

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
February 15, 2011

The regular meeting of the Township Committee was held on 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 and transmitted to the Express-Times, posted at the Municipal Building and a copy is on file in the Clerk's office. This agenda is subject to change by order of the Washington Township Committee before and/or during the scheduled meeting.

### ROLL CALL:

Elbassiouny, present; Finke, present; Klingel, present; Kovacs, present; Marks, present. Anna C. Godfrey, Acting Township Clerk, Peter deBoer, Township Administrator/Certified Public Works Manager and Attorney Michael Lavery were also present.

### SALUTE TO THE FLAG

Mayor Elbassiouny noted Dave Dempski and Scarlett Doyle were in attendance and he would like to begin the meeting with them. S. Doyle stated Mr. Lavery has prepared the Renewable Energy Ordinance #11-05 which has been reviewed by both the Environmental Commission and the Land Use Board. It is consistent with the master plan and recognizes the need to support renewable energy. As of May 5, 2011, the laws that are in effect at the time an application is submitted to the Board will be the rules by which we will be guided and be responsible to uphold. S. Doyle feels it is very important to have regulations on the books. Currently, nothing addresses the amount of coverage and placement on the property. This ordinance addresses these items. S. Doyle discussed the various requirements applicants would need to adhere to, including neighbors having the right to know if panels will be placed near them so they can request a buffer be placed between the two properties if necessary. S. Doyle recommends this ordinance be introduced for first reading and noted the State is taking over the farm properties when it comes to solar energy. Mr. Klingel feels adjustments can be made to the ordinance, but something needs to be in place by May 5<sup>th</sup>. He thanked S. Doyle for her presentation. Mayor Elbassiouny stated this will be discussed again later as noted on the agenda.

### EXECUTIVE SESSION

A motion was made by Klingel, seconded by Marks to approve Resolution 11-40, Resolution Authorizing Executive Session for a Meeting Not Open to the Public in Accordance With the Provisions of the NJ Open Public Meeting Act, N.J.S.A. 10:4-12 at 7:50 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a potential litigation matter which deals with COAH and Diversified Properties which is Fairway Mews. COAH Coordinator D. Dempski and Township Planner S. Doyle will be joining the Committee in Executive Session.

A motion was made by Klingel, seconded by Finke, to come out of executive session. All were in favor. Attorney Lavery stated the Committee returned from executive session at 8:20 p.m. The Committee discussed a matter concerning a potential litigation, a contractual matter dealing with Fairway Mews owned by Diversified Properties. No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no harm to the public interest.

### APPROVAL OF MINUTES

A motion was made by Klingel, seconded by Marks, to approve the minutes of the regular meeting held December 21, 2010.

ROLL CALL: Klingel, yes; Marks, yes; Finke, abstained; Kovacs, yes; Elbassiouny, yes

A motion was made by Klingel, seconded by Marks, to approve the minutes of the reorganization meeting held January 1, 2011.

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

A motion was made by Marks, seconded by Klingel, to approve the minutes of the regular meeting held January 18, 2011.

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

A motion was made by Klingel, seconded by Kovacs, to approve the minutes of the budget meeting held January 29, 2011.

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

#### ORDINANCES

A motion was made by Klingel, seconded by Marks, to open to the public Ordinance 11-03, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Repealing Chapter 85 of the Township Code Titled "Loitering" public hearing on second reading. All were in favor. Mayor Elbassiouny entertained comments from the audience. Hearing no one, a motion was made by Klingel, seconded by Marks, to close the public hearing. All were in favor. A motion was made by Kovacs, seconded by Marks, to adopt Ordinance 11-03 on second reading.

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

A motion was made by Klingel, seconded by Finke, to open to the public Ordinance 11-04, Ordinance Amending and Supplementing Chapter 71 "Fees" of the Code of the Township of Washington, Subsection 71-4 "Establishing a Rate of Payment for Outside Employment of Off-Duty Officers", public hearing on second reading. All were in favor. Mayor Elbassiouny entertained comments from the audience. Hearing no one, a motion was made by Klingel, seconded by Finke, to close the public hearing. All were in favor. A motion was made by Klingel, seconded by Finke, to adopt Ordinance 11-04 on second reading. Upon further discussion, Mr. Kovacs asked if school or athletic events are treated differently. Chief McDonald stated school events are not charged for the police vehicle or the administrative costs. The schools are content with the amount they are being charged. Mayor Elbassiouny asked what the officers receive for covering an event. Chief McDonald stated they receive the sergeant's rate.

