

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
October 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; Finke, present; Klingel, present; Kovacs, present; Marks, present

### STAFF PRESENT

Anna C. Godfrey, Acting Township Clerk; Peter deBoer, Township Administrator/Certified Public Works Manager; Attorney Michael Lavery; Joseph Rossi, Construction Official; Chief McDonald; Lieutenant Cicerelle; and Jeff Cooper, Assistant Municipal Supervisor of Public Works

### SALUTE TO THE FLAG

### APPROVAL OF MINUTES

A motion was made by Finke, seconded by Klingel, to approve the minutes of the regular meeting held September 20, 2011.

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

A motion was made by Klingel, seconded by Finke, to approve the Executive Session minutes of the regular meeting held September 20, 2011. Mr. Finke noted a misspelled word which will be corrected. The motion was amended to include the correction.

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

### ORDINANCES

A motion was made by Klingel, seconded by Finke, to open to the public Ordinance 11-13, Ordinance Amending and Supplementing Chapter 59 Construction Code, Uniform; Permits Article III Fees Residential Solar System Fees, 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 11-13 on second reading.

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

A motion was made by Finke, seconded by Marks, to introduce 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, first reading.

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

Public hearing and adoption will take place on November 14, 2011.

A motion was made by Klingel, seconded by Kovacs, to introduce 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, first reading.

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

Public hearing and adoption will take place on November 14, 2011.

### RESOLUTIONS

A motion was made by Finke, seconded by Klingel, to approve Resolution 11-142, Refund Resolution – Washington Assembly of God.

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

A motion was made by Kovacs, seconded by Marks, to approve Resolution 11-143, Reduction of Performance Guarantee for Skyline Equipment Block 66, Lot 20.07, pending legal review and approval.

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

A motion was made by Klingel, seconded by Finke, to authorize the Mayor to execute Resolution 11-145, Resolution Accepting the Developers Agreement between DeSapio Real Estate Development, LLC and the Township of Washington, Block 66, Lots 20.05 and 20.06.

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

A motion was made by Klingel, seconded by Kovacs, to approve Resolution 11-144, Acceptance of Performance Guarantee for DeSapio Real Estate Development, LLC Block 66, Lots 20.05 and 20.06, pending legal review and approval.

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

#### STAFF ADMINISTRATIVE REPORTS

Chief McDonald reported pedestrian signs have been placed in front of the High School. The County recommends the same type of solar powered crosswalk as is in the Borough. The same recommendation was made prior to the field being built. The cost would be the school's responsibility. Chief McDonald agrees this is the safest option. The Committee requested Attorney Lavery send a letter to the school, reinforcing the County's recommendation.

J. Cooper reported he has one person out on disability and another on workers compensation. He would like to advertise for temporary winter help. The Committee discussed qualifications, salary range, and hours. A motion was made by Klingel, seconded by Kovacs, to allow J. Cooper to advertise for temporary help. All were in favor.

J. Rossi reported one of his Technical Assistants has resigned. He will be working with both the Administrator and Clerk to fill the position.

Daryl Detrick, liaison to the Morris Canal, explained the County has a 25 Year Action Plan in place, and provided the Committee with information from a meeting held September 29<sup>th</sup>. He gave a brief history of the Canal and identified three questions the Warren County Canal Committee would like the Township Committee to answer. Mayor Elbassiouny thanked D. Detrick for volunteering for this project.

Mr. deBoer stated the CFO will be meeting with department heads to discuss their 2012 budget prior to the October 29<sup>th</sup> meeting.

#### PUBLIC QUESTIONS AND CONCERNS

A motion was made by Klingel, seconded by Marks, to open the meeting to the public. All were in favor.

George Willan of Hawk Pointe asked for the status of the Township Engineer's report so they may call in their bond. Mayor Elbassiouny stated the report was sent today. A motion was made by Klingel, seconded by Marks, to authorize Attorney Lavery to submit the final report to Pinnacle. If there is no resolution within the statutory amount of time, Attorney Lavery is instructed to call in the bond. No further action will be taken by the Committee. ROLL CALL: Klingel, yes; Marks, yes; Finke, yes; Kovacs, yes; Elbassiouny, yes

Kathy Enz requested an update on fire trucks accessing her property. Mayor Elbassiouny read the report from the Fire Department which states there are no problems. K. Enz explained they brought the small truck rather than the big truck and did not go as far as Spring Lane where the issue exists. Mayor Elbassiouny asked Mr. deBoer to follow-up with the Fire Department.

