

# TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
April 19, 2010

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, transmitted to the Express Times and posted at the municipal building. This Agenda is subject to change by the order of the Washington Township Committee before and/or during the scheduled meeting.

ROLL CALL: Elbassiouny, present; Klingel, present; Kovacs, present; Marks, present; Strunk, present. Michael Lavery, Township Attorney; Mary Ann O'Neil, Township Clerk and Peter de Boer, Certified Public Works Manager/Township Administrator were also present. Joseph Rossi, Code and Construction Official, Lt. Thomas Cicerelle, Police Department and Jeff Cooper, Assistant Municipal Supervisor of Public Works were also present.

## SALUTE TO FLAG

### APPROVAL OF MINUTES

Kovacs made a motion to approve the Regular Minutes of March 16, 2010, Marks seconded.

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

Klingel made a motion to approve the Executive Minutes of March 16, 2010, Marks seconded.

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

Strunk made a motion to approve the Special Meeting Minutes of April 1, 2010, Kovacs seconded.

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

### INTRODUCTION OF 2010 BUDGET

Kovacs made a motion to approve Resolution 10-58, Introduction of the 2010 Budget, Klingel seconded.

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

### PROCLAMATIONS

The Mayor read a Proclamation in Recognition of Long and Meritorious Business Service to the Township of Washington and the Surrounding Community - Washington Locksmith.

There was a Proclamation proclaiming May 2-8 Children Mental Health Week.

There was a Proclamation proclaiming May 1 as Silver Star Banner Day.

### ORDINANCE

Kovacs made a motion to introduce, on first reading, Ordinance 10-06, Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank, Marks seconded.

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

Strunk pulled Ordinance 10-07 Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending, Revising and Supplementing Chapter 123, "Zoning," Section 24, "Signs" to include Subsection 24(B)(2) (1) "Temporary Signs" and Amending Chapter 123, "Zoning", Section 2 "Definitions and Word Usage" to include the definition of "Professionally Painted." This ordinance will be revised and introduced at a later date.

### RESOLUTIONS

The Mayor asked if anyone wanted to pull a resolution, otherwise they would all be done under a consent agenda. Kovacs asked that 10-70 be pulled and done separately after discussion in Executive Session.

Kovacs made a motion to approve Resolution 10-59 through 10-73, excluding 10-70, Klingel seconded.

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

10-59 Refund Resolution Block 22, Lot 3.15

10-60 Tax Sale Certificate Redemption Block 82, Lot 15/15Q

10-61 Resolution to Cancel Taxes, Block 67, Lot 25

10-62 Tax Sale Certification Redemption Block 75, Lot 3

10-63 Resolution to Authorize & Approve Salaries & Wages for Certain Employees (Patricia Mannon)

10-64 Resolution Authorizing Execution of an Interlocal Services Agreement between the Township of Washington and the Pollution Control Finance Authority of Warren County for Solid Waste Disposal

10-65 Resolution of the Township of Washington, Warren County, in Support of Senate Bill 1004 Extending the Special Appraisal Process for Green Acres and Farmland Preservation Programs for 2009 to 2014 for lands in the Highlands Region

- 10-66 Resolution of the Township of Washington, Warren County, Supporting the Establishment of the Route 57 Scenic Byway Committee with Warren County as the Lead Agency
- 10-67 Resolution for approving to become a member of the Somerset County Cooperative Pricing System #2-SOCCP
- 10-68 Resolution for Authorizing a Grant Application from the Washington Township Police Department Grant Funds from the NJ Div of Highway Traffic Safety and Support and Participate in the Click It or Ticket Mobilization of May 24-June 6, 2010
- 10-69 Return of Escrow/Seneca Hills corporation
- 10-71 Resolution to Affirm Washington Township Civil Rights Policy with respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers.
- 10-72 Resolution to Authorize & Approve Salaries & Wages for Certain Employees (Rader/Herzer)
- 10-73 Resolution Authorizing to Approve Affordable Housing Units for a Period of 30 years.

#### STAFF ADMINISTRATION REPORTS

de Boer passed out the Police Monthly Report. Lt. Cicerelle was available for any questions on the report. Marks asked, why police incidents are not broken down. Cicerelle said this is anything that the department is dispatched to on any incident.

