

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
October 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 7:31 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; Kovacs, present; Mueller, present; Strunk, present. Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Acting Administrator/Certified Public Works Manager and James Mc Donald, Police Chief were also present.

### SALUTE TO FLAG

The Mayor said Committeeman John Horensky had resigned at the September meeting. The Republican County has presented three resumes, Robert J. Klingel, Robert L. Finke and Amanda L. Horensky to the Township Committee for consideration. The Mayor said Klingel and Finke were present this evening. Ms. Horensky could not make the meeting. The Mayor asked if anyone had questions for the candidates at this time. The Mayor said he entertained a motion to appoint Robert J. Klingel to fill the unexpired term of John Horensky, expiring 12/31/10. Kovacs made a motion to appoint Robert J. Klingel to the Township Committee, term expiring 12/31/10, the Mayor asked if there were any further nominates, there were none. The Mayor closed nominations and asked for a second, Mueller seconded.

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

The Clerk swore Klingel in and welcomed him to the Township Committee.

### APPROVAL OF MINUTES

Strunk made a motion to approve the Regular Minutes of September 15, 2009, Kovacs seconded. All were in favor, except Klingel, who abstained.

Kovacs made a motion to approve the Executive Minutes of September 15, 2009, Strunk seconded. All were in favor, except Klingel, who abstained.

### ORDINANCES

Kovacs made a motion to introduce Ordinance 09-19 Ordinance Amending, Revising & Supplementing Chapter 23 of the Code of the Township of Washington, Entitled "Officers and Employees", Article VIII entitled "Acting Township Administrator" to "Township Administrator", Mueller seconded.

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

The public hearing and second reading will be Monday, November 16, 2009.

The Mayor reminded everyone that the November meeting, due to the League of Municipalities, will be on Monday, November 16, 2009.

Kovacs made a motion to introduce Ordinance 09-20 Ordinance Amending, Revising and Supplementing S3ction 117-10 Entitled "Parking on Land Owned or Leased by Board of Education" of the Code of the Township of Washington "Vehicles & Traffic, Mueller seconded.

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

The public hearing and second reading will be Monday, November 16, 2009.

Elbassiouny made a motion to introduce Ordinance 09-21 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, Kovacs seconded.

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

The public hearing and second reading will be Monday, November 16, 2009.

### RESOLUTIONS

The Mayor asked if anyone wanted to pull any resolutions. If not, they would do a consent motion for all resolutions. The Mayor asked that Resolutions 98-135, 09-136, 09-137, 09-138 and 09-139 be removed and voted on separately. Kovacs made a motion to approve Resolution 09-134 through 09-142, excluding 09-135, 09-136, 09-137, 09-138 and 09-139, Mueller seconded.

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

09-134 Resolution Establishing Trick or Treat in Washington Township  
09-140 Resolution Authorizing Execution of Agreement Between the Township of Washington and Hawk Pointe Property Owners Association for Street Light Reimbursement  
09-141- Resolution Authorizing Execution of Agreement Between the Township of Washington and Asbury Farms Real Estate Development for Winter Maintenance Operations  
09-142 Resolution Taxes - Block 71, Lot 7.23

Mueller made a motion to approve Resolution 09-135, Resolution to Authorize & Approve Salaries & Wages for certain employees (Laurie Macko, crossing guard), Strunk seconded.  
ROLL CALL: Mueller, yes; Strunk, yes; Kovacs, yes; Klingel, abstain; Elbassiouny, yes.

Strunk made a motion to approve Resolution 09-136, Resolution to Authorize & Approve Salaries & Wages for certain employees (Barbara Wynn-Hassan crossing guard), Kovacs seconded.  
ROLL CALL: Strunk, yes; Kovacs, yes; Klingel, abstain; Mueller, yes; Elbassiouny, yes.

Strunk made a motion to approve Resolution 09-137, Resolution to Authorize & Approve Salaries & Wages for certain employees (Curt & Todd Pantuso), Kovacs seconded. de Boer said he and Chief McDonald had several meetings on the police department and court. One of the issues was providing court security. They passed tonight, on first reading, the new position for municipal court officer. They are being appointed, to avoid overtime. This will be reimbursed by Washington Borough.  
ROLL CALL: Strunk, yes; Kovacs, yes; Klingel, abstain; Mueller, yes; Elbassiouny, yes.

Strunk made a motion to approve Resolution 09-138, Resolution to Authorize the Township Special Tax Appeal Attorney to Enter into a Stipulation of Settlement relative to the tax appeals captioned Gladstone Ted S/Trust (Ames) V. Washington, Tax Court of NJ, Docket Number 006832-2008 and 005055-2009, Kovacs seconded.  
ROLL CALL: Strunk, yes; Kovacs, yes; Klingel, abstain; Mueller, yes; Elbassiouny, yes.

