

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
July 17, 2012

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 Michael Kovacs.

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:

Finke, present; Klingel, present; Kovacs, present; Marks, present  
Elbassiouny arrived at 7:33 p.m.

STAFF PRESENT

Anna C. Godfrey, Township Clerk; Peter deBoer, Township Administrator/Certified Public Works Manager; Attorney Michael Lavery; Dave Evans and John Mooney, Township Auditors; Joseph Rossi, Construction Official; and Mike Finelli and Bill Gleba, Township Engineers.

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Klingel, seconded by Finke, to approve the minutes from the regular meeting held June 19, 2012.

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

A motion was made by Finke, seconded by Klingel, to approve the Executive Session minutes from the regular meeting held June 19, 2012.

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

ORDINANCE

A motion was made by Elbassiouny, seconded by Klingel, to introduce Ordinance 12-04, Ordinance Supplementing and Amending Chapters 52 "Numbering of Buildings" §52-7, Visibility of Numbers and Chapter 59 "Construction Code, Uniform; Permits", §59-15 Additional Fees, on first reading. Mrs. Marks asked about revisions. J. Rossi explained the only change is that businesses that owe the Township money will have a temporary certificate of occupancy for 90 days instead of the original 180 days. He hopes this will make businesses make their account current. Mr. Elbassiouny noted this will help prevent loss to the Township. Mr. Finke asked about the one dollar per day fee. J. Rossi explained he is trying to help the person move into the Township without incurring high fees. Mayor Kovacs noted it makes it harder to enforce if no penalty is involved. J. Rossi explained his process and the Committee discussed.

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

Public hearing and adoption will be held on August 21, 2012.

Mayor Kovacs stated he would like to enter into Executive Session before introducing Ordinance 12-07.

EXECUTIVE SESSION

A motion was made by Klingel, seconded by Elbassiouny, to approve Resolution 12-104, 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 7:45 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing an attorney/client privilege matter dealing with the Friese Estate.

A motion was made by Klingel, seconded by Elbassiouny, to come out of Executive Session at 8:00 p.m. All were in favor. Attorney Lavery stated the Committee discussed an attorney/client privilege matter dealing with the Friese Estate. 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.

ORDINANCE

A motion was made by Klingel, seconded by Kovacs, to introduce Ordinance 12-07, Ordinance Providing for the Acquisition of Lands (The Friese Estate) in and by the Township of Washington, County of Warren, State of New Jersey, and Making An Appropriation of \$298,796, Therefore, to the Extent of \$177,656 From Monies in the Affordable Housing Trust of the Township of Washington and to the Extent of \$121,140 From Proceeds of Obligations of the Township Heretofore Issued, on first reading.

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

Public hearing and adoption will be held on August 21, 2012.

D. Evans explained the need for the ordinance to the audience, stating it gives the Township legal authorization to spend the money as stated in the original ordinance. He further explained funding was to come from both the COAH and Open Space Funds. The Open Space Fund monies were used to pay down the Township's debt services as discussed during the budget meetings earlier this year, but the account had not been properly adjusted by the CFO. Mrs. Marks stated the Township borrowed money to pave roads but some of the roads will not be paved because the money is being used to purchase this property. D. Evans noted only 6% of the money borrowed is being considered.

#### RESOLUTIONS

A motion was made by Marks, seconded by Elbassiouny, to approve Resolution 12-100, Resolution Approving Washington Township Municipal Alliance Applying for 2012 Grant.

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

A motion was made by Marks, seconded by Elbassiouny, to approve Resolution 12-101, Governing Body Certification of the Annual Audit. Mr. Finke asked D. Evans to explain the resolution. D. Evans stated it is required by the State that municipalities certify that the audit has been read.

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

A motion was made by Elbassiouny, seconded by Klingel, to approve Resolution 12-102, Resolution to Appoint and Authorize a Health Officer. Mr. Finke questioned responsibility limits that were to have been made in this resolution. Attorney Lavery explained it is limited to Chapter 53 - Buildings Unfit and will be in effect for the remainder of the year.

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

A motion was made by Elbassiouny, seconded by Marks, to approve Resolution 12-103, Reduction of Performance Guarantee for Washington Valley Estates, Block 28; Lot 5, pending the tax sale redemption certificate is paid/redeemed, per Attorney Lavery's explanation. Mr. Finke requested B. Gleba explain to the audience the location of Washington Valley Estates. B. Gleba explained the Estates are the partially built subdivision off of Mine Hill Road across from Fairway Estates. He gave a brief explanation why he has no issues with the developer requesting the partial reduction.

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

A motion was made by Marks, seconded by Finke, to determine the use of the Friese property does not include a parking lot. Mr. Elbassiouny asked why that option would be taken away when more parking is needed. He stated it was part of the proposal and part of what he initially supported. Mrs. Marks feels there is adequate parking at Meadow Breeze and this would distort the beautiful and historic property. Mr. Elbassiouny and Mrs. Marks discussed. Mr. Klingel stated the Township is unsure of what will be done with the property at this point. Mrs. Marks feels other parking lots could be expanded upon without using this property. Mayor Kovacs feels the suggested small parking area wouldn't solve any problems.

