

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
January 20, 2009

The regular meeting of the Township Committee was held this date at the Washington Township Municipal Building, 211 Route 31 North, Washington, N.J. The meeting was called to order at 7:30 p.m. by Mayor Samir Elbassiouny.

SUNSHINE LAW COMPLIANCE - The Mayor noted that this meeting was being held in compliance with the Open Public Meetings Law of 1975 in as much as a notice had been published in the Star Gazette and transmitted to the Express Times and posted at the municipal building.

ROLL CALL: Horensky, present; Kovacs, present; Mueller, present; Strunk, present; Elbassiouny was absent.

SALUTE TO FLAG

ORDINANCES

Kovacs made a motion to open Ordinance 09-01, Salary Ordinance, to the public, Horensky seconded. All were in favor. Nobody from the public wished to be heard. Horensky made a motion to close the public hearing, Strunk seconded. All were in favor. Horensky made a motion to approve Ordinance 09-01, after public hearing and second reading, Kovacs seconded.

ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes; Strunk, no, because as he stated before, in these economic times they should not be voting for pay increases. As he said, in previous years they should have negotiated better contracts. The employees deserve good pay, but times have changed and there are certain things they can no longer afford. This is why he voted no.

Strunk made a motion to open Ordinance 09-02, Ordinance Reauthorizing the Open Space Trust Fund for the Township of Washington to the public, Horensky seconded. All were in favor. Nobody from the public wished to be heard. Strunk made a motion to close the public hearing, Horensky seconded. All were in favor.

Horensky made a motion to approve Ordinance 09-02, after public hearing and second reading, Strunk seconded.
ROLL CALL: Horensky, yes; Strunk, yes; Kovacs, yes; Mueller, yes.

Strunk made a motion to introduce 09-03, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 64, "Development Regulations," Section 64-8, "Fees and Deposits," to adjust Escrow Fees, Horensky seconded.

ROLL CALL: Strunk, yes; Horensky, yes; Kovacs, yes; Mueller, yes.
Public Hearing and Second Reading will be February 17, 2009.

RESOLUTIONS

The Deputy Mayor asked if anyone wanted to pull any Resolutions, otherwise they would be approved with one vote. Horensky asked that 09-27 and 09-28 be pulled. The Deputy Mayor also advised that Resolution 09-31, Reduction of Performance Guarantee for Pinnacle Hawk Pointe Developers, LLC, has also been added to the list this evening.

Horensky made a motion to approve Resolution 09-26, 09-29, 09-30 & 09-31, Kovacs seconded. Strunk asked if the work had been done on Pinnacle Hawk Pointe Developers and were the residents satisfied. George Willan, Hawk Pointe Resident, said the work done was fine. He did receive many comments from the residents that the work looked fine and they were pleased with it. He has not heard anything negative.

ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes; Strunk, yes.

09-26 Tax Sale Certificate Redemption Resolution Block 38.02, Lot 12

09-29 Return of Driveway Escrow, Horse Sleigh Farm

09-30 Authorizing the Transfer of Funds

09-31 Resolution 09-31, Reduction of Performance Guarantee for Pinnacle Hawk Pointe Developers, LLC

Kovacs said, at the Reorganization Meeting the Committee approved Resolution 09-25, Resolution Regarding Liability Insurance Coverage/Change of Broker of Record. Kovacs made a motion to rescind Resolution 09-25 on the Liability Insurance Coverage, until this has been investigated where they are on this. Right now, he felt the resolution without further investigation, is inappropriate, Strunk seconded. Kovacs said when this was passed, it cut out the old broker Brown and Brown out. Lavery said the Township is insured with PAIC for three years and Brown and Brown is involved with PAIC. When the Township passed Resolution 09-25, they terminated Brown and Brown as Risk Manager.

ROLL CALL: Kovacs, yes; Strunk, yes; Horensky, yes; Mueller, yes.

Horensky made a motion to approve Resolution 09-27 Authorize & Approve Salaries & Wages for Certain Employees (DEMC/Todd Pantuso), Strunk seconded.