Kovacs made a motion to approve Resolution 09-139, Resolution Authorizing the Transfer of Funds, Mueller seconded.  
ROLL CALL: Kovacs, yes; Mueller, yes; Klingel, abstain; Strunk, no; Elbassiouny, yes.

#### STAFF ADMINISTRATIVE REPORTS

Jeff Cooper, Assistant Municipal Superintendent of Public Works distributed the DPW Monthly Report and Pie Chart. de Boer said they have various catch basins that have gone into major failure. This is the first year, since he has been here, that they have been able to do catch basin repairs. Cooper said they repaired between 25 and 30 of them.

Chief McDonald said his Monthly Report will be distributed to the Committee on Thursday.

Peter de Boer said he attended several meetings this month. There was a monthly staff meeting today and they went over the October Agenda. He spoke with CFO prior to meeting and a memo was distributed and discussed on the 2010 budget. A memo was also distributed that all purchases must be done through himself and the CFO. There was a Safety Meeting this month. He met with a representative from Hawk Pointe and Nevitt, Engineer, regarding the lighting at Hawk Pointe. He also met with a representative from Asbury Farms on plowing. He sat in with the Sign Committee on the Sign Ordinance. He also met with representatives from the Port Colden Church, school superintendent and Chief McDonald on the parking problems. The ordinance introduced tonight should take care of this. He met with Bill Gleba, Engineer, on the Washington Cemetery Association problem and things are moving ahead on this. He met with a representative from Green Acres, who did an inspection on Green Acres Property and make recommendations, which has been done. He is meeting with Gleba, Engineer and Washington Borough Engineer regarding their Wastewater Management Plan as it relates to the old municipal building. A portion of the building is in Washington Borough and there may be a possibility of including this in their Wastewater Management Plan. He and Tom Bocko, Zoning Officer will be attending a FEMA Mapping Meeting.

Kovacs made a motion to approach Washington Borough regarding a sewer hook up at the old administration building, Mueller seconded. All were in favor.

#### PUBLIC QUESTIONS AND COMMENTS

Frank Cregan, 62 Merlin Drive said he wished the Committee would consider protecting the trees and not allow them to be cut down. Last night 3-4 trees were cut down east of the Shop Rite Property. The Mayor said the Environmental Commission is working on making recommendations on this being done. Cregan said Trade Zone took down two big trees and Sunoco cut down all their trees. Cregan said, if they do adopt an ordinance, it should be enforced, not like other ordinances that are not.

George Willan, 32 Falcon Way, thanked the Committee, Horensky and Nevitt for all they have done for Hawk Pointe.

Kathy Enz, Spring Lane, said there is a tree ordinance on record, maybe from 10 years ago, but it was never enforced.

Kathy Enz, Spring Lane, said she is still having problems and she wants the issues resolved. She asked, in February 2007 there was supposed to be a survey, has it ever been found? Do her neighbors have road opening permits for all their roads? The Mayor read a letter from Bill Gleba, Engineer, advising there is no survey and gave her a copy of the letter. She asked if they have found any of the permits for any of the road openings. Lavery said he has looked at the surveys that she had presented and the problem is a stone in the right of way. Every survey showed it is not in the driveway. Lavery said her and the neighbor must work something out.

Enz said last May they went to court, she paid half of \$1300 for an easement so a fire engine could get into her driveway. Then the neighbors were going to get a survey and put things into a deed. She called the surveyor and he had been fired. Lavery told Enz that the Township Committee cannot enforce the settlement. She will have to go back to court and have the settlement enforced. The Mayor asked de Boer to check with the engineer to see if any driveway permits were given. de Boer said, to his knowledge, there is no record of permits being issued. Lavery again advised, there is nothing the Township Committee can do.

Enz said, if she has a fire, it is on record about her problem. The Mayor said the fire chief stated years ago that they could get into her house. Enz said they would have to go up, turn around and come back - she wants action. Lavery said her attorney can do something to enforce it, he could file a motion to enforce the settlement.

Public portion ended at 8:25 p.m.

#### NEW BUSINESS

Kovacs made a motion to approve Peter de Boer, Recycling Coordinator, to attend classes in Morris County on January 27, 2010, February 3, 2010, February 10, 2010, February 17, 2010 and March 10, 2010, Mueller seconded.

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

Kovacs made a motion to approve Dennis Allen, Code and Construction, attending a seminar in Clinton on October 20, 2009, Mueller seconded.

