

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
October 21, 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 7:32 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; 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 and Police Chief James Mc Donald were also present.

SALUTE TO FLAG

The Mayor said they would be changing the agenda, there would be an executive session held and there are two public concerns that he wants to get covered first.

PUBLIC CONCERN ONE

The Mayor said he received a call from Raymond Koch regarding some flooding issues on his property and he referred the matter to the Township Attorney and Township Engineer. Lavery, Township Attorney, said he received an e-mail from the Mayor with concerns of a resident, as well as William Gleba, Township Engineer's reply and had his own comments to add. Apparently, this property was purchased approximately 20 years ago and at that time, no flood insurance was required. The property owner recently attempted to refinance the home and it turned out that the bank requires flood insurance, which would run around \$4,000.

Lavery said the allegation was that somehow the Township must have done something wrong when they approved the development. He said every real estate closing the title company does a flood search and then a flood search is given to the person. Their attorney and title company should have reviewed that with the purchaser and it will say whether or not the property is in the flood zone. If it is in flood zone, it will either require flood insurance or say they may be subject to it. Over the past 8 years there is a statement that has been added to that says FEMA updates those maps periodically and the property owner agrees. These are all contracts between the mortgage company and property owner, not necessarily between seller and buyer. It will say that FEMA updates the maps and subsequently places the property in flood zone, you agree to get flood insurance.

Lavery said when the property was purchased, flood insurance wasn't required, even if the property was in flood plain. When they reviewed files, they had the approval of the DEP and it was clear the property was in a flood plain at the time. This present lender is requiring flood insurance. The Township did nothing wrong, this was reviewed by DEP and approved. At the time there should have been a flood search done on the property when it was purchased. It is much stricter today than it was 20 years ago because of the various flooding that has occurred in United States in recent years.

The Mayor said he had reviewed the tax map and the lender is probably FIRM Mapping without the benefit of information shown on tax map. The lot was created from a subdivision and stream encroachment flood plain limit lines were established through this area, which indicates that NJDEP permitting was obtained for the subdivision of the lots. An extensive review was undertaken and approved by NJDEP, differing from FIRM, which is not out of the ordinary, but would have been the current rules and actual conditions and matches of the FIRM. The Mayor said the Township Engineer could review this to see what the position would be, if this is indeed the case.

Raymond Koch, 13 Pebble Beach Way, said he needs to discuss this matter with Township Attorney and Township Engineer, because many statements made are not quite true. He would like to show them maps and share information that he has from FEMA and DEP. Koch gave a

history of the purchase of the property. Koch requested permission first to talk with the Township Engineer to work together to get a new application filled out. The Mayor said, if the Committee grants this request, who would be responsible for any remediation work? Koch said he just wants consultation advice, he cannot fill the form out. The Mayor asked for a motion to allow Koch to talk to the Township Attorney and Township Engineer for a period not to exceed two hours, pending the availability of funds. (Engineering Operating Expense Account). Elbassiouny made the motion proposed by the Mayor, Mueller seconded.

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

The Mayor gave a copy of Koch's information to the Clerk to give to Township Engineer and copy for the files.

PUBLIC CONCERN TWO

The Mayor said a letter had been received from Hawk Pointe Developers LLC, which is the company that was developing town homes and condos on original part of the development.. The Mayor read the letter into the record - Dear Honorable Mayor Dempski: This letter is to advise you of our intent to complete the road improvements for brick paver crosswalks, intersections and island caps for the townhouse parking lots, all as depicted on our approved site plan. The schedule for the completion of this work is attached hereto for your review. If there are any further questions, please do not hesitate to give me a call directly. Steve Klenk of our office is overseeing this project and he is in direct contact with your township consulting engineer. Sincerely yours, Hawk Point Developers, LLC, Brian M. Stolar, Managing Member.

Steve Klenk, 18 Roy Place, Ramsey, New Jersey said he is a vice president of a division of Pinnacle, not a division that was associated with this particular project. He has gone over the plans in detail with Tom Quinn, Engineer for the Township. They are in agreement what the scope is and what has to be done. The Mayor said the schedule shows the work will begin November 10, 2008 and be completed December 13, 2008.

The Mayor said that Pinnacle is cooperating in getting this done. His end goal is to get the road done so they can be accepted and plowed on a timely basis. The Mayor said, as far as funding, the Township has the cash portion of the bond, which would be used to offset the costs of this. They will want to see copies of the invoice and mailed to 211 Route 31 North and also weekly status reports to keep track of the progress and invoices as they are cut. They want to track the spending. Klenk asked if the cash bond is released concurrent with the invoicing from the contractor. The Mayor was not sure about this. Lavery said, as each stage gets completed, then whatever cash was posted to insure that stage was completed, a request is made and the Township has 45 days to release that. The engineer has to submit something in writing that states that road (a) or road (b) is paved and acceptable, then the bond money would be released for that particular improvement. Basically, you release it as the work is done.

Klenk said there is just one line item in the engineer's estimate for the pavers, so it not ear marked for each particular intersection. So, he would work with the Township Engineer to come up with a prorated schedule based on square footage or something like that. It is not itemized right now. The Mayor said they would work with them and get them the money as the work is completed.

