

# TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
January 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 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; Peter de Boer, Certified Public Works Manager/Township Administrator and Jeff Cooper, Assistant Municipal Supervisor of Public Works and Police Chief James Mc Donald were also present.

## SALUTE TO FLAG

PROCLAMATION - The Mayor read a Proclamation in honor of 2010 National Wear Red Day for Women proclaiming February American Heart Month and that Friday, February 5, 2010 be National Wear Red Day for Women.

## APPROVAL OF MINUTES

Klingel made a motion to approve the Executive Session, Session I Minutes, of December 15, 2009, Strunk seconded.

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

Strunk made a motion to approve the Executive Session, Session II Minutes of December 15, 2009, Klingel seconded.

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

Kovacs made motion to approve the Regular Minutes of December 15, 2009, Strunk seconded.

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

On the Reorganization Meeting Minutes of January 1, 2009, Marks requested a portion of the minutes be done verbatim on her asking about the reorganization procedure. Also, Clerk was to check on the voting of Robert Klingel for Deputy Mayor. Klingel questioned that his being liaison to the Land Use Board was not part of minutes. Minutes will be tabled and brought back for approval at the February 16, 2010 meeting.

## ORDINANCES

Kovacs made a motion to open Ordinance 10-01, Salary Ordinance, to the public, Klingel seconded. All were in favor. Nobody from the public wished to be heard. Marks made a motion to close the public hearing, Elbassiouny seconded. All were in favor. Kovacs made a motion to approve Ordinance 10-01, after public hearing and second reading, Strunk said he felt Kovacs had a conflict of interest on this ordinance. He asked Lavery about the matter. Lavery said, when in doubt, don't participate.

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

Strunk made a motion to open Ordinance 10-02, Ordinance Reauthorizing the Open Space Trust Fund for the Twp of Washington, Marks seconded. All were in favor. Nobody from the public wished to be heard. Klingel made a motion to close the public hearing, Strunk seconded. All were in favor. Strunk made a motion to approve Ordinance 10-02, after the public hearing and second reading, Klingel seconded.

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

Strunk made a motion to open Ordinance 10-03, Ordinance Amending & Supplementing Chapter 71 "Fees" of the Code of the Township of Washington to include New Subsection 71-4 "Establishing Rate of Payment or Outside Employment of Off Duty Officers, to the public, Marks seconded. Nobody from the public wished to be heard. Strunk said that \$64.76 is rather high and goes back to the public. This should have been negotiated to a more reasonable wage. No further discussion. Kovacs made a motion to close the public hearing, Klingel seconded. All were in favor. Kovacs made a motion to adopt Ordinance 10-03, after public hearing and second reading, Marks seconded.

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

## RESOLUTIONS

10-14 Resolution Authorizing the Award of a Fair & Open Contract for Special Litigation Counsel was held from the Reorganization Meeting as no RFP's had been submitted for Special Litigation. After discussion on Michael Lavery already being Township Attorney, the Mayor made a motion to appoint him as Attorney for Special Litigation as well, Klingel seconded. Strunk questioned how the billing would be done between

the two. Lavery said this would be for special litigation/court cases. Strunk said he knows Lavery qualifications, but none of the other attorneys at the firm who may handle some of this. The motion was amended by the Mayor to appoint Michel Lavery of the firm of Courter, Kobert and Cohen, to Special Litigation, Klingel seconded.

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

10-24 Resolution Authorizing the Transfer of Funds was rescinded as Resolution 10-33 replaces it.

Strunk made a motion to approve Resolution 10-26 Tax Sale Certificate Redemption Block 54, Lot 13.01, Marks seconded.

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

Strunk made a motion to approve Resolution 10-27 Tax Sale Certificate Redemption Block 65, Lot 8.03 , Klingel seconded.

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

Kovacs made a motion to approve Resolution 10-28 Resolution for the Purpose of Authorizing the Signature of the Mayor to Execute a Standard Hours Contract with the Otis Elevator Company, Marks seconded. There was a discussion on the rate and the extended time on contract. Lavery is to review the term to see if it is an issue. Motion was amended by Kovacs that the contract be signed, pending review and approval from the Attorney, Marks seconded.

