

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
September 21, 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, present. Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Administrator/Certified Public Works Manager, Chief Mc Donald and Jeff Cooper, Assistant Municipal Supervisor of DPW were also present.

SALUTE TO FLAG

APPROVAL OF MINUTES

Strunk made a motion to approve the Regular Minutes of July 20, 2010, Marks seconded.

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

Klingel made a motion to approve the Regular Meeting Minutes of August 17, 2010, Kovacs seconded.

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

Kovacs made a motion to approve the Executive Session Minutes of August 17, 2010, Marks seconded.

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

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) de Boer recommended this Ordinance be pulled and Ordinance 10-11 be passed replacing it. The Mayor called for a motion to approve Ordinance 10-08, no motion, ordinance died.

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), Strunk made a motion to open Ordinance 10-09 to the public, Kovacs seconded. All were in favor. Nobody from the audience wished to be heard. Kovacs made a motion to close the public hearing, Klingel seconded. All were in favor. Kovacs made a motion to adopt Ordinance 10-09 after public hearing and second reading, Klingel seconded.

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

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. Kovacs made a motion to open Ordinance 10-10 to the public, Klingel seconded. All were in favor. Nobody from the audience wished to be heard. Kovacs made a motion to close the public hearing, Marks seconded. All were in favor. Klingel made a motion to adopt Ordinance 10-10, after public hearing and second reading, Ordinance 10-10, Kovacs seconded.

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

Kovacs made a motion to introduce Ordinance 10-11 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 (Replacing 10-08), Klingel seconded.

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

10-12 Ordinance to Create a New Chapter of the Township Code regarding Placement of Mailboxes, Basketball Equipment and Yard Damage by Municipal Equipment during Storm Operations on Township Owned Right -of-Way. de Boer recommended this be pulled for further review by the Township Committee and it be put on the October agenda.

Kovacs made a motion to introduce Ordinance 10-13 Ordinance Revising, Amending and Supplementing Chapter 71 of the Code of the Township of Washington, County of Warren, State of New Jersey Entitled "Fees", Marks seconded.

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

RESOLUTIONS

The Mayor asked if anyone wanted to remove any resolutions, otherwise they would do a consent motion on all resolutions. The Mayor wanted to remove Resolution 10-140, Kovacs removed 10-147 and Marks removed 10-142. Kovacs made a motion to approve Resolutions 10-138 through 10-148, excluding 10-140, 147 and 142, Marks seconded.

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

10-138 Resolution Authorizing the Execution of an Administration Service Agreement with the Lincoln Financial Group and Other Agreements that are necessary to Implement the Revised Plan 76-PG-Lincoln-120709 Deferred Compensation Program

10-139 Resolution Supporting Participation in the Sustaining Jersey Municipal Certification Program

10-141 Resolution Authorizing the Township Special Tax Appeal Attorney to Enter Into a Stipulation of Settlement Relative to the Tax Appeals Captioned Asbury Farms vs Washington Township, Tax Court of NJ, Docket Number 006175-2009 and 001361-2010

10-143 Resolution calling on State Legislature and the Governor to Enact Property Tax Reform with Passage of the "Municipal Tool Kit" and mandates relief.

10-144 Tax Sale Certificate Redemption Resolution Block 66, Lot 19

10-145 Tax Sale Certificate Refund Resolution Block 50, Lot 5

10-146 Resolution Authorizing Donation of a Surplus Police Car

10-148 Chapter 159 Budget Amendment Police Body Armor

de Boer said he had a supplement to add to Resolution 10-140 Resolution authorizing a Contract to Purchase Electricity with Viridian Energy He said that by going with Viridian Energy, a third party energy supplier, saving would be realized by changing on the electricity. The proposal was attached. There is no contract, no long term commitment. The Mayor said they do it in stages. You can become a solar municipality. He recommended they should form a sub-committee to research solar energy as an alternative. He knows of some companies that would come in and set up your own system. Marks asked if this was something that could be formed in 2011. The Mayor said some of the grants are going away, so it should be researched now. Kovacs and Klingel agreed to work with de Boer on getting more information. Kovacs made a motion to approve Resolution 10-140, Marks seconded

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

Marks asked, on Resolution 10-142 Resolution to Authorize & Approve Salaries & Wages for Certain Employees (Summer Recreation Employees), how do they arrive at these salaries, what part of the budget are they incorporated into. Kovacs said it is a separate line item and there is a grant that pays for it. de Boer said the Township is a clearing house for the money. Kovacs made a motion to approve Resolution 10-142, Marks seconded.