Strunk said normally on a cash bond the developer has to do it and the Township continues to hold that cash fund as an emergency reserve. Is this a special agreement made to get the work done? The Mayor said they are past the calling in of the bond, that was 2005, they are 3 years past that. Strunk asked if this was a situation that the Mayor finds is comfortable with this procedure. Lavery said normally what you do is reduce it as work is done, but money is retained to finish the job, if necessary. Lavery said the original estimates were based on 2001 numbers, so this must be kept in mind. This can be reviewed with the engineer. Strunk agreed a dollar amount schedule should be worked out, but they should more than retain enough cash at the end, so if only 80% got done and they paid out 80% of the bond, 20% is not going to pay for another contractor to come in and finish it. The Mayor said to do a closure on this is to let them finish it on their own. Elbassiouny agreed with this.

Klenk said he would develop a prorated payment schedule, in advance, so as work items are completed and approved by the engineer, they would work off the payment schedule.

The Mayor asked if there were any questions from the public.

George Willan, 32 Falcon Way, said he understood the term street pavers, they are not talking about grass pavers at this time. He was advised that it is the concrete pavers depicted on the plans.

Willan said he understood the cost is more than what is available in cash, so Pinnacle is putting up some cash to have this job completed. The Mayor said that is what Brian Stollar referred to him today, they were responsible for costs above the amounts, which will exceed that. Willan said he could easily help in this by notifying residents as to which streets should be blocked off for this.

Frank Cregan, 62 Merlin Drive, said he is confused on how the cash is going to be pay the bills. Are they using up the bond cash first? The Mayor said as they complete the work and pay out of their own pocket, that money would then be refunded as the bond amount would be reduced. Cregan asked what happens when the money is used up and the project is not completed and Pinnacle backs away. The Mayor said he has been assured that Pinnacle would be responsible for the remainder to finish the project. Cregan said they made promises before. The Mayor said he gave a copy of the letter from Pinnacle to George Willan.

Lavery said, the problem is that the project should have been completed in 2005, which has not been completed. So, at this point in time the Township can either work with them and take certain things on faith or sue them, which would mean nothing would get done for a year a best. There are valid points and concerns, but the Committee is doing what must be done to get the project done for the benefit of the residents.

Cregan asked about the rest of the items that have been bonded. The Mayor said he had talked with Tom Quinn, Engineer, there are obviously some lower items which should not be a big expense for Pinnacle to finish. No trees should be planted now. Cregan this is alright, as long as it does not get signed away. The Mayor said they will go by Quinn's Report and all the items will be complete. Lavery advised that all improvements being done will be inspected and approved by the Township Engineer.

Efrem Zaret, 37 Falcon Way, said there are other street issues that are on Quinn's list, will they be done at the same time? There is a hole in one street and parts of the streets are pooling, this is the time to do that if they have contractors coming in. The Mayor said that Quinn is not signing off on the list until the items are complete.

Klenk asked, on the payment of releases from the Township to Pinnacle which are ear marked for the contractor, will they be made concurrent of work or by resolutions to pay. Is there going to be a time delay? The Mayor said a resolution must be passed to reduce the bond amount and get the payment. The Township meets the third Tuesday of each month.

The Mayor said the Committee would be deviating from the agenda. He asked for a motion to go into Executive Session to review matters on the Land Use Board and Finance Department. The Mayor said this would be a private Executive Session. The Mayor asked if any of the employees that had been Rice Noticed

would like to have this heard in private or in the public. Alice Oldford, Land Use Board Secretary, wanted it heard during public meeting. Lavery said the problem is, unless everybody else that was Rice Noticed want to do the same, Oldford would have to come back next month. Strunk asked if any member of the Finance Committee wanted it heard in private. After discussion, it was decided to have all discussion held during the public meeting.

Lavery said to avoid any confusion, he explained what a Rice Notice was for everyone. If the Township is going to talk about an employee's job performance, they have to be Rice Noticed, which gives them the ability to listen to Township Committee as the performance is discussed. It is not a hearing, it is not an allegation that anyone did anything wrong. The fact is, any time an employees's performance is discussed, they have to receive a Rice Notice.

The Mayor said basically, the reason the employees were Rice Noticed, was that there have been issues, particularly with the Land Use Board Professionals being paid in a prompt manner as a function of available escrow money being in the accounts to pay them. Further, the Land Use Board Professionals would be the Planner, Land Use Board Engineer and Land Use Board Attorney, except for some small cases, are paid out of escrow. Escrows are monies that the applicant pays so their application can get processed. The Township does not pay for the Township Engineer to review, from a geological standpoint, legal matters, it is all handled by an escrow payment the applicant pays. Every few months they should be replenishing their accounts.

So, if the Land Use Board Attorney says a resolution must be done for approval of application, they should be checking to see if there is escrow money in their account before they bill against that. Recently there was a problem where there was significant outages where there was a great deal of outstanding payments due to professionals. There has been a lot of transition in the Finance Department and this has caused some of this problem.

The Mayor said he created a letter of September 27, 2008 in terms of trying to come to a closure of this problem. There is a problem and they want to make sure they fix the problem. This is a governing body, it is still a business and it should be run with proper stewardship. In the letter, he set up a process to insure what the expectations were in terms of communication between the Finance Department and the Land Use Board Secretary. As per the job description, the Land Use Board Secretary is responsible for maintaining the Escrow Account Balances, working with the Finance Department and making sure the applicants were made aware when there was an outstanding balance on their account. Once the Township gives the approval, there is no way to get the funds back. The Mayor asked the Finance Department and Land Use Board Secretary if they had any questions about expectations and who should be doing what and when. Every Monday, the Finance Department will be giving the Land Use Board Secretary the escrow balances, so everyone will know the balances.

The Mayor said some hours may have to be restructured hours to make time when people are working together at the same time. It is important that communication is not just paper, its that everyone is working together and working toward the goal of running smoothly. There should be an overlap of hours between the Land Use Board Secretary and Finance Officer.

