

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
July 20, 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 Committeeman Michael Kovacs.

SUNSHINE LAW COMPLIANCE - Committeeman Kovacs 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

Kovacs, present; Marks, present; Strunk, present. Elbassiouny and Klingel were absent. Michael Lavery, Township Attorney, Anna Godfrey, Deputy Clerk and Peter de Boer, Administrator/Certified Public Works Manager were also present.

SALUTE TO FLAG

AWARD OF BID

2011 6/8 Yard Stainless Steel single Axle Dump Truck with Snow Plow and Tailgate Spreader - de Boer made a recommendation that the award of this be postponed until the August meeting. This would give Lavery time to review the bids received to make sure all the paperwork is in order. Strunk asked if he could see the support information that came with the bids. de Boer said a copy could be made for hm.

Kovacs advised the public that the Mayor is out of the country and the Deputy Mayor is away on business.

APPROVAL OF MINUTES

Marks made a motion to approve the Executive Session Minutes of May 18, 2010, Kovacs seconded
ROLL CALL: Marks, yes; Kovacs, yes; Strunk, abstain.

ORDINANCES

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"

Kovacs said, his personal feeling, since they are missing two members, in fairness to the other committeemen, they wait for the entire Committee before they take any action. Strunk said he felt they should go forward. Marks said she has some reservations, but if the public is here, it should be done. Strunk asked Lavery if they could take action. Lavery said yes, it is at the Committees discretion. Marks would like to hear from the public on the ordinance, which she felt is too restrictive and not business friendly. The business community is being fined and harassed and the ordinance does not allow the business community to market their own businesses. They know how many days they need to do something, they know when the event is over. She did not know how they arrived at the number six events. There are more than six holidays in a year and special events occur. Marks said if it is too restrictive, are they going to amend the ordinance, lets do it the right way. Marks said they should put something in place that would be good for everybody. Marks received applause from the audience.

Strunk asked Lavery if they could have the public hearing and vote on it. Lavery said they could do it. Strunk made a motion to open Ordinance 10-07 to the public, Marks seconded. All were in favor.

Strunk gave a background on how this amendment came about and how it came to this point.

Tom Bocko, Zoning Officer, said he did review the amendment being put in place and he has comments. Some may be technical in nature, but if an ordinance is put in place, it should not be ambiguous and it should be quite clear, how the zoning officer may interpret the ordinance vs how a business interprets the ordinance. Bocko commented, on special events and /or anniversary, temporary banners or professionally lettered signs with a size of 32 square feet. Bocko asked, on this, are you allowed to have multiple banners not to exceed the size, or one banner, or one sign not to exceed size, or can you have multiple smaller signs for a total not to exceed the 32 sq foot size. This needs to be clarified. Also, six events a year is excessive. He had comments on inflatable and Seasonal Farm Stands. Are the offsite signs daily? He said he would need to work at least 30 hours on this to make sure everyone is in compliance. He estimates his present hours, are 520 hours a year and he would need a 30% increase in his time to get this done. Bocko recommended the ordinance be revised to include special events limited to 3 times a year, including grand opening.

Marks commented, why were they making this so complicated for the business owners, when gas/service stations can do it? She read a section from the ordinance book, Section B, Permanent Signs for service stations. What's the different between the service station and the businesses? Service Stations do not need to get permits, but everybody else needs to go through the agony of going through a complicated procedure of permits, size, etc. This is such a simple thing that could be modified that everybody could agree on.

Patty Rupell Smith, Family Affair Florist, said the business owners are very frustrated. She asked for the members supporting the ordinance to stand and the businesses stood. Smith said she is in support of the temporary daily sign. Without that sign, she thinks she loses 35-40% of impulse buyers. She thanked Bocko for all his help in getting this started. After 19 months of working on the ordinance, they were here tonight to ask for the Committee's support on passing it.

Kovacs said most of the signs in the Township are in violation of the ordinance, even the existing ordinance. If they already had the sign up, is it grandfathered. Lavery said only if they can prove it was in existence before the ordinance.

Kathy Enz, Hidden Hollow Christmas Tree Farm said that Bocko pointed out a lot of good points. She asked him how many complaints he received in a day or month. Bocko said quite a few. She said the businesses that stood up for the ordinance should not have stood up, because its obvious they do not agree with it. This is a lot of verbiage that does not concern most people. She has had the same sign for 33 years, she puts out when she opens and takes down when the season is over. Strunk said she would be covered under seasonal signs. Marks said she could have as many signs as she wanted. Enz said this Sign Ordinance is excessive, it should be more helpful to people and attractive to the Township.

