

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
July 19, 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 7:31 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 the 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; Attorney Michael Lavery; Lieutenant Thomas Cicerelle; and Jeff Cooper, Assistant Municipal Supervisor of Public Works were also present.

SALUTE TO THE FLAG

AWARD OF BID

Mr. deBoer explained sealed bids for the construction of a salt storage structure were opened on July 14th. Four bids were received and all were reviewed by the Municipal Engineer and Attorney. H&G Contractors of Ridgewood, NJ was the lowest bidder at \$69,800. Mayor Elbassiouny entertained questions from the Committee. Hearing none, a motion was made by Klingel, seconded by Kovacs, to approve Resolution 2011-119, Resolution Authorizing the Purchase/Construction of a Salt Storage Structure/Facility and award the contract to H&G Contractors at the price of \$69,800.

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

PROCLAMATION HONORING RICHARD "DICK" FLINT

Mayor Elbassiouny stated it is a special day here in Washington Township as we are honoring Mr. Dick Flint. Daryl Detrick of the Recreation Commission first spoke about the recently held a Trail Day, which was inspired by Mr. Flint. Pamphlets that map out the passive recreation areas in the Township are now available. Mr. Flint was honored at the Trail Day for all of the work he has done, including joining the Recreation Commission in 1994, working with various organizations on the ten miles of passive recreation trails, and he was instrumental in the planning and development of Meadow Breeze Park and pavilion. Mr. Detrick stated the Recreation Commission would like to honor Dick Flint by naming a 200 acre portion of Roaring Rock Park the "Flint Natural Area". Mr. Kovacs explained how the Township acquired the Water Company property, explaining the property is what it is today because of Dick Flint. Mayor Elbassiouny stated we have one of the best park systems in the County, and then he and Mr. Kovacs presented the proclamation to Mr. Flint. Mr. Flint thanked everyone else who was involved with Meadow Breeze Park and the trails and thanked the Committee for their continued support.

APPROVAL OF MINUTES

A motion was made by Finke, seconded by Kovacs, to approve the minutes of the regular meeting held June 21, 2011 with the amendment noted by Mrs. Marks. Mayor Elbassiouny requested verbatim minutes of those sections mentioned by Mrs. Marks for the next meeting.

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

A motion was made by Finke, seconded by Marks, to approve the executive session minutes of the meeting held June 21, 2011.

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

ORDINANCES

A motion was made by Finke, seconded by Klingel, to open to the public Ordinance 11-09, Ordinance Supplementing and Amending Chapter 59 Construction Code, Uniform; Permits and Article III Fees, public hearing on second reading. All were in favor. Hearing no one, a motion was made by Kovacs, seconded by Klingel, to close the public hearing. All were in favor. A motion was made by Kovacs, seconded by Finke, to adopt Ordinance 11-09 on second reading.

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

A motion was made by Klingel, seconded by Finke, to open to the public Ordinance 11-10, Ordinance Amending and Supplementing Chapter 59 "Construction Code, Uniform, Permits" Section 59-15, "Additional Fees" To Include Additional Fees public hearing on second reading. All were in favor. 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 Finke, seconded by Kovacs, to adopt Ordinance 11-10 on second reading.

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

Per Mayor Elbassiouny's request, Mr. Kovacs explained the first number on Ordinance 11-11 has been increased because there has been some discussion regarding a joint venture with other municipalities regarding the CFO position. He further explained we are in the process of interviewing for a tax assessor and this number was decreased in the hopes of saving money. A motion was made by Kovacs, seconded by Klingel, to introduce Ordinance 11-11, 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 (CFO/Tax Assessor), on first reading. Mrs. Marks questioned the \$90,000 amount. Mayor Elbassiouny and Mr. Kovacs explained this range allows the Township to consider shared services with other municipalities. Mrs. Marks discussed the salary range with the Committee.

ROLL CALL: Kovacs, yes; Klingel, yes; Finke, no; Marks, no; Elbassiouny, yes
Public hearing and adoption will take place at the August 16, 2011 meeting.

RESOLUTIONS

A motion was made by Klingel, seconded by Marks, to approve Resolutions 11-112 through 11-115.

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

11-112 Resolution of the Township Committee of the Township of Washington, Warren County, Assigning a Lien on Block 40, Lot 74 (41 Lock Street)

11-113 Resolution Approving Washington Township Municipal Alliance Applying for 2012 Grant

11-114 Refund Resolution – Domestic Partnership Fee Paid to Wrong Municipality

11-115 Resolution Accepting the Developers Agreement between Unity Bank and the Township of Washington

Mr. Finke questioned the fees associated with Resolution 11-111. Mr. deBoer explained the process of working with the Board of Health, the administrative fee and the charges for machinery, personnel, and time spent on the property. Mr. Finke asked how much time was spent on the property. J. Cooper replied that particular property took three hours and the other property mentioned in another resolution took four hours. Mr. deBoer added the grass on the properties had not been cut all year and explained how the Board of Health makes many attempts to contact someone regarding the property before issuing a work order to the municipality. A motion was made by Finke, seconded by Klingel, to approve Resolution 11-111, Resolution of the Township Committee of the Township of Washington, Warren County, Assigning a Lien on Block 9, Lot 4 (92 Windemere Terrace).