ROLL CALL: Horensky, yes; Strunk, yes; Kovacs, yes; Mueller, yes.

Horensky made a motion to approve Resolution 09-28 Authorize & Approve Salaries & Wages for Certain Employees (Schmidt, Kauffman, Schott, Teter, Pantuso, Wolf & Cicerelle, Kovacs seconded.

ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes; Strunk, no.

REPORTS FROM STAFF

Chief Mc Donald distributed the December Monthly Report and the Yearly Report for his department.

Pete de Boer, Certified Public Works Manager, distributed his December Report.

de Boer said his salt budget is barely alive. He has also gone through a mixture of grit and salt. This may have to be discussed at the next budget meeting.

PUBLIC QUESTIONS/CONCERNS

Elizabeth Scovill, 5 Osprey Court, said she wanted to thank Pete de Boer and his staff for the excellent service they have provided when it snowed. She asked how the Municipal Service Agreement was coming along. Lavery said a draft copy had been sent out to their attorney. They will be calculating the linear footings of the roads and hopefully, there will be something by the next meeting.

George Willan, 32 Falcon Way, said he also wanted to thank Pete de Boer and his staff for the rest of his development. The roads have been well taken care of and they are in good shape this winter. He said it was his understanding, when the street paver work was completed, that was going to be about that time they would be ready to transition the streets over. This was his understanding from Mayor Dempski at the time. He did not know the process and asked what is done next. Lavery said the engineers will go out and inspect the roads to make sure they are alright and acceptable and no repairs are required. They must be in excellent condition when the Township accepts them. Lavery advised the engineer was present at this meeting. Nevitt Duvencek, Finelli Consulting Engineers, introduced himself to those present. He said he handles all the outside work for the Township during construction. This project, Pinnacle, he has not been involved in, this was done with the previous engineer. Then a resolution would be done accepting the roadways. If someone is needed to follow up on this, he is willing, ready and able to do this. Lavery said he thought Thomas Quinn, previous engineer, who had left Medina was working on it. They will get in touch with Quinn and have him check this out.

Willan said there were two other items that need to be done in the transition. The street lights and lights on the main thoroughfare. need to be discussed. Kovacs said they will have to do a percentage on paying for the lights. The other issue was the sidewalks themselves, the ones in the right of way. The way the Developers Agreement is written, it states that when the Township takes over the streets, everything within the right of way also becomes the property of the Township. Willan asked, does this mean that when it is time to replace the sidewalk, according to the Developers Agreement, it is the responsibility of the Township? He would like this reviewed. Lavery said he would review the Developers Agreement, but it is not usually the responsibility of the Township to maintain the sidewalks. This is usually the burden of the property owner. Lavery will review the Developers Agreement. Willan gave a copy of the Developers Agreement to Lavery to review.

Tom Prisk, 5 Osprey Court, said a couple weeks ago they got a registered letter about reopening the Asbury Farms Project, with Shop Rite. Then, this morning, they got a memo from the president of the Committee the meeting was postponed. What is happening? Mueller said something happened in court on Friday. Lavery said there was a stop work issued by the court and the judge would not allow them to go back to Land Use Board until further order of court. There is much litigation filed on this and it may take months to get resolved. The trial is not even scheduled until the middle of February. This will determine whether the process has to start all over in front of Land Use Board or there was defect in preliminary approval. Prisk said this could turn into another Acme and be an eyesore for five to 10 years, right in front of where they live. There goes the ratables, all because the guy doesn't want competition.

Nevitt Duvencek said he wanted to address the Committee on Pear Tree Reality/Canal Estates. It is his understanding from the Committee and through Pete de Boer that they were to do the final inspections there to release a final bond on the project. He wrote the developer a letter requesting escrow to cover their fees for doing this work. He has not responded yet. At this point in time, there needs to be an inspection of that site to make sure there are no problems, no sink holes, no defects in roadway system. He was looking for direction from the Committee. If he doesn't pay any money, it is still not inspected and approved for turn over to the Township and release of bond. He was looking for direction on what they wanted him to do. Strunk said that Lavery should write a letter to the developer. Lavery said it would be incumbent on him to post the money, if he wants the road taken over by the Township. Lavery will check the expiration date on bond and send a letter on this. If he does not get a response, this will have to be discussed at the next meeting.

