

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
June 18, 2013

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 Robert Klingel.

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; Willan, present  
Horensky, absent

STAFF PRESENT

Anna C. Godfrey, Township Clerk; Attorney Michael Lavery; Lieutenant Jim Teter; Kevin McCarthy, CFO; and Jeff Cooper, Assistant Municipal Supervisor of Public Works

SALUTE TO THE FLAG

APPROVAL OF MINUTES

A motion was made by Finke, seconded by Willan, to approve the minutes of the joint meeting of the Committee, Land Use Board and Environmental Commission held May 29, 2013.

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

A motion was made by Finke, seconded by Willan, to approve the minutes of the regular meeting held May 21, 2013.

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

A motion was made by Willan, seconded by Finke, to approve the Executive Session minutes from the regular meeting held May 21, 2013.

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

ORDINANCE

Mr. Kovacs stated he is not completely in favor of the Highlands Plan, and has concerns should the Township decide to opt out of the program at a later date. The Committee and Attorney Lavery discussed. Mayor Klingel reminded the Committee this is for first reading and further discussion would take place at the next meeting. A motion was made by Kovacs, seconded by Willan, to introduce Ordinance 13-05, Ordinance of the Township of Washington, County of Warren, to Petition the Highlands Council for Plan Conformance for the Planning Area, on first reading.

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

Public hearing and adoption will take place at the July 16, 2013 meeting.

RESOLUTIONS

A motion was made by Kovacs, seconded by Finke, to approve Resolutions 13-94 through 13-110, excluding 13-97, 13-106 and 13-108.

13-94 Redemption Resolution – Block 40; Lot 85

13-95 Refund Resolution – Block 48; Lot 71.03

13-96 Certification of the Annual Audit

13-98 Liquor License Renewal – Elydo Inc (Roxmex)

13-99 Liquor License Renewal – VFW Post #6701

13-100 Liquor License Renewal – Roaring Rock Inn

13-101 Liquor License Renewal – Hawk Pointe LLC

13-102 Liquor License Renewal – Washington Retail Consumption License Holding Co. (Ocino)

13-103 Liquor License Renewal – Oakwood Lanes/Sport Scene Restaurant

13-104 Liquor License Renewal – Daya Wine & Liquors, Inc.

13-105 Resolution Authorizing the Township Special Tax Appeal Attorney to Enter into a Stipulation of Settlement Relative to the Tax Appeals Captioned DP Warren LLC vs. Washington Township, Tax Court of New Jersey, Docket Numbers 006964-2009; 010140-2010; 009997-2011; and 008199-2012

13-107 Resolution Authorizing and Approving Salaries and Wages for Certain Employees (K. Bennett/Animal Control)

13-109 Resolution Appointing Lydia Schmidt as Tax Assessor – Year 2 of a 4 Year Appointment

13-110 Release of Performance Guarantee to Washington Cemetery Association – Block 67; Lot 4

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

Mayor Klingel congratulated the Clerk for passing the State Exam for Municipal Clerk. A motion was made by Klingel, seconded by Kovacs, to approve Resolution 13-97, Appointment of Anna C. Godfrey to the Position of Municipal Clerk.

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

Mr. Finke asked for the acreage of the property referenced in Resolution 13-106. Attorney Lowcher, representing Asbury Farms, was in the audience and explained the sale of a tax lien is being considered, not property. Attorney Lavery further explained tax sale certificates and tax sales. Mr. Finke preferred an auction be held. A motion was made by Kovacs, seconded by Willan, to approve Resolution 13-106, Resolution Authorizing the Private Sale of Tax Sale Certificates Pursuant to N.J.S.A. 54:5-113.

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

Mayor Klingel asked for clarification on Resolution 13-108. Mr. Finke explained the Environmental Commission Chairman indicated at the last meeting he was no longer able to prepare meeting minutes due to his job responsibilities and spoke to Mr. deBoer asking to appoint a secretary to the Board. K. McCarthy stated there is a line item for a part-time administrative assistant. Mayor Klingel noted this is not currently done with any other committee and there is no Environmental Commission budget. The Committee discussed. Mayor Klingel asked three times for a motion. Hearing none, Resolution 13-108, Resolution Authorizing and Approving Salaries and Wages for Certain Employees, (Kilduff/Environmental Commission) failed.

Mr. Kovacs stated the Animal Control Officer approved in Resolution 13-107 has already been hired by several other towns. He would like to provide one of the Township's old police vehicles for Kim Bennett's use. Other towns would have to agree to pay for mileage, gas, etc. The Township's contribution would be the vehicle. Mayor Klingel asked if the acceptance of the job is contingent upon receiving a vehicle. Mr. Kovacs replied it is not. Mayor Klingel asked if the salary would be adjusted to reflect the vehicle. The Clerk explained the salary and stated the vehicle would be used for business purposes only. K. McCarthy explained the financial benefits. The Committee discussed with K. McCarthy. A motion was made by Kovacs, seconded by Finke, to allow use of one of the Township's SUV's. Arrangements would be made with other towns to provide gasoline.

