

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
November 14, 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

STAFF PRESENT

Ann Kilduff, Deputy Township Clerk; Peter deBoer, Township Administrator/Certified Public Works Manager; Attorney Katrina Campbell; Kevin McCarthy, CFO; Joseph Rossi, Construction Official; Chief McDonald; Lieutenant Cicerelle; and Jeff Cooper, Assistant Municipal Supervisor of Public Works

SALUTE TO THE FLAG

AWARD OF BID

Bill Gleba, Township Engineer, recommended the Committee reject the bids that were opened on November 10th for the Pleasant Valley Road Reconstruction Project – Section II. He explained there was only one bid received and the amount was greater than his estimate. B. Gleba further recommended rebidding the project and scheduling a special meeting on December 1st to award the bid so as to remain eligible to receive grant money. A motion was made by Finke, seconded by Klingel, to reject the bid for the Pleasant Valley Road Reconstruction Project – Section II.

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

A motion was made by Kovacs, seconded by Klingel, to schedule a special meeting on Thursday, December 1, 2011 at 7:30 p.m.

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

A motion was made by Kovacs, seconded by Marks to authorize the Engineer to re-bid the project.

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

PRESENTATION

Eileen Swan and Tom Borden from the New Jersey Highlands Council were present to discuss the Highlands with the Committee. E. Swan described the areas of the Highlands, explaining the Township is split between planning and preservation areas, but predominately in the planning area. Areas were determined by working with the Township's professionals, paid for with grant money from the Highlands Council. The Council recognizes the Township has done a phenomenal job in the preservation area and is currently exploring options in planning area. E. Swan further explained conformance modules, exemptions, waivers and the TDR Program. She has been working with the Township's professionals and elected officials to determine other areas of potential which include areas along Routes 31 and 57. Mrs. Marks asked the cost to the Township for the studies. T. Borden explained the Highlands pays for them. Mrs. Marks also asked how the three areas were designated for future or redevelopment. T. Borden stated they have been working with the Township's professionals and members of the governing body. The areas are conceptual and subject to change. Mr. Kovacs asked when the grant applications are due. E. Swan replied there are no deadlines. Mr. Finke requested this evening's presentation be placed on the Township's website and discussed the one TDR property in the Township with T. Borden, expressing his concerns regarding resident compensation. Mr. Finke discussed the Hawk Pointe Golf Course area with E. Swan. The Committee continued the discussion. Mayor Elbassiouny opened the discussion to the public. Scarlett Doyle, Township Planner, asked for clarification on the TDR Program. T. Borden explained. Cheryl Burkett, Environmental Commission, asked about superfund site issues. E. Swan stated the Council recognizes the issue and will not be changing anything as it is under the EPA. Mr. Finke discussed his concerns regarding the fairness of the Highlands program with E. Swan and the Committee. Mr. Klingel spoke about the rateables for the Township along the Route 31 corridor. Richard Cotton of Hawk Pointe provided the Committee with a background on the improvements done on his property, which were done in line with the Highlands while providing rateables and jobs to the Township. Mr. Finke discussed the property with R. Cotton.

The Committee took a short recess, returning at 9:14 p.m. with all members present.

EXECUTIVE SESSION

A motion was made by Klingel, seconded by Finke, to approve Resolution 11-160, 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. Mayor Elbassiouny explained the Committee will be discussing possible litigation in regards to a drainage easement.

A motion was made by Kovacs, seconded by Marks, to come out of Executive Session at 9:43 p.m. All were in favor. Attorney Campbell stated the Committee discussed a potential litigation matter dealing with a drainage easement. 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.

Attorney Campbell recommended the Committee set up a meeting with two Committee Members and the Township Attorney to discuss the issue and possible resolutions. Attorney Campbell explained it becomes more complicated since DEP is involved. Mayor Elbassiouny stated he will contact the Legislative District to request help with the permitting process, possibly requesting a waiver of fees. Lou Fratesi, 4 Oakwood Lane, asked the timeframe. Mayor Elbassiouny stated he and Mr. Klingel will be meeting with them and their neighbors. Mr. Klingel stated they will contact the DEP and then set up a date and time for the meeting.

APPROVAL OF MINUTES

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

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

A motion was made by Kovacs, seconded by Klingel, to approve the Executive Session minutes of the regular meeting held October 18, 2011.

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

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

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

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

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

ORDINANCES

A motion was made by Klingel, seconded by Kovacs, to open to the public Ordinance 11-14, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Amending and Supplementing Chapter 32 Titled "Board of Recreation Commissioners" to Amend Section 32-1.G to Eliminate the Requirement that a Township Committee Member Serve on the Recreation Commission, 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 Kovacs, to close the public hearing. All were in favor. A motion was made by Kovacs, seconded by Klingel, to adopt Ordinance 11-14 on second reading.

