

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting
September 18, 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 7:35 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:

Elbassiouny, present; Finke, present; Klingel, present; Kovacs, present
Marks - absent

STAFF PRESENT

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

SALUTE TO THE FLAG

RESOLUTION

A motion was made by Klingel, seconded by Finke, to approve Resolution 12-118, Chapter 159 Budget Amendment – NJ DOT Grant.

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

AWARD OF BID

Mayor Kovacs explained the low bidder for the Pleasant Valley Road Section III project was Top Line Construction Corp from Somerville, NJ at \$309,974.78. The bid was reviewed by both the Municipal Engineer and Municipal Attorney and it is their recommendation to award the bid to Top Line Construction Corp. A motion was made by Elbassiouny, seconded by Klingel, to approve Resolution 12-119, Resolution Authorizing the Award of a Bid to Top Line Construction Corp. for Pleasant Valley Road Reconstruction – Section III.

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

J. Cooper stated the project will start in the fall and be done before winter. Mr. Elbassiouny asked about moving utility lines. J. Cooper stated the Township Engineer will meet with JCP&L and the Gas Company next week to discuss.

APPROVAL OF MINUTES

A motion was made by Elbassiouny, seconded by Finke, to approve the minutes from the regular meeting held August 21, 2012.

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

A motion was made by Elbassiouny, seconded by Finke, to approve the Executive Session minutes from the regular meeting held August 21, 2012.

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

ORDINANCE

A motion was made by Klingel, seconded by Elbassiouny, to open to the public Ordinance 12-07, Ordinance Providing for the Acquisition of the Lands (The Friese Estate) in and by the Township of Washington, in the County of Warren, 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 and to the Extent of \$121,140 from Proceeds of Obligation of the Township Heretofore Issued, for public hearing on second reading. All were in favor. Mayor Kovacs entertained comments from the audience.

D. Dempski spoke to the Committee about funding opportunities with County groups. He stated multiple projects were originally planned, including the preservation of the Morris Canal, and discussed costs involved.

Daryl Detrick, 112 Little Philadelphia Road, discussed his meeting with the Warren County Board of Recreation where a proposal was made that the Board would help fund the purchase of the property. The proposal has been tentatively approved by the Freeholders depending on the actual land value. D. Detrick feels this is a positive purchase for the Township and explained the benefits. Mr. Finke discussed costs involved with D. Detrick and D. Dempski. Mayor Kovacs stated the financial breakdown of costs involved will be attached to the ordinance.

Joel Schnetzer, 240 Cemetery Hill Road, agreed with D. Detrick, but would like to see the costs associated with maintaining the property.

A motion was made by Klingel, seconded by Elbassiouny, to close the public hearing. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to adopt Ordinance 12-07 on second reading.
ROLL CALL: Elbassiouny, yes; Klingel, yes; Finke, no; Kovacs, yes

Mr. Klingel thanked everyone who worked on the purchase the Friese property as well as the concerned citizens. He asked J. Cooper to prepare approximate maintenance costs of the property for the next meeting. Mr. Elbassiouny agreed and thanked D. Dempski. He does not want the Township to be restricted as to what the property can be used for. Mayor Kovacs agrees with the idea of moving the T-ball fields to this location, allowing for additional parking near the football field.

A motion was made by Elbassiouny, seconded by Klingel, to introduce Ordinance 12-08, Ordinance Supplementing and Amending Chapter 50 "Brush, Grass and Weeds" §50-2 "Service of Notice; Contents" in the Code of the Township of Washington, County of Warren, State of New Jersey – first reading. Mayor Kovacs explained it is a change to an existing ordinance. J. Rossi explained the original ordinance was adopted in 1968 and involves removing debris from property. It is being updated to include construction material as part of debris.

ROLL CALL: Elbassiouny, yes; Klingel, yes; Finke, yes; Kovacs, yes
Public hearing and adoption will take place at the October 16, 2012 meeting.

RESOLUTIONS

A motion was made by Klingel, seconded by Elbassiouny, to approve Resolution 12-115, Resolution Imposing a Halloween Curfew Establishing Observance of Trick-or-Treat Within the Township of Washington.

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

There was no motion to approve Resolution 12-116, Resolution Supporting A-2681 and Opposing A2405/S1651.

A motion was made by Elbassiouny, seconded by Klingel, to approve Resolution 12-117, Resolution Authorizing Execution of Agreement Between the Township of Washington and Hawk Pointe Property Owners Association for Winter Maintenance.

