

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
November 18 , 2008

The regular meeting of the Township Committee was held this date at the Washington Township Municipal Building located at 211 Route 31 North, Washington, NJ. The meeting was called to order at 7:30 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, transmitted to the Express Times, posted at the municipal building and a copy is on file in the Clerk's Office.

This agenda is subject to change by order of the Washington Township Committee and/or during the scheduled meeting.

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

Attorney Kevin M. Hahn, sitting in for Township Attorney Michael Lavery, Mary Ann O'Neil, Township Clerk, Peter de Boer, Certified Public Works Manager, Barbara Emery, CFO and Lieutenant Thomas Cicerelle were also present.

SALUTE TO FLAG

The Mayor said they would be taking agenda items out of order during the meeting. He asked for a motion on Resolution 08-127, Transfer Resolution, which allows the Township to move funds, after November 1st, to accounts that need additional funds to finish out the year. Strunk made a motion to approve Resolution 08-127, Authorizing the Transfer of Funds in the amount of \$35,285.00, Mueller seconded.

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

Strunk suggested the Clerk send a memo out to all department heads, from the Township Committee, advising that nothing is to be purchased without being approved through the Finance Department

Strunk said, while the CFO was present, he wanted to advise the Committee that there is only approximately \$2,000.00 left in the bond for the building. So, they must be very frugal before anything else is purchased.

APPROVAL OF MINUTES

Dempski made a motion to approve the minutes from the October 2, 2008 Work Shop Meeting, Mueller seconded.

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

Mueller made a motion to approve the minutes from the Executive Session of the October 2, 2008 Work Shop Meeting, Dempski seconded.

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

Strunk made a motion to approve the minutes of the Executive Session of October 21, 2008, Mueller seconded. All were in favor.

ORDINANCES

Strunk made a motion to approve Ordinance 08-17 Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 117, Section 117-40, Schedule XVIII, Titled Restricted Parking to Prohibit Parking from 9:00 a.m. to 10:00 p.m. on Fridays, while Warren Hills Regional High School is in Session on first reading, Mueller seconded.

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

Public Hearing and Second Reading December 16, 2008

Strunk made a motion to approve Ordinance 08-18 Ordinance Amending, Revising and Supplementing chapter 23 of the Code of the Township of Washington, Entitled "Officers and Employees" Article VIII entitled Office Manager on first reading, Mueller seconded.

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

Public Hearing and Second Reading December 16, 2008

Strunk made a motion to approve Ordinance 08-19, Ordinance Amending, Revising and Supplementing Chapter 11 of the Code of the Township of Washington, Entitled "Ethics, Code of", Section 11-3 Entitled, "Use of Township Vehicles", on first reading, Mueller seconded.
ROLL CALL: Strunk, yes; Mueller, yes; Dempski, yes.
Public Hearing and Second Reading, December 16, 2008.

Mueller made a motion to approve Ordinance 08-20, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 71, Section 71-3, "Fees for Use of Township Park, Ballfields, Tennis and Basketball courts and other facilities" to update to fees for use of the Township Park, Ball Fields, Tennis and Basketball Courts and other facilities on first reading, Strunk seconded.

ROLL CALL: Mueller, yes; Strunk, yes; Dempski, yes.
Public Hearing and Second Reading, December 16, 2008.

Strunk made a motion to approve Ordinance 08-21, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 93, "Parks and Playgrounds," Section 93-3, "Conduct," to Amend Section 93-3A to Remove the Prohibition against Public Intoxication and Drug Possession on first reading, Mueller seconded.

ROLL CALL: Strunk, yes; Mueller, yes; Dempski, yes.
Public Hearing and Second Reading December 16, 2008

Mueller made a motion to approve Ordinance 08-22, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing chapter 109, "Taxicab, Limousine, Autocab, Etc, Services," Section 109-25,"Violations and Penalties" to specify the penalties for violating this chapter, Strunk seconded.

ROLL CALL: Mueller, yes; Strunk. Yes; Dempski, yes.
Public Hearing and Second Reading December 16, 2008.

