

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
May 20, 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 and 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; Mueller, present; Strunk, present. Horensky was absent.

Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Pete de Boer, Certified Public Works Manager, Police Chief James Mc Donald and auditors Dave Evans and John Mooney were also present.

SALUTE TO FLAG

ACCEPTANCE OF AUCTION BIDS

The Mayor said an auction had been done at the beginning of the month for the Administration Building Property at the Corner of Brass Castle and Route 57 and a residential lot that was sold on the same date. The total proceeds for the Administration Building was \$850,000 and the property was \$135,000. The Committee will consider either accepting or rejecting these bids tonight.

Strunk made a motion to approve the price of \$850,000 for the Administration Building, Mueller seconded.
ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Dempski, yes.

Strunk made a motion to approve the price of \$135,000 for the residential property, Elbassiouny seconded.
ROLL CALL: Strunk, yes; Elbassiouny, yes; Mueller, yes Dempski, yes.

PUBLIC HEARING/ADOPTION OF 2008 BUDGET

Strunk made a motion to open the 2008 Budget to the Public, Resolution 08-77, Mueller seconded.
ROLL CALL: Strunk yes; Mueller, yes; Elbassiouny, yes; Dempski, yes.

The Mayor went over the structure of Financing and the Budget Procedure. He said a public hearing of the budget is required, so the tax payers can be informed and ask where the money will be spent. They will be reviewing the budget and municipal services. They will be going over the tax rate and look at the State Mandated Impact. He and the Committee had nothing to do with the budget being increased.

Dave Evans, Auditor, said that Washington Township, like many other towns in New Jersey was faced with a very difficult job in 2008. For the first time, not only was the municipality subject to the expenditure cap, they were also subject to a tax levy tax. In addition, they were faced with a very large pension increases for which they had no input as to the amount and very large decreases in state aid. The proposed increase in the tax rate is caused entirely by State Mandates, by reduction in State Aid, increases in contributions for pension costs. The budget being introduced shows a tax rate increase of 4.4 cents. That entire amount is caused by forces external to Washington Township. The State cut the Township Aid approximately \$200,000 and will be giving back \$28,000, which comes to about \$10.00 per tax payer a year. Evans said, even though they were adopting the budget tonight, the State will not certify the Tax Rate until the State Budget has been adopted.

The Mayor did an excellent presentation on the entire budget process, from asking for the budget requests from each department, budget meetings and the adoption of budget. A hand out of the presentation was available to the public. The Mayor asked if there was any questions from the public, there was none. Elbassiouny made a motion to close the public hearing, Strunk seconded.

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

The Mayor asked for a motion to adopt Resolution 08-77, 2008 Budget. Mueller made a motion to approve Resolution 08-77, Dempski seconded. The Mayor asked if there was any discussion on the budget.

Strunk said he wanted to compliment the Mayor on the presentation. It was one of the most thorough presentations of a budget ever done. It was a good attempt of the budget, but unfortunately he disagrees with some of the areas. The Township is approximately \$6 million in unfunded debt, that he has said for a long time should be put into permanent debt, with permanent bonds. Some of this debt is over 4 years old and the Township has only been paying the interest on it. This is not good business. The auditor suggested in 2007 that this debt be addressed later in July of 2007, which was not done. Hopefully, the debt will be reduced approximately \$1 million dollars with the sale of the property. In not addressing this debt, unfortunately, they went into a new municipal building project without a properly funded budget of knowing how much we would necessarily have to have the tax payers pay to finance that building. He said this may have put an undue burden on the tax payers for that building project. He often, in the past, has made constructive comments on the building projects, as well as others, unfortunately, none of the views were taken. Frankly, it has turned into an over designed, under funded, poor conception, poor choice of design building nightmare. They should have put

this type of Taj Mahal expense on hold until they truly understood what the cost was going to be to the taxpayers with the outstanding debt at that time. He believes they should have directed the Public Works Budget Portion to a more continued road preventative maintenance program regarding an oil and chip program. He had, in November 10, 2006 sent a communication to the Committee that they are about seven years behind in the preventative road maintenance program. He did not believe, without installing this program back in again that they will be forced to borrow additional money to cover a road improvement project. He would include the communication in his comments tonight, but it is rather long he will hold on that and just include with comments. They have had a good attempt at the budget, but his vote unfortunately will reflect his concern.

Elbassiouny said that through the process, he wished that Strunk had actually put some numbers up instead of coming in and saying he is against the budget. The full committee participated and at no time did Strunk present any line items or an actual plan, except saying "we have a big debt." Elbassiouny said he requested from Strunk to come up with a plan and that was never presented.