Liz Scoville, 5 Osprey Court, said she agreed with Marks, they do feel there is a lot of delays and business owners are not always as supportive to the degree they could be and they are sympathetic to that. Bocko used the term "Visual Integrity," that is what they really care about as residents and people who have made an investment in their homes in the community. She said, Visual Integrity could include one days signs, but there is nothing in the ordinance that could control the Visual Integrity of a specific sign. She had made complaints to Bocko on the Paint Ball Sign and the Chevron Sign, which was a blue neon prior to the one that is there currently that they could see from Ernie and Dom's Pizza, almost 1½ mile away and also the balloon outside Washington One Stop. She complained about that and when she came back, there was an accident there. She said Mr. Plenge could have a balloon on his huge parking lot and it would be festive and pretty and nice and not a traffic hazard. Regarding what Kovacs said about the grandfathering, she was confused about that. She took some pictures of some signs today and wanted to know how they would be impacted by the Ordinance. Lavery said, temporary signs are not presently permitted, so those signs would not be grandfathered. His point was, if there was an oversized wooden sign in your zone, if it was preexisting, you would be able to maintain it. She said, for instance, the tent that is outside Smith Motors, which is attractive, would be allowed six times a year, for two weeks at a time. Strunk said yes. The car that is up on the walk, with lettering, could this be there on a daily basis? Strunk deferred to Bocko, who did not come to the microphone, so I was unable to hear the answer.

Scoville asked about the Rymon Sign and they have been customers there since 1985 and they support all the businesses and support their right to make a living. Would the signs on page three be impacted, the Shed Sale, Customer Made Fire Pit, Storage Shed for Sale? Strunk said, he has lived here all his life and Rymons has always sold different things. This is where he could see one exception, that this particular unique site who had temporary signs before there was zoning. The business goes back to 1930's. Marks said you cannot have one and not the other, it is all or nothing. Strunk asked if this was a unique situation. Lavery explained what would be necessary if they were temporary signs. Scoville went over signs that were old and some gone out of business signs have been there for years. She did not think the Washington One Stop Sign was inviting to the Community.

Tom Prisk, 5 Osprey Court, said that Frank Cregan, who was a member of Committeeman Strunk's Committee, who could not be at the meeting submitted his objections at the last meeting. He said this is an ordinance that is confusing and not enforceable. He said they support local businesses. This is such an important thing and it is not enforceable. The two key people, the Mayor and Deputy Mayor should be at the meeting to vote on this ordinance.

Anna Mc Kliment, had the car wash on Route 31. They should be more concerned with the economy, because if they go out of business, it will effect the Township. There should be provisions made to help the businesses.

George Nagy, Taylor Rental and Sign said this started many months ago. He thanked Bocko for all his input and work. He was pleased with Marks comments. The reason they picked white for the temporary signs was to keep them neat and uniform. He felt the clutter comes from the soccer signs, wrestling signs, baby sitting signs, baseball sign ups, youth sign ups, etc. all the time. They are not business signs. It is not the business owners. Signs are something the businesses need. As for six events, maybe this should be discussed again and Bocko be part of the discussion. On temporary signs, some businesses run specials sales for events, they need to advertise their business.

Jim Rimi, Rimi Studios, said you need to be a rocket scientist to understand the ordinance. It needs to be simplified.

Patty Ruppell Smith, said the current sign ordinance does not address what they are asking for, that is why they have asked for these changes.

Bob Plenge, Oakwood Lanes, said businesses need signs to inform the public what is available to them. He emphasized, if this is voted down tonight, they would still need to work on signs for the business people.

Robert Goltz, Chamber of Commerce, said the sign ordinance is basically against the First Amendment of Speech on a commercial basis. He would be willing to work on guidelines for the Township if they would like his help. Lavery said he had no doubt that the sign ordinance is constitutionally legal as presented.

Kathleen Enz, said the yard sale signs, electioneering, etc. are never taken down. Kovacs said they have 7 days to take political signs down.

