Hampton Road. An alternate plan could be to put double yellow lines down the road and white lines on the side. Quinn said he will address all issues and try to come up with an alternative. Once this is developed, the Mayor said he will communicate with residents.

Strunk made a motion to amend his motion to ask the DOT about the project, after input from the citizens on New Hampton Road, for exploration purposes to see what the options would be to compromise and redesign, Mueller seconded.

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

RFP PROPOSALS

Lavery said he had reviewed the Network Installation RFP. Elbassiouny made a motion to accept the proposal from JDM Group, Harmony Township, New Jersey for Network Installation for \$21,100, plus \$300 for virus update, \$1120 for Municipal Software to take a day to transfer everything over to the systems and \$500 for Vital to do their transfer, for a total of \$23,020, excluding the high speed internet connection, Dempski seconded. Strunk said his vote will reflect that he is still against the total scope of the physical building project that they have gotten into, but this particular thing, whether they had a more conservative building or this building, they still would have to do this work, so his vote will reflect that opinion.

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

The Mayor withdrew from any conversation on the internet provider. After discussion, Strunk made a motion that Comcast be the internet provider for the Township at \$99 a month, Elbassiouny seconded. The Mayor said the Township had received ten years of free internet service at \$100 a month, so this will not cost the Township anything for ten years. Pete de Boer will be the contact person that John Malanga works with.

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

There was discussion on the training of the employees on the new system. Malanga said they will need some instructions and he would be willing to help. Malanga said he would be on site, when necessary, to help people along.

Mueller made a motion to authorize the purchase of Microsoft Professional 2007 for 20 seats, via the State Contract, for a total of \$8280.00, for Microsoft Word, Microsoft Excel, Power Point and Microsoft Outlook and a data base program, Elbassiouny seconded. This would be for both networks (Police & Administration)

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

There was further discussion on using JDM Group to take care of computer/internet. Horensky said this would be a separate contract for the on call/ongoing maintenance. He said further information should be obtained on having the system maintained and up and running when it is needed. John Malanga, from JDM, said he would be glad to put this in a contractual arrangement. Lavery said there is an exclusion on this service with State Contract. Horensky would like this done in the most expeditious way within the confines of statutes and regulations. Elbassiouny suggested an \$80 hourly rate with a cap. Lavery said he will check, because he thought it was excluded under Public Contracts Law and will confirm tomorrow. If it is not exempted, then the Committee would have to, if its over \$ 17,500 get bids, if under \$17,500, but over 15% of the bid threshold, you have to get three bids, under the 15% you do not have to get any. You should always get three quotes. He will check this tomorrow.

Lavery had reviewed the Audio Recording System received from Gramco Business Communications. Lavery said his initial review shows that it seems to be lacking a separate Scope of Work or Qualifications Statement. If the Committee is inclined to award the bid, there are documents which include both of these. The proposal cost from RFP required that a specific table be used, which was not done, but one similar to it. The award could be done, subject to legal review. The Mayor said there are three portions of the price quotation. There was further requirements of 15 microphone bases for gooseneck and the question was asked, could this be done for no cost. The representative will call his partner and come back into the meeting later.

PROCLAMATION

The Mayor read a Proclamation for June 28, 2008, which would be Michael Clark Day. He is a youth in the Township and his family has been very involved in the community for many years. He has been diagnosed with a serious medical issue and there will be a "Walk for Mike Fund Raiser on June 28, 2008.

ORDINANCES

Horensky made a motion to open Ordinance 08-11, Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend, Revise and Supplement Chapter 59, "Construction Permits," Article I "Waiver of Fees," of the Code of the Township of Washington to reorganize this article to add a Section for Waivers for Non-Profit Corporations, to the public, Mueller seconded. All were in favor. Nobody from the audience wished to be heard. Horensky made a motion to close the public hearing, Elbassiouny seconded. All were in favor. Strunk made a motion to approve Ordinance 08-11, after public hearing and second reading, Elbassiouny seconded.

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

Elbassiouny made a motion to approve, on first reading, Ordinance 08-12 Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 123 (Zoning) of the Code of the Township of Washington to clarify uses permitted in the Village Core Area and the Non-Village Commercial Area, Horensky seconded.

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

Public hearing and second reading will be Tuesday, July 15, 2008.