Strunk said, in reply, he did at the time of the budget suggest that they should reduce the salt by \$20,000 and go back to a past policy practice. The Committee decided to go a different way, so he did offer a constructive alternative. Elbassiouny said, they use less of the salt, than mixing salt and grit, which would have twice as much salt. The Mayor asked that this conversation be ceased. The Committee has a lot of other tough decisions to make and this was not the time for this. He asked for a motion to adopt the budget.

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

PROCLAMATION

The Mayor read a proclamation designating May as Older American Month.

APPROVAL OF MINUTES

Strunk made a motion to approve Session II, Item III from the Executive Session Minutes of January 15, 2008, Elbassiouny seconded. Strunk said, regarding these minutes, he continued to request that these minutes be made part of the public minutes. He said that anytime a police chief brings allegations against a committee person regarding conduct, it should be made public. The public should know how its committee members are conducting themselves. In regard to the allegations, he will continue to investigate information brought to his attention to verify accuracy regarding conduct of any township employee and the way township equipment is used. This is one of the areas they are elected to do for the Township is to man it properly and make sure the employees conduct themselves properly and insure township equipment is purchased and used as the committee directs. This may not make everyone happy at all times, but activities may need to be monitored and sometime changes occur. In regard to the one letter from the Chief and the tickets issued by the police department. In a short period of time in early 2007 for parking commercial vehicles on his property, that since 1985 on his 8 acres there have no complaints or action taken with regard to this issue. Immediately, upon receiving the chief's letter of January 2007 he applied for Farmland Assessment to make sure he complied with township ordinances as the chief requested. As to the fourth ticket, he let the court system take its normal course of action and in May 2008 two tickets were dismissed, he paid the fine on other tickets on zoning violations. Now with the appropriate change he has complied, but many of the other townships residents that do not have the designation. He hoped, in other cases of similar instances regarding zoning, that the township is able to investigate and act as promptly, quickly and thoroughly. From his perspective, he continues to move forward and work as an elected township official and make sure the township works efficiently and properly and when not, he will investigate information to make sure corrective action is taken.

Police Chief Mc Donald said, in reference to the letter in January, he did get a complaint from a resident, he sent the letter as a courtesy to ask him to move the vehicles. He got a call back in March from the same person that called originally wanting to know why they did not respond, questioning whether this was preferential treatment for a former committee member and member of many boards. At that time, the summons were issued. At no time did Strunk advise them that he had the farmland assessment. Subsequently, a month later he was issued the second summons, because of the same complainant calling because this had not been corrected. The responsible thing would have been to advise he had farmland assessment or move the vehicles. If they had known he had the farmland assessment they could have let the complainant know and that he was not receiving preferential treatment, but he was in compliance with the law. Strunk said he received the farmland assessment in November. It did not have the farmland assessment when he received the letter from the Chief or summons.

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

Strunk made a motion to approve the Workshop Meeting Minutes of April 3, 2008, Elbassiouny seconded. All were in favor.

Strunk made a motion to approve the Regular Meeting Minutes of April 14, 2008, Dempski seconded. All were in favor.

Lavery asked that the Executive Minutes from April 14, 2008 be held over for the June meeting.

ORDINANCES

Strunk made a motion to open Ordinance 08-10 Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 123, Section 123-2, to amend the definition of Service Stations to permit Service Stations with Convenience Stores as a Conditional Use in the HC and GC to the public, Mueller seconded. All were in favor. Nobody from the public wished to be heard. Elbassiouny made a motion to close the public hearing, Strunk seconded. All were in favor. Strunk made a motion to approve Ordinance 08-10 after public hearing and second reading, Mueller seconded.

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

Strunk made a motion to approve 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, Mueller seconded.

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

Public Hearing and Second Reading will be June 17, 2008.

RESOLUTIONS

Resolution 08-78 Resolution of Intent to Appeal COAH Regulations 08-79 and Resolution of Intent to Appeal COAH Regulations/NJSLM were pulled for discussion.

Strunk made a motion to approve Resolution 08-80 Resolution of the Township Committee, the Township of Washington, County of Warren, State of New Jersey Covenanted to comply with the Provisions of the Internal Revenue Code of 1986, as amended, applicable to the exclusion from Gross Income for Federal Income Tax Purposes of interest on obligations issued by the Township of Washington, Authorizing the Mayor, Township Clerk, Chief Financial Officer and other Township Officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$4,397,727 Bond Anticipation Note, Dated May 15, 2008 and payable May 15, 2009, as a "Qualified Tax Exempt Obligation" Pursuant to Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended, Mueller seconded.