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

Kovacs commented on Resolution 10-147, Resolution Authorizing Execution of Agreement for Payment of Services In Lieu of Services between Hawk Pointe, Condominium Association and the Township of Washington for Winter Maintenance and Street Lighting, he had two corrections. On page 2, paragraph (D) should be corrected to read Township Committee and page 3, (H) 2009 should be removed. Kovacs made a motion to approve Resolution 10-147, as amended, Elbassiouny seconded.

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

STAFF ADMINISTRATION

Chief Mc Donald distributed the 2010 Monthly report to the Committee. He also said that thank you letters have been sent out to his officers, citizens and vendors that helped with National Night Out. It was a big success, which included all the communities involved.

Cooper said the biggest thing he had going for the month was milling and paving of Bowerstown, Dale and Castle by Tilcon. They are waiting for the striping to be done. Also, Warren County had gotten in touch with him about the railroad crossing at Millpond Road. This issue has been resolved. The Mayor asked what the cost was per mile for the paving. de Boer said he will figure this out and let him know.

David Dempski, COAH Coordinator, was present to give an update on COAH. The 3rd Round Petition has been submitted to COAH. There has been a lot of questions and more review in Trenton. Scarlet Doyle, Land Use Board Planner handles a lot of the documentation and is the point of contact for information. The certification process is very complex and detailed. It took COAH from June 7, 2010 to September 13, 2010 to determine that the Township's 3rd Round Petition was complete. There will be an additional 45 day public inspection. COAH's review for substantive certification takes another 45 days.

The filing of the petition will require the review and support by the Land Use Board Planner. These administrative costs can be funded by the Township's Affordable Housing Trust Fund. A public notice has to be published in the Star Ledger. Notices, by certified mail, must go out to the list of people contacted. The Mayor said he had spoken with the Planner and knows Dempski is working on it and we must follow through, business as usual.

de Boer said the American Water Company that they previously met with was supposed to get back to us prior to this meeting. However, they could not meet that obligation, they are doing other work. They hope to get back with a proposal by the October meeting.

He met with the DPW and had a monthly staff meeting. On the Sage Grant situation, he is showing the financial status and payment requests from Washington Borough (\$5918.76) and Oxford Township (\$15,171.57).

The Warren County League of Municipalities is meeting at this building next Thursday. He wanted to find out if any of the Committee was attending. The Mayor said he, Marks and de Boer will attend and they can report back to the Committee. They are expecting between 40 and 50 people. The Township scored 78 on the Local Government Practices which was completed today by the staff. By that score they should get 100% of the Final State Aid Payment.

The Mayor said he attends the League of Municipalities each year and always comes back with much information. The Mayor asked de Boer if there was a line item in the budget for conferences, de Boer thought it was \$1500. The Mayor said there is a line item for conference and more members should attend this event.

The Mayor said he would also like to set up a line item to bring somebody in to talk to Land Use Board Members within two years of their appointment. They must make sure they are all certified. He wants this addressed next year.

de Boer said he and Cooper have met with Gleba, Township engineer and he needs approval from the Committee to spend any funds out of the bond 2010-05 passed earlier this year. They are ready to start the salt storage building and needs a motion to do it, not to exceed \$60,000. Marks said the NJDOT has a salt shed on Route 57 and Washington Boro and Mansfield utilizes it. Have we ever looked into just getting salt from NJDOT as opposed to having our own as a shared service? The Mayor said, traditionally when you have your own salt shed you get better deals, you are buying volume. de Boer said the State has a garage right in Mansfield, so it makes sense for them to do. They have approached Washington Boro, but they only have enough for their own salt storage. de Boer said there would be no real savings. Klingel made a motion to approve the purchases for the Salt Storage Building, per Bond Ordinance 2010-5, not to exceed \$60,000, Marks seconded.