Barbara Emery, Finance Officer, said one of the problems is there is still money outstanding. Alice Oldford, Land Use Secretary, has written letters, but unfortunately there were applications that had already been approved that they still need money for professionals. She said there is not enough money up front and they are not replenishing. They should be asking for more money, so there is a cushion. So, when a bill is received from the developer she is not going to Land Use Board Secretary and telling her to send another letter. This is what is happening.

Emery said she is getting a lot of bills from the professionals. It is not just one or two, she gets stacks of them. She goes through them, has to put the account numbers on them and checks accounts. Most of the bills coming in she does not have money to pay. This is a very difficult situation, because she has the professional calling her asking for money, the developer on the other side saying I didn't get the bill, I don't feel I owe this money. Some want documentation.

Emery said the letters were not being sent by Oldford, but the problem was everything just piled up because of the issues in the Finance Department. There was a change in Finance and Wayne Hartman was assisting with escrows and they were getting to Oldford and letters were being sent out. People were not paying, they had professionals calling and now they are playing catch up. They need to ask for more money up front. The fee ordinance may need to be changed, they are not in line.

Elbassiouny asked Oldford why the letters were not sent out. She said she has to get advice from Finance Department that there is not enough money. There was a period when Finance was in flux and she wasn't getting any advice from them at all. Elbassiouny asked if she checked on the issue.

Oldford said she didn't know she was having an issue, nothing was being returned to her.

Strunk said there was a procedure that was established a long time ago which he helped establish with the Planning Board and may be part of the ordinance or part of the procedure that was followed. The Land Use Secretary was to take care of the administration of the escrows. When they got down to a certain point, the Land Use Board Secretary was to send out a letter that they were to be replenished. For some reason, that was not done. Elbassiouny said the procedure was not followed on both sides, who was supposed to check beyond that. Strunk said the escrow has always been the responsibility of administering it through the Land Use Board Secretary.

Oldford said, just so it is clear, on how the escrow works: An applicant comes in with an application and check. The check passes from her hands to the Finance Department. Finance deposits the money and establishes an account. Then, the professionals start to bill against it. According to the Municipal Land Use Law the professionals send a copy of each bill to the applicant, so the applicant knows exactly

how much is being billed toward their escrow. What happens then, when the bills come in, Finance takes a look and there is escrow funds to pay or we don't. They advise her if they don't have funds and she sends the applicant a letter saying they cannot do any work, because they don't have any money. She advises they need to send xx amount of dollars, plus replenish the account so there is no further disruption of service.

Oldford said there was a point, which does not relate to the current Finance Staff, but there was a problem with Finance was not communicating the information. When she started in November, the staff in place knew the procedure and gave her the bills and she sent a letter and people typically send money. Then, that staff turned over and there was different staff that established procedures, but never did anything. Elbassiouny asked if a better system can be developed between the two departments.

Strunk said this is the procedure they have gone back to, plus the Mayor has strengthened it with the Monday report being due. Elbassiouny said he had an issue with this, because it is a new procedure that was put in place, effectively September 27, 2008, which has not been approved by the governing body to make it a mandate yet. So, they need to sit back and see how they are going to look at the whole issue to make sure it is not coming from one individual. They cannot set up policies unless the entire committee votes on it. The Mayor said it was an Executive Authority that he have to run smoothly and he took that. Elbassiouny said the Mayor has no more Executive Authority than anyone else. The Mayor said no money is being spent, he was requesting information to be distributed in a way which would make sure they are all in alignment. Elbassiouny said he doesn't want any procedures to be done on this Township without the full boards knowledge and full board vote. The Mayor said the Committee was copied on it. Elbassiouny said it was not voted on, they are just having discussion on it.

Strunk said in the vacuum of this new procedure, there is still an old procedure that is still in place and backed up by an ordinance that is supposed to be followed. He said he looks at this as a reassertion of an old procedure that they still have that is established. Elbassiouny said that everything should be put out for the entire committee to vote on. Strunk said, in some sense he would agree, if this wasn't a reintroduction of an old procedure. Elbassiouny said the policy written should have been a request, not a mandate, coming from the entire Committee, not one individual. Strunk had no problem with the way it was followed. They knew there was a problem and something that had been discussed and the Mayor, he gave direction on what they were talking about tonight.

The Mayor read, under which was approved, the Secretary of the Land Use Board Job description, Item 11, responsible for the maintenance of Land Use Escrow Accounts and performing collection duties when required weekly. This was approved by the governing body.

The Mayor said, with regards to his September 27, 2008 memo to Washington Township Finance Department, which would require the Land Use Board Secretary be given weekly escrow account balances every Monday by 4:00p.m. Copies were also to be distributed to the Mayor and Finance Department Liaison. The Finance Department shall give a copy of all Land Use Board Professional bills to the Land Use Board Secretary, which is required by State Law. So with regards to the September 27, 2008 letter, coupled with the Land Use Board Secretary description, he would like to make a motion that this be adopted as a policy by the Washington Township Committee, Elbassiouny moved the motion, Strunk seconded.

Strunk said he seconded the motion, because he views this as reviewing it, because it is something before and establishing it again from his end. This is exactly what should have been done.

The Mayor said that there is still an outstanding item to deliver a policy to ensure the professional bills are delivered in a timely format, which must be addressed. Strunk said, in the past, calls were made to the professionals, but they need to enact a policy on this. If they do not submit their bills on time, they will have trouble getting paid.