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

#### STAFF ADMINISTRATIVE REPORTS

The Police report was previously submitted. Lieutenant Teter stated National Night Out will be held on Tuesday, August 6<sup>th</sup> from 6:00 p.m. – 9:00 p.m. at Meadow Breeze Park.

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

J. Rossi had nothing to report.

K. McCarthy stated a mid-year operating expense review has been completed and the Township is tracking well with the current budget. He will be meeting with department heads within the next week to discuss expenses.

#### PUBLIC QUESTIONS AND CONCERNS

Mayor Klingel opened the meeting to the public.

Frank Marascia, 27 St. Andrews Drive, stated there was an accident in front of his house last week. The vehicle was speeding, went up onto his property knocking down his mailbox and running over his son's backpack, damaging his electronic equipment which was inside. He provided the Committee with photos. He is requesting speed limit signs be posted on their street and periodic police presence. Mayor Klingel will discuss this with Chief McDonald. Mr. Willan suggested the radar speed trailer be placed there. Lieutenant Teter stated they have been having problems in that area and will do whatever they can.

Joel Schnetzer, Cemetery Hill Road, stated he agrees with Mr. Kovacs' comments regarding the Highlands Ordinance. It is the goal of the Land Use Board to get a better relationship with the Natural Systems Utilities representative regarding help with the Highlands Plan. He would like to have the Township Administrator and Sean Brown attend the next Land Use Board meeting. If the Township decides to opt into the Highlands, he feels it is important the Township have a Comprehensive Farmland Preservation Program. He asked the Committee to send a draft to the legislature asking for the dual appraisals to continue. He explained the dual appraisals and stated he has a copy from the County which he can forward for Committee review.

Richard Cotton, Hawk Pointe, agreed with J. Schnetzer's and Mr. Kovacs' comments regarding the Highlands. He feels more people need to be involved, including schools, and take the opportunity to make a comprehensive plan. Mr. Finke asked for clarification as to how the schools would be involved. R. Cotton explained any development has the potential to negatively impact our schools. Approximately 70% of the Township's municipal budget is obligated to the schools. He feels any comprehensive plan should include those who are responsible for that much of the budget.

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

#### OLD BUSINESS

There was no old business at this meeting.

NEW BUSINESS

Mayor Klingel stated the Township received Services Order Requests from the Warren County Health Department for 92 Windemere Terrace and 21 Kinnaman Avenue due to high grass. J. Cooper stated the work was completed on June 4<sup>th</sup>.

Lieutenant Teter spoke about problems they have been having regarding speeding on Mine Hill Road. He would like the speed limit in that area reduced from 40 mph to 35 mph in the area of Bowerstown Road to the Oxford line, keeping it consistent with the Oxford portion of the road. He would then petition the County Engineer to reduce the speed limit of their portion of the road. Lieutenant Teter would also like 20 mph suggested speed limit signs and "sharp curve ahead" signs placed at both curve locations. Attorney Lavery asked Lieutenant Teter to give the information to Mr. deBoer who will forward it to himself and the Township Engineer. An ordinance would need to be prepared. A motion was made by Finke, seconded by Willan, to proceed with the request from Lieutenant Teter to lower the speed limit on Mine Hill Road and to approve Attorney Lavery to contact the County regarding the same.

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

REPORT FROM OFFICIALS

Mr. Willan had nothing to report.

Mr. Finke had nothing to report.

Mr. Kovacs had nothing to report.

Mayor Klingel had nothing to report.

PAYMENT OF BILLS

A motion was made by Willan, seconded by Kovacs, to approve the payment of the bills.

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

EXECUTIVE SESSION

A motion was made by Willan, seconded by Finke, to approve Resolution 13-111, 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 8:27 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a contractual matter dealing with the Police Shared Service Agreement with the Borough, an attorney/client privilege matter dealing with the Southwinds Development drainage issue, and a litigation matter dealing with an update on Washington Township vs. Pinnacle.

A motion was made by Finke, seconded by Willan, to come out of Executive Session at 9:28 p.m. All were in favor. Attorney Lavery stated the Committee discussed a contractual matter dealing with the Police Shared Service Agreement with Washington Borough, an attorney/client privilege matter dealing with the Southwinds Development drainage issue, a litigation matter dealing with Pinnacle, and a personnel matter dealing with the Code & Construction 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.

A motion was made by Willan, seconded by Kovacs, to accept the recommendation from the Code & Construction Department regarding a lay-off.

ROLL CALL: Willan, yes; Kovacs, yes; Finke, yes with regret; Klingel, yes

Attorney Lavery stated this will take effect June 28, 2013.

A motion was made by Finke, seconded by Kovacs, to authorize Attorney Lavery to write a letter to Mr. Wilson in response to the proposal on the drainage easement.

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

Attorney Lavery stated for the benefit of those in the audience that his letter will state the Township stands by its initial offer of May 2012 because they don't want any responsibility going forward on the drainage easement as they are not legally responsible for it. Mr. and Mrs. Fratisi and Mr. Birth discussed with Attorney Lavery.

ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Kovacs, seconded by Finke, to adjourn the meeting at 9:45 p.m. All were in favor.

Respectfully submitted,

Anna C. Godfrey, RMC  
Township Clerk