RESOLUTIONS

The Mayor asked if anyone wanted to remove any resolutions on agenda, if not, the resolutions would be done in one motion. The Mayor removed 08-122 and 08-128. Strunk made a motion to approve Resolution 08-123 through and including 08-125, Mueller seconded. All were in favor. 08-123 Resolution Authorizing the Recreation Commission Administration to Coordinate Parks & Recreation Meeting Room Reservations.

08-124 Resolution Authorizing the CFO to sign certain checks 08-125 Public Alliance Insurance Coverage Fund Resolution for Renewal of Membership

Mueller made a motion to approve Resolution 08-126 Risk Management Consultant, Strunk seconded. All were in favor.

The Mayor said, on Resolution 08-122, the State is trying to encourage municipalities to make the motion toward getting involved with the Highlands Act. There are portions of the Highlands Act which are mandatory for the municipalities. In particular, the Township is mixed, there are properties in the preservation and planning area. Compliance for the original Master Plan for the Highlands is mandatory in the preservation area and it is up to the Township to further review the planning area, which is included in the Regional Master Plan. The Township is applying for a grant. The State will give a certain amount of funds to do a study on the impact of the planning area inclusion of the original Master Plan. There are funds available and this will be done by the Washington Township Land Use Board Planner. Strunk made a motion to approve Resolution 08-22, Resolution Authorizing Submission of a Highlands Initial Assessment Grant Application for \$15,000 for various reviews that the Planner will be doing for Township, Mueller seconded.

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

There was discussion on Resolution 08-128. There are several waivers that Pinnacle has requested. Resolution 08-128 will release \$26,855.24 to Pinnacle for pavers in front lawns. A letter was received from Tom Quinn, Consulting Engineer, and there are several waivers to be discussed tonight to relieve Pinnacle from other obligations in project. This reference is to Tom Quinn's August 15, 2008 Punch List Letter submitted after he reviewed the property for completeness. Item #2 was access pavers, to be put near detention basin as well as through some

of resident's properties. Pinnacle has requested a waiver from the access pavers, they would entail ripping up many lawns, as well as making it unsightly.

OLD BUSINESS

2. Review of Waiver of Improvement Items for Pinnacle

The Mayor read a list of waivers that need to be granted to Pinnacle in order for them to move forward. The first was Item #2 emergency access pavers and #4 partial sidewalk along south side of Falcon Way, which is an undeveloped property. Quinn has no problem with waiving these issues. They also checked with the Fire Department and they have no issue with waiving the pavers.

In addition, the Osprey/Kestrel Court Island has been landscaped nicely by residents and the current plans call for paving end caps to be installed, which would rip up about \$10,000 of landscaping. The Mayor said the landscaping looks better than the Belgium End Caps.

Waiver #1 is emergency access pavers, #2 end caps for Osprey/Kestrel Court and #3 is the partial sidewalk along Falcon Way. The Mayor said #4 would be access pathways. There is no set of plans on these and Quinn has no objection for a waiver on this.

The Mayor said there is one waiver they have not spoken of regarding waivers. That is the trees. Initially Quinn thought the trees were in the right-of-way and they would have been required to be replaced by Pinnacle. Unfortunately, in reviewing the plans, there are two issues on this. One, the trees are not in the Township right-of way and the plans, as signed and approved by Washington Township only had a one year warranty. Quinn was of the opinion that they may not be able to force Pinnacle to replace the trees.

Hahn asked if they were required as part of the site plan. The Mayor said yes. Hahn asked if they were still on a Maintenance Bond or has it expired. The Mayor said this was 2005. The Mayor said they were releasing portions of the Maintenance Bond now, part is the payment of pavers. They have done additional research on trees, they are not in the right-of-way and the plans called for only a one year warranty. (Signed plat had a one year warranty which would have been 2006). Hahn said they could not be forced to replace trees, they could be asked.