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

The Mayor said an action that needs to be done, which was done when Peg Housman, she did a review of the escrow policy, which focused on the fees. She determined that the fees were not in line with what reality is in terms of how other Township handle it. They need to review this from

an escrow stand point. The Mayor would like to see the ordinance updated for the next meeting and information should be sent to the Township Attorney to do. Oldford agreed and said all the escrows are inadequate. She agreed with the statement regarding escrows made by Emery earlier. The Mayor told Oldford to have this information submitted by Wednesday, November 12, 2008.

Emery said she is looking into a new escrow program within the Municipal Software Program. She is hoping when it falls below a certain amount, it will flag that an amount has to be deposited into the account. There will be a cost to it, but if it enhances the escrow and helps them to get money faster and professionals paid in a timely fashion it would be worth it. Elbassiouny asked why, if there is no money, the work is not stopped. Oldford said they have something in place, that is why they have collected so much lately. Elbassiouny asked if there was information to share with the Code and Construction Office before a CO is issued. Oldford said, absolutely. One of the standard conditions and resolutions is that all fees are paid. So when the resolution goes to the Code and Construction Official, before he issues a permit, all fees need to be paid first, or a permit will not be issued. Elbassiouny said this should apply to a Temporary CO and CO as well, all fees must be paid.

Strunk said there is a system already on computer to help with escrow and he did not feel another system would be necessary. Oldford said that what Emery is talking about is entirely different. The new system would watch the money and flag it. The system in her computer now is merely a collection letter system.

Strunk said that Oldford should be advising Emery when money is due. Oldford asked how should she be telling Emery. Strunk said, because part of the procedure is that the Land Use Secretary is in charge of taking the accounting of the escrows. Lavery said this is not an issue that occurs in Washington Township. The Municipal Land Use Law says you cannot take any more action on these applications until you replenish the escrow. The problem is that you have to give the developer a reasonable time to replenish the escrow. The developed needs adequate time to do so. The problem is the Land use Board Secretary knows the application may be a seven hearing application, the CFO has some information and there may be some money in the account, but she does not know how many more hearings there is going to be. There has to be a sharing of the information.

Elbassiouny asked if the professionals could give an estimate number of what they feel the maximum amount of money would be for an application. Lavery said you can, but people bring in things at last minute, they revise the plan, something changes, etc., so the estimate given in the beginning, gives you a basis to ask for the initial escrow, other things crop up. Lavery said the professionals should also know how much is in escrows. Emery said once a month the professions should come into office and go over balances with her. Strunk said this is a discussion that should be held with Oldford, she is the one sending out the letters to replenish the account, Emery is just writing the check. Elbassiouny said she is taking the deposits as well. Elbassiouny said Oldford, Emery and Engineer should get together, have a meeting once a month and get a handle on this problem. Oldford said she has worked in a municipality where the engineer met with her on a regular basis, so he knew what was upcoming and what they anticipated. Oldford, this comes from the Committee though, because the Township has to pay for the engineer's time. Emery said she has also met with engineer. The Mayor said the budget could pay 30 minutes a month for this meeting. Elbassiouny said it should be part of the RFP when it is put out. The Mayor will talk with Land Use Engineer regarding this matter.

The Mayor said the Land Use Board Fee increase will be introduced at the November meeting, Emery will review software escrow to see if there was any efficiency in using it and the Code and Construction Office will be tied into this to make sure it is the last safety net to get any fees and the Mayor will talk with Township Engineer to spend 30 minutes a month with Oldford to reconcile any escrow balances. He said items will go forward, they will get back on track and work as a team.

Elbassiouny said on vouchers, make sure they are all are signed by department heads before they come before the Committee. Emery said if the voucher is not signed by the department head and

the Committee signs off on it, it is not mailed out until all signatures are on the voucher.

NEW BUSINESS

1. Senior Citizens Building Ideas for Park & Recreation Building - Strunk said he had discussed Senior Citizens Recreation at the building with two representatives from the County. They did a round table discussion on possible senior services and he asked them to attend the meeting. They would like to see how they could do shared services or partner through shared services with senior citizens in the Township. The seniors could benefit from the use of the building.

Susan Lennon, Director of the County Division of Aging and Scott Burd, Assistant Director were present at the meeting. Lennon gave a presentation on the services they provide to seniors. She said they had been discussion on how they could better provide services to the senior citizens in Washington Area. Right now they occupy the Community Center at the Assembly of God Church where they have a multipurpose outreach center.

Lennon said she would like to sit with some people to come up with real tangible ideas they could talk about. She said she would like to do a publicized outreach. There are over 18,000 senior citizens in Warren County. They have 8000 seniors on their mailing newsletter list. Lennon said they could use the building as often or as much as the Township would allow them to use it. They would like a designated time where they could do outreach. They would like to have a satellite office on designated days. They have volunteer tax preparers that help the seniors and they could have a volunteer at the building doing that. They could arrange for a medicare counselor to be at the building. She would like to see this be available to the Washington Area.

Elbassiouny asked Lavery how the insurance on this would work. Lavery said he will check into this, but he thought they could probably just get an insurance certificate from the County for the activities. Elbassiouny said it is not handicapped accessible. She said it would be easy to get in front door or back door.

The Mayor asked what hours they were looking to use the building. She would like to sit with a subcommittee and work some things out. Strunk said he would to meet with them and another committeeman like to meet with them to come up with some conceptual ideas on how they can utilize the building for seniors and area.