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

STAFF ADMINISTRATIVE REPORTS

J. Cooper previously submitted a report and had nothing further to discuss.

J. Rossi had nothing to report.

Mr. deBoer previously submitted a report. He received correspondence regarding an application to preserve open space at the McCullough Road Farmland Preservation. The State has requested the Township Engineer review the file for clarification. The Committee discussed. A motion was made by Elbassiouny, seconded by Klingel, to instruct the Township Engineer to review the application to preserve open space on McCullough Road, not to exceed \$1,000.

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

K. McCarthy stated unemployment insurance rates will remain flat in 2013. Operating expenses for the year are looking good. He is meeting with the Borough next week to review the year-end process and timelines. The Committee discussed.

Mr. deBoer spoke about the closing of Mill Pond Road for one week beginning September 24th. Norfolk Southern will be making repairs to the railroad crossing. The schools have been notified. The Township would like to use this opportunity to replace the fencing with guardrail using FEMA money the Township received for last year's storms. A motion was made by Elbassiouny, seconded by Klingel, to approve the closing of Mill Pond Road the week of September 24, 2012. Mayor Kovacs would like the Emergency Squad notified. Mr. deBoer will speak to the Chief and OEM Coordinator.

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

Chief McDonald previously submitted a report. He submitted with regret a letter of resignation from Detective Ron Pantuso who accepted a position with the Warren County Prosecutor's office. Chief McDonald read the letter to the Committee. Mr. Elbassiouny stated he is very pleased with Detective Pantuso's professionalism and feels he is one of the Township's best officers. A motion was made by Elbassiouny, seconded by Klingel, to accept the resignation of Detective Ron Pantuso with regret.

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

PUBLIC QUESTIONS AND CONCERNS

Mayor Kovacs opened the meeting to the public.

Jeff Duckworth, 28 Coleman Hill Road, asked for the status of the detention ponds in the Pacesetter development. Attorney Lavery explained he did a title search and the detention basins appear to be owned by the property owners. Letters were written to the property owners advising them of this and the homeowner's responses will be discussed with the Committee in Executive Session. The basins appear to be the responsibility of a Homeowner's Association, which doesn't seem to exist. J. Duckworth is disappointed the Township is maintaining the basins and discussed with Mr. Klingel and Attorney Lavery. J. Duckworth asked for clarification as to what the Code & Construction Department pays on a monthly basis to the Township. He feels Code & Construction should be treated as a shared service and should be paying for maintenance, electric, etc. K. McCarthy explained amounts owed are based on revenue. J. Duckworth feels when revenue is low, the taxpayers are paying for the Code & Construction office. Mayor Kovacs and Mr. Elbassiouny explained the convenience to the residents and discussed with J. Duckworth. J. Duckworth questioned the amount of hours spent on the DPW's shared service with the schools. Mr. deBoer stated the time is accounted for on the pie chart in J. Cooper's report.

Joel Schnetzer, 240 Cemetery Hill Road, spoke about preserving farmland in Warren County and questioned why the Township does not have a Planning Incentive Grant program. Mayor Kovacs explained past practices and would like to meet with both J. Schnetzer and D. Dempski to discuss farmland preservation. J. Schnetzer would like farmland preservation to be a priority in Washington Township. J. Schnetzer questioned the varying rates of the flex card each month on the bills list. K. McCarthy explained the flex card is used by employees for incidental medical expenses; therefore, charges vary based on individual usage. Mayor Elbassiouny explained the benefits and the savings to the Township and discussed with J. Schnetzer. J. Schnetzer would like to attend meetings where the Highlands plan conformance is discussed. Mr. deBoer stated a detailed status report will be available soon. The Highlands will be discussed at upcoming Environmental Commission and Land Use Board meetings and the public is welcome to attend any public meetings.

Mayor Kovacs stated he is considering limiting the speaking time during the public portion of the meeting. Residents are encouraged to contact either himself or the Township Administrator during work hours.

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

OLD BUSINESS

Mr. deBoer stated he and the Township Engineer met with Environ, the contractor who requested monitoring wells be placed on Cider Lane. He recommends the Committee authorize the Mayor to sign the access agreement pending approval of the Township Engineer and Township Attorney as this would allow the project to be completed by the end of November. A motion was made by Elbassiouny, seconded by Klingel, to authorize the Mayor to sign the Cider Lane Monitoring Wells Agreement, pending approval from the Township Engineer and Township Attorney, subject to Environ providing proof of insurance and subject to Environ maintaining the wells and consider posting a bond for future maintenance and an indemnification agreement.

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

NEW BUSINESS

Mayor Kovacs explained a Life Insurance Benefit to Employees Program from New York Life. There would be no cost to the Township and employees would have the option of enrolling. The Committee discussed with Mr. de Boer and determined there is no interest at this time.

