

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
July 21, 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 7:33 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, transmitted to the Express Times and posted at the municipal building and a copy is on file in the Clerks Office. This agenda is subject to change by the order of the Washington Township Committee and/or during the scheduled meeting.

ROLL CALL:

Elbassiouny, present; Horensky, present; Kovacs, present; Mueller, present; Strunk, present.
Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk and Peter de Boer, Acting Administrator and Certified Public Works Manager were also present.

SALUTE TO FLAG

APPROVAL OF MINUTES

Kovacs made a motion to approve the Executive Session Minutes of June 3, 2009, Horensky seconded.
ROLL CALL: Kovacs, yes; Horensky, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

Horensky made a motion to approve the Special Joint Meeting with Washington Borough on June 3, 2009, Mueller seconded.

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

Kovacs made a motion to approve the Regular Minutes of June 16, 2009, Strunk seconded.

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

Kovacs made a motion to approve the Executive Session Minutes of June 16, 2009, Strunk seconded.

ROLL ALL: Kovacs, yes; Strunk, yes; Horensky, yes; Mueller, abstain; Elbassiouny, yes.

ORDINANCES

Kovacs made a motion to open Ordinance 09-12 Ordinance to amend an ordinance fixing the salaries of the Officers and Employees of the Township of Washington, County of Warren and State of New Jersey #2009-01 (Police Secretary), Horensky seconded. All were in favor. Nobody from the public wished to be heard.

Kovacs made a motion to close the public hearing, Horensky seconded. All were in favor. Horensky made a motion to adopt Ordinance 09-12, after public hearing and second reading, Kovacs seconded.

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

Horensky made a motion to open 09-13 Ordinance Authorizing an Emergency Appropriation NJSA 40A:4-53 updating the Master Plan with a Wastewater Management Plan to the public, Kovacs seconded. All were in favor. Nobody from the public wished to be heard. Kovacs made a motion to close the public hearing, Mueller seconded. All were in favor. Kovacs made a motion to adopt 09-13, Horensky seconded.

ROLL CALL: Kovacs, yes; Horensky, yes; Mueller, yes; Strunk wanted discussion prior to voting. He asked if this was strictly for wastewater management plan or is it also paying for the Master Plan that was received. The Mayor said some of this money may be going to THE Master Plan as well. Strunk asked where the money came from to pay for the Master Plan. The Mayor said Land Use Board Budget, but he was not sure of number. This was done on the recommendation of the Township Engineer. The Mayor advised Strunk to get in touch with the Township Engineer for a detailed explanation; Strunk, yes; Elbassiouny, yes.

Horensky made a motion to introduce Ordinance 09-14 Ordinance Amending Chapter 64 to add 64-31A Entitled "Conservation Plan" and 64-31B Entitled "Landscaping Plan Requirements" of the Code of the Township of Washington, Kovacs seconded. Strunk asked when this information was received. The Mayor said it was received yesterday at 4:00 p.m., they have 30 days to review it. Strunk said he did not think they should be introducing something they have not had time to read. The Mayor said two members of the Committee sit on the Land Use Board and have gone through the process and have been reviewed. Lavery said he received them yesterday at about 4:00 p.m, reviewed them and sent to the Clerk for the agenda. Strunk felt they should have been presented in a more timely manner.

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

Public hearing and second reading will be August 18, 2009

Horensky made a motion to introduce Ordinance 09-15 Ordinance Amending Various Provisions of Chapter 123 "Zoning" of the Code of the Township of Washington, Kovacs seconded.

ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes. Strunk, no, for the same reason as stated on Ordinance 09-14, Elbassiouny, yes.

Public hearing and second reading will be August 18, 2009.

Horensky made a motion to introduce Ordinance 09-16 Ordinance Amending Chapter 64 "Development Regulations," Appendix II "Procedure for Filing Application of the Code of the Township of Washington, Mueller seconded.

ROLL CALL: Horensky, yes. Mueller, yes; Kovacs, yes; Strunk, no for the same reason as stated on Ordinance 09-14 and 09-15; Elbassiouny, yes.

Public hearing and second reading will be August 18, 2009.

Horensky made a motion to introduce Ordinance 09-17 Ordinance Amending , In Its Entirety, 123-13.2 Entitled "Planned Village District (PVD), of the Code of the Township of Washington, Kovacs seconded.

