

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
August 18, 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; Strunk, present. Mueller was absent. Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Acting Administrator and Certified Public Works Manager and Jeff Cooper, Assistant Municipal Superintendent of Public Works were also present.

### SALUTE TO FLAG

### PROCLAMATION

The Mayor read a proclamation on the Turning the Town Teal Awareness Campaign declaring September as Ovarian Cancer Awareness Month.

### APPROVAL OF MINUTES

Kovacs made a motion to approve the minutes of the Regular Meeting of July 21, 2009, Strunk seconded.

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

### ORDINANCE

Kovacs made a motion to open 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 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, Kovacs seconded. All were in favor. Strunk asked if there was going to be any presentation by LUB or Planner about any of these ordinances, because they are substantial changes from the Master Plan. The Mayor said there was no request for this to be done. Kovacs said the Land Use Board had issued a memo on July 30, 2009 regarding the ordinances and the only comments were on Ordinance 09-15, the date of the most recent zoning map be amended to 4/29/08 and on ordinance 09-16, the address of the municipal building should be amended to reflect the correct address of the building throughout the ordinance. Kovacs made a motion to approve Ordinance 09-14, after public hearing and second reading.

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

Horensky made a motion to open Ordinance 09-15 Ordinance Amending Various Provisions of Chapter 123 "Zoning" of the Code of the Township of Washington to the public, Kovacs seconded. All were in favor. Nobody from the public wished to be heard. Horensky made a motion to close the public hearing, Kovacs seconded. All were in favor. Lavery said the Land Use Board had issued a memo stating on the ordinance the date of the most recent zoning map should be amended to 4/29/08. Horensky made a motion that Ordinance 09-15 be approved, as amended, after public hearing and second reading, Kovacs seconded.

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

Horensky made a motion to open Ordinance 09-16 Ordinance Amending Chapter 64 "Development Regulations," Appendix II "Procedure for Filing Applications of the Code of the Township of Washington, Kovacs seconded. All were in favor. Nobody from the public wished to be heard. Horensky made a motion to close the public hearing. Lavery referred to the memo from the Land Use Board advising, on Ordinance 09-16, the address of the municipal building should be amended to reflect the correct address of the building throughout the ordinance. Horensky made a motion to adopt Ordinance 09-16, as amended, after public hearing and second reading Kovacs seconded.

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

Horensky made a motion to open 09-17 Ordinance Amending, In Its Entirety, 123-13.2 Entitled "Planned Village District (PVD), of the Code of the Township of Washington to the public, Kovacs seconded. All were in favor. Nobody from the public wished to be heard. Horensky made a motion to close the public hearing, Kovacs seconded. All were in favor. Kovacs made a motion to adopt Ordinance 09-17 after public hearing and second reading, Horensky seconded. Strunk said he read the proposed Master Plan Review pertaining to this ordinance and Judge Coyle's April 22, 2009 51 page ruling in regards to the past changes that the Township Governing Bodies made regarding the Planned Village District (PVD). It is clear in Judge Coyle's 51 page ruling that the Governing Body has gotten themselves in a heck of a mess concerning the past changes made to the PVD. He previously warned the Governing Body before they made the changes that this was "spot zoning" and Judge Coyle agreed, in his opinion. Strunk said he has seen no

new information in the new Master Plan Review to change Judge Coyle's finding of fact. On page 36, paragraph 2 of Judge Coyle's ruling, he states the 1998 reexamination found the Planned Village concept to be a superior proposal to advance certain objectives of the 1994 Master Plan, including to discourage strip commercial development. The placement of a 70,000 square foot Shop Rite in the middle of the Village District has all but obliterated the idea of a Mixed Use Village Center or any semblance of a traditional New Jersey Village at all.

In my approximately 30 year involvement with the Land Use Board Planning of the Township, I continue to contend that the correct way to deal with a single change of Land Use Development, as always has been done in other cases before the Township, is for the applicant to present a variance application justifying the unique reason that an exception should be made to the current zoning laws. The total merit of the case should be decided on these unique facts.

The Township Taxpayer should not be paying for a Master Plan Review and what is sure to be a continued lengthy and costly extended litigation to defend for a zoning change for one piece of property. The developer should be paying for these costs to defend their unique request to justify a reason for a different type of land use, not the Township Taxpayer.