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

No action was taken on Resolution 08-78 Resolution of Intent to Appeal COAH Regulations.

Elbassiouny made a motion to approve Resolution 08-79, Resolution of Intent to Appeal COAH Regulations/NJSLM in the amount of \$500, on the availability of funds, Mueller seconded.

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

REPORT FROM STAFF & PROFESSIONALS

de Boer said he had several items and would give his report later in meeting.

Chief Mc Donald had passed out his Monthly Report and Overtime Report.

OLD BUSINESS/DISCUSSION Heritage Conservancy

Mueller made a motion to approve Resolution 08-81 - Resolution of the Township of Washington, Warren County supporting the Concept of a Scenic Byway, Dempski seconded.

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

NEW BUSINESS

Item 3. The Mayor said a copy of the Extended Share Court Agreement had been passed out to the Committee. The Mayor said proposed agreement including salary and wages and operating expenses were shown. There has been nothing but good things with the shared court, it has been a pleasure and joy to work with the Mansfield Personnel. The Mayor had no problem with agreement as it stands. Elbassiouny would like to see an "out clause" put into the agreement. Lavery said it is whatever they all agree to. Elbassiouny said there may be other possibilities down the road. A Mansfield Representative was present and stated, "If it isn't broke, why fix it?" Elbassiouny said there may be some prospects that may affect the agreement, so is looking for an out clause. Nothing may ever happen, but they need time to study it. A revised agreement will be presented to the Committee at a future meeting for discussion.

PUBLIC QUESTIONS AND CONCERNS

Dan Rosamilia, 69 Springtown Road, The Mayor secluded himself from the meeting at 9:13 p.m., because this indirectly affects one of his neighbors. R J Strunk, Deputy Mayor took over the meeting. Rosamilia said he has a Military Venders Permit which permits him to vend and sell anywhere in the State of New Jersey. He has been trying to set up at the ball fields to sell and is also involved with Little League, Soccer and other events in the

Township. He said some of the codes that were recommended to him do not apply to him. It is a hot dog cart with a registration plate and not a fixed building, it is not a fixed structure. He had a letter from Thomas Bocko, Zoning Officer, which states that ,” yes he is exempt from getting a license from Washington Township” , although he states, in his opinion other ordinances preclude the proposed stationary hot dog vending cart. Rosamilia said it is not stationary, it is registered and has a trailer plate, which makes it mobile. Soliciting is also mentioned, but he is not going door to door to sell. He felt the information supplied by the Zoning Officer do not apply to him and he wanted to know why he can’t set up a hot dog stand.

Lavery said there is no questions that veterans are entitled to a Veterans Exemption. The problem is, even if you are exempt, it does not exempt you from the application of local ordinances. Lavery said this is coming down to is it a fixed stationary thing, but he will give Bocko a call and see what the problem is. Lavery said he is entitled to the license, he is exempt, the issue is, the cart and the ordinances. Once Lavery talks with Bocko, he will give Rosamilia a call on the status of the discussion. Strunk asked, based on Lavery’s conversation with Bocko, can this issue be resolved without this man coming back to the Committee. Lavery said if Bocko signs off on this, there would be no problem. The Mayor came back into the meeting at 9:25 p.m.

Jonathan Grdovic, 7 Baltusrol Avenue, said he just wanted to encourage the Committee to fight the new COAH Regulations with all they have. Lets not be fooled that this is a tax and the simple fact that the entire Council on Affordable Housing is not elected, they are political appointments that nobody here had anything to say about. This is truly taxation without representation and it needs to be fought. Fight the thing!!
(Ended at 9:30 p.m.)

NEW BUSINESS

Item 1. Elbassiouny made a motion to approve the Relay for Cancer at Meadow Breeze Park for May 30 and 31, Mueller seconded. All were in favor.

Item 3. Shared Court had been discussed previously

Item 4. Habitat Fee Waiver/Ordinance had been introduced.

Item 5. Strunk said he, Elbassiouny and Barbara Emery, CFO, had met with a Sweat and Walters Representative (current carrier of health insurance) on health benefits. He had given them a proposal which increases the health insurance by approximately 3%, with a slight change in coverage. Right now if you have to go to a specialist, the co-pay is \$20, but with the new plan it would go to \$50, but the Township picks it up anyway. They would save approximately \$1200 a month with this plan. Elbassiouny made a motion that the Township continue coverage with Sweat and Walters for health insurance coverage, Strunk seconded.