ROLL CALL: Horensky, yes; Kovacs, yes. Mueller, yes; Strunk, no for the same reason as stated on Ordinance 09-14, 09-15 and 09-16; Elbassiouny, yes.

Public hearing and second reading will be August 18, 2009.

Lavery said the four ordinances (09-14, 09-15, 09-16 and 09-17) will be sent back to the Land Use Board for review and recommendation. They have 30 days to respond to the Township Committee.

RESOLUTIONS

The Mayor asked if anyone wanted to pull any resolutions, or they would be passed with a consent vote. Horensky asked that 09-95 through and including 09-100 be pulled to be voted on separately. The Mayor asked that 09-106 and 09-108 be pulled, as he will be abstaining on them. Mueller made a motion to approve Resolutions 09-90 through 09-108, with the exceptions of 09-95 through and including 09-100, 09-106 and 09-108, Horensky seconded.

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

09-90 Resolution of Annual Report of Audit for 2008

09-91 Tax Sale Certificate Redemption Resolution Bl 40.05, Lot 2

09-92 Tax Sale Certificate Redemption Resolution Bl 40, Lot 27

09-93 Resolution for the Corrective Plan 2008 Audit Report

09-94 Resolution for the purpose of approving a Federal Credit Union to provide Financial Services to Township Employees.

09-101 Resolution Amending the Existing 9-1-1 Plan

09-102 Tax Sale Certificate Redemption Resolution Bl 38, Lot 22 C0044

09-103 Resolution for Wastewater Management Planning Grant

09-104 Resolution for the Purpose of Executing a Sharing Available Resources Efficiently (SHARE) Grant Agreement with the Department of Community Affairs (DCA) of NJ

09-105 Acceptance of Performance Bond, for Site Improvements on Bl 46, Lot 2; Levin Properties, LP

09-107 Resolution for the purpose of Authorizing the Signatures of Mayor and Municipal Clerk to Execute a Grant/Loan Agreement with the Department of Community Affairs (DCA) of New Jersey

09-109 Resolution Authorizing the Purchase of I-4 and I-5 Blacktop (Tilcon, Inc)

Strunk made a motion to approve Resolution 09-106 Resolution Acknowledging and Endorsing an Application of the Port Colden United Methodist Church to be filed with the Warren County Municipal and Charitable Conservancy Trust Fund Committee, Mueller seconded.

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

Kovacs made a motion to approve Resolution 09-108 Resolution to allow Warren County Community College to hold Fall Festival and Fireworks at Warren County Community College Property (pending completion of all applications and approvals), Strunk seconded.

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

Horensky made a motion to approve Resolution 09-95, Chapter 159 Budget Amendment, Police Consolidation Sage Grant, Kovacs seconded.

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

Horensky made a motion to approve Resolution 09-96, Chapter 159 Budget Amendment, Highlands Conformance Grant Program, Kovacs seconded.

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

Horensky made a motion to approve Resolution 09-97, Authorize & Approve Salaries & Wages for Certain Employees (Police Secretary), Kovacs seconded. Strunk asked for background on giving an employee a \$10,000 raise. The Mayor said, as discussed in the past, with the Shared Service Agreement with Washington Borough, this number was calculated at this amount, due to the fact of the substantial difference

between both employees. Even with this \$10,000, this employee is still more than \$10,000 below the employee coming from Washington Borough. Strunk said one is \$34,000 and the other is \$54,000 and rather than adjust the high salary, a \$10,000 raise was given. The Mayor said this was non-negotiable and necessary for the two employees to combine the systems used by the department. Strunk said, in the budget process, we were trying to take dollars off the wages, how will the Township justify this next year to the employees that are given 3% and 4%, that one employee received \$10,000. The Mayor said some of the

Borough Employees that came over got substantial raises to meet the Township PBA Contract. Strunk said the second person is coming over to do additional duties for the officers and will be getting the higher salary. He said this seems unconscionable when they know the budget is tight now and they just received a notice from CFO that the litigation monies are low. You are giving a \$10,000 raise to one employee and next year, other employees will be lucky if they get 3% or 4%.. Strunk said he is strictly talking on a management position as to how this was done. Mueller asked where they are getting the money from to do this. How can this be done, because there is a budget in place. When the budget was being done, they kept taking amounts from budgets to create a budget, but now all of a sudden they are coming up with an extra \$10,000. The Mayor said this was part of a number given to the Borough for their share for this year.