Daryl Detrick of the Recreation Commission asked about the Commission's fee schedule. Mayor Elbassiouny stated it will be ready for first reading at the November meeting.

Hearing no further comments, a motion was made by Klingel, seconded by Marks, to close the public portion of the meeting. All were in favor.

#### OLD BUSINESS

Mr. deBoer stated per the Committee's direction, the September 11<sup>th</sup> Memorial was moved from the front of the building to the area by the flagpole.

D. Detrick provided the Committee and Attorney Lavery with a revised proposal for placing signs on the D1 field at Meadow Breeze Park in order to offset fees. He explained the reasoning behind a percentage of the money from the signs going to the Recreation Commission. Mr. Kovacs feels signs will distract from the appearance of the park. Mr. Klingel feels it will be a way to help local businesses. Mayor Elbassiouny would like the advertisements to be from family-oriented businesses.

Mr. deBoer asked the Committee if they had any comments regarding the improvement plans for County Route 640 and Cemetery Hill Road which he distributed at the September meeting. Hearing none, Mr. deBoer will inform the County Engineer's office that the Committee has no comments.

#### NEW BUSINESS

Dave Settele, Washington Township Fire Department, stated the department would like to hold a coin toss on Saturday, November 26<sup>th</sup> at the intersection of Route 57 and Brass Castle Road. A motion was made by Klingel, seconded by Finke granting permission for the coin toss. All were in favor.

A motion was made by Klingel, seconded by Marks, to hold the Annual Tree Lighting Ceremony on December 17<sup>th</sup> at 7:00 pm. All were in favor.

A motion was made by Marks, seconded by Klingel, to accept Alice Oldford's letter of retirement with regret. All were in favor.

Mr. deBoer stated he had a request from the police to place a DARE clothing box in the back lot of the Township Administration building. Mrs. Marks stated she is concerned with maintenance of other items being left outside of the boxes. The Committee discussed the benefits and location with Chief McDonald. A motion was made by Finke, seconded by Marks, to allow the police to place a DARE clothing box on Township property.

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

Mr. deBoer explained several residents of the Southwind Farms development contacted him regarding drainage easement issues. He reported the Township Engineer cautions the Township against doing anything until responsibility is determined and also recommends the Township Attorney perform a title search of the property. Mr. Lavery will review the deeds and send a title searcher to the County office. Mr. deBoer further explained the easement drains into a stream, so a stream encroachment permit is required before any work can begin. He has explained the situation to Pollution Control in Trenton. The recent amount of rainfall has exasperated the issue and the residents have their sump pumps draining into the easement. Mr. Klingel and Mr. deBoer discussed possible next steps. Mayor Elbassiouny asked ownership of the easement be determined by the next meeting. Lou Fratesi, 4 Oakwood Lane, stated approximately fifteen years ago, a Township employee poured concrete in the bottom of the easement. Scum is now forming on the sitting water, bringing a threat of West Nile Virus. He feels this problem is devaluing his property and is a danger to children. Mr. Klingel suggested asking the Fire Department to drain the easement. Michael Birth, 6 Oakwood Lane, feels the Township became responsible when they cut down the trees to install the drainage easement. Mr. Lavery replied this is not necessarily true. Per Mr. Finke's request, the residents provided the Committee with a history of the situation. Mayor Elbassiouny stated the recommendation is for the fire trucks to be sent to the site until Mr. Lavery provides a solution at the next meeting. Catherine Balduino, 2 Oakwood Lane, feels the Township should be more active and provide a solution sooner. She feels the problem was made worse when the concrete was poured. Mr. deBoer noted there are other easements in the development and explained he contacted the Mosquito Commission who are now spraying and monitoring the area. A motion was made by Klingel, seconded by Finke, to authorize the Township Engineer to visit the drainage easement in the Southwind Farm development and provide a recommendation at the next Township meeting.

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

Mr. Lavery explained the next steps and discussed the situation with the residents. Joe Matarazzo, 7 Oakwood Lane, asked if there were any remaining escrow monies from the developer. He also spoke about water not going into the sewers and undermining the catch basins. Mayor Elbassiouny assured the residents the Township will do everything within its capabilities. A motion was made by Klingel, seconded by Finke, to amend the previous motion regarding work being done by the Township Engineer so as to state it is not to exceed \$500.00.