The Mayor said they created a Senior Citizen Advisory Committee. There was an ordinance to empower this, but the problems they had no volunteers to staff it. This could be a good focal point have them work with the County to get the needs of the seniors addressed. The Clerk is to send Lennon a copy of the names collected by the Girl Scout on the needs of seniors.

Strunk made a motion that Strunk and Horensky work with Lennon to come up with a plan to use the Park and Recreation Building for seniors, Elbassiouny seconded.

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

APPROVAL OF MINUTES

Mueller had a correction to the September 16, 2008 minutes. The minutes show Elbassiouny approving the minutes and Elbassiouny seconding. Mueller is the committeeman that seconded the minutes of September 16, 2008. Strunk said, on page 2, regarding the motion about buying furniture. He didn't remember his motion being that general, they were very specific that they didn't want any new furniture bought period, unless it came out of operating. He requested this portion of the minutes be reviewed and done verbatim, which is as follows:

Previous paragraph of the Minutes of September 16, 2008 as shown. There was additional discussion on furniture. Pete had been granted \$10,000 limit, not to exceed number, to work with furniture people regarding steel case furniture, which has been utilized to the best of their ability. de Boer had sketches on basic furniture for various offices and asked they be prioritized. After further discussion, the three offices to be prioritized were #1, Deputy Clerk, #2 Tax Collector and #3 Township Clerk. The file Room sketch was for Tax Assessor, but they will move over the equipment she has in her office now. There is no way the Deputy's work station will work in her office, so this must be #1, then he will do whatever he can in other offices. Strunk was in favor of using existing furniture for any part time employees, even if they had to share it or share office. Horensky said that de Boer should look at whatever furniture is available and use his judgement in furnishing the rooms.

Verbatim Minutes of September 16, 2008 Meeting

After lengthy discussion described above, Horensky made a motion on the furniture , Elbassiouny seconded. Then Strunk asked for clarification on the motion.

The Mayor asked for a motion that the Township Committee will do their best to provide a minimum operating working environment, based on the availability of money in the BAN and using existing steel case furniture in the Administration Building, if possible. If that is not possible, if there are objections based on that, then if there is no money from the operating expense from that said department, they take what is given them, based on the availability of funds. That's it. Elbassiouny said, otherwise use their funds. The Mayor said, if it comes to where they can be given a desk and a chair and some cabinets, that is what they are going to do. Strunk asked that it be added, they can always come to the Committee and plead the case, they...Elbassiouny said they always have an invitation. Strunk said he was not sure they thought that, so...Elbassiouny said they have actually told some, one or two of the people, that they could...Mayor said he didn't particularly have a lot of patience for this and Pete has done way more than he should have and he didn't want him to bear the brunt, because this is a time when he wants to move into the building, want people to have a desk and chair, so they can work with their computers and phones. That is what he wants, he does not want to have a big argument, because he will not tolerate it, even if they would come here, that they have been given a nice building, it is brand new, an advantage they did not have in the other building and they don't have a million dollars to go out and buy furniture for everyone, so, that is his motion. Elbassiouny said it is one million percent better than current conditions they are working under right now, so, it is what it is. Horensky asked for a call on the motion. ROLL CALL: Horensky, yes; Elbassiouny, yes; Mueller, yes; Strunk, yes. Dempski, yes. The motion was made in the midst of lengthy discussion, then Strunk asked for clarification, which is how I made a mistake and determined Strunk made the motion.

Elbassiouny made a motion to approve the minutes of September 16, 2008, requesting paragraph in question to be done verbatim (which has been provided), Strunk seconded. All were in favor.

Elbassiouny made a motion to approve the Executive Session Minutes of September 16,2008, Mueller seconded. All were in favor.

Mueller made a motion to approve the Work Shop Meeting of October 2, 2008, Mueller seconded. All were in favor except Strunk who abstained.

RESOLUTIONS

The Mayor asked if anyone wanted to remove a resolution for discussion. If not, they would all be passed by Consent Agenda. Strunk made a motion to approve Resolution 08-117 through and including 08-120, Elbassiouny seconded. All were in favor. Mueller asked that 08-119 be pulled and voted separately. Strunk amended the motion, Elbassiouny seconded.

Mueller said on Resolution 08-119, if the bank made the error, why are they not paying it? The interest is the Township's, but the bank should pay the returned check fee. Strunk made a motion to approve 08-119, Dempski seconded.

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

Mayor Dempski said, as an add on to Resolution 08-120, typically in the past, the night before Halloween the Township would pay for extra police patrol and money would come out of the Clean Community Funds as a way of keeping litter down the night before Halloween. The Mayor advised Chief Mc Donald that they have done this in the past and the funds to pay for this should come out of the Clean Community Funds. He was advising the Chief, because the previous treasurer for the Township would organize this patrol just for this purpose and he wanted the Chief to know about the funding.

REPORTS FROM STAFF

Chief Mc Donald said he submitted the Overtime Paperwork, but on the monthly report, the person that does them is on vacation.

NEW BUSINESS 9

The Mayor said there will be a whole new dynamic with the police department with the stadium. One of the issues will be parking in Fairway. He said Green Acres has bought two parcels behind the Township Property, the railway bed. There is public property behind the Township Building,

so theoretically you could build a path from the Township Building to the new stadium and provide 80 parking spots, plus the grass. There will be parking restrictions in Fairway itself, giving them additional parking and a path would go a long way. There would also be an emergency access pad, which would allow the squad to get to the helicopter pad. Chief Mc Donald said this should be discussed further with the school.