Horensky asked the Mayor to give a summary of what has been going on at the Land Use Board Meetings. He said, basically, he and Barry Mueller sit on the Land Use Board and the new ordinance actually came from last year when Horensky was on the board. This came on a recommendation from the Land Use Board last year and was adopted into the amendment of the Master Plan. The Mayor said the judge, whether you agree or disagree with him, was saying it was not complying with the Master Plan. His suggestion was to reamend the Master Plan first, then change the ordinance, which is what they have done. On the new Master Plan, being adopted tonight, the judge would not make the same decision. The Mayor said they are moving in the right direction to move this process forward.

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

Kovacs made a motion to introduce 09-18 Ordinance Amending, Revising and Supplementing Section 117-6 Entitled "No Parking Certain Hours" of the Code of the Township of Washington "Vehicles and Traffic, Horensky seconded. There was some discussion on the need for this ordinance, which may be discussed further at the next meeting.

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

Public Hearing and Second Reading will be September 15, 2009.

#### RESOLUTIONS

The Mayor asked if anyone wanted any resolutions pulled, if not, they would all be done with a consent vote. Kovacs asked that 09-116 be removed. Horensky asked that 09-115 be removed. Kovacs made a motion to approve Resolution 09-111 through 09-117, excluding 09-115 and 09-116, Horensky seconded.

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

09-111 Resolution Approving Washington Township Municipal Alliance Applying for 2010 Grant

09-112 Resolution Authorizing Master Public Works Shared Services Agreement for Sharing Public Works Equipment between Washington Township and the County of Warren

09-113 Authorize and Approve Salaries and Wages for Certain Employees (Victor Rose/C&C)

09-114 Resolution for Awareness of the Public Health Hazards Attributed to the Use of Tobacco

09-117 Resolution Authorizing Signatures on Township Checks (Mayor, Township Administrator & CFO)

Horensky made a motion to approve Resolution 09-115, Resolution to Authorize and Approve Salaries and Wages for Certain Employees (Brooks Schott, John Kaufmann and James Teter), Kovacs seconded.

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

Kovacs said he had a conversation with the CFO and she mentioned why she wanted to change banks. He felt the liaison to Finance should sit down with the manager of the bank and the CFO to find out what the problem is, both sides of this problem should be heard. Horensky said he was not made aware of any urgency to do this. He, as liaison, will have the meeting and report back to the Committee. Horensky made a motion to table Resolution 09-116, Elbassiouny seconded. No vote was taken, this will be discussed at the September meeting.

#### STAFF ADMINISTRATIVE REPORTS

Chief Mc Donald distributed the July Monthly Report Mc Donald said, on the Shared Service Agreement, it has gone without a hitch and is working well.

There was a meeting of the businesses in Township about a Crime Watch that was semi-successful, due to the late notice. They will be having another one within next three weeks and he expected a higher attendance.

Chief Mc Donald said, with the merging of Washington Borough Police into Washington Township Police Department, they had one of the Township Officers retire. He presented Sgt. Todd Pantuso with a plaque and read a list of all Pantuso's accomplishment during his service to the Township. Sgt. Pantuso will be missed by all that he worked with in all departments.

Pete de Boer, Certified Public Works Manager/Acting Township Administrator, advised that Jeff Cooper, Assistant Municipal Superintendent, had passed out the August DPW Report and a Pie Chart of activities. The biggest thing to highlight is the Oil and Chip Program, which was started as of Monday. They are working with two other townships, Harmony Township and Franklin Township. They will start in Harmony Township, then come to Washington Township. Franklin Township does not have a need right now. They have been busy at the park getting ready for the fall sports

Strunk said he saw a report had been submitted on damage being done to a township vehicle and nobody seems to know how it happened. De Boer said, it was reported to him, by Cooper, that apparently some roof damage was on the truck and nobody reported it. He did some investigation on it and came to the conclusion that it appears somebody backed under a partially opened garage door backing into a building. Various people use the truck from time to time. It was his vehicle, then Cooper has been using it, because he is using an old police vehicle now to drive around. It has been reported with the insurance company. de Boer said they had a quote on repairing it and there is \$1000 deductible. Strunk asked if it was going to be fixed or held until later. de Boer said he would like to get it fixed, but it is the pleasure of the Committee.

