

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
September 20, 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; Kevin McCarthy, CFO; Joseph Rossi, Construction Official; Chief McDonald; Lieutenant Cicerelle

### SALUTE TO THE FLAG

### PROCLAMATION

Mayor Elbassiouny, along with the Fire Chief, presented William Heerwagen III with proclamations for his courageous acts during a grease fire in the family's oven. Before extinguishing the fire, the teenager brought his younger brother to safety outside the home. Will's quick thinking prevented further damage to his home.

### APPROVAL OF MINUTES

A motion was made by Finke, seconded by Klingel, to approve the minutes of the regular meeting held August 16, 2011. Mr. Kovacs requested verbatim minutes regarding the September 11<sup>th</sup> memorial be added to the minutes. Mr. Finke amended his motion to include the verbatim minutes. Mr. Klingel seconded the amendment to the motion.

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 August 16, 2011.

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 11-12, An Ordinance Amending, Revising and Supplementing Section 117-23 Entitled "No Parking" of the Code of the Township of Washington "Vehicles and Traffic" 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 Klingel, to close the public hearing. All were in favor. A motion was made by Klingel, seconded by Finke, to adopt Ordinance 11-12 on second reading.

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

A motion was made by Klingel, seconded by Finke, to introduce Ordinance 11-13, Ordinance Amending and Supplementing Chapter 59 Construction Code, Uniform; Permits Article III Fees Residential Solar System Fees on first reading. Mrs. Marks asked if this is an amendment or new fees. J. Rossi, Construction Official, explained these are for commercial solar. The fees we have now are for residential solar. Mrs. Marks asked the title be changed to reflect commercial solar. The motion was changed 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 October 18, 2011 meeting.

### RESOLUTIONS

A motion was made by Kovacs, seconded by Klingel, to approve Resolutions 11-130 thru 11-136 and Resolution 11-139.

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

11-130 Resolution Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2011 Through September 30, 2016.

11-131 2011 Best Practice Public Meeting Certification Resolution (Municipal Code 2122)

- 11-132 Resolution Endorsing a New Jersey Department of Transportation (NJDOT) Project for Superstructure Replacement of Three Bridges in Mansfield Township
- 11-133 Resolution Establishing an Absence from Meeting Policy for Appointed Officials
- 11-134 Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Rymon Road Section Four (4) Project
- 11-135 Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Cemetery Hill Road Section One (1) Project
- 11-136 Resolution Replacing Resolution No. 11-100 "Liquor License Renewal – Washington Township Liquor License Holding Co., Inc." to Include Granting of Special Ruling
- 11-139 Resolution Authorizing Sale of Surplus Property to the Borough of Washington for Nominal Consideration

Mrs. Marks noted a misspelled word on page two of Resolution 11-137 which will be corrected. Mrs. Marks also had a question regarding the rules and regulations mentioned in the resolution. Mr. Lavery explained. A motion was made by Klingel, seconded by Marks, to approve Resolution 11-137, Resolution Authorizing Execution of Agreement Between the Township of Washington and Hawk Pointe Property Owners Association for Winter Maintenance.

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

Mrs. Marks asked if Resolution 11-138 included both the road and the DPW parking lot. Mr. deBoer explained it is only for East Front Street. A motion was made by Kovacs, seconded by Klingel, to approve Resolution 11-138, Resolution Authorizing to Exceed the Bid Threshold and for the Purpose of Road Resurfacing and Milling.

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

Mr. Finke noted a misspelled word in the second paragraph of Resolution 11-140 which will be corrected. Mayor Elbassiouny announced the curfew on Halloween will be from 4:00-7:00 pm. A motion was made by Finke, seconded by Klingel, to approve Resolution 11-140, Resolution Imposing a Halloween Curfew Establishing Observance of Trick or Treat Within the Township of Washington.

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

#### STAFF ADMINISTRATIVE REPORTS

Mayor Elbassiouny stated the police report was previously received. Chief McDonald stated signs were ordered for the pedestrian crossing in front of the high school and will arrive within the next few weeks. Flashing lights, similar to those on Brass Castle Road are being considered as well. Mr. Klingel stated he was told at a board meeting that there have been accidents when students cross between the stadium and school. Mr. deBoer is researching pricing and requested Committee approval to involve the Township Engineer and obtain his recommendation. Mrs. Marks suggested a pedestrian walkway similar to the one in the Borough. Chief McDonald stated that would need County approval as well as being more costly. Mr. Klingel agreed the crosswalk was worth considering. The Committee and Chief discussed options. Chief McDonald would like an ordinance prepared to make the stop signs at the Warren County Community College enforceable. He would also like to research having cameras put on the traffic lights. A study can be done at no cost to the municipality. A motion was made by Klingel, seconded by Finke to give the Township Engineer authority to do a study of the school crossing at Warren Hills Regional High School, not to exceed \$1,000.00. Mayor Elbassiouny recommended contacting the school and see if they would split the expense as it is a sending district.

