

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
January 18, 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; Klingel, present; Kovacs, present; Marks, present, Finke, 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

### PROCLAMATION

Mayor Elbassiouny signed the proclamation "Read Across America Day". This proclamation will be sent to the schools and the local library. Mayor Elbassiouny encouraged everyone to read to your children on March 2<sup>nd</sup>.

### APPROVAL OF MINUTES

A motion was made by Klingel, seconded by Marks, to approve the executive session minutes of December 21, 2010.

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

Mayor Elbassiouny stated the regular minutes of the December 21<sup>st</sup> meeting will be available at the next meeting.

### ORDINANCES

A motion was made by Klingel, seconded by Finke, to open to the public Ordinance 11-01, Ordinance Reauthorizing the Open Space Trust Fund for the Township of Washington, public hearing on second reading. All were in favor. Mayor Elbassiouny entertained comments from the audience. Hearing no one, a motion was made by Kovacs, seconded by Finke, to close the public hearing. All were in favor. A motion was made by Klingel, seconded by Marks, to adopt Ordinance 11-01 on second reading.

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

A motion was made by Klingel, seconded by Finke, to open to the public Ordinance 11-02, 2011 Salary Ordinance, 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 Klingel, seconded by Marks, to adopt Ordinance 11-02 on second reading.

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

A motion was made by Klingel, seconded by Marks, to introduce Ordinance 11-03, Ordinance of the Township of Washington Repealing Chapter 85 of the Township Code Titled "Loitering" on first reading. Public hearing and adoption will take place at the February 15, 2011 meeting.

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

A motion was made by Kovacs, seconded by Finke, to introduce Ordinance 11-04, Ordinance Amending & Supplementing Chapter 71 "Fees" of the Code of the Township to Include New Subsection 71-4 "Establishing a Rate of Payment for Outside Employment of Off-Duty Police Officers" on first reading. Public hearing and adoption will take place at the February 15, 2011 meeting.

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

### RESOLUTIONS

A motion was made by Kovacs, seconded by Marks, to approve resolutions 11-25, 11-26, 11-27, 11-30 with Attorney Lavery's recommendation that it be with the condition of Warren Plaza's execution of a maintenance agreement with the Township, and 11-31.

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

11-25 Resolution Calling on the State Legislature and the Governor to Exempt the Reserve for Uncollected Taxes from the 2% CAP

- 11-26 Resolution to Authorize and Approve Salaries and Wages for Certain Employees (Cox)
- 11-27 Resolution to Appoint COAH Coordinator and Clean Communities Coordinator (Dempski)
- 11-30 Release of Performance Guarantee for Warren Plaza Site Plan – Levin Properties (Block 46, Lot 13)
- 11-31 Acceptance of Maintenance Guarantee from Levin Properties (Warren Plaza Block 46, Lot 13)

Mr. Kovacs noted there will be an initial \$900 increase in the budget this year due to longevity being eliminated and feels it may be better to wait until the budget process to discuss this. A motion was made by Klingel, seconded by Finke, to eliminate longevity. Longevity will be rolled into the base salaries of the four employees affected.

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

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-24, Resolution to Authorize and Approve Salaries and Wages for Certain Employees. Chief McDonald asked to address the Committee in regards to his percentage of increase. It was decided this would be discussed in executive session. Mr. Finke asked for and received clarification on certain line items where some rates were listed as hourly and some as per event. Changes will be made in order to make them more specific.