George Willan, 32 Falcon Way, said he assumed they were talking about the trees that were curbside. As far as he understands from the Developers Agreement, from the curb 11 feet in would become the right-of way. So, therefore, the Developer would still be responsible for replacing them. He understood the one year warranty, however, some were not even planted until 2006. When they did die in the first year or two, the developer said they would take care of it as part of transition and did nothing. These are trees that are part of the right-of-way. Hahn said the Engineer would know what is in the right-of-way and what is not. Willan said he didn't think this should be waived. The Mayor said they would hold off on this. Hahn told the Mayor they should go back to the engineer and talk with him to see if he knows about the trees. If they died within the one year warranty period, they should be replaced.

Dempski made a motion to approve waivers #2 Emergency access pavers to connect alleyway dead ends with adjacent public roads, #4 Partial sidewalk along the southern side of Falcon Way, End caps at the end of the islands on Osprey and Kestrel and #11 Stabilized access paths to stormwater management basins, Strunk seconded.

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

The Mayor will transmit the waivers to Pinnacle and Quinn and will impress upon them he wants a schedule of what is being done weekly. They will continue to review the tree issue and they have also agreed to replace the storm water grates.

Al Restro, 9 Osprey Court, said Falcon Way runs East to West, he thinks any reference should be for the South side of Falcon Way. There is a portion of sidewalk missing, they stopped about 15 feet up, it should continue along the south side west of Falcon Way, curve around on Club House

Drive and stop at the end of Lot 3 property line. This is active access to Shop Rite Walkway and up into that area.

Strunk asked the Hawk Pointe residents if they were comfortable with this being done. The Mayor said there is a signed contract from the contractor and he talked with Brian Stollar today. The actual cost for pavers is what is being released. After discussion, the resolution was to read that the amount of the pavers was to be released to Turf Master Landscape Design.

Strunk made a motion to approve Resolution 08-128, Reduction of Performance Guarantee for Pinnacle Hawk Pointe Developers, LLC, with the check being released to Turf Master Landscape Design, Mueller seconded. ROLL CALL: Strunk, yes; Mueller, yes; Dempski, yes.

REPORTS FROM STAFF

Peter de Boer, Certified Public Works Manager, submitted his monthly report.

de Boer asked for clarification on the salting and plowing at Hawk Pointe. He has reviewed the Agreement for Snow Removal. He went into the development and had questions on two road Osprey Court and Kestrel, two islands, are they to salt and plow or not. The Mayor said they will not be public roads, that is the town home areas and not part of public roads. The Mayor asked if the Condo Association had another contractor to do the roads. They did. Elizabeth Scovill said it was her understanding that according to New Jersey Law the

Township should either plow them or reimburse them for having it done. The Mayor said this is correct. He checked the 2008 budget and the Township currently reimburses Fairway \$1913.00 for the year. Scovill said they have been paying \$250.00 per storm. The Committee asked that Lavery be asked to research this amount and advise what the statutory limit is that can be given so it can be put in 2009 budget.

The Mayor said there must be further discussion on what the payments would be. The meters are not hooked up correctly in the development. The street lights would not be metered, because they pay a per monthly bill for each light, so apparently lights, aerators and other equipment are hooked up to one meter. They need to develop a similar reimbursement scheme. Normally, the Township has a Master Bill for all public lights and streets. The Mayor said research needs to be done on this matter. It is not really worth anyone's time or money to rip up pavements and sidewalks to undo it. An agreement should be drawn up advising what is being paid.

de Boer asked again for clarification. If it snows he will not be plowing Osprey Court and Kestrel Court, the Mayor said that is correct. Strunk said it must be made clear the Township may not be paying the full \$250.00 per plowing. Scovill asked, "why not?" Hahn said the Township may not be required by law to do so. This will be researched. If there would be a storm, until all is resolved, de Boer will salt roads.

de Boer asked the Committee to consider making a motion, pending availability of funds, to replace the glass in the Deputy Clerk's Office with a sliding glass door window for \$340.00. She is having a problem with window and you cannot hear through it. Strunk said, if there are funds, it should wait until almost the end of the year. Strunk made a motion to approve replacing the window in the Deputy Clerk's Office for \$350.00, based on the availability of funds, done toward the end of the year, with the approval of the CFO, Mueller seconded.