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

If needed, Mr. deBoer was given Committee approval to contact previous engineers of the project, John Cilo and R.W. Lee, for any files they may have after Mr. Lavery conducts a title search.

Mr. deBoer provided the Committee with several quotes and options for a new phone provider. He recommends discussing this at the budget meeting on October 29<sup>th</sup>, giving the Committee time to review the information.

Mayor Elbassiouny stated he spoke to Eileen Swan from the Highlands Council. He, Mr. Finke, Mr. Gleba, and Ms. Doyle attended their last meeting where they discussed the next step of the study which is storm water and sewage capacity along the Route 31 corridor. Mr. Finke made a motion to have either the Township Planner or Eileen Swan give a presentation to the residents before the deadline to let them know what we're getting into, giving residents a chance to ask questions before taking any further steps. Mayor Elbassiouny stated the next step does not force the Township to opt in, it just allows the Township to continue with the study and obtain information at no cost to the Township. Mayor Elbassiouny explained the benefits of moving forward. Mr. Finke would like those residents involved informed in writing. The Committee discussed the situation. There was no second to Mr. Finke's motion. Motion died. A motion was made by Klingel, seconded by Kovacs, to direct the Township Planner to respond to the Highlands by the specified date of the 28th and also request that at the next Township meeting a representative of the Highlands and also the Township Planner and Engineer be present here to answer any questions to the Committee and to the public regarding the next phase of the process.

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

#### REPORT FROM OFFICIALS

Mrs. Marks had nothing to report.

Mr. Kovacs would like the salary ordinance for 2012 introduced at the November meeting. He is working on the salary ranges with the CFO and the Clerk will check on the CPI. Mr. Kovacs would like to discuss the O&E budgets at the October 29<sup>th</sup> meeting.

Mr. Finke requested clarification regarding inactive Environmental Commission members. Mayor Elbassiouny explained the procedure and stated he will contact the Chairman.

Mr. Klingel stated the Recreation Commission is interested in building fields on the Mill Pond Road property. Daryl Detrick of the Recreation Commission explained the Commission has no immediate plans, but would like to begin researching the types and quantities of fields that can be placed on the property as well as do a cost analysis. Mayor Elbassiouny asked D. Detrick to bring an estimated cost to the next meeting. Mr. Klingel stated the Recreation Commission would also like to rent out the Log Cabin to scouts or other groups; however, the DPW would need to make repairs before that is possible. Mr. deBoer stated he is looking into getting shingles and stain for the building. A motion was made by Klingel, seconded by Marks, to allow the Recreation Commission to rent out the Pohatcong Creek Cabin, once it is in an acceptable condition, at a rate to be determined by the Commission. Mrs. Marks questioned insurance. The Clerk explained the groups would need to provide their own insurance.  
ROLL CALL: Klingel, yes; Marks, yes; Finke, yes; Kovacs, yes; Elbassiouny, yes

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

Mr. Finke would like the bills list made more easily accessible to the public. A motion was made by Finke, seconded by Klingel, to post the bills list on the website after they are approved. All were in favor.

The Committee took a five minute recess before entering into Executive Session.

#### EXECUTIVE SESSION

A motion was made by Klingel, seconded by Marks, to approve Resolution 11-146, 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 9:40 p.m. All were in favor. Mayor Elbassiouny explained the Committee will be discussing the police contract with Oxford and an employee personnel issue. Mr. Lavery added they will also speak about a potential litigation on a tort claim notice and an attorney/client privilege matter dealing with Pleasant Valley Road bids.

A motion was made by Klingel, seconded by Marks, to come out of Executive Session at 11:00 p.m. All were in favor. Attorney Lavery stated the Committee discussed a potential litigation matter dealing with a tort claim notice filed in the Mel Kries lawsuit, a contractual matter dealing with the Oxford police contract, the bids for the Pleasant Valley Road project, and a personnel issue. 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 Kovacs, to authorize the Township Attorney to draft a counter-proposal to Oxford as discussed in Executive Session.

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

A motion was made by Finke, seconded by Marks, to reject all bids for the Pleasant Valley Road project as they exceed the Engineer's estimate.

ROLL CALL: Finke, yes; Marks, yes; Klingel, 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 11:05 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey  
Acting Township Clerk