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

Klingel made a motion to approve Resolution 10-29 Resolution for the Purpose of Authorizing the Signature of the Mayor to Execute a Maintenance and Emergency Service Agreement with Comfort Temp Incorporated, Kovacs seconded. Strunk questioned whether other quotes had been done on this and they had.

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

Klingel made a motion to approve Resolution 10-30 Resolution for the Purpose of Authorizing the Signature of the Mayor to Execute a Burglar Alarm System Monitoring and Maintenance Service Agreement with Bill Hodge Electrical Contractor Incorporated, Strunk seconded. There was discussion and Lavery advised de Boer that a cap should be put on this so it does not go past bid threshold.

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

Strunk made a motion to approve Resolution 10-31 Resolution for the Purpose of Authorizing the Signature of the Mayor to Execute a fire Alarm System Monitoring Service Agreement with Alarm and Communication Technologies (A.C.T.) Incorporated, Klingel seconded.

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

Kovacs made a motion to approve Resolution 10-32 Resolution for the Purpose of Authorizing the Signature of the Mayor to Execute a Fire Alarm System Maintenance Service Agreement with Wires Electrical Shop, Marks seconded. Strunk did not believe the Township was getting a good rate on this and questioned the need, if nothing is happening.

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

Kovacs made a motion to approve Resolution 10-33 Resolution Authorizing the Transfer of Funds , Klingel seconded. Strunk said he had talked with the CFO and got an explanation on who went over budget and why funds had to be transferred. Kovacs said there are bills that have to be paid, pay the vendors and he will have an explanation at the next meeting.

Kovacs made a motion to approve Resolution 10-34 Resolution on the 2010 Temporary Budget, Strunk seconded.

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

#### STAFF ADMINISTRATIVE REPORTS

Chief Mc Donald distributed his December Activity Report. He said they will be taking Oxford over on February 1, 2010.

Jeff Cooper, Assistant Municipal Supervisor of Public Works, handed out the DPW Monthly Report for December. The Committee had no questions.

Joseph Rossi, Construction Official, did a presentation on the Code and Construction Department. He said he is working with the CFO on salaries, utilities, supplies, etc. Strunk asked if he had the total cost to run the department. Rossi said he is working with CFO on this.

Peter de Boer, Certified Public Works Manager/Township Administrator said he has been working with Oxford on the Shared Service Agreement, working on Resolutions, going over the procedure to DCA for Sage Grant. He has been working on the insurance with new police benefits and retirees. Sweat and Walters is assisting him with this. He did many of the resolutions approved this evening. He set up three Broker of Record Meetings with the Clerk to interview . He set up and attended a meeting with New Jersey American

Water Company on the water tower. The Mayor and Strunk also attended. He attended the Safety Meeting. The dias has been cut down. He also had some benches given to Township, which he has had DPW refurbish and with the Committee's approval, will be putting them throughout the building.

de Boer discussed the three brokers that were interviewed. The Mayor and Strunk left the dias because of a conflict with two of the brokers. It was decided that Kovacs, Marks and Klingel would review the information, meet and come up with a recommendation. They may meet with companies, or just go with a recommendation.

#### PUBLIC QUESTIONS/CONCERNS

Valerie Robitzski, Access Property Management, was present representing 130 home owners in Fairway Greens on the bonding for the retaining wall. They want to be released from providing cash on the bond. Lavery said this would be discussed in Executive Session. He will provide all the information to the Committee before this can be considered.

Tom Prisk asked when the Township Directory will be sent. de Boer said they are working on it and it will probably go out in March, just like last year. Nobody else from the public wished to be heard. (Ended at 8:49 p.m.)

#### OLD BUSINESS

1. Update on Sign Ordinance - Strunk went over various options that businesses would like to see considered. They felt they were not allowed to advertise daily specials and other issues. They would like to advertise special events. There was discussion on banners. Also, what is the mechanism for enforcement. Tom Bocko, Zoning Officer, said he had concerns about safety and the enforcement of the ordinance. He said the businesses could police themselves, if a sign is not in compliance, they would lose their right to have a sign.

Marks asked why we need the ordinance or changes in the ordinance. The businesses have been there for years. Kovacs said when you drive up Route 31 most of the signs are not in compliance. The Township is trying to get control over signs in front of businesses, looking for a consistency. Strunk said they will be having another meeting this Thursday to go over the ordinance again.