Cooper passed out the DPW Report. Marks asked if there was a list of the roads they are patching and repairing, which is not available. They are just out patching potholes. She asked if there was a list of catch basins they are working on. de Boer said they write down what they do, but there is no list of the basins being done. They will be mapping catch basins and pipes in the future. They did do the marking on them. Marks asked if they could develop a spread sheet on this, de Boer said they would do it. The Mayor asked that they do better tracking on these items.

Rossi gave a presentation on the final budget of the Code and Construction Office.

de Boer said there was a request from the DPW Association, Region 2 to use the Administration Building this Friday. They usually do not have a strong showing in Region 2 and they are hoping to get better representation by meeting in this area.

de Boer handed out paperwork on an affair being considered on 56 Mill Pond Road. They want to have the affair on May 22 and 23. There are some issues that are outstanding. He wanted to make the Committee aware of the issues and hopefully how they may go about resolving the issues. Rossi said the Code and Construction Department is aware that buildings were erected at this address without permits. They are also aware of an event of a very large number of people, possibly between 3000 and 4000 people, that they want to take place there. The first thing he considered, you have this many people, they will have to use the facilities, how many porta potties are you bringing in, are you cooking for these people, are you going to set up booths for these people, are you going to have styra foam, are you having speakers and electric. The police department have a problem where they are going to park. Next, if the Township does nothing and takes no action to make sure it is safe and anything happens or gets somebody hurt, the first thing they will say, was the Township aware of this, what action did you take to stop it and the Township would be responsible. He thinks the first thing they should do is find a big bright orange sticker that says unsafe structure and do a stop work order until they give all the information they need. He asked what are they going to do, then they came back asking, what do you want us to do. They have to tell us what they are doing and how many people they expect.

de Boer said it has already been advertised. The Mayor said that is their issue. The only two questions, he sees, first of all, it is hard for the Township to get involved or give direction on structure or buildings, this is from Code and Construction. Rossi agreed. The government should not be involved in the building issue. Same thing with police, the Township cannot tell them what to do. The Mayor said, if Rossi feels the buildings do not fit the code, Rossi must do what he has to do to protect the committee and residents. Rossi said he does not want 500 people coming in and asking what is going on. The Mayor said, if they constructed building with no permit, this must be enforced. There is something that is required for special events, which they must comply with to have the event. If Rossi puts up the sign, it is a Code and Construction decision. Kovacs said the Committee's job is to make sure they have the proper permits. The Mayor said, unless they meet the criteria and everybody is satisfied, it cannot be approved by the Committee. Marks said she is concerned with 3000 people being involved. The Mayor asked if the traffic would be monitored, this could be a safety issue. Cicerelle said there should be a traffic plan and a parking plan submitted with the application.

Kovacs suggested a letter be sent from the attorney or the chief, that if they do not satisfy all the requirements, they will be shut down. Kovacs said it should go on record that they must comply with the ordinance. Marks said there is nothing in place for such an event if something should happen. The Mayor said, if two officers were there and there is trouble, how would you handle this many people. Lavery said, there is an ordinance that they must follow and he asked Rossi to send him the information and he would send them a letter that they are on notice that they must comply with the ordinance. If they do not, they will be shut down. They have to comply with ordinance. They have already advertised and have done nothing on complying with the ordinance.

Kovacs said they have a right to hold the function, if they get the proper permits. Lavery said the ordinance will have to be amended, to include any costs involved in an event like this that must be enforced. The Mayor said Lavery will send them a letter on this advising what they must do and they will held accountable for any expenses incurred.

de Boer had a request for clarification by Lavery on the new health bill on the 1.5% that will be in effect on May 22 for employees. He said it is unclear on some of the issues. There was discussion on the new law and will be looked into further.