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

Mrs. Marks requested background information on the retail shoppes. Attorney Lavery explained there is a general development plan on that site and explained the process. He further explained the performance guarantee, performance bond and Developer's Agreement. Attorney Lavery noted there are no public improvements on this project, only on-site improvements. Attorney Alan Lowcher was in attendance representing Mr. Cotton. He explained nine retail shoppes will be placed in the Shop-Rite parking lot to improve the now empty area. The Developer's Agreement is for on-site improvements for that project only. Ninety percent of the work has previously been done in order to support Shop-Rite. The developer is hoping to have the building constructed before the end of the year. Mr. Lowcher stated he spoke to Mr. Lavery earlier regarding the performance bond. Because the developer intends to complete on-site improvements quickly, he is asking that rather than bonding or posting a letter of credit for the full amount, he would post ten percent cash and establish the inspection escrow with the understanding that if improvements are not finished, he will not get a Certificate of Occupancy. Mrs. Marks had no further questions and thanked Mr. Lavery for the explanation. A motion was made by Klingel, seconded by Marks, to approve Resolutions 11-116 and 11-117.

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

11-116 Acceptance of Performance Bond – Retail Shoppes at Hawk Pointe

11-117 Resolution Approving the Developer's Agreement between the Retail Shoppes at Hawk Pointe and the Township of Washington.

Per Mr. Finke's inquiry, Mr. deBoer stated Resolution 11-118 is due to contractual obligation. Lieutenant Cicerelle answered questions regarding the steps of the police officers. A motion was made by Finke, seconded by Marks, to approve Resolution 11-118, Resolution Authorizing and Approving Salaries and Wages for Certain Employees (Vernon).

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

STAFF ADMINISTRATIVE REPORTS

Lieutenant Cicerelle had nothing to report.

J. Cooper previously submitted a report.

Mr. deBoer stated he had also previously submitted a report. He noted the Township does not have an official letterhead and will be distributing samples to the Committee after the meeting. Mrs. Marks asked about the Highlands meeting and his meeting with the Mayor, Deputy Mayor, Mr. Cotton, J. Cooper, the Township Planner and Engineer. Mayor Elbassiouny explained the purpose of the meeting, explaining how maps were reviewed and the money received from the Highlands. Money is available from the Highlands grant for developing a wastewater management plan. Mr. deBoer stated he received a letter from the Highlands today giving an overview of the

meeting and asking for direction from the Committee. He distributed Resolution 11-120. Mayor Elbassiouny explained the second round grant money is running out and the Highlands need approval to move us to the third round. Mr. Finke feels this would take the equity in the land away from the farmers and that value has gone down in properties in the preservation area. He feels the property rights of many long-time residents will be lost. Mayor Elbassiouny noted the Highlands Act is a State Law that we must comply with. He and Mr. Finke discussed the Act. The Director of the Highlands, as well as the Township Engineer and Planner, will attend the September meeting to give an overview and explain the next step to the Committee. Mr. Finke would like the property owners to attend a meeting to hear their opinions. Mr. Lavery suggested meeting with the Township's Planner before meeting with the homeowners. Mr. deBoer read from an e-mail he received from E. Swan of the Highlands explaining how the process is going to work. A motion was made by Kovacs, seconded by Klingel, to approve Resolution 11-120, Resolution for the Purpose of Authorizing the Mayor to Contact the Highlands Council Regarding Participation in the Plan Conformance Process.

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

PUBLIC QUESTIONS AND CONCERNS

Mayor Elbassiouny opened the meeting to the public.

Cheryl Burkett of the Environmental Commission stated that Mr. deBoer gave the Commission a presentation prepared by NJ Sustainable Energy regarding the formation of a Green Team. Unfortunately, they are unable to do anything because the Commission has not met due to lack of quorums. Mayor Elbassiouny stated he will contact the chairperson. In the meantime, he, Mr. deBoer and C. Burkett will be in contact. C. Burkett asked if anything can be done regarding the bear situation around Brass Castle Road and Little Philadelphia Road. Lieutenant Cicerelle explained they can respond to a call, but there really isn't anything they can do other than protect those in the area. Fish and Game can be called, but they are approximately forty-five minutes away. Mayor Elbassiouny suggested they continue to call dispatch so the occurrences are documented. The Committee may be able to help once the frequency is determined. Mr. deBoer stated that he has spoken to a gentleman at Fish and Game who provided him with an educational CD that he will pass along to the school. The gentleman also plans on speaking to the Committee regarding the situation.