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

A motion was made by Klingel, seconded by Finke, to introduce Ordinance 11-05, Alternative Energy Ordinance on first reading. Attorney Lavery noted Section 3, #4 on page 6 should read 20 feet not 15 feet. Mr. Klingel and Mr. Finke amended the motion to include the correction.

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

Public hearing and adoption will take place at the March 15, 2011 meeting.

#### RESOLUTIONS

A motion was made by Klingel, seconded by Kovacs, to approve Resolutions 11-34, Board of Health Lien Resolution, Block 6 Lot 21. Mayor Elbassiouny explained there was a lien placed on a property not being maintained. The public works department cut the grass and made a few minor repairs. The property is now being sold and the lien is being paid.

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

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-35, Resolution Accepting \$175,000 from the NJDOT Fiscal Year 2011 Municipal Aid Program, Authorizing for Specifications and for Advertising of Bids for Construction of Pleasant Valley Road Section 3. Mrs. Marks asked if this will be added to the \$150,000. Mayor Elbassiouny explained the \$150,000 was for Section 2. The Engineer recommended doing Section 2 and then Section 3 due to some drainage issues, but will look into doing both at the same time.

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

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-36, Resolution Authorizing the Advertising of Bids for the Construction of a New Salt Storage Facility. Mr. Klingel noted this is money set aside from the bond for this project. The storage facility we have now is dilapidated. Mr. Finke was concerned about being able to afford this purchase.

ROLL CALL: Klingel, yes; Marks, yes; Finke, no; Kovacs, yes; Elbassiouny, yes

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-37, Resolution to Exceed the Bid Threshold for the Purchase of Rock Salt. Mr. deBoer explained this is a request from the CFO. Although we have a qualified purchasing agent, a resolution needs to be passed in order to exceed the bid threshold.

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

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-38, Reduction of Cash Portion of Performance Guarantee for Village Shoppes at Hawk Pointe/Shop-Rite, Block 65 Portions of Lots 2 & 4 and Block 65.01 Lot 1. Attorney Lavery explained the resolution the Committee voted on in December handled everything and is not certain why a separate resolution is being done for the cash portion. Mrs. Marks will discuss with the CFO. Attorney Lavery noted it is in conformance with what the Township Engineer originally stated.

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

A motion was made by Klingel, seconded by Kovacs, to approve Resolution 11-39, Resolution Authorizing the Advertising of Bids for Construction of Pleasant Valley Road Section 2.

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

#### STAFF ADMINISTRATIVE REPORTS

Chief McDonald provided a report. He stated he had approached the Freeholder Board a few years ago regarding a shooting range for Warren County. Three residents also attended in opposition. The Freeholders tabled the discussion and later voted against it. He was faced with the same situation regarding a property in Lopatcong, even when he returned six months later with a petition containing thousands of signatures of Warren County residents in support of the range. The officers need to be qualified four times per year and were using state ranges, but are now unable to use state land for this purpose. He feels problems will arise as we may need to go out of state which will be a higher expense. Chief McDonald asked that the mayors in the area discuss this in the hopes of getting a county range. He feels the PCFA property in Oxford would be an excellent location. Mayor Elbassiouny asked him to obtain a letter from the Chief's Association in the county and work with Mr. deBoer to prepare a resolution. The resolution will be introduced and we can encourage other municipalities to do the same. We will also submit it to the Freeholders. Mr. Klingel asked the timeframe. Chief McDonald stated a range would be needed in June for the officer's qualifications. It would take approximately one month to prepare the site. Another option could be a property in Oxford that is no longer being built on. A county range would eliminate overtime issues for qualifications. Mrs. Marks stated she will discuss it when the Warren-Morris Shared Service Committee meets in March. Mr. Finke asked the frequency of using the range. Chief McDonald stated it would be used a few weeks during one month from each quarter. The only structure on the site would be a shed or trailer to store equipment.

J. Cooper provided a report which included information regarding the comp time and overtime that was used.

Mr. deBoer provided a report, which included a copy of the website re-design proposal, and requested Committee approval of the proposal. He had requested quotes from other entities and has four proposals which were reviewed by Mr. Klingel. Mr. Klingel stated the consensus seems to be to maintain the existing web page which A. Kilduff would be willing to do. This also may not be the best time for re-design due to budget concerns. Mr. Klingel recommends following up with A. Kilduff to maintain the current website and revisit the web page re-design next year. Mr. de Boer understands we have an \$8,000 IT budget and noted our website is in dire need of an overhaul. There is a one-time fee of \$2,500; web hosting would be through Nisivoccia & Co. Nothing would be acted upon until after the budget is adopted. This discussion has been tabled until the March 15<sup>th</sup> meeting. Mayor Elbassiouny asked Mr. deBoer to find out if the re-designed website would be easier for residents to access applications, forms, etc. He would like the forms to be interactive. The committee discussed the possibility of accepting credit cards or opening a PayPal account.