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

Item 2. New Municipal Building. de Boer said he wanted to discuss the project schedule as presented by the handout. The project is slightly ahead of schedule, to be done by August 1, 2008. He projected it would be done shortly after July 4, 2008. Every day after this Friday, excluding Memorial Day and July 4, they are paying \$676 a day per the contract.

On Change Order 19, he did not want any decision on this tonight. This was for future discussion at the Work Shop Meeting in June. He will be giving all the specifications to Horensky to review on this.

de Boer said he had a critical item and he needs direction from the Committee. This was the warranty on the Efis. The Efis is the stucco on the exterior of the building. After discussions with the architect and Coopersmith, what you will have on the building is a five year warranty on the Efis. The manufacturer gives the warranty, depending on the project. Every Efis project is different on each building. To get the warranty you call the manufacturer and he gives you the warranty after he looks at the issues. The issues are the windows. The manufacturer will give a five year warranty on where the windows are now - or - take the windows out and do application as shown on page two of information, which would cost \$4600. The wrap would then be put inside the sill and the warranty would go up to ten years. After discussion, Elbassiouny made a motion to approve Change Order 20, the additional \$4600 funds, based on availability of funds, for the ten year warranty, Dempski seconded.

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

de Boer gave Phase I Quote to the Mayor. The Mayor asked de Boer to get more information on the sampling of the land.

The Mayor said that he had an individual on the Land Use Board who is also an attorney and baseball coach. When they are at D3, far baseball field in the old section of the park, a normal game, the balls are going perpendicular to the softball field. You have people in the softball field looking one way and there is the possibility of balls this way. These are high school athletes that can hit a ball well into the softball field without trying. He suggested, the bleachers do not have screens in front of them, so people are looking one way for balls and not another. He thought this was a safety liability not to have this area screened for the balls coming from the field He also suggested putting up signs stating “Park at Your Own Risk.”

de Boer gave a report on a course he recently attended at the New Jersey Law Center on Playground Safety and gave an overview of the law.

deBoer said that at the playground one of the dragons has been destroyed and it is being looked into for insurance coverage. The Clerk said she has reported it already, she is waiting for an accident report from the police to submit it. He said, after the class, he will be keeping better records and more inspections. He will have Jeff Cooper do a walk around and an inspection. Jeff Cooper had previously been approved to attend a course as Certified Playground Inspector, but the class was cancelled. They are now waiting for the next course and will sign him up. de Boer said, even if you have your own person, it is better to have an outside audit because they share in some of the liability should you ever have a claim against you.

de Boer attended a Public Employees Occupational Safety and Health Program (PAIC) for the Township. Each Township must designate an Indoor Air Quality Person (IAQ). Each employer is required to prepare a written plan describing how they will meet the obligations under the plan. After discussion, Elbassiouny made a motion to approve Resolution 08-82, making Pete de Boer the Air Quality Person for the Township, Dempski seconded. ROLL CALL: Elbassiouny, yes; Dempski seconded; Mueller, yes; Strunk, yes.

de Boer asked if the Recycling Ordinance could be revised by Lavery. He will review the ordinance and report back at the next meeting.

REPORT FROM OFFICIALS

Barry Mueller had a report on the dragon that was broken at the park, but it does not include the certified installation. It will probably run around \$8,000 to install. Elbassiouny said to make sure the report is not submitted until all costs, plus installation is received. The Clerk will submit once she has a revised estimate on the dragon and a police report.

Mueller said the Recreation Commission reviewed the Use Fees of the Park and made some recommendations if they want to follow through with them. He distributed a sheet to the Committee to review and if it was approved Lavery could put it into ordinance form. Mueller also asked Lavery if he was working on the previous changes given to him. The Clerk said the previous changes had been given to Katrina Campbell when she sat in for Lavery at a previous meeting. Mueller said they could be done together. The Mayor asked why there were two pages. Mueller said the bottom sheet was the old sheet. The Mayor said they took out the multi use of the fields and wanted this put back into the ordinance. He did not know who got it in their head that they built Meadow Breeze Soccer Stadium, it is a stadium for everybody. He would not consider passing this ordinance unless the wording is put back in, it is a multi-use park.