Cathy Wyglendowski was present regarding the parking ordinance discussed last month and provided the Committee with a petition signed by the residents of Pohatcong Drive, Pohatcong Terrace, Valley View Drive and Jackson Parkway. Mr. deBoer stated he spoke to the Police and Fire Department and neither have a strong preference one way of parking over the other. He took notes and pictures and found more people are using their driveways for parking because of the ordinance. More signs were added. The height of the signs was checked and all but one was compliant. Mr. deBoer feels it appears to be safer, but may not be necessary to have the whole Jackson Parkway development included in the ordinance as it is a narrow section. If parking restrictions are lifted in Jackson Parkway development, it would be his recommendation to restrict parking on Jackson Parkway as per the ordinance as it is the entrance way to the development. Mayor Elbassiouny agreed and he observed there is no thru traffic. Mrs. Wyglendowski relayed some of the inconveniences she heard from neighbors as she took the petition around. Mr. Kovacs asked that these recommendations be put into the form of an ordinance so it is clear to everyone. Mayor Elbassiouny stated it would be an amendment to the current ordinance which will be prepared for the August meeting.

Theresa McLaughlin of the Jackson Parkway development feels sight is hindered when cars are only parked on one side of the street. It is more difficult to back out of a driveway or to see children. She feels cars should be parking on both sides of the street.

A motion was made by Klingel, seconded by Finke, to close the public portion of the meeting. All were in favor.

OLD BUSINESS

The parking ordinance was discussed during the public portion of the meeting.

NEW BUSINESS

Susan Allan of the Domestic Abuse & Sexual Assault Crisis Center was present to ask for the Committee's assistance in recruiting volunteers to join their team and gave a brief description of the services they provide. Mayor Elbassiouny asked her to provide information to Mr. deBoer which will be placed on our website.

Bill Gleba's correspondence regarding 911 mapping, zoning map and digital tax map update quotes has been tabled until the September 20th meeting.

Mayor Elbassiouny stated the Board of Health submitted a work order to cut the high grass and weeds at 17 Rymon Road. A motion was made by Kovacs, seconded by Klingel, to handle this request.

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

Mr. Kovacs addressed a notice from the Tax Collector regarding the late mailing of tax bills. He explained the State recently increased the aid to the schools; therefore, the schools had to re-do their budgets. Tax bills cannot be submitted for approval until we get the final number from the schools.

J. Rossi, Code and Construction Official, presented a progress report to the Committee. Mr. Rossi explained how they reviewed their expenses, cut the hours of the inspectors, and streamlined their processes in an effort to increase revenue. Mayor Elbassiouny thanked J. Rossi for the information.

REPORT FROM OFFICIALS

Mr. Finke stated that as previously discussed, the Environmental Commission is having problems getting together and cannot form the Green Team.

Mr. Klingel asked J. Cooper to update the Committee on the paving of the roads. J. Cooper stated they have paved 8.5 miles of road beginning last summer. They are currently waiting on estimates for Pleasant Valley Road.

Mr. Kovacs had nothing to report.

Mrs. Marks had nothing to report.

Mayor Elbassiouny had nothing to report.

PAYMENT OF BILLS

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

ROLL CALL: Klingel, yes; Marks, yes to the ones she signed; Finke, yes; Kovacs, yes; Elbassiouny, yes

Mayor Elbassiouny explained in regards to the Pleasant Valley Road project, there was an issue with a large tree that needed to be removed. Some engineering work will need to be finalized so the Township can go out to bid. Grant money needs to be used before the end of the year. Mr. deBoer stated Finelli Consulting requires Committee approval, including a not to exceed amount, so Section 3 of the project can be completed. A motion was made by Klingel, seconded by Finke, to authorize Finelli Consulting Engineers to proceed with the Pleasant Valley Road project, not to exceed \$24,000, per the proposal dated July 19, 2011.

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

The Committee took a five minute recess before entering into executive session.

EXECUTIVE SESSION

A motion was made by Kovacs, seconded by Finke, to approve Resolution 11-121, 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 9:15 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a pending litigation matter dealing with Medina Consulting, a contractual matter dealing with a Shared Services with Oxford regarding the Police contract, a contractual attorney/client privileged matter dealing with Pride Builders, and one personnel matter dealing with the CFO.

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 10.25 p.m. The Committee discussed a pending litigation matter dealing with Medina, a contractual matter, Shared Services with Oxford Police, a contractual attorney/client privilege matter dealing with Pride Builders, and a personnel matter dealing with the CFO. 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 stated the full Committee interviewed for a CFO. Mr. Kovacs and Mrs. Marks previously interviewed applicants and they are prepared to make a recommendation for an Acting CFO. A motion was made by Kovacs, seconded by Finke, to approve Resolution 11-122, Resolution Authorizing and Approving Salaries and Wages for Certain Employees (K. McCarthy), pending a background check, effective date August 1, 2011, at a salary of \$42,000.

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

Mayor Elbassiouny welcomed Kevin McCarthy.

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Klingel, seconded by Finke, to adjourn the meeting at 10.27 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey
Acting Township Clerk