Strunk said they should wait to fix it, in case money gets tight later in the year. He would entertain it being done at the end of the year. de Boer said they could wait until November or December. Strunk said his main concern was somebody is not confessing to an accident and somebody knows they did it. This was his biggest concern.

de Boer said that this month he had met with DPW regarding the Teamsters Contract. He had also met with the DPW representatives and business agent. He will report on this in Executive Session regarding the contract.

de Boer said he had several scheduled meetings with the Washington Borough Manager, Construction Official and Mansfield CFO, but the meetings had to be cancelled. The Borough Manager had an accident at home and is out of commission for a few weeks.

de Boer said he met with the engineer several times during the month on various projects. He wanted to see the Morel and Segal Plan, deed and all of the information on it for Recreation Purposes. Kovacs said on the Route 57 Project he is involved in, the Township should be able to get a share of the money. One of the questions he raised was, is there a potential of getting an engineer on the designing of the fields. The question is still up in the air. Kovacs said the committee must decide what projects they may want to do on property on Route 57 Corridor.

de Boer said they did some research on a soil removal permit and were able to locate a previous one done. This was necessary for work on Cemetery Hill Road.

He worked with Tiffany in Finelli's Office on the Township Wastewater Management Plan Grant. There were several discussions and paperwork that had to be submitted in a timely manner and has been sent. Strunk asked if the Township will eventually vote on that contract, as he didn't think anything had been awarded yet. de Boer said he was talking about the grant, they were applying for the grant. Strunk said the Township is now the authority and they must award the contract.

de Boer said, after talking with Gleba, he applied for a Pilot Grant Program for Highlands, which is a \$5,000 grant. It was past the deadline, but he called them and they extended the time.

Also, he would like to talk, in Executive Session on the COAH Administrator. He met with TRICO Federal Credit Union. He worked on two resolutions on future meetings with DCA on deferred comp. He is getting language that is acceptable by DCA.

Also, he worked with the DCA on the contract agreement with State Funds as it relates to the Shared Service Agreement. Strunk asked if the Township has gotten any money yet, de Boer said no. He said the Township must actually pay out the money, then submit for the funds to be reimbursed. The Township has to pay it out first, with back up, then they will reimburse the Township. Strunk asked if they had to lay out the \$214,000.00 before they will give it back, de Boer said correct.

de Boer had a conversation with DEP regarding the Borough Residents using the Township Convenience Center. They have not gotten back to him yet. de Boer said he has concerns, because there is a large history of the DPW yard. There were many Notice of Violations and they had to do a large clean up. They are in, the eyes of the State, three things they are a leaf facility, brush facility and a convenience center. There are rules and regulations for each one of the functions and it may change the status of the Township.

de Boer said he has spent a great deal of time on the hospitalization/benefits, because of AETNA not enrolling

the new employees properly.

He attended the Business Center Meeting with the police on July 30, 1009. He met with Roger Jinks on the Old School House Project and related issues.

de Boer had a pile of e-mails that he had received and sent during the month, which he said he would copy if anyone was interested. Strunk said he could do it electronically if anyone was interested in reading them.

#### PUBLIC COMMENTS AND CONCERNS

Frank Cregan, 62 Merlin Drive, said he was confused as to whether the resolution about public health on tobacco use was passed. He asked de Boer to read Resolution 09-114, which he did. Cregan was given a copy of the resolution. Cregan asked how it was going to be distributed to the businesses. The Mayor said he would discuss it with de Boer. (Ended 8:33 p.m.)

#### NEW BUSINESS

7. \_\_\_\_\_ PAIC with Sharon Cooper/Brown and Brown, gave a History Report on the Claim History of Washington Township. She advised the return of surplus to the Township, over the last ten years was \$97,184.00 and the most recent credit given to the Township was \$7107.00 on the third installment. She did a report on all the various claims. The claims paid over the last 11 years was \$2,861,344.46. Most of this was due to the one big tragic loss to the Township.

6. Daryl Detrick, Update on the progress of Hope in the Hills of Warren. - Detrick went over the repairs they would be working on, such as construction of wheelchair ramps, repair/replace porches, interior/exterior painting, drywall repairs, mobile home underpinning, etc. They would be bringing in 400 volunteers around the country July 4 through July 10. They will be paying to come to Warren County, sleeping at Warren Hills High School and they will be doing work in the community with the elderly, low income and disabled families. They have to raise \$25,000 to purchase materials and make arrangements to have materials delivered. Joe Rossi, Code and Construction Office, was present at the meeting and advised he was not sure they could put the 400 volunteers in the Warren Hills High School, but he will check into the matter and get in touch with Detrick. Detrick will send the information electronically to de Boer and he will see the information gets on the web site.