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

Strunk asked if de Boer was looking into having other windows replaced. The Mayor said he would like to keep the windows that the Tax Collector and Deputy Treasurer have for security reasons. They have large amounts of money to deal with. Strunk said that maybe they could come up with a better solution, because the windows are hard to talk into.

de Boer said, with the new building there are two glass doors in the foyer. There was discussion on putting a drop box in the foyer area. After further discussion and input from Lt. Cicerelle, it was decided not to put drop box in foyer. de Boer will be looking into getting a lock box outside

door.

de Boer had a proposal for removing and replacing top 32" of existing brick chimney at the old Police/Municipal Building, use bricks that are in good condition, otherwise replacing with new brick and replacing interior of chimney and flue pipe if needed. The money would come from either Reserve for Recreation Improvements or Open Space. It was also recommended that a stainless steel cap be installed to keep out rain, snow and small animals. This amount would be in addition to the amount proposed. Dempski made a motion to approve, pending availability of funds, the proposal of \$2900.00 to repair the brick chimney, as well putting stainless steel cap on it, which will add additional cost fo \$2900.00, Strunk seconded.

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

Strunk asked de Boer to check the side door of the meeting room, because the wind was coming in and should be looked at.

Strunk said, on the monthly report being submitted by de Boer, they have been spending the largest amount of time in Parks and Grounds, 22%, and a very small percentage to 6% to road maintenance. The roads are starting to deteriorate more and a lot of time is being dedicated to Parks and Grounds and the roads are suffering. de Boer said this is true. Strunk said, since 1999 when the park system came, there has been a tremendous labor shift to parks. To him, the roads have really deteriorated de Boer said this is true. He said his problem is, when they first got into the park business, the Committee did not envision the kind of usage the park would have. They spend a lot of time at the park, because there is so much to do. de Boer said he has solutions, but the Committee is not going to want to hear them.

Strunk said they have reduced the amount of sweeping, so that left man hours available, because they went to a different procedure for salting. The DPW was given additional part time help to try to be able to go other workers back on roads. Strunk asked, why didn't they oil and chip this year? de Boer said he did try, but the Warren Morris Coop guy could not tar and chip, he was booked solid for about a month. Strunk said they knew in January when they did the budget they wanted roads oil and chipped, there was a light summer as far as mowing. He did not understand why the work did not get done. de Boer said they have a large

amount of money left in Improvements of roads. Strunk felt there should have been better planning. There are two Assistant Foremen and if they are not qualified to run the crew to do oil and chipping, then they are not the right people in management to maintain the roads. Strunk said there should have been enough scheduling, with the manpower they had and the light summer for mowing, the work should have been done. Strunk said they have shifted too much to the parks and the infrastructure is suffering. They need to give de -Boer better direction or need an answer and it will not be more manpower.

The Mayor said he agrees, some of the roads are fractured. At the same time, they gave de Boer the funds to do it, but they did not give him the time this year. There are certain key roads that need to be tar and chipped.

de Boer said he agrees with Strunk, they need to get back on track. It has nothing to do with his foremen, who are more than capable.

de Boer said, with the discussion of the Police Merger, his mechanic maintains the vehicles, so if the merger goes through, his work load will be increased. The State said they would pick up wages to hire a part time mechanic. de Boer said, any negotiations with the State and the merger, they should at least provide the funds for that. This will affect his staff and he will be losing a man.

Mueller said there was a meeting which he missed, but he was provided with information from the Borough, which will be copied and distributed to Committee.

NEW BUSINESS

1. Tree Lighting and Open House - There was discussion on the time. The Mayor asked if the

official information has been released yet. de Boer said they are waiting for the time and date. de Boer said Sgt. Pantuso, who is doing the scheduling of the affair suggested Saturday, December 13, 2008 at 7:00 p.m. The Mayor said that Sgt. Pantuso should be recognized for the work he has done and the lead he took in getting the idea for this affair off the ground.