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

#### PRESENTATION

Mr. deBoer stated he received a call from Stan Prater of JCP&L who is unable to attend tonight's meeting. The presentation will be rescheduled for a future meeting.

Mr. deBoer explained a requirement of the Township's Annual Report is to educate local officials with regards to municipal stormwater regulations. Copies of the Township's most recent annual report as well as an outline of the DEP's stormwater education program were distributed to the Committee.

#### STAFF ADMINISTRATIVE REPORTS

Mayor Kovacs noted Chief McDonald previously submitted a report and had nothing further to add.

Mr. deBoer asked the Municipal Engineers to update the Committee on Pleasant Valley Road, Section 3. B. Gleba explained the reasons an extension to award the bid is necessary. The grant expires on August 28<sup>th</sup> and he is concerned with the amount of time left and what needs to be done to go out to bid. B. Gleba highly recommends the Township request a two month extension in the event there is a need to go out to bid more than once. There is no downside to the extension and he is optimistic the project can be completed by the end of the year, pending utility relocation. There will be a 75-90 day timeframe on this project. B. Gleba discussed with the Committee. Mayor Kovacs noted the Township knew about the grant for over a year and is now looking for an extension. He doesn't want to inconvenience the neighbors anymore than necessary. A motion was made by Elbassiouny, seconded by Marks, to file for a 90-day extension for the Pleasant Valley Road Section 3 project.

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

B. Gleba spoke about the Southwind drainage easement, stating the Township has received the DEP permit which will be good for five years. The cost of the permit was \$500.00. Mr. Birth of Rosewood Lane thanked everyone for their help and stated he did not receive a copy of the plans. B. Gleba will provide him with copies.

J. Rossi explained the need for fences around pop-up pools. He requested Committee approval to place an informative flyer regarding pool safety on the website as well as mailed with the tax bills. The Committee had no objections. Mr. Finke asked the charges for the pool. J. Rossi replied there is a yearly \$25.00 building permit fee for non-permanent pools. Mrs. Marks agrees it is a safety issue for children. Mr. Klingel feels many people are not aware of the requirements.

Mr. deBoer previously submitted a report. He stated he received a call regarding someone blocking the right-of-way on Walter Street off of Railroad Avenue. In doing research, it was found there is no Walter Street. There is a common driveway on the tax map and suggested the Township officially abandon this street as it is not currently maintained by the Township. The Committee discussed. A motion was made by Kovacs, seconded by Elbassiouny to authorize Attorney Lavery to prepare an ordinance to vacate Walter Street for the next meeting. Mr. Finke stated the adjacent property owners should be notified. Mayor Kovacs asked Mr. deBoer to contact the neighbors to inform them of the proposed ordinance and invite them to the next meeting should they have any questions or comments.

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

#### PUBLIC QUESTIONS AND CONCERNS

Mayor Kovacs opened the meeting to the public.

Joel Schnetzer of Cemetery Hill Road questioned the lack of open space money. Mayor Kovacs explained the CFO was unaware that money was used to off-set Township bonds and debt service on open space. J. Schnetzer questioned an account receivable of \$500,000 in the audit report. Mayor Kovacs explained money came from the County to pay for the Mastracchio Farm which is now preserved. The CFO had to sign-off on it as this hadn't been done. J. Schnetzer questioned the grant Mr. Elbassiouny spoke about. Mr. Elbassiouny explained the grant would be used for improvements to the Friese property. J. Schnetzer would like to sit with a Committeeperson while they are signing the purchase orders. Mr. Finke invited J. Schnetzer to sit with him. J. Schnetzer feels we are not far from a drought and doesn't think the Township should be watering the park. Mr. Klingel and Mr. Elbassiouny explained the park is an investment and must be maintained. Mr. deBoer will provide J. Schnetzer with the cost of watering the park over the past several months and explained the turf management program of the park.

Ron Greenwald of Roaring Rock Road stated when water is used during a drought it runs out and feels the Township should cut back on water usage. He feels the Township has a beautiful park but by watering it, water is being drained from the aquifers causing pollution to spread.

Jeff Duckworth of Coleman Hill Road stated he spoke to the CFO who provided him with information on the Parks & Recreation Department but he would like to know the actual cost of the park including employees' time, water, truck and lawnmower fuel, and lawnmower maintenance. J. Duckworth discussed the Township's level of accounting with Mr. deBoer and the Committee. J. Duckworth spoke about the Code & Construction Department utilizing the municipal building. Mayor Kovacs explained how the department pays a percentage of the utilities. Mr. Elbassiouny explained how the Code & Construction Department has not cost the Township any money and is a convenience for the residents. J. Duckworth discussed with the Committee why the Code Enforcement's budget was not provided with the Township's budget. J. Duckworth stated his main concern is the cost of all Township recreation facilities year to year.

Tom Prisk, 5 Osprey Court, feels the parks are important for the children and the balance between the cost and benefit of the park should be considered.