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

Mayor Elbassiouny stated the DPW report was previously received. Per Mr. deBoer's request, J. Cooper gave an update on Pleasant Valley Road, reporting the gas line has been moved and the bid is in today's paper.

Mr. deBoer stated J. Rossi was in attendance for any questions regarding the Code and Construction Department. Hearing no one, he then asked K. McCarthy to speak briefly about the budget. K. McCarthy explained what he's been working since he started approximately six weeks ago and presented an overall plan for the future.

Mr. Kovacs left the meeting at 7:57 p.m.

A motion was made by Klingel, seconded by Finke, to schedule a Budget Workshop for October 29, 2011 at 10:00 a.m. to discuss next year's budget with the department heads. Mayor Elbassiouny asked Mr. deBoer to notify all department heads of the meeting.

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

Mr. deBoer stated his report was previously submitted and in regards to the Highlands Council, the Township is in a municipal response period and has forty-five days to review materials or request an extension. Mr. deBoer would like to set up a meeting with representatives from the Borough, the County Engineer's office as well as our own professionals regarding Mill Pond Road. The road is frequently closed and damage has been done to both the Borough and Township sides of the road. Mrs. Marks asked about the Broadview phone contract. Mr. Klingel answered several quotes were received, but he feels we will have to go out to bid. Mr. deBoer stated he would like to commend the Public Works Department, the Police Department, the Office of Emergency Management, Lieutenant Cicerelle, and Mayor Elbassiouny on a job well done during the flooding during the past few weeks. Everyone was well prepared.

Mr. Kovacs returned to the meeting at 8:00 p.m.

#### PUBLIC QUESTIONS AND CONCERNS

Before opening the meeting to the public, Mayor Elbassiouny made a public apology for the lack of planning, taking full responsibility for the September 11<sup>th</sup> marker put outside, stating it was in no means meant to be disrespectful or to take anything away from the purpose of the Township having the memorial outside. There is another part of the memorial that has not been received yet which will reference the events of September 11. Mayor Elbassiouny stated he personally paid for the marker and asked everyone to please remember the purpose of the memorial and honor the victims and their families, which was his main intent.

Mr. Kovacs felt the Committee should comment before opening the meeting to the public. Mrs. Marks stated the Committee knew nothing of the cost or the inscribed monument, but did, however, know there was going to be a beam. She read the verbatim minutes of the discussion of the September 11<sup>th</sup> memorial from the August 16<sup>th</sup> meeting. Mr. Kovacs stated there was an e-mail from the Clerk on Friday, September 9<sup>th</sup> advising the Committee there would be ceremony on Sunday and that was the first the Committee had heard anything since the August meeting.

Mayor Elbassiouny opened the meeting to the public.

Joel Schnetzer of Cemetery Hill Road stated he respects the Mayor's apology and does not feel it was his intent to do this, but any taxpayer money spent should be voted on by the Committee. He feels there was more cost to the memorial than the \$1,850.00 spent out-of-pocket on the marker. Mr. Schnetzer asked the Mayor to put the integrity back in the Township and step aside as mayor. If not, he would like the Committee to make a motion tonight to appoint a new mayor.

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.

Mr. Kovacs left the meeting at 8:15 p.m.

#### NEW BUSINESS

The discussion regarding the Township's September 11<sup>th</sup> memorial was discussed during the public portion of the meeting.

A motion was made by Klingel, seconded by Marks, to allow Nancy Godfrey to attend a re-certification seminar on Friday, October 7<sup>th</sup> in Phillipsburg. All were in favor.

Mr. Kovacs returned to the meeting at 8:19 p.m.

A motion was made by Finke, seconded by Marks, to approve a request from the Washington Township PTA to use the pavilion parking lot after hours for "Trunk-or-Treat" activities. Mr. Klingel asked for details of the event. The Clerk explained children will be trick-or-treating from car to car in the parking lot. Mr. Klingel asked if it is within the current ordinance. The Clerk replied because of the time of year it will be darker, but the children will be well supervised by parents and the PTA.