Chief Mc Donald was concerned about people exiting the Municipal Building after a game with a long line of traffic and the officers not being able to get out in case of an emergency. Elbassiouny said they should look into having an access road off of Jackson Valley Road. They could build 80+ parking spaces down there.

The Mayor was looking to providing 80 parking places at the Municipal building on a Friday night. Other than the police, nobody would be in the building, it will be closed, so the 80 spots would be available. He felt this was a good compromise, as well as protect Fairway. This is still in the planning stage.

Pete de Boer, Public Works Manager, said he is not opposed to the Seniors using the building and the Township accommodating them, but cautioned the Committee to slow down the process. The Recreation Commission has needs, the Youth Association has needs, Environmental Commission will still be meeting there for balance of year. He asked the Committee to think the whole thing through before they make any commitments. There is still a lot of Land Use Board paperwork and information at the old Administration Building that nobody seems to have a grasp on where it is or should go. He was concerned about climate control for the records. One idea he had was, when the Code and Construction Office is out of the Log Cabin to take the Land Use Records and put them in the Log Cabin. It would be climate controlled. The filing room in new building is getting jammed already. Some of the records in vault and downstairs should also be in climate controlled areas.

de Boer advised the Committee to think through the whole thing before they do anything. His department utilizes the garage downstairs and they would let them use the space, there would be fumes, gasoline, etc., which could be a problem. He said this was a problem when the police were in the building. He was also out of room and had equipment sitting outside, so he was looking forward to using some of the space downstairs.

There was a fire at the garage last month and damage was minimal. However, PEOSH came and gave them an unannounced walk through inspection. They have been found negligent in ten areas. Eight are re considered critical and two are not. Most things can be taken care of right away. Also, all Township owned buildings, built prior to 1980 they have to have an asbestos study done on them.

de Boer asked when the Open House would be done. The Mayor suggested they have the Open House an hour before the meeting in November or move the meeting time. Elbassiouny would like to see all of the Township Employees, or department heads, present to greet the residents and suggested having it from 6:00 p.m. to 7:00 p.m. Elbassiouny made a motion that the Open House for the new building be November 18, 2008, from 6:00 p.m. to 7:00 p.m., prior to Township Meeting, Strunk seconded. The Mayor said the DPW Manager, Chief Mc Donald and Code and Construction Office as well as Administrative Staff be present to meet people and show them what their functions are in the Township. All were in favor. The Clerk was to put in newspaper, post on website and notify employees. Strunk said if there is not enough money for light refreshments that he would provide them.

de Boer said ASA would be discussed in Executive Session.

The Mayor asked de Boer to check on any outstanding bills from Tony's Concrete. He said he had turned them all over to Finance, but will recheck..

The Mayor asked de Boer about a key to the display case at the field at Meadow Breeze Field House, because someone had asked for it. de Boer is working on it.

NEW BUSINESS 2

The Mayor said an officer approached him advising that he had an offer for a donation of a tree and said it would be great to have a tree lighting ceremony in Meadow Breeze Park by the pavilion. It is simple to apply for a fire pit permit for a small camp fire. They could advise the public about the tree lighting ceremony in the park in the next Storm Water Mailing. The Mayor said they should just light the tree for the night, not every night. Elbassiouny said if they are not going to have lights on for the season, he is not in favor of it.

The Mayor suggested Friday, December 12, 2008 and maybe Taylor Rental had a cherry picker they could borrow. Elbassiouny suggested the fire department assist in trimming tree. The Mayor asked for a motion to accept the donation of the tree to be planted in Meadow Breeze Park at a location determined by the Public Works Manager, authorize the Mayor to apply for a camp fire permit and put out a Storm Water Mailing to advise residents of Open House and Tree Lighting to be held Friday, December 12, 2008 at 8:00 p.m. in Meadow Breeze Park. Strunk made a motion to approve the recommended motion by the Mayor on the tree lighting, Elbassiouny seconded. All were in favor. The Chief suggested the tree be planted at the new Municipal Building. The Mayor asked that the motion be amended to show that the tree would be planted at a site suitable at the new Municipal Building, to be determined later. Strunk amended his motion, Elbassiouny seconded. All were in favor.

NEW BUSINESS 8

The Mayor asked about the quotes for the old Police/Municipal Building. de Boer said he took care of this at the last meeting. He was advised there were three funds this work could be take from and the quote is under the bid threshold. He obtained three quotes, filed a permit, but the final cost be pending what is under the roof. If it goes high, de Boer will work with the contractor on this. The Mayor said the chimney needs to be repointed as well. de Boer said this is all being taken care of at this time.

NEW BUSINESS 4

The Mayor said, since the Township has a new building, the Committee wants to make sure that work is done in an orderly manner. He asked that the Department of Public Works Manager be authorized to develop a Work Order Policy to govern repairs, modifications, moving furniture, installing furniture, various equipment and various other things to make sure everything is tracked and there is accountability of things being repaired or outfitted, know where all the wiring and plumbing is located. Strunk made a motion that Pete de Boer, DPW Manager, develop a Work Order Policy, with an appropriate request form that would apply to all office space in the new building, Mueller seconded. The Mayor said that de Boer should be the one that signs off on this, reviewed work orders and signs off on submitting the bills for approval to the Governing Body. ROLL CALL: Strunk, yes; Mueller, yes; Elbassiouny, yes; Dempski, yes.