A motion was made by Klingel, seconded by Elbassiouny, to approve N. Godfrey's and A. Kilduff's attendance at the "Mid-State Registrars' Association Re-Certification Seminar" on October 1st in Bridgewater, NJ. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to approve P. deBoer's and K. McCarthy's attendance at the "Long Term Capital Planning and Budgeting Seminar" on September 26th in Rockaway, NJ. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to approve P. deBoer's attendance at the "Fundamentals of Developing Effective Specifications Seminar" on November 28th in East Brunswick, NJ. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to approve a request from D. Kaufman to host a "Cruise Night" at Junk Rx Outlet. The Clerk clarified this is a one-time event. D. Kaufman may re-apply for future dates. Mr. Finke questioned the insurance coverage. Mr. deBoer stated the certificate of insurance is reviewed by Wells Fargo. All were in favor.

A motion was made by Klingel, seconded by Elbassiouny, to approve the Fire Department conducting its annual roadside fundraising activity on Friday, November 23rd. All were in favor.

A motion was made by Klingel, seconded by Finke, to approve a request from the Land Use Board Secretary to change her office hours from Tuesday evenings to Wednesday from 5:00 – 7:30 pm. All were in favor.

A motion was made by Elbassiouny, seconded by Klingel, to approve the Washington Township PTA's request to use the pavilion parking lot after hours for "Trunk-or-Treat" activities. All were in favor.

A motion was made by Klingel, seconded by Finke, to accept with regret the resignation of Land Use Board Member Robert Christine. Mr. Elbassiouny requested a letter be sent on behalf of the Committee thanking R. Christine for his service. All were in favor. Mayor Kovacs moved Stephen Swinton from the Alternate 1 position to the position vacated by R. Christine. Mayor Kovacs appointed Joel Schnetzer to the Alternate 1 position.

Mayor Kovacs appointed Erik Grisham to the Alternate 1 position on the Recreation Commission.

REPORT FROM OFFICIALS

Mayor Kovacs had nothing to report.

Mr. Klingel had nothing to report.

Mr. Finke had nothing to report.

Mr. Elbassiouny had nothing to report.

PAYMENT OF BILLS

A motion was made by Elbassiouny, seconded by Klingel, to approve the payment of the bills. After reviewing with the CFO, Mr. Finke would like to exclude check numbers 3252, 3253 and 3269 as they are duplicate payments. The motion was amended to exclude the checks mentioned.

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

EXECUTIVE SESSION

A motion was made by Elbassiouny, seconded by Klingel, to approve Resolution 12-120, 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 9:24 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a personnel matter dealing with the Police Department, a potential litigation matter dealing with Broadview Networks, an attorney/client privilege matter dealing with the Port Colden monitoring wells and a pending litigation matter dealing with Medina.

A motion was made by Klingel, seconded by Elbassiouny, to come out of Executive Session at 9:35 p.m. All were in favor. Attorney Lavery stated the Committee discussed a personnel matter dealing with the Police Department. 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.

Per Chief McDonald's request, a motion was made by Elbassiouny, seconded by Klingel, to hire Jonathan Kuligowski for employment with the Washington Township Police Department.

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

A motion was made by Klingel, seconded by Elbassiouny, to approve Resolution 12-121, Resolution to Authorize and Approve Salaries and Wages for Certain Employees (J. Kuligowski), effective September 19, 2012.

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

Jonathan Kuligowski was sworn in by the Clerk.

Chief McDonald spoke to the Committee about an armored personnel carrier referred to as a "war wagon" which has recently been publicized. Maintenance would be low and he feels it would be an asset to the County. After discussing with the Prosecutor, should the County decide not to accept the vehicle, he would like the Township to accept it from Bergen County. A motion was made by Elbassiouny, seconded by Finke, if the County rejects the vehicle, Washington Township would accept it.

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

A motion was made by Klingel, seconded by Finke, to approve Resolution 12-122, 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 9:45 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing the items previously announced that were not covered, including a potential litigation matter dealing with Broadview Networks, an attorney/client privilege matter dealing with the Port Colden monitoring wells and a pending litigation matter dealing with Medina.

A motion was made by Elbassiouny, seconded by Finke, to come out of Executive Session at 10:13 p.m. All were in favor. Attorney Lavery stated the Committee discussed a potential litigation matter dealing with Broadview Networks, an attorney/client privilege matter dealing with LSRP and a pending litigation matter dealing with Medina. 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 Finke, to authorize the execution of settlement documents with regard to Broadview Networks for the amount discussed in Executive Session.

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

A motion was made by Klingel, seconded by Kovacs, to authorize Tom Fisher, the attorney on the Medina lawsuit, to make the offer with the parameters as set forth in Executive Session.

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

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Elbassiouny, seconded by Finke, to adjourn the meeting at 10:15 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey
Township Clerk