de Boer said that he spoke with the CFO about this situation as well. He said there is an employee's salary that was budgeted for the entire year, but he will be retiring August 1, 2009. So, there will be money in the police salary and wage budget to cover this resolution and the next resolution, if the Committee chooses to do so. Question was, is there money in budget, yes, because of this officer retiring August 1, 2009. So, his remaining salary will cover this increase. Strunk said, using this methodology, come November they have to transfer monies from accounts that have monies to those that need money, so if there is a shortfall in litigation, there would be money to transfer, plus other accounts that may have a short fall. This money may be needed in November for other accounts that may be low. Chief Mc Donald said that Washington Borough will be paying the Township starting August 1, 2009, so this has been budgeted. The money is in the budget twice, once in the budget for the implementation and also because they budgeted for Sgt. Pantuso until December 31 and he leaves in August. Strunk did not think it was fair to give an employee \$10,000 during these economic times. Mueller said he felt they were setting a dangerous precedence by doing this and by having two employees in the office she should not even have as much work to do. The Mayor said it will take a year to get things resolved. Chief Mc Donald said there will be more to do and more responsibilities, and in essence the supervisor is making \$24,000.00 less than the subordinate. This \$10,000.00 raise still leaves the supervisor \$12,000.00 behind in her salary. Kovacs said he would rather have seen a reduction in the salary of the secretary coming over, but something had to be done to make the two salaries more equitable.

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

Horensky made a motion to approve Resolution, 09-98 Authorize & Approve Salaries & Wages for Certain Employees (Police Chief), Kovacs seconded. Strunk asked where this salary increase will be coming from and justified. Horensky said half would be paid by the Borough and half by the Township and for justification, the chief's staff is being doubled. Strunk said, right now the Chief is under contract, does this mean the Township is opening the contract. Lavery said if the Township is approving this, then they could just amend the contract to reflect the new number. The Chief said the only salary that was stipulated in the contract was the first year of the agreement. Strunk did not understand this, because there was a contract on the salary. Lavery said they would sign an addendum to the agreement. Chief Mc Donald said he intends to use this money to buy back pension, which would make him eligible to retire in December 2010. This would be a big savings to the Township, because they could save approximately \$60,000.00 by hiring someone at entry level. Strunk said he has asked repeatedly for detailed information, which has never been supplied to him. The Mayor said he has the same information as everybody else.

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

Horensky made a motion to approve Resolution 09-99, Authorize & Approve Salaries & Wages for Certain Employees (Boro Employees), Kovacs seconded. Strunk said he wanted it noted that he will vote no due to reasons previously stated.

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

Horensky made a motion to approve Resolution 09-100, Resolution approving transitional assistance for Shared Services of Police Department, Kovacs seconded. Strunk asked if this resolution was to buy out Officer Pantuso and it was.

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

Chief Mc Donald said it was not on the agenda, but Officer Pantuso had put in for his DARE Stipend, which is paid half in June and half in December. The Chief told him to put it In right now, because he will not be here in December. Pantuso has satisfied all the requirements as DARE Officer in 2009. Horensky made a motion to approve Officer Pantuso's entire DARE Stipend, Kovacs seconded.

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

STAFF ADMINISTRATIVE REPORTS

Chief Mc Donald said he had a meeting last week with all departments and officers. He let them know what direction he wanted them to go after August 1st. Strunk asked if a list has been done of the active cars, what cars will be coming off insurance and what cars are being purchased. Also, has a list been prepared on who can take cars home. de Boer said he as gone over the inventory and all cars are insured and there will be no increase this year. There will be an increase in 2010. Strunk asked for a list of all cars. Chief Mc Donald said he would provide this list if directed by his liaison. The Mayor asked the Chief to provide the list once the Borough has come aboard. Strunk asked for a list of what officers would be allowed to take the cars home. The Chief said he would provide this list to his liaison. Strunk said he was requesting this list as well, the Mayor said this is fine. Strunk asked where the policy is found on letting officers take cars home. The Chief said he would provide this information to his liaison as well.