OLD BUSINESS

1. Shared Court Contract - The Mayor said there had been a compromise and the Township could get out of the contract after 1-1/2 years. The term time is three years, but the out time is 1-1/2 years. Horensky made a motion to authorize the Mayor and Municipal Clerk to enter into an Interlocal Government Agreement with Mansfield to share the Court, Strunk seconded.

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

APPROVAL OF MINUTES

Strunk made a motion to approve the Executive Session Minutes of April 14, 2008, Elbassiouny seconded. All were in favor.

Strunk made a motion to approve the Workshop Meeting Minutes of May 1, 2008, Horensky seconded. All were in favor.

Elbassiouny made a motion to approve the Regular Meeting Minutes of May 20, 2008, Mueller seconded. All were in favor, except Horensky who abstained.

Strunk made a motion to approve the Executive Session Minutes of May 20, 2008, Elbassiouny seconded. All were in favor, except Horensky who abstained.

RESOLUTIONS

The Mayor asked if any resolutions should be pulled, otherwise one consent motion will be made. A request was made to pull 08-92 and 08-88. Horensky made a motion to approve Resolution 08-86, 08-87, 08-89 through 08-91, 08-93 and 08-94, Mueller seconded.

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

08-86 Liquor License Renewal for Daya Wine & Liquors, Inc., t/a Town & Country Liquors

08-87 Liquor License Renewal for Hawk Pointe Golf Club L L C

08-89 Liquor License Renewal for Pohatcong Home Association, VFW

08-90 Liquor License Renewal for Roaring Rock, Inc.

08-91 Liquor License Renewal for Washington Twp Liquor License Holding Co., t/a Ocino

08-93 Resolution of the Township of Washington, County of Warren, Authorizing the Sale or Donation of Municipal Personal Property no longer needed for a public purpose, pursuant to NJSA 4a:11-36

08-94 Resolution Approving Washington Township Municipal Alliance Applying for 2009 Grant

Mueller made a motion to approve 08-92 Liquor License Renewal for 31 Y3, t/a 31 Steakhouse & Ale, Horensky seconded.

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

Strunk asked for a motion on Resolution 08-88 Liquor License Renewal for Oakwood Lanes & Sport Scene Restaurant. Horensky made a motion to approve Resolution 08-88 Mueller seconded.

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

REPORT FROM STAFF & PROFESSIONALS

de Boer said, even though it was a holiday weekend for the next Workshop Meeting, he would like to see a

meeting be held to pay the bills. He will also address the telephone system at that time as well.

Chief Mc Donald's Reports were handed out to the Committee.

PUBLIC QUESTIONS AND CONCERNS

Sean Murphy, 105 Brass Castle Road, wanted to address the cost of building permits. He wanted to renovate his existing deck, which had ran approximately \$25,000 and the permit to do it was \$1,000. This has made him not want to do it. He asked why the permit was so high and why it was tied to the actual cost of the deck. He found out the cost breaks down to \$875.00 for the building permit and the State Charge is \$34.00. Why should the dollar amount of the project itself affect how much it costs to approve the plan and inspect the project? Elbassiouny said it is done by formula. The Township has their own Code and Construction Office and the rates were just reduced. Murphy suggested that they consider the fact that some projects are just renovations of something that already exists. What is being inspected is something that was already there and is simply brought back to a level of being safe and serviceable. Elbassiouny will look into this and give Murphy a call on the project.

RFP PROPOSAL

Elbassiouny made a motion, pending legal review, to approve the RFP, with the exclusion of the System 1, Mueller seconded. Gramco agreed to provide 15 40117 microphone bases for gooseneck., installation and one year warranty at no charge. Strunk said, just as he stated before, he was opposed to this Scope of Structural Building Project, but this would something that would be included in any building project.

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

NEW BUSINESS

1. Mueller made a motion to approve the Recreation Commission using the Meeting Room on June 18, 2008 at 7:00 p.m. to hold a workshop to discuss field usage, Elbassiouny seconded. All were in favor.

2. Strunk made a motion to approve the Washington Township Panthers Football Team to use the meeting room on Friday, June 20 from 6pm to 8pm and Friday, June 27 from 6pm to 8pm for coaches meeting, Mueller seconded. All were in favor.

REPORT FROM OFFICIALS

Barry Mueller had no report.