2. Appointment of Consulting Engineer - Klingel made a motion to approve Finelli Engineering as Consulting Engineers, Marks seconded.

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

3. Done previously in meeting...Michael Lavery of Courter, Kobert and Cohen was appointed for Special Court Litigation.

4. Strunk made a motion to approve Joseph Fisher/Geoscience Service as Consultant to Land Use Board, with Dynamic Earth as alternative should there be a conflict, Klingel seconded.

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

#### NEW BUSINESS

1. Strunk made a motion to approve 50% of the costs for Barbara Emery, CFO, attending the course on Internet Procedures and Security in Whippany, Kovacs seconded.

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

2. Strunk made a motion to approve Anna Godfrey, Deputy Clerk, attending classes on Saturdays, April 10, 17 and 24, Klingel seconded.

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

#### EXECUTIVE SESSION

Lavery advised they will be going into Executive Session to discuss litigation on contract with Hodges Melrose, A & P litigation, Retaining Wall Issue with Fairway Greens, litigation on Medina, de Boer has two personnel issues and a contractual issue. Strunk made a motion at 9:35 p.m. to approve Resolution 10-36, 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 N.J.S.A. 10:4-12, Klingel seconded. All were in favor.

The doors were opened. Strunk made a motion at 9:50 p.m. to come out of Executive Session, temporarily for one matter, Klingel seconded. All were in favor. Lavery said they emerged from Executive Session where they discussed the performance guarantee to be posted by Fairway Greens Association. No action was taken. Copies of these minutes will be available when it is determined there is no harm to the public interest.

The Mayor made a motion to waive the 10% cash on Resolution 2010-35, Fairway Greens Association Performance Bond, Kovacs seconded. After discussion, the Mayor amended Resolution 2010-35, Acceptance of Performance Bond Fairway Greens Association, to waive the 10% cash and the amount should be \$1.3 million, Kovacs seconded the amendment.

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

EXECUTIVE SESSION

Klingel made a motion at 9:55 p.m. to return to the Executive Session Meeting, Strunk seconded. All were in favor.

The doors were opened. Klingel made a motion at 10:45 p.m. to come out of Executive Session, Kovacs seconded. All were in favor.

Lavery said they emerged for the second time, where they had discussed the retaining wall at Fairway Greens, discussion on contract from Hodges Melrose, update on A&P litigation, litigation with Medina, contractual matter/interlocal agreement and shared services with surrounding towns. Copies of these minutes will be available when it is determined there is no harm to the public interest

REPORT FROM OFFICIALS

RJ Strunk will be holding meeting on the issue of the parking at the high school next week.

Michael Kovacs said they will be going through the budget on January 23, 2010, suggested bringing in Police and DPW. Clerk advised police are coming in at 11:00 a.m. and DPW at 11:30 a.m.

Eve Marks questioned the budget procedure and how it is done. She thought all budgets are given to de Boer and he does the presentation. She is confused on exactly what is happening. She has been reading the ordinance on what the Administrator should be doing, which alludes it is should be done that way. The Mayor said the Committee has always done the budget. There was a lengthy discussion on how the ordinance reads and how the budget procedure is done.

PAYMENT OF BILLS

Klingel made a motion to pay the bills, Marks seconded. Strunk had a question on some of the bills for \$5000 and \$6000 for mower and salt spreader. They are capital expenses, who approved them? In the past, capital expenses have been approved by the Committee, because it has a life of over five years. He questioned on when the authorization changed. Kovacs questioned whether there is a policy in place to say they can or cannot do it. Strunk said they have always used this system, now it has changed. There is a drastic flaw in the system. de Boer said he has made big purchases out of his O&E and gotten approval from the CFO. de Boer asked if they want to put a policy in place that anything over \$5000 has to come before the Committee.

Kovacs said the Committee should not micro manage. Klingel said they have to be careful, because the Committee only meets once a month. Strunk said there was no discussion on the need for a spreader of salt spreader, they just went out and bought them. de Boer said he worked very closely with the CFO on this and got the clearance to do this. de Boer said this could be discussed at a future Budget Meeting with Dave Evans, Auditor.

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

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

Respectfully submitted,

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