Jeff Smith, Smith Motors, said people do not shop the way they use to do. He felt that Route 31 is going to be the future of the way people shop. The signs are very important to their businesses, they depend on the travelers who travel on Route 31. They are in a commercial zone not a residential zone. They are not going out in a residential zone and putting up signs, they are in a commercial zone. He commented, if you have time to go around taking pictures of signs, you should spend more time on the golf course. He received applause from the audience.

Robbie Romano, Remax Reality, said it is necessary to have an ordinance that supports their work. If businesses keep going out of business, there will be lower ratables and the home values will continue to be reduced. The unsightly closed buildings, cracked parking lots, deteriorating signs, will repel people from moving into this town.

Trisha Shaffer Strojan said she enjoys the signs. In all the years she has lived here she has not seen dirty or gaudy signs. The signs are a reminder of holidays or special days. As a taxpayer, she feels that too much time and money has been spent on this ordinance. What is so bad about the signs anyway? If a banner has been up and its a year, how does that effect you? Maybe I don't like the color of my neighbors house, I have to deal with it. This has been going on for 19 months. Isn't there other things in the Township that are more important and dealt with, she does not understand it. It is not hurting anybody, it is not dangerous for anybody, she would like clarity on this, she does not understand.

Kovacs asked if there was any further comment, there were none, he asked for a motion to close the public hearing. Strunk asked, on point on order Mr. Lavery, since the committee is not sure if they are going to vote, do we technically need to close the public hearing, before the committee reaches a consensus or take a motion on how they want to deal with the situation. Lavery said it is a committee discussion, so if you want to carry the vote to the next meeting or if you want to carry the public hearing, it is ok. Kovacs said he would like to close the public hearing, then have discussion. Kovacs said he would let the public respond to anything said. Strunk did not see technically why they should close the public hearing before the Committee discusses the manner in which they want to deal with the issue. They may want to continue it. He would not like see a motion to close the public hearing. Lavery said you could make a motion to reopen to the public, but technically, if you have discussion some might leave and the public hearing could be carried to next meeting, but they may have to advertise. Strunk did not want to close the public hearing and they are not violating anything. He did not see any sense in closing it. Kovacs said they have been liberal with this, there was an informal public hearing and it was deferred until this meeting. He did not see a problem with hearing from the public at any time. Lavery gave the Committee several options on how to handle this. Kovacs asked for a motion to close the public hearing. Strunk made a motion to close the public hearing, Marks seconded. All were in favor.

Kovacs said everybody agrees something has to be done with the sign ordinance, but he has also picked up from the business owners they are not happy with what we have in existence. From the Township Committee standpoint they have two things they have to look at , (1) they want successful businesses he does not want to drive through Washington Township and see what he sees driving Route 57 through the middle of Washington, we want you to be successful. Also, (2) the esthetics of Washington Township have to be concerned, because not everybody in the Township is a business owner. They want them to be successful, but they must look at the esthetics of the Township. When they had meetings, they looked at both of the issues. From Tom Bocko's standpoint, enforcement is a nightmare, whether they have the existing ordinance or the new one. He does the best he can with the hours he spends doing it and they still have problems.

Strunk said it is not the best ordinance, but it is a crisis situation. The business people are out there drowning and they have come for help. He respects Bockco's comments. They will have to tweak it to try to correct it. They need signs to be more successful. His motion is going to be they pass it, it is not the best, but have another committee take the concerns and try to tweak it to make it better. If we wait months, it will not help them, they need help today.

Marks said her mistake was being ignorant and not reading the original intent of the sign ordinance that was in place and not knowing the business owners had nothing in place for temporary signs. Her intention was, when she voted against the sign ordinance, she thought there were too many restrictions. She did not know they actually wanted to do this and go through all the steps, this is alright with her. She will vote for whatever the business organizations want.

Kovacs felt they owe it to the mayor and deputy mayor to be present when this is voted on and it should be postponed. He asked if anybody from the audience wanted to talk before the Committee vote on this ordinance.

Plenge said if they were going to postpone passing it that the public be allowed to reiterated what was said this evening.

Strunk said he recommended that Kovacs and Marks and Bockco meet and try to tweak the ordinance. Kovacs felt the mayor should serve on the subcommittee. Strunk made a motion that Ordinance 10-07 be adopted, with the fact the business needs relief now and another subcommittee be formed, Marks seconded. Kovacs said there are too many changes that have to be made on the ordinance, but we do need to improve it.

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

Marks said the businesses need relief, they are not allowed to do anything. There are too many flaws in it, it is too cumbersome. Kovacs said they need comments on what they do not like. Marks said the business owners want it, because nothing is in place. They should start working on it.