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

A motion was made by Kovacs, seconded by Klingel, to approve Resolution 11-28, Resolution Authorizing the Advertising of Bids for the Purchase of a Chassis Mounted Vacuum Street Sweeper/Dual Steer. Jeff Cooper, Assistant Municipal Supervisor of Public Works, explained our current street sweeper is falling apart. If we don't get a new one, we will have to hire a contractor to do it at a cost of approximately \$10,000 per service. We sweep approximately 4-5 times per year. Mr. Kovacs stated he has received complaints from residents regarding the gravel in the streets. We may be able to share services. Attorney Lavery noted per the Stormwater Regulations, there is a certain amount of time given after salt is laid down to remove it from the road. Mr. Finke asked if we could use the Boro's. J. Cooper replied the Boro's is not in great shape either but feels a new sweeper should last approximately 20 years. Mrs. Marks noted we just finished paying on the John Deere so there is approximately \$31,000 in the capital fund that can be used for this. Per Mr. Kovac's recommendation, a 90-day validity was added to the bid.

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

Mr. Kovacs requested the bid due date be set prior to the next meeting so it could help in assisting in budget preparation.

A motion was made by Marks, seconded by Klingel, to approve Resolution 11-29, Resolution Authorizing the Transfer of Funds.

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

#### STAFF ADMINISTRATIVE REPORTS

Chief McDonald previously submitted a report to the Committee. He reported the first full year of the shared services has gone exceptionally well and feels it was beneficial to all three municipalities and hopes to see it continue. They are currently redesigning their website. There is more of a visible police presence.

Jeff Cooper had no report at this time. Mayor Elbassiouny stated he has had many positive responses in regards to snow plowing. Residents are very happy with the response time and he is hearing they did a great job.

Mr. de Boer informed the Committee that our current bank, TD Bank, adjusted their fees. Some of the fees that were previously waived, such as carrier and payroll, will no longer be waived as of February 1st. Proposals were sought but our current bank did not submit a proposal. PNC and Investors Savings Bank did submit proposals. After reviewing both with our CFO and Dave Evans we recommend the Township Committee approve PNC as the new bank for the Township. Mayor Elbassiouny asked the main differences between PNC and Investors Savings. Mr. deBoer replied the biggest difference was with payroll. We would need to pay PNC approximately \$7,000 - \$8,000. Investors Savings wanted another 3rd party bank to do this and it would be \$10,000 more than PNC. Mr. Finke asked about credit unions. Mr. deBoer stated he dropped off a proposal with Tri-co, but they are not currently set up to handle municipalities, but may be in the future. Mayor Elbassiouny asked Mrs. Marks to look into the employee bonding policy as well as bring recommendations to the Committee as to which accounts could be moved to the other two local banks in order to support them. A motion was made by Marks, seconded by Klingel, to change the Township's banking services from TD Bank to PNC Bank.

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

#### PUBLIC QUESTIONS AND CONCERNS

Mayor Elbassiouny opened the meeting to the public. Hearing no one, Mayor Elbassiouny closed the meeting to the public.

#### OLD BUSINESS

There was no old business at this meeting.

#### NEW BUSINESS

There was no new business at this meeting.

#### REPORT FROM OFFICIALS

Mrs. Marks stated she was very disappointed that a new office was constructed before it was submitted to the Committee for discussion. We have a bid threshold of \$3,150.00 and since this was one project it should have been submitted as a total amount instead of broken down into increments. She feels the project was handled the wrong way. Any overtime for this project should have been approved by the Committee first. Mrs. Marks read a section from the code book to the Committee regarding non-emergency overtime. Attorney Lavery explained the bid threshold. Mayor Elbassiouny agreed this should have been brought before the Committee. Mr. deBoer apologized and said he should have made it more clear; however, he did have three signed vouchers. Mr. Finke had a question regarding the overtime ordinance. Mayor Elbassiouny placed Mrs. Marks in charge of a sub-committee to review our ordinances and bring any in need of updating to the Committee's attention. He would also like Mr. deBoer and Mrs. Godfrey to be on the sub-committee as well having someone from the Land Use Board and Code & Construction involved when necessary. In regards to overtime, Mr. deBoer agrees the ordinance does need to be adjusted. Chief McDonald understood the ordinance as that the supervisors need to explain any overtime to the Committee.