Hearing no further comments, Mayor Kovacs closed the public portion of the meeting.

#### OLD BUSINESS

The Southwinds drainage easement was discussed during Staff Administrative Reports.

Attorney Lavery gave an update on the 219 Broad Street property, explaining a hearing has been set for August 3<sup>rd</sup> at 10:00 a.m. in the municipal building. J. Rossi stated there is an order to demolish the building and those involved have been notified. Per Mr. deBoer's request, Attorney Lavery gave an outline of the demolition process.

#### NEW BUSINESS

Mayor Kovacs explained Chris Cavazzini has resigned from the Land Use Board. He moved Marilyn Sendell from the Alternate 1 position to a Class IV member and moved Stephen Swinton from the Alternate 2 position to the Alternate 1 position. The Alternate 2 position is now vacant. Mrs. Marks asked the application process. Mayor Kovacs replied Citizen Involvement applications should be completed and are available in the office or on-line.

A motion was made by Klingel, seconded by Kovacs, to approve Terry Ferguson to take an on-line course from Warren County Community College. Mrs. Marks questioned approving it as it already occurred. Mr. deBoer stated it was approved at the last meeting but omitted from the agenda. All were in favor with the exception of Mr. Elbassiouny who abstained.

Mr. deBoer stated he requested John Malanga, IT Specialist, to provide the Committee with an explanation of the server issues. Copies of this were distributed to the Committee. Mr. deBoer requested feedback from Mr. Klingel so a decision can be made at a later date. Mr. deBoer explained there have been a few major crashes with the Township's server.

Nicholas Kauffman, owner of Junk Rx Outlet, requested the Committee's approval of an outdoor flea market on the property at 390 Route 57 West. He stated he is trying to bring business into the Township and there has been a lot of interest in this. His request to the Zoning Officer was denied. Attorney Lavery explained the procedure to Mr. Kauffman stating he should appeal to the Land Use Board. The Committee can't overrule the Zoning Officer, but could change the Ordinance if they are so inclined, but it is a lengthy process. Donna Kauffman stated the request was denied by the Zoning Officer because there was no ordinance for an outdoor flea market. Mr. Kaufmann explained he would like to have vendors available from 9:00 a.m. to 4:30 p.m. every Sunday. He feels there would be plenty of parking when the vendors are set up. He is asking the Committee to create an ordinance allowing outdoor flea markets. Mayor Kovacs asked the Committee to individually look at the site and speak to the Zoning Officer.

Mayor Kovacs stated a letter was received from Comcast advising the Township is due to renew. Attorney Lavery will provide timeline information to the Committee. Mr. Elbassiouny suggested a sub-committee be formed to work on this. Mayor Kovacs stated he may form a sub-committee at the next meeting after information is received from Attorney Lavery.

Attorney Lavery stated the discussion regarding the detention pond in the Pacesetter Development should be discussed in Executive Session.

The Highlands has sent both the Township and DEP a draft of the Wastewater Management Plan with thirty day period to review the draft. Mr. deBoer stated he received confirmation the Township has successfully met the July 15<sup>th</sup> deadline. Mr. Elbassiouny asked if the Environmental Commission is involved. Mr. deBoer replied they are. Mayor Kovacs noted there is no mention of potential changes to the package plants at both Hawk Pointe and A&P and feels they should be included. Mrs. Marks requested copies for the Committee. Mayor Kovacs will provide a copy to be downloaded and E-mailed to the Committee.

#### REPORT FROM OFFICIALS

Mayor Kovacs had nothing to report.

Mr. Klingel had nothing to report.

Mr. Finke stated the Environmental Commission had their introductory meeting with Angela Clerico regarding the Highlands Plan. Follow-up meetings have been scheduled.

Mr. Elbassiouny had nothing to report.

Mrs. Marks announced the Warren Morris Shared Service Committee will be meeting July 30<sup>th</sup> at the Warren County Farmers Fair.

#### 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; Elbassiouny, yes; Finke, yes; Kovacs, 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 12-105, 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 9:50 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a contractual matter, an attorney/client privilege matter dealing with the Pacesetter detention pond issue, and a contractual matter dealing with the potential for drilling on Cider Lane.

A motion was made by Marks, seconded by Klingel, to come out of Executive Session at 10:41 p.m. All were in favor. Attorney Lavery stated the Committee discussed a contractual matter dealing with the Teamsters/PBA contract, an attorney/client privilege matter dealing with the Pacesetter detention pond issue, a contractual issue dealing with Cider Lane and a contractual/personnel issue with regard to the Construction office. 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 hire Sean Brown as a Grant Writer, not to exceed 200 hours, at his present salary.

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

A motion was made by Marks, seconded by Klingel, to authorize Attorney Lavery to draft a letter to Environ International Corp. regarding a request to drill monitoring wells.

ROLL CALL: Marks, yes; Klingel, yes; Elbassiouny, yes; Finke, yes; Kovacs, 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 10:45 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey  
Township Clerk