

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
August 17, 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 a copy is 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 was absent. Attorney Michael Selvaggi was sitting in for Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Administrator/Certified Public Works Manager and Chief Mc Donald were also present.

SALUTE TO FLAG

APPROVAL OF MINUTES

Klingel made a motion to approve the Regular Minutes of May 18, 2010, Marks seconded.

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

Kovacs made a motion to approve the Special Meeting Minutes of June 7, 2010, Marks seconded.

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

Klingel made a motion to approve the Regular Minutes of June 15, 2010, Marks seconded.

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

Kovacs made a motion to approve the Executive Session Minutes of June 15, 2010, Marks seconded

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

Kovacs made a motion to approve the Executive Session Minutes of July 20, 2010, Marks seconded.

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

AWARD OF BID One (1) 6/8 Yard Stainless Steel Single Axle Dump Truck with Snow Plow and Tailgate Spreader - The Mayor said the truck was put out to bid. de Boer said the low bidder did not comply with specs, they took 30 exceptions to the chassis and there were other areas that they did not comply with specs. All bid proposals have been sent to the Township Attorney who found them to be in order. de Boer met with the low bidder and explained why they were not being awarded the bid. de Boer said, therefore the next lowest bidder would be Opdykes Sales and Service for \$140, 997 and de Boer recommended this bid be accepted and it would be Resolution R 2010-33.

Marks looked at the specs and had a question about snow plows, cannot the old plow be used, or when you get a new truck, do you have to have a plow put on it. de Boer said the plows are usually interchangeable, but this truck is replacing a 1980 dump truck. The plow is just as old, same thing with spreader. Kovacs made a motion to approve Resolution 10-133, Resolution Authorizing the Purchase of a 6/8 Yard Stainless Steel Single Axle Dump Truck with Snow Plow and Tailgate Spreader and the bid be awarded to Opdykes Sales and Service for \$140, 997.00, Klingel seconded.

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

The Mayor read a Proclamation in Recognition of the Major Donors and Volunteers for National Night Out held on Tuesday, August 3, 2010.

The Mayor read proclamation in Recognition of Frank Cregan, Esteemed Gentleman and Neighbor to the Residents of the Reserve at Hawk Pointe and to the Residents of Washington Township and the Past Long and Meritorious Service to the Community of Morris County, New Jersey. The Mayor said Cregan is an outstanding resident in Washington Township.

ORDINANCES

10-08 Ordinance to Amend an Ordinance Fixing the Salaries of the Officers and Employees of the Township of Washington, County of Warren, State of New Jersey, #2010-01(Crossing Guards) - Kovacs made a motion to open Ordinance 10-08 to the public, Klingel seconded. All were in favor. The Mayor asked if anyone from the public wished to be heard.

Sue Ellen Sutton, 12 Beethoven Avenue, said they had a meeting about the reduction and did not understand why this was being done. There have been crossing guards for 20 years, 15 years, 10 years that got a pay reduction and are the people that have been here the longest. The ones with less time had same pay raise. They did not think this was fair. If there was a reduction it should have been across the board for everybody. They didn't know if just Washington Borough was singled out for this. The Mayor said the rate is the same rate as the Washington Township Crossing Guard. He said part of the agreement with the Borough was they will pay 100% of the salaries. The Township's job, as part of the agreement, was to supervise through the Police Chief, as mandated by the State. Technically you are Washington Township Employees, but they are compensated 100% for all monies received. Part of the agreement, through the Borough, was the Township would do a study and an evaluation of all crossing guards, to see how many are needed. The Chief has done the study. The No 1 priority was not to cut posts, they were trying to preserve the jobs. The only way it would work and make sense was to adjust all rates to \$12.16 an hour.

Kovacs said the contract was written by the Washington Borough Manager. The Township had input, but they requested that we pay Washington Borough Crossing Guards the same as the one Washington Township Crossing Guard, we just supervise. The Borough is still responsible for paying the salaries, even though the checks are written by the Township. It was at the request of the Borough that the Township do this and he was assuming that was in an effort to save money. The Township is not picking up the bill.

The Mayor asked the Chief to give a recap of the meeting with the Borough. Chief Mc Donald said he was trying to avoid a lay off. His task from Washington Borough was to reduce costs, look at the proposal and come back with reduction of posts, which he did think was a good idea. The only way to reduce costs was across the board.

The Mayor said they are trying to compromise to make it fair for all, they were trying to preserve all the jobs. Kovacs suggested that representatives from the group, Administrator, Chief and Mayor sit down to try to come up with a compromise, then go back and talk with Washington Borough. Klingel said they should go back to Washington Borough Manager, this is out of the Township's hands.