de Boer passed out the DPW Monthly Report. Strunk asked if black top overlay, is this something we do, or does a professional come in to do it. de Boer said they do it. Strunk said he noticed on Mozart Avenue and Forces Hill Road the thin coating is coming up creating more pot holes than if they had continued the oil and chip program. He thinks this should be looked into. De Boer said he agrees, but the cost of oil and chip has gone so much higher over the years and he doesn't have the money in the budget to do it. Strunk felt they are not getting a good result with the overlay or leveling, it would be better to use the same monies to do oil and chipping. de Boer said the costs have increased so drastically, they are unable to do this.

de Boer said he has been busy dealing with benefit insurance issues, working with Sweat and Walters, getting all the new employees set up for eventual hire date of August 1, 2009. Strunk asked if money has been put aside to have all the new employees on the payroll. de Boer said he has been giving all this information to Finance as he gets it to put into the payroll system. Mary and Nancy have helped him tremendously making up packets and copies of information for crossing guards and other employees coming over. Strunk asked if additional staff will have to be hired in Finance. de Boer said no. The Mayor said there will an increase in time in the beginning and \$1000 has been set aside to pay costs involved with the Shared Service Agreement. de Boer said he had originally asked for \$5,000, but they would only give \$1000 for this. He has been doing much of the leg work himself and Suzanne has been entering them into their system. The Mayor said this \$1000 can be split with those that have worked on the Shared Service Implementation. Strunk asked if the existing Finance Department can handle the payroll and he was told yes. de Boer said he has taken over all the health benefit issues for all employees. de Boer said once the payroll has been entered, it should not create extra work. Kovacs made a motion to authorize Finance to pay anyone working on the Implementation Grant out of the \$1000.00 put aside for this, Horensky seconded. Strunk questioned whether the money has been received yet. The Mayor said not yet, it is reimbursable. Strunk said they could cut themselves short, come November, because the State is not prompt in sending monies. The Mayor said the money has been allocated, so the Township will get it.

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

de Boer said he was involved with nine of the resolutions passed at this meeting. He did listen to the tapes regarding the Teamsters Contract and has updated the contract, which can be discussed in Executive Session.

He has also had continued conversations with the Borough Manager. He has a request from someone in Code and Construction, to be discussed in Executive Session.

de Boer said the Warren County Response Unit, used by the SWAT Team, is being parked in the Annex Building. The County has installed a security system in the building because the vehicle is there.

The Mayor said a letter had been received from Roger A Jinks, Superintendent of Washington Township School District thanking the Township for their continued support of the school district. He especially wanted to call attention to Peter de Boer and the members of the Washington Township Public Works Department. He was pleased to report that, due in large to the efforts of the Township's Department of Public Works, the district will be able to complete the entire project, including the site work, under budget and well within the available grant funds.

PUBLIC QUESTIONS/CONCERNS

Frank Cregan, 62 Merlin Drive, said the students at Brass Castle School were doing posters and signs about not smoking. He was asking for the Township to support this school project and support that effort by enforcing the sign ordinance at Hess Station and Sunoco Station. The Sign Ordinance does not allow the signs at the stations and they are up all the time. They keep changing the signs. He talked to the Zoning Officer and nothing happens. He asked the Committee to really enforce the Sign Ordinance. The Mayor said this discussion happened in the past and the Zoning Officer came to a meeting and said there should be changes made to Sign Ordinance. The Mayor said a subcommittee should be set up to revisit the Sign Ordinance, which would include two committee members, two residents and two business members. Strunk said some businesses on Route 31 have gotten together and would like to try to see if they could offer corrective comments on their specific concerns. His way of approaching this was to see if they finalize anything, give them a chance to submit comments to see what they are, then address the Sign Ordinance. The Mayor felt there was another way to handle it, rather than give them a wish list. His way would be to set up the subcommittee. The committee's responsibility would be to go over the sign Ordinance, because it does not allow anything now for temporary signs. He said there has to be a little bit of compromise, especially in these tough times, to allow businesses to run certain specials. The Township Committee needs to come up with a plan and still protect the residents. Kovacs said, when the Sub Committee comes to a conclusion, that a public hearing be held with all businesses and residents for any input after they see what the Township has come up with. He felt with a Sub Committee it would never get done.