Kovacs said they would take a break at 9:14 p.m. - Meeting resumed at 9:30 p.m.

Strunk made a motion to introduce Ordinance - 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 (Crossing Guards), Marks seconded.

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

Public Hearing and Second Reading will be August 17, 2010.

RESOLUTIONS

Kovacs asked if anyone wanted to pull any resolution. Strunk asked that 10-119 be removed.

Strunk made a motion to approve Resolution 10-116 through 10-125, excluding 10-119.

10-116 Re-Petitioning the NJ Council on Affordable Housing for 3rd Round Substantive Certification Based on an Adopted Amended Housing Element and Fair Share Plan

10-117 Resolution to Authorize and Approve Salaries & Wages for Certain Employees (James Vernon)

10-118 Resolution Approving Washington Township Municipal Alliance Applying for 2011 Grant

10-120 Approval to Submit a Grant Application and Execute a Grant Agreement with the NJ Dept. Of Transportation for the Pleasant Valley Road Project

10-121 Approval to Submit a Grant Application & Execute a Grant Agreement with the NJ Dept. Of Transportation for the Rymon Road Project

10-122 Approval to Submit a Grant Application & Execute a Grant Agreement with the NJ Dept. Of Transportation for Sidewalk Projects on Pleasant Valley Rd., Norfolk Ave., Midland Ave. & Castle St.

10-123 Resolution for the Purpose of Executing a Sharing Available Resources Efficiently (SHARE) Grant Agreement with the Department of Community Affairs

10-124 Chapter 159 Budget Amendment - Police Consolidation with Oxford Township

10-125 Tax Sale Certificate Redemption - Bl. 28.01, Lot 27

Kovacs said on 10-119, instead of Ford they wanted to go with Chevrolet Tahoe, which is going to be \$1000 cheaper, but he would need de Boer to clarify it further. de Boer said he had a new Resolution 10-119, which he read to the Committee. He said, after resolution 10-114 was passed, they are requesting the Chevrolet Tahoe instead, which will be \$1000 less.

Kovacs made a motion to approve Resolution 10-119 Resolution Authorizing to Exceed the Bid Threshold & for the Purchase of a Specialized Police Vehicle. Marks seconded.

Strunk said he needs more information, he would like to see justification on this and he would like to see the specs.

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

de Boer distributed two additional resolutions to be considered.

Resolution 10-126, Resolution of the Township Committee of the Township of Washington, County of Warren, New Jersey Authorizing an Amendment to an Interlocal Services Agreement between the Township of Washington, The Township of Mansfield and the Township of Oxford, County of Warren, New Jersey de Boer sent the agreement down to AOC already. Mansfield sent out letters to all municipalities involved that this be passed between Mansfield, Washington, Oxford and Washington Borough, as it is written. de Boer said this would start October 1st. Marks made a motion to approve Resolution 10-126, Strunk seconded. Strunk asked about the problems with existing resolution, de Boer said if any changes at all were made, they would have to start from the beginning. Strunk asked who composed it, de Boer said Andrew Coppola from Mansfield. Strunk asked if the Township is the first to pass this. de Boer said the Boro is doing it this evening. He was not sure when Oxford was doing it. Strunk said, if one does not pass it, it will not go, de Boer said yes.

ROLL CALL: Marks, yes. Strunk was uncomfortable with this just having seen it this evening, but did not want to hold things up, reluctantly he was voting for it; Kovacs, yes.

Resolution 10-127, Resolution Authorizing the Sale of Surplus Township Vehicles and Excess Equipment by Annual Warren County Public Auction on September 11, 2010. de Boer said most of the items have been deemed not to be usable from the Township's standpoint. There was discussion about various items on the list, but de Boer explained each question in full. Strunk made a motion to approve Resolution 10-127, Marks seconded.

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

STAFF ADMINISTRATIVE REPORTS

There was no report from Chief Mc Donald.

There was no report from Jeff Cooper, Assistant Supervisor of Public Works.

Joe Rossi, Construction Official gave his report and said the department is very busy with inspections.

de Boer held the Staff Meeting today. Bill Cooper and Joe Rossi both said the camp that Daryl Detrick ran at Warren Hills High School went very well. They had the quarterly Safety Meeting on the 13th. There was a special meeting with Bill Gleba and Committeeman Klingel regarding Pleasant Valley Road on road and drainage issues. There will be an issue on where the one section of the roads drains and plans will have to be done and they will have to go out for bid to correct it. He met with DPW Teamsters Representatives, the Mayor and Jeff Cooper, per their request, which will be discussed in Executive Session.