Susan Kearney, said this works out to a 15% pay cut, how could any of them survive on a 15% pay cut. They want all 13 guards to take some loss, keep the pay scale the way it is. They talked with the Borough Manager and he said the Township could pay this number for all the crossing guards. The Township could distribute it. The Mayor said a set number was not given to the Township, this was a false statement. The Mayor said this will be tabled until the next meeting. Klingel said school starts before then. de Boer said they will continue to pay what they have been paying. The Mayor said the Chief and Administrator will meet with Washington Borough, look at this further and possibly adjust the scale.

Kovacs made a motion to close the public hearing on Ordinance 10-08, Klingel seconded. All were in favor.

Ordinance 10-08 will be tabled until the next meeting on September 21, 2010.

Klingel made a motion to introduce 10-09 - 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, #2010-01 (Summer Recreation Employees), Kovacs seconded.

ROLL CALL: Klingel, yes; Kovacs, yes; Marks, yes; Elbassiouny, yes.
Public Hearing and Second Reading will be September 21, 2010.

Kovacs made a motion to introduce 10-10 Ordinance Amending and Supplementing Chapter 59 Construction Code, Uniform Permits Article II Subsection 59-10.1: Municipal Continuing Compliance Certificates, Unsafe Structure, Notice, Enforcement and Penalty, Marks seconded.

ROLL CALL: Kovacs, yes; Marks, yes; Klingel, yes; Elbassiouny, yes.
Public Hearing and Second Reading will be September 21, 2010.

RESOLUTIONS

The Mayor asked if anyone wanted to pull a resolution. The Mayor pulled Resolution 10-129. Kovacs made a motion to approve Resolution 10-130 through 10-136, excluding 10-133, adopted earlier, Klingel seconded. ROLL CALL; Kovacs, yes; Klingel, yes; Marks, yes; Elbassiouny, yes.

10-130 Resolution Authorizing the Execution of a Treatment Works Approval Application for the Regency at Hawk Pointe Wastewater Treatment Works Project

10-131 Resolution Authorizing the Execution of a Treatment Works Approval Application for the Hawk Pointe Reclaimed Water for Beneficial Reuse System (RWBR)

10-132 Chapter 159 Budget Amendment - Police Body Armor

10-134 Approval to Submit a Formal Request to the NJ Dept. Of Transportation Bureau of Utilities Division for a Signalized Grade Crossing for the Millpond Road Railroad Grade Crossing

10-135 Approval to Proceed with Professional Services Proposal for Pleasant Valley Road Section 2 Widening and Reconstruction WTWM033M3

10-136 Liquor License #2122-32-006-009 Person to Person Transfer from Y3 to Elydo, Inc., t/a 31 Steakhouse & Ale (pending proof of publication)

EXECUTIVE SESSION

Kovacs made a motion at 8:23 p.m. to approve Resolution 10-137, Resolution Authoring Executive Session of Washington Township Committee for Meeting not open to the public, in accordance with the provision of the New Jersey Open Public Meetings Act N J S A 10:4-12 for a contractual issue, Marks seconded. All were in favor.

Kovacs made a motion at 8:38 p.m. to come out of Executive Session, Marks seconded.

Selvaggi said earlier today a letter was received from Steve Gruenberg, Land Use Board Attorney, addressing a Memo of Understanding that was authorized by the Land Use Board on July 21, 2010. It had to do with the Asbury Farms Application for Hawk Pointe Golf Course. There was a previous resolution requiring deed restriction on certain open space. Per discussions the applicant with Land Use Board there was a decision that this would not be deed restricted, but a Memo of Understanding between Applicant Developer and Township. This would be a contractual obligation between parties and was intended to have same effect as deed restrictions, but without the more severe limitations imposed. It is consistent with what the Land Use Board wanted. This is an obligation on behalf of the developer to maintain the Open Space on the property, but if at a future time the current use needs to be changed or altered, the developer will return to the Land Use Board and be bound by whatever future zoning master plan ordinance that is in effect. This Memo of Understanding will continue even if the current developer sells the property. There continues to be an outstanding escrow that remains open. Therefore, to insure the escrow is paid, the Township will not sign the Memo of Understanding until adequate escrow is posted.

Klingel made a motion to approve the Memo of Understanding with Asbury Farms/ Hawk Pointe Golf Club and that the address be changed to reflect new address of 211 Route 31 North, pending escrow fees being paid, Kovacs seconded.

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

STAFF ADMINISTRATION

Chief Mc Donald passed out his monthly report.