Samir Elbassiouny asked if the Mayor had looked into the COAH secretarial work, if it could be paid out of a grant. The Mayor said he is wrestling with how they may not even be going to be taking part in COAH. They just passed some serious bad laws. The Mayor will get back to him.

Also, they had money in the budget for the Code and Construction for a temporary position for 5 to 10 hours, when they got busy or to fill in for vacation time. Chris Rose, Code and Construction Officer, and Carolyn Quinn, Technical Assistant, will be doing the interviewing for this temporary position. The Mayor recommended that Elbassiouny be a part of this process and the recommendations be brought back to the Committee. Strunk asked the reason for this person. Elbassiouny said it would be to fill for vacation hours and any overload at work, because this is the busy time of year.

Richard Strunk said, as far as Finance, Barbara Emery requested that Wayne Hartmann, financial consultant, be temporarily be allowed an additional 5 hours a week to try to deal with coming up to speed with the situation left in the Finance Office. It would only be necessary for four weeks. Strunk made a motion that Wayne Hartmann, financial consultant, be authorized to work an additional 4 weeks, effective immediately, Mueller seconded.

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

Strunk said a situation has arose with the previous Tax Assessor going through a health issue. They have hired Lydia Schmidt, his wife, as the new Tax Assessor. She is requesting that Craig Batten be given the keys to the Township Offices, to represent the Township until Lydia is able to return. Strunk made a motion that Craig Batten be given the keys to the Municipal Building, Elbassiouny seconded.

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

Mayor David Dempski said he had referred a matter over the Comcast Ordinance to Lavery. Comcast had agreed, as part of the franchise, to do additional work in the schools. Now, Comcast is saying they do not do that work. Lavery will send a letter to Comcast stating they have not lived up to their bargain, we believe the agreement says you are required to do this and let them respond.

The Mayor said the Recreation Commission wants to get a quotation to have a Phase I Study done on the Aero Gyro Fields. It is a public project, there should be a Phase I and a soil sample. The total cost for the Phase I Assessment would be \$2100 and the sampling would be another \$2500, to come out of the Open Space Trust Fund, pending the availability of funds, if it is approved tonight. They will be collecting eight soil samples approximately one sample every five acres and have the samples analyzed for lead, arsenic and organic pesticides. Horensky asked if Accutest is a certified NJ Laboratory and is still on the list. Dempski made a motion to accept

the bid from Keating Environmental to perform Phase I and Soil Sampling, on the condition of availability of funds and that Accutest is still a DEP Certified Laboratory, Horensky seconded.

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

The Mayor has followed up with the person who bought the Administration Building for the status of things. Everything is going well with the State, but they may require installation of some additional light/signals. However, the County wants the telephone pole removed, realign the right and left lane. The purchaser wants an extension to work out the problems with the County. Elbassiouny suggested a letter be sent to David Dech in the County advising the problems with moving pole and relocating road and the detriment it would be to the taxpayers. Strunk made a motion to approve the 30 days extension to the purchaser of the property, until October 17, 2008, and it would be the only extension allowed, Mueller seconded.

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

EXECUTIVE SESSION

Elbassiouny made a motion to approve Resolution 08-95, Resolution to go into Executive Session at 10:50 p.m for the purpose of potential litigation., Horensky seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 10:55 p.m., Mueller seconded. All were in favor.

Lavery said the Committee came out of Executive Session at 10:55 p.m. where they discussed a potential litigation regarding a drainage issue. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

OTHER

The Mayor said that de Boer had worked with the engineer to update the Pleasant Valley Road, Section II, Grant and develop a grant for the overlay of Bowerstown Road. The process has changed with the State and it is now electronic. So, before you can authorize the grant, you have to submit an application before June 20th. The engineer updated the plans and the application will be submitted. The resolution authorizing this would be done at the next meeting, if the Committee sees fit to do it. Horensky made a motion to authorize Finelli Engineering, Township Engineer, to submit a grant application for the Pleasant Valley Road, Section II and resurfacing of Bowerstown Road, subject to a final resolution approving the project at the July meeting, Elbassiouny seconded. The engineering fees will come out of the DPW Road Budget. Strunk said this is fine, as long as he is not cutting into the oil and chip program.

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

PAYMENT OF BILLS

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

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

ADJOURN

Elbassiouny made a motion to adjourn at 11:00 p.m., Horensky seconded. All were in favor.

Respectfully submitted,

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