#### PUBLIC QUESTIONS AND CONCERNS

John Ettere, 44 Dale Avenue, and Mary Beth Ridge, 45 Dale Avenue and had talked to their closing attorney and engineer, as suggested at the last meeting. The bottom line is, the Township is not compelled to do anything for them. The document they had showed proposed cul-de-sac that was supposed to get upgraded for a road, but it did not happen. Doug Mace, Engineer, went before the Land Use Board many times on this matter. Ettere said he knows the Township is not compelled to help them, but requested that they would include this road in the bond. Lavery will discuss this matter with Steve Gruenberg, Land Use Board Attorney. The Mayor said he and de Boer will take a ride down and check the matter out. Lavery suggested that Ettere and Ridge attend the next Land Use Board meeting and bring this matter before them.

Liz Scovill, 5 Osprey Lane, asked Lavery what was happening on the agreement. Lavery said he is working on it and will be in touch with their attorney on Thursday.

Wally Godfrey, Chairman of the Recreation Commission, said they have received complaints on the walking path behind the houses on Mine Hill Road leading down to the log cabin. There are No Dumping Signs posted, but people continue to dump grass clippings, boards, beer cans and litter. He would like a letter sent to these homeowners that there is no littering in this area. The Mayor said he will have de Boer send a letter out to residents.

Also, he went down to the park on Kayhart Lane to check the fields on Sunday afternoon. There were people tailgating and drinking, which is not allowed in the park. He had an officer go out to check this out. They have an idea which team it is and when the teams join, they sign papers that they know there is no alcohol in park. They do not know for sure which team yet, because the officer that did the investigation has not been in. The Mayor felt, if this was the first time, it would not be fair to shut them down. Why should everybody suffer for a few. Kovacs said if they are not sure who the violators are, they should send letters out to all the teams. The Mayor said a letter should go out to all teams, home teams and away teams, that there will be zero tolerance to drinking at the fields. If they do drink, they will no longer be able to use the fields. Kovacs said they could mention the date and time, without mentioning team.

Public portion ended at 9:34 p.m.

#### NEW BUSINESS

1. Brian Sweat, Insurance Broker, went over the plan he proposed the Township go to in the new year and it would be Horizon. He said, originally, the Township had a problem having to give advance monies on claims, so Key Benefits lays out the money and they bill the Township. In addition, health advocate, Dina, has been dealing with 8 or 9 employees regularly, but with new HIPPA Laws, this will no longer be done. This year a Health Advocate will be assigned to the Township, who will work with the employees. After going through all the plans, Sweat suggested going with Horizon.

2. David Mobes, Wells Fargo, said the Township may benefit by going with the State Plan or a direct carrier similar with the way the Township has now with a high deductible. Usually, in private businesses, rates are the same and benefits are regulated by the State. After reviewing the records, he also felt Horizon was the most price effective carrier. The rates are based on enrollment. Strunk commented that both plans appear to be the same amount. Mobes said his proposal did not include the VSP Eye Plan now, but will in the new plan.

The Mayor suggested that de Boer pass on the same information to Mobes that Sweat had, so proposals could be compared. The Mayor asked if they could have a subcommittee make a decision on this, Lavery said it must be a full committee decision. Klingel made a motion to have a special meeting on Tuesday, May 4, 2010 at 6:00 p.m. for the purpose of appointing a Broker of Record for Health Insurance Benefits and other

items that may come before the Committee, Kovacs seconded.

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

3. de Boer said that Community Action Partnership, a coalition dedicated to a healthy, drug free Warren County will be hosting a Town Hall Meeting at the Municipal building on Thursday, April 29 at 6:00 p.m. to 8:00 p.m. The topic of the discussion is Underage Drinking, Do you know the Law? The meeting is open to all concerned citizens of Warren County. Kovacs made a motion to approve Community Action Partnership holding a Town Hall Meeting in the Meeting Room of the Municipal Building on Thursday, April 29 from 6:00 p.m. to 8:00 p.m., Klingel seconded. All were in favor. de Boer said some members of the Washington Township Police Department will be present at this meeting.

4. Strunk made a motion to approve the request from Evan Howell, Tax Collector, to attend the Treasurers Conference in Atlantic City from May 18-20, Kovacs seconded. All were in favor.

5. Strunk made a motion to approve the request from Mary Ann O'Neil, Township Clerk, to attend a State Registrar's Class on May 7 in Sussex County, Klingel seconded. All were in favor.