Elbassiouny said it should be broken down, not by club, but by team. So, if a club, instead of having 35 teams and putting them in as teams, this is where the usage comes in. So you make a low number per club and then additional for every single team that goes into it, which would bring in more money. So, if the people that play soccer want to form a team, they pay more money and should be entitled to play. The Mayor said that he has heard from members of the Recreation Commission make statements in public which govern their selection of fields that sport x was not qualified to use field a, because field a was only for sport b. Elbassiouny asked, why should one particular club use the field 80% of the time and are paying the same as a club. The Mayor said he wants to make sure the fields are for multi-use only. The Mayor said what he is seeing now is very exclusion. The language needs to be reinstated that the fields are available for soccer, baseball, softball, field hockey and lacrosse.

Samir Elbassiouny asked on the waiver of fees ordinance introduced tonight, does that mean anybody with low income would be exempt from the fees as well? Also, it says construct, so if you having a developer come in and say, put 800 units of affordable housing, technically they would be exempt from the fee. Lavery said it has to be a non-profit organization. The language put into the ordinance is right out of the State Statutes. You cannot pick and choose, the State decides, "If you want to exempt these types of houses," you have to do by ordinance and this is the language you must put in the ordinance. There is no flexibility in this.

Elbassiouny said that Carolyn Quinn had been appointed to be COAH Administrator. She went to the State Seminar and there is certain work that she is required to do. With her work load, she does not have the time to be able to do some of the COAH work, so she was wondering if she could get more hours to do this, or how it would work. If she received more hours, it would put her in the full time status, which he really did not want to do at this time. Elbassiouny asked, with some of the COAH fees collected, could she be paid a stipend for doing the work. The Mayor say, with the development fees that are being charged, you can take 20% for administrative work. There is a waiver to do some spending, but he was not sure. The Mayor said, for the amount of work she is doing, he did not know what dollar value to put to it. Most of the work being done is being done by the Tax Assessor and Zoning Officer. The Mayor said the one thing she has to do is the Annual Report and Fund Monitoring Report. They will have to determine how many hours she thinks she will be putting in to do this and come up with a value. There may not be funds available until they get a third round petition into the State. They have a waiver to spend development fee funds to create a third round petition. He was not sure the waiver also applies to staff. The Mayor will review the waiver and run the matter past Lavery.

R.J. Strunk said nothing on Finance at this time.

Mayor David Dempski said he attended the auction for both properties and there was a tremendous turn out for it.

He is working with DCA to get a SAGE Password for the system for administration of grants electronically for Chief Mc Donald. All grants requests have to be done electronically.

He did get a request from the police secretary about getting additional staff. He will discuss this further with Chief Mc Donald.

The Mayor said that a new Alternate #2, John Grdovic, with a term expiring 12/31/09 has been appointed to the Land Use Board to replace Carl Bundschuh who had been appointed earlier in the year.

The Mayor said there was a request from a group of nurses from the Raritan Valley College. They are trying to do a project for a course they are taking, which requires them to implement an Emergency Contingency Plan and they wanted to do it for the Washington Township Panthers. As part of this plan, they need to designate a meeting place where children could be safely picked up by their parents. They have asked to use the meeting room for an emergency with football. The Clerk asked if this group would have insurance to cover them, because it has been the policy that all groups using the room must have insurance. The Mayor said the Panthers will have insurance, so it should be covered. The Mayor asked for a motion to allow the Group of Nurses from Raritan Valley College to designate the meeting room at the Municipal/Police Building at 33 Little Philadelphia Road, for Washington Township Panthers Emergency Planned Meeting Place. Strunk made a motion to allow this to be done, Elbassiouny seconded. All were in favor.

The Mayor said on Pinnacle, they have paid their escrow account, so Tom Quinn, Township Engineer, will be going down and reviewing what needs to be finished.

PAYMENT OF BILLS

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

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

EXECUTIVE SESSION

Elbassiouny made a motion to go into Executive Session at 10:50 p.m. to discuss police personnel, pending litigation with Washington A&P and OPRA requests that have been submitted to the Land Use Board, Mueller seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 11:28 p.m., Mueller seconded. All were in favor.

Lavery said they emerged from Executive Session at 11:28 p.m. where they discussed police personnel, difficulty with OPRA Requests, which was a pending litigation matter and pending litigation on Washington A&P vs Washington Township Land Use Board. No official action was taken. Copies of these minutes will be available at such time as the Committee determines there is no harm to the public interest.

Strunk made a motion that Lavery be directed to send Attorney Steven Gruenberg, Land Use Board Attorney, regarding the OPRA Requests discussed in Executive Session, Elbassiouny seconded. All were in favor.

ADJOURN

Mueller made a motion to adjourn at 11:30 p.m., Strunk seconded. All were in favor.

Respectfully submitted,

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