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

In regards to the Use Fee Schedule for Meadow Breeze Park, Mrs. Marks asked the percentage of the increase and will the Recreation Commission sustain running the recreation program, meetings, salaries, etc. W. Godfrey, Chairman of the Recreation Commission, explained how the new fees were evaluated and determined. D. Detrick, Recreation Commission member, explained how the pavilion fee schedule

changed. Mr. Finke asked for a comparison of rentals by Township vs. non-Township residents. He would like to see the Township resident fees stay the same as those residents are already paying taxes. W. Godfrey stated approximately 50% of pavilion renters and 60% of those who rent the fields are Township residents. The Recreation Commission currently collects between \$8,000 and \$10,000 in fees. Mr. Klingel asked if the Commission researched other town's fees. W. Godfrey replied that they did. Mr. Klingel asked when the last time was that the fees were raised and by what percent. W. Godfrey replied fees were last raised two years ago by approximately 50%. W. Godfrey discussed with the Committee why some teams no longer use the Township fields. Mayor Elbassiouny noted there is a draft proposal for businesses to have sponsorship signs at Meadow Breeze Park Field D1 (old section of the park). W. Godfrey and D. Detrick explained they are working on the fees, comparing what other towns are charging. This discussion has been tabled until the October meeting. A motion was made by Klingel, seconded by Kovacs, to approve the revised fee schedule.

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

Mr. deBoer explained the County Engineer's proposed plan to improve CR 640, Cemetery Hill Road and S. Lincoln Avenue, including improved visibility at intersections and the milling and paving a section of Cemetery Hill Road. He asked the Committee to review the plans and be prepared to discuss them at the October meeting. Mr. deBoer suggested the Township might consider buying and tearing down the house on the corner of S. Lincoln Avenue which is vacant to improve the now dangerous intersection. Mrs. Marks asked if Cemetery Hill Road would be a problem during the winter months since it is a steep road. Mr. deBoer replied it is a concern of the County and they feel the stop sign is a positive change. Mr. Kovacs would like the Police Chief to supply the number of accidents in that area. Chief McDonald stated there have been very few accidents there. It is a dangerous intersection and most people recognize it as such.

Mr. deBoer stated that per the Committee's direction, he looked into the appointment of a Committee member to the Recreation Commission. Mr. Lavery explained the Township statute calls for a five-year term. After a discussion, it was decided the appointed Committee member shall remain a liaison, appointed yearly, and not a voting member.

A motion was made by Klingel, seconded by Finke, to allow Kevin McCarthy to attend "Preparation of Annual Financial Statement" classes at Rutgers on Tuesday evenings from September 6 through November 29, 2011.

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

#### REPORT FROM OFFICIALS

Mrs. Marks stated Morris Warren Shared Services would like their member townships to purchase supplies from Staples in order to receive larger discounts. She would like to have a Staples representative speak to the Committee regarding the benefits and savings Washington Township could receive. Mrs. Marks also stated Mr. Finke is unable to attend the Economic Development Commission meetings which are held Wednesday mornings at 9:00 and asked if she could attend instead. The Committee had no issues with this.

Mr. Kovacs spoke about planning for the budget in October to be more prepared in January. He stated the September 11<sup>th</sup> events were an embarrassment to the Mayor, Township Committee and foremost the residents of Washington Township. He thanked Mayor Elbassiouny for his apology and hopes everyone will leave it in the past.

Mr. Finke stated the Environmental Commission is still having problems getting people to attend and hopes Resolution 11-133 will help. The Chairman will be asking for a letter of resignation from those members not able to attend. Mayor Elbassiouny offered information on how to volunteer to anyone present in the audience interested in joining the Environmental Commission.

Mr. Klingel reported on the problems the municipal office is having with the phones. He is looking into this and planning on going out to bid. He noted the Township is currently month to month with the current phone service provider.

Mayor Elbassiouny stated he took a tour of the Township to see the damage done from the recent floods. He wished to commend Lieutenant Cicerelle, the Township's OEM Coordinator, who did a great job organizing everyone and feels the Township was well prepared. He also wished to commend everyone from the Rescue Squad, Police and Fire Departments, and Department of Public Works who were ready to serve the residents at any time during the hurricane and tropical storm. Mayor Elbassiouny is hoping the Township will receive federal funding for damaged roads.

PAYMENT OF BILLS

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

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 Klingel, seconded by Finke, to approve Resolution 11-141, 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 8:47 p.m. All were in favor. Mayor Elbassiouny explained the Committee will be discussing one personnel matter and one attorney/client privilege matter.

A motion was made by Elbassiouny, seconded by Kovacs, to come out of Executive Session at 10:33 p.m. All were in favor. Attorney Lavery stated the Committee discussed a personnel matter and an attorney/client privilege matter. 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.

Mr. deBoer stated the artifact from the World Trade Center is unsafe as it is not securely anchored. It was placed in its current location temporarily and requested Committee approval to take it down until a permanent location is decided upon. The Committee discussed possible locations for the beam and new marker or plaque and spoke about the other plaque which is being donated. A motion was made by Elbassiouny, seconded by Klingel, to have the memorial set permanently by the flagpole by the Department of Public Works, not to exceed \$500.00.

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

Mayor Elbassiouny stated the Committee will discuss recommendations for a new plaque and approximate costs at the October meeting.

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Klingel, seconded by Kovacs, to adjourn the meeting at 10:45 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey  
Acting Township Clerk