6. Klingel made a motion to approve the 2010 Clean Communities Applications, pending the availability of funds, Strunk seconded.

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

#### REPORTS FROM OFFICIALS

R.J.Strunk said the sub-committee is continuing the parking issues at the high school. He asked that Sgt. Teter send him a letter electronically so he can send to Committee on the costs to put No Parking Signs up, which could be costly. They expect five events, graduations and some football games that the streets be posted with temporary parking signs. Originally the police had offered to do it, but he was concerned with overtime. He has asked de Boer to give him price for about 200 signs, but they would need labor to post the signs. Strunk said, to further elaborate, de Boer is talking about road improvements and striping the streets. Then they could do a sign advising parking only on one side of the street. The Mayor said he was not in favor of temporary paper signs. Strunk said, then they have to come up with \$4,000 for permanent signs. de Boer said the cost, just for the signs, uninstalled would be \$1823. Kovacs said there is plenty of parking at the school for events. There are only 4 big football games and graduation. Strunk said if the Committee wants to post all streets with parking on one side, he will come back with recommendations that de Boer thinks is necessary. de Boer will ask Township Engineer his opinion, render his professional opinion and that is what they will go by. Strunk asked what the Committee wanted him to take back to the Sub Committee. The Mayor said they will find the money to put up the permanent signs. Strunk advised Cicerelle to have the police that are attending meeting to address any other issues

Michael Kovacs said, with the school elections tomorrow night, if it is defeated a subcommittee will have to attend the meetings. This is usually the Mayor and liaison. If defeated, say the school comes out with budget and they say sports, that is it, but they also have a real budget we do not see with breakdown of sports. This is the one they should work from to see the breakdown. Their budget works different that Townships budget. With the school, they come out with budget, with line items, but after budget is passed they have one pot and spend the money the way they want, line items mean nothing. Also, with the high school, all must agree on cuts, it is all or nothing. The Mayor and Strunk will be on committee if high school fails and the Mayor and Klingel will be on committee if township budget fails.

Eve Marks had no report.

Robert Klingel had no report.

#### EXECUTIVE SESSION

Strunk made a motion at 9:55 p.m. to approve resolution 10-74, Resolution Authorizing 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, NJSA 10:4-12, Kovacs seconded. All were in favor. Lavery said they will be discussing Asbury Farms Tax Appeal/Pending Litigation; Shared Service of Collector and Assessor, Shared Services with Code and Construction and a Teamsters issue.

The doors were opened. Klingel made a motion to come out of Executive Session at 11:05 p.m., Strunk seconded. All were in favor.

Lavery said the Committee emerged from Executive Session at 11:05 p.m.. They discussed four matters, letters from Teamsters; Asbury Farms Tax Appeal/Pending Litigation; Interlocal Service Agreement with Mansfield Township regarding Code and Construction and possible interlocal Service Agreement with Mansfield Tax Collector, Tax Assessor and Finance. No action was taken. Copies of these minutes will be available at such time when the Committee determines there is no harm to public interest.

Strunk made a motion to approve the proposal to engage an appraiser with BRB Valuation and Consulting Services on the Asbury Farms Golf Course, not to exceed \$3,000, subject to the availability of funds, Klingel seconded.

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

RESOLUTION

Kovacs made a motion to approve Resolution 10-70, Resolution Amending the Interlocal Service Agreement for Police Shared Services between the Township of Washington and the Borough of Washington, Klingel seconded.

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

PAYMENT OF BILLS

Klingel made a motion for the payment of bills, Marks seconded.

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

OTHER

The Mayor said they are trying to put together a Washington Appreciation Day for Saturday September 4, 2010 at Meadow Breeze Park. It is in the beginning stage. They will need volunteers, donations and balloon ride, pony rides and entertainment at no cost to residents. Marks will work with the Webmaster to get something on website. Kovacs suggested asking the Historical Commission to get something together on the Township.

ADJOURN

There being nothing further to come before the Committee, Klingel made a motion to adjourn at 11:18 p.m., Marks seconded. All were in favor.

Respectfully submitted,

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