Mr. Kovacs feels the Township Committee representative on the Recreation Commission should be changed from a 5 year appointment to a one year appointment. Mr. Kovacs stated the auditors will be in this week. He met with the CFO and her portion of the budget is done. We should be ready by the first budget meeting later this month. Mr. Kovacs will meet with the CFO again to look at a rough draft of the budget. He is still waiting on the total assessments from the Assessor.

Mrs. Marks stated in regards to budget control/fiscal management, Ordinance 92-10 states on or before October 15th and thereafter, the CFO and designee shall compile budget requests and submit them to the Clerk and Committee for review. Nothing has been received. Mr. Kovacs noted it also says we should have the budget adopted and approved and sent to the State by February. He explained Dave Evans is waiting for State numbers.

Mr. Klingel had nothing to report.

Mr. Finke had nothing to report.

Mayor Elbassiouny appointed Tiffany Lewis to the Land Use Board for a temporary one year term. Mayor Elbassiouny appointed Bob Finke to the Economic Development Committee through the Chamber of Commerce with a fee of \$100 instead of the \$275 we paid in the past. This discounted fee allows us to have a representative on that particular Board. Mrs. Marks would like to allocate \$200 in the budget for the Economic Commission.

Mr. Kovacs would like the sign ordinance discussed as it never became law. He would like to make sure the business owners are aware the ordinance needs to be redone. Mr. deBoer stated the Zoning Officer has addressed this with them. Mayor Elbassiouny asked for volunteers to form another sub-committee to address these issues. Mr. Kovacs suggested we wait until after the budget is complete. Everyone agreed.

#### PAYMENT OF BILLS

A motion was made by Klingel, seconded by Finke, to approve the payment of the bills.

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

The committee took a 5 minute recess before entering into Executive Session.

#### EXECUTIVE SESSION

A motion was made by Klingel, seconded by Kovacs to approve Resolution 11-32, 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 8:45 pm. All were in favor. Attorney Lavery explained the

Committee will be discussing a grievance from Sgt Woolf, a contractual / potential litigation matter concerning Fairway Mews, a personnel matter and a contractual matter.

A motion was made by Klingel, seconded by Marks, to come out of executive session. All were in favor. Attorney Lavery stated the Committee returned from executive session at 10:43 pm. There were five matters discussed including Sgt. Woolf's grievance which is a personnel matter, contractual and potential litigation matter with Fairway Mews, Chief McDonald discussed a personnel/contractual matter, a contractual matter concerning Oxford Township's contract with the Police Department, and a personnel matter dealing with health benefits. 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.

Mayor Elbassiouny feels the Township can save money by using electronic equipment rather than making copies for everyone and recommends iPads rather than laptops. Mrs. Marks agreed. Mr. deBoer feels there are a lot of things the laptop can do that iPads cannot do. Mr. Kovacs noted it would be used for Township business only. Mr. Klingel feels laptops would be more compatible with the windows based system the office is using. An iPad wireless subscription would be required. The Committee discussed the pros and cons of the iPad vs. a laptop and the costs associated with printing.

A motion was made by Klingel, seconded by Marks, to support the Chief's position in regards to the matter discussed.

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

Attorney Lavery stated in regards to health benefits for an employee, the employee waived their health benefits, but requested she receive reimbursement. Mr. Kovacs requested the discussion continue in executive session.

A motion was made by Klingel, seconded by Finke, to approve Resolution 11-33, Resolution Authorizing Executive Session for a meeting Not Open to the Public in Accordance with the Provisions of the NJ Open Public Meetings Act, N.J.S.A. 10:4-12 at 10:55 pm. All were in favor.

A motion was made by Klingel, seconded by Marks, to come out of executive session. All were in favor. Attorney Lavery stated the Committee returned from executive session at 11:03 pm stating nothing was discussed.

#### ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Marks, seconded by Klingel, to adjourn the meeting at 11:04 pm. All were in favor.

Respectfully submitted,

Anna C. Godfrey  
Acting Township Clerk