Cooper is on vacation but Public Works Monthly Report was handed out.

de Boer said he and Bill Gleba, Township Engineer met with representatives from the County Engineering Office regarding the intersection of Cemetery Hill Road, South Lincoln Avenue and Broad Street. They are requesting the support of the Committee to no longer have South Lincoln Avenue intersection with Broad Street and bottom of Cemetery. They also discussed the property in the intersection and purchasing it and the County is not interested in purchasing the property. They are going to go back in and cut the branches. de Boer said by cleaning up the area it will be subject to vandalism. He attended the Warren Morris Council Meeting on July 29th.

There was discussion on taking over Club House Drive. Nevitt Duveneck, Township Engineer, feels there are a number of outstanding items to deal on Hawk Pointe Boulevard. He recommends a meeting to discuss taking over Club House Drive. de Boer checked the escrow and forwarded to Nevitt and there was enough to conduct this meeting. de Boer suggested that he be present, Duveneck, Lavery, the Mayor and Richard Cotton and his attorney. de Boer asked that a motion be made authorizing this meeting. Kovacs made a motion to authorize that de Boer, Duveneck, Lavery, the Mayor, Richard Cotton and his Attorney meet on the matter of taking over Club House Drive, providing there is money in the escrow account, Klingel seconded. ROLL CALL: Kovacs, yes; Klingel, yes; Marks, yes; Elbassiouny, yes.

de Boer said a memo from Finelli had been received regarding the salt shed. Basically, the cost for engineering services related to the work and project will be \$ 6000. This is part of the recently passed and approved Bond Ordinance. He cannot spend any money out of the Bond Ordinance without approval from the Committee. de Boer said he needs authorization from the Committee to spend this \$6000. Marks asked if this was included in the costs projected for the salt shed or up and beyond. de Boer said there was a line item for professional services.

Klingel made a motion to authorize the spending of up to \$6000 for Engineering Services to Finelli Engineering on the salt shed, Marks seconded.

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

de Boer said it has been a long time in coming, but he and Cooper have been trying to pass an ordinance like some other towns have in place on procedures of replacement or placement of mailboxes, basketball equipment and yard damage throughout the Township during snow operations. He passed this ordinance on to Lavery, who said, in his opinion it creates more problems than it solves. The insurance company reviewed the ordinance and had no problem with it. He will talk with Lavery again on his concerns. Marks asked, if there is damage, is there a policy in place that the Township must replace it. The Mayor said it has been a courtesy to the residents when mailboxes are damaged. Marks was concerned about the basketball equipment that is in the street. The Mayor said they would not want to get involved with this. de Boer asked the Committee to review it.

PUBLIC QUESTIONS/CONCERNS

Liz Scoville, 5 Osprey Court. asked where they were on the issue. The Mayor spoke with Lavery and de Boer and there should be an answer at the next meeting.

George Willan, 32 Falcon Way, asked if an agreement would be done on snow plowing. The Mayor said, with the Committee's approval, they would renew the snow plowing agreement this evening. Klingel made motion to authorize the same snow plowing agreement for Hawk Pointe as last year, Kovacs seconded.
ROLL CALL: Klingel, yes; Kovacs, yes; Marks, yes; Elbassiouny, yes.

Daryl Detrick, 112 Little Philadelphia Road, said the Recreation Commission would like to do a Washington Township Recognition Award and honor Mel Kries for all the coaching he has done and his involvement in Township Activities for over 50 years. They would also like to get a bench for the park in his honor. They are also going to put a sign on the public announcing booth in his honor. The Mayor made a motion to approve Mel Kries be honored with the Washington Township Recognition for 2010, a sign be put up on announcing booth and a bench be put in the park in his honor, Klingel seconded.
ROLL CALL: Elbassiouny, yes; Klingel, yes; Kovacs, yes; Marks, yes.

Detrick said on the Hope in The Hills of Warren Project, he thanked the Committee and all the people that helped. They did 60 homes in 2 weeks. He was very proud of what they were able to do. There were 300 people from 16 different states the first week. The second week they had 70 local people come out to work. Klingel said the kids and adults had so much energy, they worked the hottest two weeks of the summer and they just gave praise to all they did. It was such a great witness to others. . Klingel said he and his kids look forward to doing it again next year. They Mayor said they did a great job.

9:15 p.m. - public portion closed.

NEW BUSINESS

1 & 2 Kovacs made a motion to approve Anna Godfrey attend classes on 9/24, 10/1, 10/8 and 10/15 for Municipal Finance and Jeff Cooper to attend Certified Public Works Manager Review on 9/29, 10/6 and 10/13 in East Windsor, NJ., Marks seconded.
ROLL CALL: Kovacs, yes; Marks, yes; Klingel, yes; Elbassiouny, yes.