NEW BUSINESS 6

The Mayor asked de Boer about the policy on issuing keys for the new building. He said he thinks the Committee should all have keys to the building, the Annex Building and upstairs router closet. He also felt the Mayor should have a key to the router room downstairs. de Boer said, the policy since he worked here, all key requests have gone through the Clerk's Office. He said the key for the front door can be obtained from the Clerk. The Mayor said he felt that the Mayor should have access to both router closets, just in case there is an emergency situation, unless the Committee feels otherwise. Elbassiouny asked what is in the closet besides the computer system. The Mayor said his concern was the PC's going down or phone system needing repair. de Boer said there are two IT Rooms, the one upstairs controls all networking and phone system for upstairs. The IT Room downstairs has the entire downstairs of the Police Department, telephone system, swipe cards system and all police networking. The Mayor wants access to both router rooms. Elbassiouny said he thinks the Township Clerk should have access, because the next Mayor may not have the computer knowledge to do anything with the system anyway. He said the Clerk should have access to everything and a someone from the Police Department should have it as well. Chief Mc Donald said, on the downstairs, he preferred two representatives or each supervisor from the Police have access to downstairs. On the router room downstairs, Chief Mc Donald said the only one that has access is Lt. Cicerelle, because of the security. The Mayor made a motion that the Township Clerk will be responsible for the front door and annex building keys, that each supervisor in the Police Department will have access to

the downstairs router room closet, with key, and will be responsible for providing access in the event of an emergency and the Governing Body Members are given a copy of front door and annex keys, which will be part of the policy, sign out card to say who has what key and what serial number on the key, and Code and Construction and Zoning, should be included to be the responsibility of Township Clerk, except for the router room downstairs and the Clerk should also have a key to the router room upstairs key as well, and police supervisors will have for key to router rooms upstairs and downstairs, Elbassiouny seconded.

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

Strunk felt that the downstairs entrance door should be the door that all employees enter and exit.

The Mayor said his card did not work, so he needed the key. So, it will be necessary to provide keys to the front door.

The Mayor asked about the telephone. de Boer said the 24th will be the drop down date of the new phones. The Mayor asked de Boer to discuss compensation with Lavery, because it is unacceptable that the Township has been out over a week with no service. The Township should get compensated for not having service, even if it is x amount of months or free service. de Boer will call the company about this. Strunk this company has been terrible from the beginning. The Mayor agreed they have done a lousy job with the telephone service. The Mayor wanted a letter written by Lavery expressing the concerns of the Township on the poor performance of this company. de Boer asked the letter be held until the 24th.

de Boer said at the last Work Shop Meeting, the contractor that installed the swipe cards was present. They had gotten a price from the contractor to put two swipe readers on the outside door and Code and Construction door for \$7800. de Boer went back and renegotiated with the contractor and got a new price for a number not to exceed \$5000. This would include putting a pass through buzzer in the Police Secretary's office to allow her to open the door as well. Elbassiouny made a motion to have a swipe system put on the front and side door, pending availability of funds, Dempski seconded.

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

PUBLIC QUESTIONS AND CONCERNS

Frank Cregan, 62 Merlin Drive, said he was concerned about the intersection of Broad Street and Route 31. He noticed when you pull up to the stop sign, coming out of town, you cannot see what is coming South. The reason is you cannot see is there are two parking spots in front of Washington Lock Doctor and Shell Station and when there are cars you cannot see and when there are trucks there it is impossible to see at all. He thinks there is a line of sight problem and the parking spots are not used by Washington Lock Smith, but the Shell Station and Oxford Tire. You cannot see when you pull up to the stop sign and there is definitely a sight problem. Lt. Cicerelle will check into this request by Cregan. Cregan said it would be eliminated if there was no parking in the two spots.

George Willan, 32 Falcon Way, thanked the Township Committee, on behalf of the residents, for all their hard work. They have made a lot of progress with Pinnacle and they hope it continues.

Efrem Zaret, 37 Falcon Way, asked if the Mayor could share Tom Quinn's latest report, where he lists suggestion and costs. The Mayor did not get the estimate yet. The number, which greatly exceeded what is available in the cash portion of the bond. There has been inflation and most costs on doing it.

Public Portion ended.....

NEW BUSINESS 10

There was a proposal received to create an Office Manager position, which is something that was done in Blairstown. The Mayor said there should be an administrative head at the Municipal Building in terms of making sure action items are followed up and done. The Committee was looking into creating this position, part time, and eventually full time. A sample ordinance was in packet to be reviewed by Committee. They could enact the ordinance, but not necessarily hire

anyone this year. The Mayor said Mansfield had a Township Administrator for several years, but this person left and the position was never filled. He would like to see an Acting Office Manager before they decide whether to have someone part time or full time, find out if it fits in with current set up, will it work and what are the costs associated with it. Review it after a year and find out whether it worked or not. Elbassiouny said he support this. He said the best way to do this is through an outside firm that would seek someone. The Borough has done this with their current manager and are very happy with the way it worked. He would like to see the firm start a search in January, not for an individual, but an outside firm to reach out for someone.

NEW BUSINESS

7. Strunk made a motion to approve the Clerk attending a Sussex County Municipal Clerks Seminar on October 24, 2008, Elbassiouny seconded. All were in favor.

NEW BUSINESS

11. The Mayor said another item to be reviewed was the parking at Fairway during sports. The Committee will be putting an ordinance in place which would restrict parking, during sports activities, so there is no overflow into Fairway. This will be introduced at the November meeting for first reading.