Public portion ended 7:52 p.m.

NEW BUSINESS

1. Request from Jeff Cooper to attend Certified Public Works Manager Management Course during Thursdays in March, April and May in East Windsor, NJ. Strunk asked for more information, because it was requiring him to be absent from work for 12 days. de Boer said this is a recognized Public Works Managers Course offered by Rutgers. de Boer said this is a two year program. It is divided into three sections. The wisdom in having more than one individual serve in this capacity is, should anything happen to him, by law, you need a Principal Public Works Manager. If he was no longer here, this person could step into that position. He will gain much from the training itself. Strunk asked de Boer, if when he did his training, did he do it on his time or did the municipality pay for it. He did not do it on his time, the municipality paid for it. Horensky said he felt it was a great opportunity. It is good to have your employees trained and move forward. Strunk said there is no

guarantee that employee is going to stay in Washington Township. Horensky said he was absolutely right, but it is a good thing to do. de Boer said there could be a stipulation put into effect, that upon completion of the training, there could be an agreement that should he up and leave, that he would reimburse the Township the cost of the training. de Boer said he will look into this and making it a policy. Kovacs said that Cooper should work at least 3 years. Strunk made a motion to approve Jeff Cooper attending the Spring Managers Program during designated dates in March, April and May, with stipulation that after completion of course should he leave, before working in the position for 3 years, after completing the course, he would reimburse the Township for all expenses (time and costs) put into sending him for schooling, Horensky seconded. Horensky asked Strunk to amend his motion to state that if he leaves in a related position he would have to reimburse the Township. Strunk amended motion, Horensky seconded.

ROLL CALL: Strunk, yes; Horensky, yes; Kovacs, yes; Mueller, yes.

2. Request from Washington Township PTA for funding from the Clean Communities Grant for two shows at Brass Castle School in the amount of \$1050 and Port Colden School for one show for \$675. After discussion, Strunk made a motion, based on the Availability of Funds, after checking with Finance, that the grants be approved, Kovacs seconded. Strunk said he will have a report Saturday if funds are available.

ROLL CALL: Strunk, yes; Kovacs, yes; Horensky, yes; Mueller, yes.

REPORT FROM OFFICIALS

R.J. Strunk had no report.

John Horensky said he met with the auditor yesterday regarding the current budget issues that would concern him. They also talked about long term fiscal planning for the Township. He will be meeting on Thursday, as liaison, with Tax Collector, Certified Finance Officer and Treasurer. Michael Kovacs asked Horensky if the CFO could Excel a copy of the budget to the Committee..

Michael A Kovacs said he had an item for Executive Session.

Barry Mueller reported that the Recreation Commission reorganized with the same officers and meeting schedule. They set the Field Scheduling Meetings for this coming season.

The Historic commission reorganized with the same officers and same meeting schedule.

He will be meeting with Code and Construction Office next week.

There is a meeting coming with Warren Morris Council of Governments.

PAYMENT OF BILLS

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

ROLL CALL: Horensky, yes; Strunk, yes on ones he signed; Kovacs, yes; Mueller, yes.

EXECUTIVE SESSION

Strunk made a motion to approve Resolution 09-32 to go into Executive Session at 8:16 p.m. for an attorney/client privilege, dealing with a development application and billing on vendor, Horensky seconded. All were in favor.

The doors were opened. Kovacs made a motion to come out of Executive Session at 9:16 p.m., Strunk seconded. All were in favor.

Lavery said the Committee came out of Executive Session at 9:16 p.m. where they discussed two matters, one was an attorney/client matter dealing with a potential litigation dealing with a development application and two contractual issues dealing with vendors. No official action was taken. Copies of the minutes will be available at such time the Committee determines there is no harm to the public.

ADJOURNMENT

There being nothing further to come before the Committee, Strunk made a motion to adjourn at 9:17 p.m., Horensky seconded. All were in favor.

Respectfully submitted,

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