3&4 Approval to submit a Formal Request to the NJ Dept of Transportation Bureau of Utilities Division for a signalized Grade Crossing for the Millpond Road Railroad Grade Crossing and Approval to proceed with Professional Services Proposal for Pleasant Valley Road Section 2 Widening and Reconstruction WTWM033M3. de Boer said they were Resolution 10-134 and 10-135 and have been approved.

REPORT FROM OFFICIALS

Robert Klingel had no report.

Eve Marks had no report.

Michael Kovacs said when they voted on the sign ordinance, he and Marks were nominated by Strunk to work on it because there were glitches in it. He asked some of the business for input. Nobody has gotten back to him except Kathy Enz, who wrote a letter. Marks said the business community wanted to work within constraints. Kovacs advised the people to take the ordinance home, read it and come back before the next meeting, nobody has gotten back to him. Kovacs said he knew it was not going to be enforceable, that is why he voted no. Marks said the business community sat down with Strunk, they wanted it, they wanted the language. They felt they needed this ordinance. She specifically said she did not like the ordinance. She made it clear, although she did not like the ordinance, it is complicated and not enforceable. Most businesses are on Routes 31 and 57 and they wanted it.

Kovacs said the Zoning Officer should start going out to businesses, give them 30 days to comply, advise what is wrong and bring it to compliance. On grandfathering, if any sign not in compliance with old ordinance, they are not grandfathered. The Mayor said Bocko can send notices out on this. Kovacs said they never enforced the old ordinance and this ordinance in not enforceable. The Mayor said Bocko could send letters, with copy of ordinance and give them 30 days to comply.

de Boer said, right now Bocko is using his own vehicle to go out on zoning issues. He is not reimbursed for gas. If the Township has an extra vehicle, he could use it and it could be left at the Municipal Building. Kovacs made a motion that Bocko be given a vehicle for Zoning Office purposes and the vehicle remain at the building, Klingel seconded.

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

Kovacs said the Kathy Enz has a problem with putting up signs. de Boer said the ordinance does not pertain to her, it has no impact on her, she has a farm.

Kathy Enz Hidden Hollow Farm, said there was something else in the ordinance that Strunk kept referring to in the ordinance. There was a \$20 fee for every sign and he was saying it was \$20 a year. There are a number of things that need clarification. She said only Kovacs and Marks seemed to know what was going on during the meeting. Is this ordinance revokable? She was told yes. The Mayor said part of the problem was two members of the Committee were absent. There is a subcommittee working on it now. She said she was amazed that none of the businesses were present objecting to the Sign Ordinance.

Marks said she noticed on the bill list there was a computer purchased for \$1295.00. She questioned whether something like this should come before the Committee prior to them being purchased. The policies here are very lax and people go out and purchase, then it appears on the voucher to be signed. Was this a necessity? Was it needed? Is it a replacement or new purchase? The Mayor said a purchase like this should have been brought before the Committee. The Mayor advised Marks to put this in a motion, that purchases like this be brought before the Committee. Marks said any purchase over \$1000 should come before the Committee. Kovacs said, at one time there was a policy on purchases. Klingel said, when a computer breaks, they cannot wait until the next meeting to replace it. Marks asked, was there another computer in the Department of Public Works and was this lap top a necessity? What was the necessity? Did he not have a computer? Klingel assumed it was a need, Marks was not sure it was a need. Klingel said there are department heads to do their jobs and the Committee depends on them on purchases. Marks asked, if one person does it, can another do it.

The Mayor said only the Department Head can approve it and they have the authority to buy it if its in their budget. The Mayor said he almost did not sign the voucher as well, because it should have been approved by the Township Committee.. de Boer said, maybe it was a computer that flew up the red flag. The IT person does not bill each month, it goes for several months The DPW computer had a major crash. Cooper came to him. de Boer called the IT person to see if the old lap top could be refurbished for records and it was. de Boer said Cooper can talk with Klingel, Liaison, and this can be discussed at the next meeting. Marks asked what is the policy on purchases of any assets over \$1000. If this was an emergency, alright. The Mayor said if it is approved by Department Head it is alright.

The Mayor said he received a letter from New Jersey American Water Company. They are going to use Washington Township as a Conservation Project for their customers. They are trying to do some type of audit of the residents in a certain area of Washington Township. They will provide some resources for residents to see if they can be more efficient in using their water supply. They will be doing an audit with most residents over the telephone. If there are some repairs to be done, they would be willing to help up to \$300. He said he would have the Administrator put information on the website.

PAYMENT OF BILLS.

Klingel made a motion to pay the bills, Marks seconded.

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

Kovacs made a motion to adjourn at 9:51 p.m., Klingel seconded. All were in favor.

Respectfully submitted,

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