The Mayor said it would be beneficial if the six members of the Sub Committee could put their heads together and come up with a compromise. The Mayor asked the Committee if they wanted to form a Sub Committee or go with the idea that Strunk suggested. Horensky said if you give it to businesses first, you may have the tail wagging the dog. He believe the structure should be established by the Township, because they have the responsibility of the Sign Ordinance. de Boer said he had discussed the Sub Committee with Mueller, who felt that he and the Zoning Officer should also be present. The Mayor did not think it was

necessary for the Zoning Officer to be present. Mueller said they need to know what the problems are, obviously, they hear from Cregan all the time, but the businesses along the highway are paying top dollar in taxes, so the committee cannot shut them out. They need to know what they want, we need to know what they need. Strunk said he would like to hear the concerns they have. The Mayor said they all want temporary signs. The other issue would be the dealership, who wants to park cars in grass area, they are not allowed to do it. It is cheaper to pay the fine than deal with it.

Horensky said the Township Committee should form the structure and the businesses should plug into the structure. Mueller said he wants to know exactly what the problems are on the Sign Ordinance. The Mayor said the businesses were not really part of the discussions on the Sign Ordinance, but the residents were. If a Sub Committee was formed, there would be input from both sides. Mueller said he did not understand Mr. Cregan's complaints about the signs. The Mayor said it was the cigarette signs that are up with special prices. The Mayor said they are not allowed under the ordinance. The Mayor said the businesses have to have a voice on the Sign Ordinance. Kovacs said invite all businesses to a meeting, then the Sub Committee can meet afterward and compromise. The Mayor said the businesses want some freedom and they want to put up their signs whenever they need to. Strunk said the Committee needs to know the problems, so they can be addressed. Chief Mc Donald said Officer Kauffman is holding a meeting with all businesses and this could be discussed at that time. Strunk suggested Gary Nagy, Taylor Rental, be contacted to attend meeting. The Mayor said he uses this type of sign because of his businesses. The Chief will meet with de Boer about setting up a meeting with the businesses in the Township. Cregan said the last time they revised the ordinance was in 2006 and it took 18 months. He is talking about the public policy of taking away the ability of advertise cigarettes and its within their rights to do it and support the children at the school. They need enforcement of the existing ordinance for these two named stations. The Mayor said they cannot enforce this on one or two businesses. Cregan said the ordinance addresses service stations. Cregan said some delis have signs about cigarettes in their windows and it is not allowed in the existing law. The Federal Government just recently transferred the power to regulate the companies to FDA to review cigarettes and treat them as a drug.

Horensky said the Committee should take some policy action, right now, to all the business community and indicate the Committee's position with regard to tobacco use. Their position is that they are asking they do not put these advertisements for public display, because it does encourage smoking. It would not be mandatory, it is a public action taken by the Committee. They could even put this in the paper. The Township Committee has taken a position supporting the youth that are trying to stop the advertisement of smoking. Lavery said he did not think the Township Committee could ban cigarette advertising. Horensky's suggestion was, if the Committee wishes to, as a policy statement, they could say they do not support it and wished the merchants did not advertise cigarettes. The Mayor suggested that de Boer do a resolution for the next meeting encouraging the businesses in Washington Township not to advertise these products outside their buildings. Strunk asked if this would be mailed to each business. The Mayor said they will put it on the website. It could be sent to all businesses in the Township that sell cigarettes.

George Willan, 32 Falcon Way said in order to set up these meetings, it would be wise to set up an e-mail system to reach out with the information. The Mayor asked that Chief Mc Donald have the businesses that attend the meeting put down their e-mail information when they sign in.

Richard Cotton, 17 Corn Field Lane, Asbury, NJ said the traffic light went into full service last week. Hawk Point Boulevard is open as well. It is a great improvement and did not cost the Township a penny.

OLD BUSINESS

Chief Mc Donald got the question from Strunk on the restrictions. On Route 31 Steak House Restaurant. The Township is the one that imposed the restrictions and they can lift them. He had a meeting with the proprietor a few weeks ago and allowed him to stay open until 1:00 a.m. on some nights and 2:00 a.m. on other nights. He has a valid reason on the hours creating a problem with his business. There have been no problems with the business since they reopened.

The Chief recommended the restrictions be lifted at this time, with the understanding they can be put back on if there are further problems. Kovacs made a motion that, per the recommendations from Chief Mc Donald, the restrictions be lifted on the liquor license of the Route 31 Steak House, with the understanding that if there were problems, they would be put back on the license, Horensky seconded. Lavery will draft a letter to the owner with this information.