2. Closing of Washington Twp property/Auction Asbury Farms has been rescheduled for the December 16, 2008 meeting.

5. Authorization of Finelli Engineering to perform necessary inspections at Canal Estates - Dempski made a motion to authorize Finelli Engineering to perform necessary inspections at Canal Estates to determine completion of the work required by the bond in order to approve the release of the Maintenance Bond to Pear Tree Builders (Canal Estates), Strunk seconded. All were in favor.

3. Quote from Digital Reactions on moving 10 new lines/monitor to accommodate lines - Strunk said he became aware of a problem in employees working in the evening and not being able to see what is out back and downstairs. There must be a better solution to be able to allow them to see what is going on outside. He said the cameras outside should be brought upstairs so when people are locking up, they can go to their computer and view it. Right now, there is no money, but with employees working at night, this must be addressed and the camera moved upstairs so they have the same access as the police do for the security of the employees. A proposal was put in, but there is no money at this time. de Boer said once the old Administration Building is sold, this could be done. Lt. Cicerelle said the DVR that all the cameras goes into is hooked into their network downstairs. They need a DVR upstairs to do this.

REPORT FROM STAFF

Lt. Cicerelle submitted the Monthly Report for August, September and October.

Also a report on the intersection of State Highway 31 and County Route 630 Spur (Broad Street) was submitted. He went back and reviewed all the accidents at this intersection. There are various causes at different times of day. Nobody ever mentioned the sight distance at the intersection so it is not an issue. The stop line may be a little too far back from the intersection.

The Mayor said that de Boer will follow up with the County on this. Cicerelle said there was no sight problems from the obstructions from neighboring businesses.

PUBLIC QUESTIONS & CONCERNS

Mel Kries, Chairman of Recreation Commission, said he wanted to thank the Township Committee and the DPW for the fine condition of the fields. He is also involved with the football program and every Sunday they get compliments of the teams attending on the shape the fields are in. This year, they had to schedule 75 teams on the fields for fall and during the spring they are anticipating 125 teams on the fields.

Strunk asked if this was all Township Residents. Kries said no, probably 60% is Township. Strunk said they are getting a lot of usage of fields and they are wearing from outside usage. Kries said they are trying to rotate the scheduling. Strunk asked if there was a solution where the Township could prioritize differently so they don't get as much outside teams. Kries said Township Teams are getting the priority in use of fields and what is left is being divided. Strunk said the Township Residents are the ones footing the bill for the wear and tear on fields. He asked if the Recreation Commission talked about this problem. Kries said they are looking to expand the fields.

The Mayor also commended the DPW, because not only do the fields look good, but they are in great shape. They are maintained in a way the children can play safely and fields are in stellar condition. Strunk said he wished they could get more part time help for parks, because this would help de Boer. It was a mistake to let this in the contract and when it is renegotiated, that they recognize they can cheaper labor to give de Boer some relief and reduce costs.

OLD BUSINESS

1. Agreement for Snow Removal - An agreement was drawn up by Lavery's Office and it has been countersigned by Hawk Pointe Property Owners Association. Strunk made a motion to

authorize the Mayor and Clerk to sign the agreement for snow removal, Mueller seconded. All were in favor.