1. Kovacs made a motion to approve Mary Ann O'Neil, Township Clerk, attending a seminar on Friday, October 9 in Harmony, Strunk seconded. All were in favor.

2. Horensky made a motion to approve Diane Edwards, Technical Assistant, attending a course at Middlesex County college on Tuesdays and Thursdays from September 15 through November 15, Strunk seconded. All were in favor.

3. Strunk made a motion to approve Sue Berger, Technical Assistant, attending a course at Middlesex County College on Tuesdays and Thursdays from September 15 through November 15, Horensky seconded. All were in favor.

5. There was discussion on de Boer and Cooper both attending a course on Procurement of Gasoline for Public Agencies Seminar on Friday, September 25, 2009 in Bethlehem Township, NJ. de Boer asked they vote on Cooper first. Horensky made a motion that Cooper be approved to attend the seminar, Kovacs seconded. All were in favor.

4. Horensky made a motion to approve de Boer attending the Procurement of Gasoline for Public Agencies Seminar on Friday, September 25, 2009 in Bethlehem Township, NJ, Kovacs seconded.

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

8. Previously discussed

#### REPORT FROM OFFICIALS

RJ Strunk told the Mayor he still needs the two names of the individuals to be on the parking committee and the name of the office the Chief is recommending for the committee. Strunk asked this information be sent to him by email.

Michael A Kovacs said he had missed the last two meetings on the Route 57 Corridor Project. The information he gets is very interesting and if anyone is interested in receiving it, they should contact the clerk to have it sent to them. He would like to get specific information on what the Township would like to do as a project along Route 57. The Mayor, deBoer and Kovacs will drive Route 57 and determine which would be the best project. Kovacs reminded the Committee the application process will not start until next spring.

John Horensky met with the Finance Office to discuss some of the progress they are making trying to improve their efficiency. There are a number of issues that came up, one of which they are capable of doing the work, but they are part time workers. Eventually, if they are going to maintain a Finance Department, then they will have to decide whether or not they are going to make one or both individuals full time employees.

Mayor Samir Elbassiouny had no report.

#### PAYMENT OF BILLS

Horensky made a motion to pay the bills, Kovacs seconded.

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

#### EXECUTIVE SESSION

Horensky made a motion to approve Resolution 09-118 Authorizing an Executive Session of the Washington Township Committee 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, at 9:13 p.m., for the purpose of discussing the Teamsters Contract, discussion of administrative personnel, potential/ pending litigation/Washington Cemetery, Hawk Pointe Pinnacle/attorney/client privilege. Kovacs had a question on a memo regarding status of an account and questioned whether this was for Executive Session. Lavery said it would be taken in Executive as an attorney/client privilege and discussed when they come out of session, Strunk seconded. All were in favor.

Daryl Detrick asked to be heard. He had an update on the Lifetime Achievement Award. They will be recognizing Dick Rhinehart for the award. They are trying to set it up for the first football game.

The Committee then went into Executive Session.

The doors were opened. Kovacs made a motion to come out of Executive Session at 10:21 p.m., Horensky seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 10:21 p.m. where they discussed several matters, 1) personnel matter dealing with the Code and Construction Official, 2) pending litigation regarding Washington Cemetery, 3) contractual matter regarding Teamster Contract, 4) defense litigation matter regarding Hawk Pointe and Pinnacle and 5) budget item regarding lack of funds for public defender and land use board. They also discussed pending litigation on Medina Engineering. No action was taken. Copies of the minutes will be available at such time the Committee determines there would be no harm to the public interest.

Kovacs made a motion to approve the contract proposal between Teamsters Contract, as amended, between the Township of Washington and International Brotherhood of Teamsters, Local 469, for January 1, 2010 through December 31, 2012, Horensky seconded, based on previous meetings with de Boer on points of concern and issues they wished to have put in the contract. de Boer has assured the Committee the issues have been approved. Strunk said as he mentioned before he no feels the Township can no longer pay 100% medical benefits, 100% reimbursement, cannot afford to do raises right now with the economic situation and people losing their homes and jobs and taking pay cuts. They are actually borrowing money they do not have to try to fulfill the contracts by each year raising the taxes. They should no longer do this.

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

There being nothing further to come before the Committee, Kovacs made a motion to adjourn at 10:30 p.m., Horensky seconded. All were in favor.

Respectfully submitted,

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