

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Special Meeting  
July 9, 2012

A special 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 7:34 p.m.

### STAFF PRESENT

Ann Kilduff, Deputy Township Clerk; Peter deBoer, Township Administrator/Certified Public Works Manager; Attorney Michael Lavery; James McDonald, Police Chief, David Dempski, COAH Coordinator; Al Ivany, Historical Commission Chairman; Joseph Rossi, Construction Official; and Ric Lucy, Department of Public Works.

### SALUTE TO THE FLAG

### ORDINANCE

A motion was made by Klingel, seconded by Marks, to open to the public Ordinance 12-05, Ordinance Authorizing the Sale of Certain Property Owned by the Township of Washington, Warren County, New Jersey and Not Required for Public Purposes, Pursuant to N.J.S.A. 40A:12-21 (L) Et. Seq., public hearing on second reading. All were in favor. Mayor Kovacs entertained comments from the audience. David Dempski presented an overview of the Friese Project and explained how it would benefit the community. Washington Township would be providing affordable housing units through a partnership with Habitat for Humanity as well as preserving the Morris Canal and open space. The State plans on seizing any money in the Affordable Housing Trust Fund on July 17<sup>th</sup> unless it is allocated. The money would then be used anywhere in our region, including Essex, Morris and Union counties. D. Dempski explained the plan to purchase the Friese Estate as well as future plans for the property. There will be no tax impact on the residents. D. Dempski spoke of the possibility of an overflow parking area which could be made with non-impervious materials.

Joel Schnetzer, Cemetery Hill Road, questioned the soft costs. D. Dempski explained they are included in the numbers he presented. J. Schnetzer questioned D. Dempski's experience with DEP permits. D. Dempski explained. J. Schnetzer asked D. Dempski to explain how he arrived at the numbers he presented. D. Dempski discussed with J. Schnetzer and the Committee. J. Schnetzer feels the Tax Assessor should have provided real numbers. D. Dempski explained the active/passive area opportunities to J. Schnetzer. J. Schnetzer feels this will raise the cost of maintaining Meadow Breeze Park.

Ron Greenwald, Roaring Rock Road, asked the impact on the tax rate for children attending school. D. Dempski agreed there would be an impact and discussed with R. Greenwald. R. Greenwald questioned the cost to maintain the area. D. Dempski stated property maintenance would be handled by part-time personnel and Mr. Elbassiouny noted it would be approximately fifty additional hours per year.

Cheryl Burket asked about the Township's COAH obligation. D. Dempski replied the Township needs to provide fifty nine units. C. Burket asked the negative effect of letting COAH take the money. D. Dempski replied it would not be used to benefit the community and feels the money should be spent where it's generated. The Township's COAH obligations would still exist. C. Burket asked what the neighbors of the property feel about the purchase and discussed the lot with D. Dempski.

Attorney Lavery stated if the State takes the money the Township has that much less money to deal with COAH obligations and explained. Mr. Finke noted the Township is spending an additional \$121,000 that is not at risk to protect the \$131,000 that is. He also questioned the donation of the house to Habitat for Humanity rather than putting a deed restriction on it and selling it. D. Dempski explained there will be a thirty year affordable housing restriction placed on the house and discussed with Mr. Finke. Mr. Elbassiouny feels this is a great project for the Environmental Commission to support. Mrs. Marks would like the parking area removed from the contract as there is additional parking on Kayhart Lane

which is not currently used. She feels it is a great property for the Township to have because of the historical value.

Mayor Kovacs noted Ordinance 12-06 should be voted on prior to 12-05. The Committee had no objections.

Dave Detrick, Chairman of the Warren County Morris Canal Committee and a Township resident wished to commend the Committee for maintaining that section of the Morris Canal at Meadow Breeze Park. He feels it is a wonderful asset. D. Detrick is also involved with the Warren County Board of Recreation Commissioners who recommend funding from Open Space Funds and this is the type of project the Municipal and Charitable Trust Fund funds on a regular basis. He urged the Township to proceed with this purchase.

Daryl Detrick, 112 Little Philadelphia Road, also liked to commend the Township on the work put into this project. He feels there are many positive aspects to it. He noted Mr. Friese started the Washington Township Youth Association in 1958. The history of the canal, blacksmith shop and Friese family is important to the community. He also feels it is a great opportunity for Habitat for Humanity. He urged the Committee to seriously consider this purchase as it would be a benefit for the Township in many different aspects.