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

The Mayor said they have advertised for a Construction Official (CO) and an Administrator and have received many applications. However, it is necessary, in the meantime in the Construction Office to have a Temporary Construction Official. Mueller said that Chris Rose, CO, had resigned, so they will have to appoint someone to be temporary CO. He made a motion that Joseph Rossi be appointed temporary CO, Kovacs seconded.

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

The Mayor appointed Robert Finke to fill the unexpired term of Gordon Wallace on the Land Use Board, who resigned at the last meeting. Also, he switched the appointment of Robert Klingel to Land Use Board instead of Committeeman Mueller. Also, he added Chris Cavazinni to fill Klingel's unexpired term. Kovacs asked for clarification, if Klingel will be taking Mueller's place on the Land Use Board, then Mueller will have to resign and the Committee make the appointment. Mueller resigned from the Land Use Board. Strunk made a motion to accept Mueller's resignation, Elbassiouny seconded.

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

The Mayor made a motion to appoint Robert Klingel to the Land Use Board as a Class III member, Kovacs seconded.

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

#### REPORT FROM OFFICIALS

Barry Mueller asked how they plan to proceed with the applications for new Construction Official. The Mayor said that he, de Boer and Mueller will go over the resumes. Strunk said the last person was given a salary. He felt an hourly rate should be put back on this position, it should not be salaried. Mueller said they will go over the options and consider this.

Michael Kovacs said they had a sub-committee meeting on the Sign Ordinance, but he will let Strunk do the report.

R.J. Strunk said the sub committee on the Sign Ordinance met on October 15, 2009 and did some revisions. They have set up two additional dates. There has been good feed back and there are good reasons for what they are asking.

Mayor Samir Elbassiouny said they should be sending out the RFP's. de Boer said he has them and will updating and sending out.

The Mayor said the New Jersey Department of Transportation has give the Township a \$150,000.00 grant for Pleasant Valley Road. Strunk said he thought that much of the engineering for this has already been done by Hatch McDonald. This is the fourth submission for this. Strunk asked if there was a plan in place for this already. de Boer said, not for section two. Kovacs said there had been discussion about sidewalks and curbing on section one. de Boer said they will deal with it budget time next year. He will work with Gleba on this, because there is a time frame to work out.

#### PAYMENT OF BILLS

The Mayor asked Chief Mc Donald to explain the high telephone bill submitted by Nextel. He explained the equipment charge is going to be reduced on the next bill. He has talked with the Deputy Treasurer and it should balance out next month. The Township should get back approximately \$700 next month. He suggested it be approved for \$3800. Elbassiouny made a motion, not to exceed \$3800 to pay the telephone bill from Nextel, Mueller seconded.

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

Kovacs made a motion to pay the regular monthly bills, Mueller seconded.

ROLL CALL: Kovacs, yes. Mueller, yes; Strunk, yes to the ones he signed; Klingel, abstain; Elbassiouny, yes to the ones he signed.

#### EXECUTIVE SESSION

Mueller made a motion at 8:45 p.m. to approve Resolution 09-143, Resolution authorizing Executive Session of the Washington Township Committee for a meeting not to open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12, Strunk seconded. All were in favor. Lavery said they would be discussion pending litigation/Washington Cemetery; Pinnacle/bankruptcy; update on old municipal property, personnel and attorney/client privilege on salt shed.

The doors were opened. Kovacs made a motion at 9:20 p.m. to come out of Executive Session, Strunk seconded. All were in favor.

Lavery said they emerged from Executive Session at 9:20 p.m. where they discussed a pending litigation matter regarding Washington Cemetery, pending litigation on Pinnacle Development, contractual matter dealing with sale of old administration building/status, personnel matter and a attorney client privilege dealing with the salt shed. No official action was taken. Copies of these minutes will be available at such time as the Committee determines it is no harm to the public interest. Lavery said that Mueller left the meeting when the Washington Cemetery was discussed and did not participate in the discussion.

The Mayor said he will need a volunteer to look into personnel issues. Kovacs volunteered to work with the Mayor on this and they will review the proposals.

The Mayor said they need a volunteer to go over the personnel issues with him. Kovacs volunteered and they will go over the proposals.

Strunk made a motion that Rice Notices be sent out to the employees involved in Executive Session discussion, but a courtesy letter be sent as well, so this can be discussed openly and fully, Mueller seconded.

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

Klingel thanked the Township Committee for appointing him to the Township Committee. He plans to contribute to the Committee to the best of his ability and wanted to thank John Horensky, even though he wasn't here, for the fine job he did for many years.

There being nothing further to come before the Township Committee, Mueller made a motion to adjourn at 9:22 p.m., Klingel seconded. All were in favor.

Respectfully submitted,

Mary Ann O'Neil RMC/CMCMC  
Township Clerk