NEW BUSINESS 3

The Mayor said, the Township did want to do a snow removal agreement to plan for worst case. The Township Attorney drafted an agreement between the Township and Hawk Pointe Association to enable the Township to plow major streets during a snow storm. Lavery read the agreement, which basically said the snow will be removed and that Hawk Pointe would indemnify the Township if anything should happen. He said the Township has no responsibility to go there and plow the roads, no legal responsibility, plus the Township has a problem with their insurance carrier by sending trucks in on roads they do not own. The motion was made at the last meeting this would be done, if the Township was indemnified and should provide an insurance certificate as well. Lavery said, for the Township to have their trucks go on private roadways, they have to have protection and the agreement indemnifies it.

PUBLIC COMMENTS

Liz Scovill, 5 Osprey Court said the Mayor had asked the Condo Owners on Kestrow and Osprey to have the former attorney write to the Township Attorney advising about the situation on Osprey and Kestrow and hoping they came under th NJ Condominium Service Act, where is that at this point? The Mayor said, right now, when they plow the Fairway Condo Association on Mine Hill, they give them money because the Township does not plow the streets under this act. The Mayor said they would do the same thing for Hawk Pointe once the roads are accepted. She said they are privately owned by the Condo Owners. She said if the DPW would plow them out, they would gladly indemnify the Township. The Mayor said he did not know if the Condo Town Homes would be wide enough for the public standard. Lavery said he will talk with their attorney, because there should be a Municipal Service Agreement in place with regard to snow plowing. Lavery said, under the Municipal Service Agreement they can pay the Condo Association if they hire a third party contractor to plow streets or the Township can agree to do it. The question becomes, are the streets wide enough to be plowed. de Boer said he will have Tom Quinn, Engineer check it out.

The Mayor said, normally the street lights would be on a meter, because they don't need to be. They tied the street lights, irrigation system and other things to the same common box. It is not wise to rip up roads and redo it all. Normally the Township would be paying, as part of the master bill for street lights. They need to develop a formula to make sure the Township reimburses on this. The Township needs to pay for the public lights there. There was discussion on the sidewalks and driveway aprons at Hawk Pointe. The Mayor will follow up with Quinn to check on sideways and driveway aprons.

Elbassiouny said he talked with Lavery about the wood burning stoves that people are looking to install. He said there has been issues on them and the DEP is trying to shut them down.

Recommendations have been made on properly installation, if it goes outdoors it has to have a chimney that is at least two foot higher than the house. Therefore, the smoke would not go to your neighbor. It also has to be 300' from another resident. Strunk asked where these rules were coming from. Elbassiouny said they called the manufacturers of the wood burning stoves. He said there are problems in other counties and he would like to see Warren County take the lead on this. He was asking Lavery to prepare an ordinance on this for the next meeting, because they do not belong in every neighborhood. He asked anybody to make recommendations to Lavery on this as well.

Elbassiouny said he talked with White Township regarding the Code and Construction Office. There was an issue of possible conflict of interest, because elected officials could not use their own Code and Construction Offices. He had talked with Mayor Sam Race of White Township and they would be more than willing to enter into a Shared Service Agreement, strictly for the purpose of elected officials on both sides. Elbassiouny said it would be a courtesy. Strunk asked where the money would go. Elbassiouny said whatever the fee is that is what is paid. Lavery suggested a resolution be passed on this. Elbassiouny suggested that Lavery call White Township attorney Brian Tipton and work this out and a resolution be passed at a future meeting. Elbassiouny made a motion to authorize Lavery to prepare a resolution and send to White Township so they can do at next meeting, Dempski seconded.

Strunk said he was going to abstain from his matter, because he may have been the one this process started with and he feels uncomfortable on commenting or voting on this.

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

Elbassiouny made a motion to approve Resolution 08-121 to go into Executive Session at 11:45 p.m. to discussion a contractual matter and potential litigation, Strunk seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 12:30 p.m. , Elbassiouny seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 12:30 a.m. where they discussed one attorney/client privilege contractual potential litigation matter involving the architect's bills. 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.

Strunk made a motion to authorize Elbassiouny to enter into negotiations with the architect to review final fee payment, Mueller seconded. All were in favor.

NEW BUSINESS

Lavery said he received a letter from the son of the owner of the restaurant, Star 31 Route, which was the Grapevine. They are asking the Committee consider changing the license. When it was approved for 2008-2009, it had conditions put on it. They are asking the Committee to change the conditions. Lavery said he was not sure legally the Township could even do this, because ABC issued the license for a year, based on the conditions. Elbassiouny left the meeting and this time and was not part of the discussion. There were also misstatements made in the letter regarding who the owner of the license was. Lavery said ABC was the one that put conditions on the license. Strunk said also that the Chief should be involved in this. Lavery will send a copy of letter to Chief Mc Donald for his input, to be discussed at the next meeting.

PAYMENT OF BILLS

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

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

Elbassiouny asked the status of the old building, has a closing date been set. Lavery said they set up a closing date, but the problem is that the contract says they have x amount of days from the date of the sale of the property to closing, or when they get their Land Use approvals. There s an objector who has filed a brief with the Land Use Board pointing out certain objections. Lavery said they may end up with the same situation as A&P, which is competition, will try to slow them down. They have already missed their 45 days. Strunk asked, is the sale of that property is tied in with them getting their approvals, Lavery said yes. Elbassiouny said as long as they are getting approvals, whatever someone is suing them for, should have nothing to do with the Township. Lavery said that is what the contract states. Strunk said, if they don't get their approvals and it

takes three years, the Township cannot close. Lavery will check the contract to see if they have a certain period and the specific wording.

ADJOURNMENT

There being nothing further to come before the Committee, Strunk made a motion to adjourn at 12:45 a.m., Elbassiouny seconded. All were in favor.

Respectfully,

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