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

A motion was made by Klingel, seconded by Kovacs, to open to the public Ordinance 11-15, An 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 - #2011-02, 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 Kovacs, to close the public hearing. All were in favor. A motion was made by Klingel, seconded by Marks, to adopt Ordinance 11-15 on second reading.

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

A motion was made by Kovacs, seconded by Marks, to introduce Ordinance 11-16, 2012 Salary Ordinance on first reading.

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

Public hearing and adoption will take place at the December 20, 2011 meeting.

A motion was made by Klingel, seconded by Kovacs, to introduce Ordinance 11-17, Ordinance Amending and Supplementing Chapter 71, Section 71-3 "Fees for Use of Township Park, Ball Fields, Tennis and Basketball Courts and Other Facilities" to Update the Fees for Use of the Township Park, Ball Fields, Tennis and Basketball Courts and Other Facilities on first reading.

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

Public hearing and adoption will take place at the December 20, 2011 meeting.

RESOLUTIONS

Mr. Finke questioned the dollar amounts listed on the tax certificates resolutions. After a brief discussion, a motion was made by Klingel, seconded by Marks, to approve Resolutions 11-149, 11-150 and 11-152 thru 11-158 with the understanding the tax certificate resolutions be re-authorized by the Tax Collector, verifying the numbers are accurate.

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

11-149 Resolution Supporting the Centerline Pavement Markings to a No Passing Zone on Route 57 in Washington Township, Warren County, NJ

11-150 Resolution Supporting the County Route #632 Sign and Pavement Marking Upgrade Project Funded Through the NJTPA High Risk Rural Road Program in Franklin and Washington Townships, Warren County, NJ

11-152 Tax Sale Certificate Redemption Resolution – Block 40, Lot 85

11-153 Tax Sale Certificate Redemption Resolution – Block 54, Lot 5

11-154 Transfer Tax Sale Payment to Oxford Township Sewer Utility Collector – Block 38, Lot 22 C0061, Block 38, Lot 22 C0064, Block 38, Lot 2 C0095

11-155 Tax Sale Certificate Redemption Resolution – Block 38, Lot 22 C0095

11-156 Tax Sale Certificate Redemption Resolution – Block 38, Lot 22 C0061

11-157 Tax Sale Certificate Redemption Resolution – Block 38, Lot 22 C0044

11-158 Chapter 159 Resolution – DMV Grant

Mrs. Marks asked for clarification on Resolution 11-151, Resolution Supporting S-3062 “Telecommunications – Cable Television Deregulation Ensuring Consumer Protection Act”. Mayor Elbassiouny stated this was a resolution recommended by the League of Municipalities and he asked it be placed on the agenda for Committee review. Mayor Elbassiouny tabled this resolution until the next meeting.

Per Mr. Kovacs’ request, Mr. deBoer explained there is an additional transfer to include payment for the removal of brush from the October storm. This would allow the Township to hire a contractor to assist the Department of Public Works. Mayor Elbassiouny explained the Governor had declared a State of Emergency and is currently waiting for President Obama to sign off on an Executive Order in which municipalities can be reimbursed 75% of money spent on clean-up. A motion was made by Kovacs, seconded by Klingel, to approve Resolution 11-159, Transfer Resolution.

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

STAFF ADMINISTRATIVE REPORTS

Chief McDonald had previously submitted a report. He wished to compliment the Department of Public Works and Lieutenant Cicerelle for the outstanding job they did during the October snowstorm.

Jeff Cooper explained there is a change order request from the Township Engineer in the amount of \$1,141.49 for the salt storage shed. This change will make the shed stronger and the money can be taken from the Township’s bond. A motion was made by Klingel, seconded by Kovacs, to authorize \$1,141.49 to be used for the bolting for the salt shed to be taken from the original bond for the shed.

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

Mr. deBoer received an e-mail from the NJDOT regarding the approval of Route 57/Brass Castle Road signal improvements associated with the proposed Quick Chek. They are requiring confirmation that the Township will continue to pay the electrical costs of the traffic signal and wood pole light. B. Gleba stated he contacted Attorney Lavery and is concerned about the reference to an existing agreement. He is not in receipt of said agreement and recommends signing the letter pending legal review and engineer approval.

Mr. deBoer stated the Tax Assessor submitted a request to attend classes. A motion was made by Kovacs, seconded by Klingel, to approve the Tax Assessor’s attendance at the League of Municipalities conference from November 15th -18th.

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

Mr. deBoer discussed the phone service quotes. A motion was made by Klingel, seconded by Kovacs, to approve the change to Comcast for phone service, buying the phones outright. This would be an approximate savings of \$20,000 per year.