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

de Boer said he had two ordinances to be considered - one is parking surrounding Warren Hills Regional High School and the other is an amendment to the Convenience Center. He will send them electronically to the Township Committee and perhaps, next meeting they can be introduced on first reading, after Lavery has had time to review them as well. de Boer gave a brief description of each ordinance to the Committee.

de Boer advised he will be conducting evaluations of employees during October and will have department head and liaison present.

He said his goal someday is to have a paperless agenda. He is looking into getting prices on lap tops. All Committee Members would be issued a lap top and information would be scanned into computers.

He would like to talk about the Convenience Center and Washington Borough in Executive Session.

de Boer said there was a memo from Finelli Consultants advising they have prepared a proposal of \$1400.00 to perform fields inspection and file review to evaluate the current status of the Pinnacle Project. After the evaluation, they would be able to advise the Township of the extent of work required to close out the project.

Marks said there was virus protection, it also said remote viewing of cameras. de Boer said this was just for virus protection for all computers in the building.

PUBLIC QUESTIONS/CONCERNS

The Mayor asked for a motion to open the Public Questions and Concerns to the public. Klingel made a motion at 8:22 p.m. to open this to the public, Marks seconded. All were in favor.

Hank Fuentes, 10 Osprey Court, asked about the Hawk Pointe Condominium Association and the Winter Maintenance and Street Lighting. The Mayor said both had been done tonight.

George Willan 32 Falcon Way, said there has been discussion relevant to their developer. There has been discussion between their attorney and Lavery. Will Finelli be doing the inspection? The Mayor said this is being discussed in Executive Session.

Sue Ellen Sutton, 12 Beethoven Avenue, asked what happened to the ordinance on crossing guards. The Mayor said the ordinance was introduced earlier and would be approved at the next meeting. Kovacs said once the ordinance is passed, a resolution will be done.

Klingel made a motion to close the public section at 8:24 p.m., Marks seconded. All were in favor.

NEW BUSINESS

1. Approval of Oxford Olympic Distance Triathlon September 26, 2010
2. Request from CFO, Barbara Emery, to attend class 10/22/10 at NJ Law Center, New Brunswick (sharing cost)
3. Request from WTRC to use funds from the park bond to bring playgrounds into compliance with the Playground Safety Guidelines.
4. Request from Washington Township Fire Dept to hold coin toss on November 26 on Route 57.

The Mayor asked if anyone had an objection to all four items being done at once. Kovacs asked de Boer on Number 3, what the cost would be to replenish mulch at both playgrounds. de Boer said it would cost \$4200. Wally Godfrey, Chairman of the Recreation Commission said that when PAIC did their recent survey of the football field playground, they recommended additional certified mulch is needed throughout the play area, particularly at the bottom of the slide. The mulch was kicked out down to the weed barrier. They recommended 9" to 12" be done. They will also be doing the park at the pavilion. de Boer said this would bring all playgrounds into compliance. After discussion, Klingel made a motion to approve New Business 1 through 4, Kovacs seconded.

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

REPORT FROM OFFICIALS

RJ Strunk had no report.

Robert Klingel said the Recreation Commission is requesting to put an 8'X10' shed over by Kayhart Lane parking lot for additional storage. The Mayor said this is getting out of control, what happened to all the storage at the building. Cooper said the football team have been practicing at Kayhart, instead of lugging their equipment over by the concession stand, they want to put the shed at the top right hand corner of T4 parking lot. An application has been given to Tom Bocko, he has no problem with it. Cooper said the Panthers Football Team is paying for the shed. Klingel said this would be a seasonal shed and could be used by other teams during their season.