NEW BUSINESS

The Mayor said there was an ordinance that was missing from the Land Use Board. This will be done in 2009, because there is not time in 2008 for introduction and approval. They will be adjusting the Escrow Fees, as well as looking for exemptions for certain variances for home owners, with a suggestion that the Finance Office obtain additional software to track escrow funds as an add on to existing Municipal Software Package. He said, basically, it is the responsibility for tracking and collecting funds by the Finance Department, rather than Board Secretary. In his opinion, if that is done, there should be a reduction in salary for the Land Use Board Secretary and that funding would be used by the CFO for additional hours. Strunk said, two comments, in regards to the software, they did have procedures in prior years that were in place that did not need additional software, the work got done, but now it is not getting done. If people follow proper procedures they would not need the software, because it worked in the past. With regards to Finance, Strunk said they are pretty taxed now, to the maximum as far as work load. They are going to be looking at a whole difference change in Finance if they put this type of load on them, either a full time CFO or something. It takes a lot of amount of time that other people should be doing. This would be a large expense and should definitely come out of the salary of the Land Use Board Secretary, but that would not be enough money to compensate what they need to be able to do this for. Its just a matter of people doing their job, instead of shifting it to another department asking them to do it. The Mayor said this is part of her job description, this is what her salary is based on, so if this is done, there will be additional compensation given to the CFO.

4. Discussion of RFP's for 2009 - The Mayor said he prepared four RFP's for consideration, (1) Township Attorney, (2) Special Litigation Counsel, (3) Bond Counsel and (4) Auditing Service. Strunk made a motion to authorize the posting of the RFP's on website, distribute cover sheet to newspapers and approve as written, Mueller seconded. All in favor. The Mayor said they will be processed and judged complete at the December 16th meeting and action will be taken in 2009 to make appointments.

6. The Mayor said that Committeeman Elbassiouny had asked that Special Meeting be scheduled for Thursday, December 11, 2008 for transition plans for 2009, COAH and Highlands and any personnel issues that may arise regarding grievance that has been filed. Strunk made a motion to hold a Special Meeting on Thursday, December 11, 2008 at 7:30 p.m. for purposes stated by Mayor, Mueller seconded. All were in favor.

REPORTS FROM OFFICIALS

Richard Strunk said the Finance Report had been done during the meeting. Money is tight and the budgets should not be running this way.

Barry Mueller said on the Lifetime Achievement and Recognition that discussed previously, he contacted the boards and commissions of the Township to serve and had no responses. He took this back to the Recreation Commission and they would like to prepare applications with residents that are interested in doing this. It would still be an advisory committee with a recommendation to the Township Committee. This procedure was fine with the Township.

The Warren Morris Counsel of Government meeting in October was postponed, because they had no power for three days. It was rescheduled for a date that he could not attend. They have now scheduled the December meeting for Saturday, December 6, 2008 and he cannot attend, as he will be out of town. It will be held in Mansfield or Independence at 9:00 a.m. The Mayor will attend the meeting.

He had a conversation with the Warren Hills Regional High School Board President on sitting down with some of the Committee to address some of the parking problems. They have statistics to go over and want to hear our concerns. He will set the meeting up and advise Horensky.

He missed the meeting on the merger, because he was given the wrong date. Elbassiouny was

present. He distributed the report to Committee. The Mayor asked who chairs the meeting. Mueller said the Washington Borough Mayor has been chairing it. The Mayor said that all parties involved should be notified when there is a change in meeting date or time.

Mayor David Dempski

The New Hampton Traffic Calming is done and vouchers submitted.

He said the Brass Castle Project is almost finished. They just have to put the cross walks in, which will qualify the remaining 25% for both of these.

He will be laying the foundation to complete his term. His focus will be getting everything ready for next years governing body, which will include RFP's, Resolutions for Highlands and COAH issues, which need to be addressed in a timely format. His goal is to lay the groundwork to give the governing body next year the tools and information they need to make the critical decisions they will be faced with next year.

MOTION TO PAY THE BILLS

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

ROLL CALL: Mueller, yes; Strunk, yes, the ones he signed; Dempski, yes the ones he signed.

EXECUTIVE SESSION

Strunk made a motion at 9:05 p.m. to approve Resolution 08-129 for the purpose of personnel, Mueller seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 9:23 p.m., Mueller seconded.

Hahn said the Committee discussed a personnel issue in Executive Session. Lavery was to send a letter to address the problem.

There being nothing further to come before the Committee, Mueller made a motion to adjourn at 9:45 p.m., Dempski seconded. All were in favor.

Respectfully submitted,

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