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

J. Rossi discussed the new website. The names and hours are listed for everyone in the Code and Construction Department and work is in progress to place the rules and regulations for all projects on the website as well. J. Rossi also spoke about purchasing a generator for the municipal building, saving the Township approximately \$2,000 each time one needs to be rented. The majority of the work will be done in-house. A rented generator will be necessary so as to not shut down the Police Department during installation. J. Rossi will prepare

specifications for a bid. A motion was made by Klingel, seconded by Kovacs, to authorize the Administrator to solicit for RFP's with specifications sent to the Township Attorney for a generator.

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

Kevin McCarthy stated he has updated the forecasts and will be doing more planning going into year end. He will take a closer look at the Police Department and will meet with the Township Auditor next week.

Mr. deBoer stated he will contact a company regarding brush removal tomorrow. He will coordinate with J. Cooper, targeting the bigger developments first. Mr. deBoer stated he would like to recommend holding the Reorganization Meeting on Monday, January 2, 2012 rather than January 1st. Mayor Elbassiouny tabled this until the next meeting.

PUBLIC QUESTIONS AND CONCERNS

Mayor Elbassiouny opened the meeting to the public.

Louellen Hofgesang and Cynthia Wascavage were present to request "No Parking" signs be removed on Partridge Run and Lyn Gale Court. They presented the Committee with a petition signed by the residents of those streets. The Committee discussed the timing of the new ordinance. Mr. deBoer will prepare an ordinance for the December 1st Special Meeting.

Hearing no further comments, a motion was made by Klingel, seconded by Kovacs, 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 Klingel, seconded by Marks, to approve the Warren County Soil Conservation District Application and Fee for Certification by the District.

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

A motion was made by Klingel, seconded by Marks, to reimburse Lydia Schmidt, Tax Assessor, for a class she attended on November 2, 2011.

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

A motion was made by Klingel, seconded by Marks, to authorize the Clerk and Administrator to solicit for annual RFP's for Township Professionals for 2012.

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

A motion was made by Klingel, seconded by Marks, to approve the Mayor signing a letter of confirmation regarding the continuation of payment of electrical costs associated with the traffic signal at the Route 57/Brass Castle Road intersection pending the approval of both the Township Attorney and Township Engineer.

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

As no crossing guards were present, Mayor Elbassiouny tabled the discussion regarding a cost of living raise until another request is received.

REPORT FROM OFFICIALS

Mr. Finke stated the Environmental Commission did not meet this month as it was Election Day and the facilities were not available.

Mr. Klingel stated he would like letters regarding the Oxford Police Department mailed out prior to the Special Meeting on December 1st.

Mrs. Marks stated the Warren-Morris Shared Service Council will be meeting on November 29th in Oxford.

Mr. Kovacs reminded the Committee a salary resolution needs to be prepared for January 1st. He had asked the CFO to look into the CPI numbers. He feels someone should contact the Borough Manager for his input regarding the crossing guard's request. Mayor Elbassiouny stated he discussed this with Mayor McDonald.

Mayor Elbassiouny made two appointments to fill resignations on the Land Use Board. Benjamin Young is appointed to Louis Acceturo's term which expires 12/31/2012. B. Young is also appointed as a member of the Environmental Commission. Tiffani Higgins will be filling Dawn Ross' position with a term expiring 12/31/2014. Marilyn Sedell is appointed to T. Higgins' previous position of Alternate 2 as well as to the Environmental Commission. Mr. Finke will contact the new members of the Environmental Commission.

Mr. Finke stated the Environmental Commission has expressed concern in regards to the cemetery expansion. Mayor Elbassiouny recommended members of the Commission attend the meeting in the Borough to share their concerns.

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; Finke, yes; Kovacs, yes; Elbassiouny, yes

EXECUTIVE SESSION

A motion was made by Klingel, seconded by Kovacs, to approve Resolution 11-161, 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 10:50 p.m. All were in favor. Mayor Elbassiouny explained the Committee will be discussing a personnel matter and the shared service agreement with the Oxford Police Department. Mayor Elbassiouny requested Chief McDonald and Lieutenant Cicerelle also attend the Executive Session.

A motion was made by Klingel, seconded by Marks, to come out of Executive Session at 11:30 p.m. All were in favor. Attorney Campbell stated the Committee discussed a personnel matter and the police contract with Oxford. 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.

A motion was made by Klingel, seconded by Marks, to authorize the Township Administrator, pending Attorney review, to send the two proposals prepared by the Township Committee to the Oxford Township Committee for their approval to amend an existing contract.

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

Mr. deBoer stated Kevin McCarthy has reached his 90-day probationary period and recommends retaining K. McCarthy as Acting CFO. The Committee agreed K. McCarthy is an asset to the Township. A motion was made by Klingel, seconded by Marks to retain Kevin McCarthy as Acting Chief Financial Officer.

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

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Klingel, seconded by Marks, to adjourn the meeting at 11:40 p.m. All were in favor.

Respectfully submitted,

Ann Kilduff
Deputy Township Clerk