Mr. deBoer stated the subcommittee will be meeting with Oxford Township March 2<sup>nd</sup>. The meeting with the PBA and Teamsters will also be on March 2<sup>nd</sup>. D. Evans will be available to answer any questions.

#### PUBLIC QUESTIONS AND CONCERNS

A motion was made by Kovacs, seconded by Klingel, to open the meeting to the public. All were in favor. Hearing no one, a motion was made by Kovacs, seconded by Klingel, to close the public portion of the meeting. All were in favor.

#### OLD BUSINESS

There was no old business at this meeting.

#### NEW BUSINESS

A motion was made by Kovacs, seconded by Klingel, to allow A. Kilduff to attend a Registrar Re-Certification Class on Friday, March 18<sup>th</sup>. All were in favor.

A motion was made by Kovacs, seconded by Marks, to allow the Department of Agriculture to hang English Ash Borer traps in trees on Township owned property from May through August. Mr. deBoer stated they will be placed in trees in various sections of the Township. There is no cost to the Township. All were in favor.

A motion was made by Kovacs, seconded by Klingel, to allow N. Godfrey to attend Local Elections Administration Certification classes on Wednesdays, April 6, 13, 20 and 27. All were in favor.

A motion was made by Klingel, seconded by Finke, to allow B. Emery to attend a Sale of Public Property class on Friday, February 18th with the cost being split 50/50 with Blairstown. All were in favor.

The Committee discussed B. Emery's request to attend a class on March 4<sup>th</sup>. Mrs. Marks stated she spoke to an instructor from the NJ Ethics Committee who would be willing to teach a class in the Township. She will call for more information and speak to B. Emery. A motion was made by Finke, seconded by Klingel, to authorize Mrs. Marks to approve or disapprove B. Emery's request to attend The Foundations and Pillars of Government Ethics class on Friday March 4<sup>th</sup> with the cost being split 50/50 with Blairstown.

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

A motion was made by Klingel, seconded by Marks, to disburse medical reimbursement to S. Heerwagen in accordance with the personnel policy. Attorney Lavery clarified Ms. Heerwagen waived her benefits and, per the personnel policy, is entitled to a percentage of the cost. Mr. Kovacs questioned if she can ask for full benefits at a future date.

ROLL CALL: Klingel, yes; Marks, yes; Finke, no; Kovacs, abstained; Elbassiouny, yes

#### REPORT FROM OFFICIALS

Mr. Finke had nothing to report.

Mr. Klingel had nothing to report.

Mr. Kovacs stated he may not be able to attend the March 5<sup>th</sup> budget meeting.

Mrs. Marks had nothing to report.

Mayor Elbassiouny stated he, Mr. deBoer and Mr. Finke met with Highlands Council. We have received to date approximately \$78,000 in grants. \$22,000 is currently remaining. Mrs. Marks asked the benefits of opting into the Planning area. Mayor Elbassiouny explained studies of the Township and its topography would be done at no cost which would become the property of the Township. There is no obligation. Mr. Finke doesn't agree. He feels there is a trust issue and recommends waiting. Mayor Elbassiouny stated Washington Township has never had a problem with the Highlands Council. The Committee discussed the Highlands Act and the benefits to Washington Township.

Mayor Elbassiouny stated the Township has been working on reaching an agreement between Code & Construction and Washington Boro. The Boro has no problem doing this, but requested that the rates we charge be the same as the State's. Mayor Elbassiouny explained this agreement would allow us to continue with our same level of service and recommends joining with Boro. Mr. Klingel agreed as long as we have adequate staffing. Mayor Elbassiouny replied we do. Mrs. Marks asked why we left the State. Mr. Kovacs replied it was to provide better service and availability to the community. Mr. deBoer stated the Boro is discussing this tonight at their meeting as well. If they are in agreement, he will work with Mr. Phelan to prepare a resolution. The fees will need to be changed first, which would give us an approximate start date of July 1<sup>st</sup>.

#### ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Klingel, seconded by Marks, to adjourn the meeting at 10:10 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey  
Acting Township Clerk