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

NEW BUSINESS

1. Diversified Properties LLC was not present.

2. Strunk made a motion to approve Barbara Emery CFO/QPA attending the Government Finance Officials Fall Conference, the Township paying half of expenses, Horensky seconded.

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

3. Kovacs made a motion to appoint Jeff Cooper and Mark Gara to the Safety Committee, Strunk seconded. All were in favor.

4. Strunk made a motion to approve the placing of teal ribbons on township property in observance of National Ovarian Cancer Awareness Month and a proclamation be prepared for the September meeting, Muller seconded. All were in favor.

5. Brian Daum, Show Coordinator for Art Exhibits was present to discuss putting artist's pictures in the Municipal Building. After discussion, Strunk made a motion to allow the artists to have a reception on a Sunday, providing this is alright with insurance provider and the hooks that hold the pictures not do any harm to ceiling tiles and there is no liability issue, Horensky seconded.

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

6. Horensky made a motion to approve Jeff Cooper attending the Certified Public Works Manager 2009 Fall Courses during September, October, November and December, in East Windsor for a total of \$1557.50, Mueller seconded.

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

7. Strunk made a motion to approve the 2009 Joint Road Resurfacing Project (Oil & Chip) to Garden State Asphalt - Washington Twp./Franklin Twp./Harmony Twp, pending review of all paperwork by Lavery, Strunk said it was plus/minus used and it should be kept within that, Kovacs seconded.

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

REPORT FROM OFFICIALS

R J Strunk said he has initiated discussion regarding the Committee's request that he look into parking around the high school. He has been in touch with the high school and they would like Mr. Merluzzi and one other person be put on the committee to discuss this. He also needs the names of the residents that the Mayor would like on the committee.

There was a Safety Committee Meeting today and there was discussion on several subjects, one of which was employees returning to work from an injury. After discussion, Strunk made a motion the following policy be put into the Policy Manual: Permission is granted to the Township Committee or designee to authorize the following: whenever an employee of the Township is cleared to return to work from a worker's comp claim and it is deemed appropriate by the Township Committee or designee and the responsible insurance carrier's appointee and/or the worker's comp claim representative, that prior to returning to work that an evaluation/baseline physical exam be performed for purposes of returning to work. The purpose is to determine the ability of or non-ability of the employee to perform the previously/currently held position of the said employee, Kovacs seconded.

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

John Horensky - no report

Michael Kovacs - no report

Barry Mueller - no report

Mayor Samir Elbassiouny - said he will be overseas from July 30, 2009 through August 19 and Mueller, Deputy Mayor, will also be unavailable. He said an alternative acting mayor should be appointed. Strunk made a motion that John Horensky be made acting mayor during this time, Elbassiouny seconded.

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

PAYMENT OF BILLS

Horensky made a motion to pay the bills. Mueller seconded.

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

EXECUTIVE SESSION

Mueller made a motion to approve Resolution 09-110, Resolution Authorizing an Executive Session of the Washington Township Committee at 10:24 p.m. for a meeting not open to the public, in accordance with the provisions of the New Jersey Open Public Meetings Act N J S A 10:4-12, for the purpose of Paff vs Washington Township, update on Washington Cemetery, Pinnacle at Hawk Point/litigation update, Fairway Mews/Toll Brothers, Teamsters Contract, personnel matter and Medina, Horensky seconded. All were in favor.

The doors were opened. Horensky made a motion to come out Executive Session at 11:30 p.m, Mueller seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 11:30 p.m. Lavery said the Committee discussed several matters, Paff vs Washington Township/litigation; Fairway Mews/Toll Brothers/litigation; Washington Cemetery/litigation (Committeeman Mueller left the room during the cemetery discussion); Pinnacle/Hawk Point potential litigation; Washington Twp vs Medina /pending litigation; personnel matter dealing with Code and Construction Department and contractual matter dealing with Teamsters. No action was taken. Copies of the minutes will be available at such time the Committee determines there is no harm to public interest.

Mueller made a motion that Lavery write a letter to Pinnacle giving them 7 days to provide the documentation, Kovacs seconded. All were in favor.

Mueller made a motion to authorize Pete de Boer, Acting Administrator, to begin discussion with Teamsters regarding their contract, Horensky seconded. All were in favor.

Strunk made a motion to adjourn at 11:40 p.m., Horensky seconded. All were in favor.

Respectfully submitted,

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