PUBLIC QUESTIONS AND CONCERNS

George Willan, 32 Falcon Way, asked about the developer who left them in 2006. It was his understanding that their attorney, as well as discussions with Lavery and the developers attorney EKA Pinnacle and the attorney assigners have not objected to the dollars that the Township is holding on the cash portion of the bond. Lavery said this was going to be discussed in Executive Session, but he was not hopeful that any action will be taken tonight.

Liz Scoville, 5 Osprey Court asked if there is a time limit on how and when the bond can be released. Lavery said the bond is in place until the project is completed.

Kathy Enz suggested that the Township put a tree ordinance in place. Recently many trees were cut by a trout production stream, which might effect the water quality. Lavery suggested that the DEP be notified if it is a C1 stream. Pete will call Al Ivany, Chairman of the Environmental Commission about this matter.

Tom Prisk, 5 Osprey Court, said the cemetery cut down a lot of trees, someone should contact Alice Oldford, Land Use Secretary about it, because it is causing many problems in the area.

NEW BUSINESS

1. _____ Discussion regarding participation and dues for the Warren-Morris Council of Governments - Marks said it would be a \$600 one time membership fee to all participating, with the understanding the \$600 will be reimbursed at sometime. Strunk made a motion to approve the \$600 dues fee for participating in the Warren Morris Council of Governments, line item #10502007 under dues, convention and travel, Marks seconded. de Boer said the line item was provided by CFO.

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

2. BOH Service Order Request for high grass and weeds (33 Port Colden Road). - Strunk made a motion to approve the DPW doing the Service Order Request for high grass and weeds at 33 Port Colden Road and lien be placed on the property, Marks seconded.

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

3. BOH Service Order Request for high grass and weeds (17 Rymon Road) - Strunk made a motion to approve the DPW doing the Service Order Request for high grass and weeds at 17 Rymon Road and a lien be placed on the property, Marks seconded.
ROLL CALL: Strunk, yes; Marks, yes; Kovacs, yes.

4. Request to Turn the Towns Teal, an awareness Campaign for Ovarian Cancer, Strunk made a motion to approve the request to put teal ribbons on trees in the Township, Marks seconded. All were in favor.

5. Habitat for Humanity property - 1029 Butler Park Road - Lavery said back in 2007 Washington Township conveyed this property to Warren County Habitat for Humanity, to be developed as affordable housing. They did construct a house on the property. Washington Township originally acquired title to the property by means of an in rem tax foreclosure in 1965. It now appears that when the foreclosure was done, not all of the original lots that had been combined into the tax lot in question had, in fact, been conveyed out of record by the Butlers, with the result the foreclosure did not cut off the rights of the Butlers and their heirs in portions of the parcel. Attorney Ours advised in his letter that in order to correct the title defect and obtain marketable title, it will be necessary to re-foreclose the original tax sale certificate against the Butler heirs. He was willing to undertake the re-foreclosure, without charge, to the Township and requested the authorization to do so. Strunk made a motion to authorize Attorney Stuart Ours to re-foreclose the property that was transferred to Habitat for Humanity, at no cost to the Township, Marks seconded. All were in favor.

REPORT FROM OFFICIALS

There was no reports from officials.

PAYMENT OF THE BILLS

Strunk made a motion to approve the bills he signed, Marks seconded for the bills she signed.
ROLL ALL: Strunk, yes; Marks, yes; Kovacs, yes for the bills he signed.

EXECUTIVE SESSION

Strunk made a motion at 10:23 p.m. to approve Resolution 10-128, Resolution 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 NJSA 10:4-12, Marks seconded. All were in favor.

Strunk made a motion to come out of Executive Session at 10:56 p.m., Marks seconded. All were in favor.

Lavery said the Committee discussed a contractual matter on the Interlocal Agreement with Code and Construction, potential litigation contractual matter on a tax issue with Washington Borough and a pending litigation matter with Pinnacle Hawk Pointe Developers. No action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

MOTION TO ADJOURN

Strunk made a motion to adjourn at 10:56 p.m., Marks seconded. All were in favor.

Respectfully submitted,

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