Al Ivany, Chairman of the Environmental Commission, stated he is unable to speak on behalf of the Commission as this is the first time they are receiving information on the project and have not met yet to discuss it. If approved, he would like the Committee to include the Environmental Commission on the plans for this property.

Mr. deBoer read a memo from Dave Dech, Warren County Planning Director, who is in support of the purchase of this property.

Hearing no further comments, a motion was made by Klingel, seconded by Marks, to close the public hearing of Ordinance 12-05. All were in favor.

A motion was made by Klingel, seconded by Elbassiouny, to open to the public Ordinance 12-06, Ordinance of the Township of Washington, County of Warren, State of New Jersey, Authorizing the Purchase by Washington Township of Real Property From the Estate of Friese Known as Lot 15, Block 18, Pursuant to N.J.S.A. 40A:12-3 Et Seq., public hearing on second reading. All were in favor.

Joel Schnetzer asked the balance in the Open Space Fund once the Township takes the \$121,000. D. Dempski replied the balance for the first half of the year will be \$513,000. Debt service needs to be paid for Meadow Breeze Park and the AJR Farm. J. Schnetzer stated he is suspicious of how the Committee spends money and feels the project will cost much more than what is being presented. He disapproves of the plan for a parking area.

Hearing no further comments, a motion was made by Elbassiouny, seconded by Klingel, to close the public hearing of Ordinance 12-06. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to adopt Ordinance 12-06 on second reading.  
ROLL CALL: Elbassiouny, yes; Klingel, yes; Finke, no; Marks, no; Kovacs, yes

A motion was made by Klingel, seconded by Elbassiouny, to adopt Ordinance 12-05 on second reading. Mrs. Marks would like it on the record that she would have voted in favor of Ordinance 12-05 and Ordinance 12-06 if the parking situation was completely omitted. She thinks the properties are great but feels the parking area will be placed on the agenda at a later time and she is totally against it. Mr. Elbassiouny commended D. Dempski on the excellent job he has done with this project and feels the Township will benefit from it for generations.

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

#### PUBLIC QUESTIONS AND CONCERNS

Mayor Kovacs opened the meeting to the public. Hearing no one, Mayor Kovacs closed the public portion of the meeting.

#### OLD BUSINESS

A motion was made by Elbassiouny, seconded by Klingel, to authorize the Mayor and Clerk to sign the "Contract for Sale of Real Estate" for the Estate of Friese.

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

A motion was made by Klingel, seconded by Elbassiouny, to authorize the Mayor and Clerk to sign the agreement between Washington Township and Habitat for Humanity.

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

#### RESOLUTION

A motion was made by Klingel, seconded by Elbassiouny, to approve Resolution 12-96, Resolution Appointing David Dempski to Apply for the Warren County Municipal Charitable Trust Fund Grant.

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

A motion was made by Klingel, seconded by Elbassiouny, to approve Resolution 12-97, Resolution Appointing the Township Administrator as Signer of Checks in the Absence of the CFO.

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

A motion was made by Elbassiouny, seconded by Klingel, to approve Resolution 12-98, Resolution Supporting the Application to the Warren County Municipal and Charitable Conservancy Trust Fund for Funds to Support the Historic Preservation of the Sections of the Friese Property.

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

#### NEW BUSINESS

There was no new business at this meeting.

#### PAYMENT OF BILLS

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

ROLL CALL: Marks, yes; Klingel, yes; Elbassiouny, abstained; 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 Marks, to approve Resolution 12-99, 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 9:00 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a personnel matter dealing with the grievance of the PBA and Teamsters, and an attorney/client privilege matter dealing with 219 Broad Street (the Sarah Bryan Estate).

The Committee returned with all members present with the exception of Mrs. Marks.

A motion was made by Klingel, seconded by Elbassiouny, to come out of Executive Session at 9:53 p.m. All were in favor. Attorney Lavery stated the Committee discussed a pending litigation matter dealing with the Estate of Sarah Bryan and the grievance of the PBA & Teamsters. 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 Lavery noted Mrs. Marks was present in Executive Session for the discussion regarding the estate of Sarah Bryan but was not present for the PBA & Teamsters grievance discussion.

A motion was made by Klingel, seconded by Kovacs, to approve the grievance of the PBA and Teamsters.

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

Motion failed.

A motion was made by Klingel, seconded by Elbassiouny, to appoint Joseph Rossi as the Health Officer under the unfit buildings section of the Township ordinance for the remainder of the year.

ROLL CALL: 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 Finke, to adjourn the meeting at 10:00 p.m. All were in favor.

Respectfully submitted,

Ann Kilduff  
Deputy Township Clerk