Marks asked about the concrete building that sits on the parking lot. What is stored in that building? Cooper said there is baseball and soccer equipment stored in them. She was advised, this belongs to the Youth Association. Marks said, instead of cleaning out the places, we just keep putting up new sheds. Cooper said they also store in the announcement booth. There was a discussion by the Committee on putting sheds up all over the park and how it looks. Klingel made a motion to approve an 8'X10' to be placed on the Kayhart side of the park, Strunk seconded.

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

Klingel said there were two vehicles that are being repaired and a vehicle that needs painting that would be coming out of the Public Works Budget - two trucks need the beds replaced and body work to the cabs. One would be a total of \$4800 and the other questionable about \$4000. In his mind, instead of buying new trucks doing this is the best bet. This should last a couple years. The Police Department would like to have the car back that de Boer is driving, in exchange for a Durango. That would need to be repainted as well. The total needed is \$11,727.00. Klingel made a motion that \$11,727.00 be approve to work being done on the two trucks and deBoer's Durango repainted, Elbassiouny, seconded.

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

Michael Kovacs asked if the Township participated in the last County Auction. Cooper and de Boer thought the cars went for approximately \$3500.

Eve Marks had nothing to report.

Mayor Samir Elbassiouny said a lot of emails have been sent and issues were being discussed. He is not sure they should be doing it. If his is correct, it has got to stop. Accusations are being made in emails and if there are any issues, this is not the place to do it. The policy is to contact the liaison, then if information is not received, it should be brought before the Committee. Lavery said all emails are discoverable. If emails are being sent out for discussion, it could be a violation of the Open Public Meetings Act. The Committee should refrain from doing it. Strunk and Marks said they were unaware of this being done. Marks said that maybe this should be discussed further because when it comes to specific policies, or decisions, a lot of decisions are made without discussion, policies are changed and things are done by liaisons, without bringing to the Committee. The Mayor said liaisons have no authority to change policy or ordinances. It all comes to the Committee as a whole.

The Mayor said that he will be going to the League of Municipalities in November. He said registration is \$50 if you register early and \$60 at the door. Also, the November Township Meeting will be MONDAY, November 15, 2010.

PAYMENT OF BILLS

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

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

PROCLAMATIONS

The Mayor read a Proclamation making October Domestic Violence Awareness Month.
The Kries Proclamation will be delivered to him.

EXECUTIVE SESSION

Strunk made a motion at 8:51 p.m. to approve Resolution 10-149, Resolution Authorizing Executive Session of the Washington Township Committee not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act NJSA 10:4-12, Klingel seconded. All in favor. Lavery said the Committee will discuss Pinnacle Hawk Pointe/Attorney Client/Privilege and Eleven Ten Associates construction appeal matter dealing with 1011 Construction Associates.

Strunk made a motion to come out of Executive Session at 9:47p.m., Klingel seconded. All were in favor. Lavery said the Committee discussed five matters, (1) potential settlement on a constructional code matter on Eleven Ten Associates , (2) Pinnacle Hawk Pointe Development, Attorney/Client Privilege regarding Memo from Finelli Engineering, (3) contractional matter dealing with the Convenience Center and Washington Borough, (4) Personnel/Code and Construction and (5) contractional matter dealing with adjoining municipalities on code and construction. Copies of these minutes will be available at such time the Township determines there is no harm to the public interest.

Strunk made a motion to approve , as per memo, that Finelli Engineering do the work at Pinnacle at Hawk Pointe Development for an amount not to exceed \$1400, based on the availability of finds, Klingel seconded. ROLL CALL: Strunk, yes; Klingel, yes; Kovacs, yes; Marks, yes; Elbassiouny, yes.

Strunk made a motion authorizing settlement of the 1110 Association Construction Associates appeal matter on the terms as set forth in Executive Session, Klingel seconded. ROLL CALL; Strunk, yes; Klingel, yes; Kovacs, yes; Marks, yes; Elbassiouny, yes.

George Willan asked that when Finelli Engineering goes out to do the inspection that he would like to be contacted so he could walk with him.

Strunk made a motion to adjourn at 9:53 p.m., Marks seconded. All were in favor.

Respectfully submitted,

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