

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Meeting  
September 17, 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; Horensky, present; Klingel, present; Kovacs, present; Willan, present

STAFF PRESENT

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

SALUTE TO THE FLAG

Mayor Klingel asked for a moment of silence in remembrance of the lives lost at the Washington Naval Yard.

APPROVAL OF MINUTES

A motion was made by Horensky, seconded by Willan, to approve the minutes of the regular meeting held August 20, 2013.

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

A motion was made by Kovacs, seconded by Horensky, to approve the Executive Session minutes from the regular meeting held August 20, 2013.

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

ORDINANCE

Mayor Klingel stated a Mayor's meeting was held with the Highlands Council. He would like to postpone the adoption of Ordinance 13-05, Ordinance of the Township of Washington, County of Warren, to Petition the Highlands Council for Plan Conformance for the Planning Area until a later date. He feels there are questions that have not yet been answered. A motion was made by Horensky, seconded by Klingel, to postpone the adoption of Ordinance 13-05.

ROLL CALL: Horensky, yes; Klingel, yes; Finke, no; Kovacs, no; Willan, no – Motion Failed

A motion was made by Finke, seconded by Kovacs, to deny Ordinance 13-05, Ordinance of the Township of Washington, County of Warren, to Petition the Highlands Council for Plan Conformance for the Planning Area.

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

Mayor Klingel stated Ordinance 13-05 has failed. Attorney Lavery recommended Mr. deBoer speak with the Highlands Council regarding professional fees that are due. The Township can reintroduce the ordinance at a later date if they choose. Mayor Klingel asked Mr. deBoer and K. McCarthy to inform the Highlands Council of the Township's decision. He would like to meet with representatives from both the Land Use Board and Environmental Commission to discuss this decision.

RESOLUTIONS

A motion was made by Horensky, seconded by Finke, to approve Resolutions 13-127 through 13-129.

13-127 Resolution Imposing a Halloween Curfew Establishing Observance of Trick or Treat within the Township of Washington

13-128 Resolution Seeking Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Cemetery Hill Road Improvements Section I Project

13-129 Resolution Seeking Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Rymon Road Improvements Section IV Project

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

STAFF ADMINISTRATIVE REPORTS

Chief McDonald previously submitted a report. He thanked Nicholas Kaufman for the radar unit he donated to the Police Department.

J. Cooper previously submitted a report and had nothing further to report. Mayor Klingel thanked the DPW for repairing the volleyball courts at Meadow Breeze Park.

J. Rossi had nothing to report.

K. McCarthy stated he will be conducting detailed forecast meetings with the Department Managers. He completed a Standards & Poors questionnaire which reconfirmed the Township's AA credit rating.

Mr. deBoer previously submitted a report and had nothing further to report.

#### PUBLIC QUESTIONS AND CONCERNS

Mayor Klingel opened the meeting to the public.

Erich Sodtalbers, Land Use Board Chairman, explained the Land Use Board's decision to vote down opting into the Highlands. After meeting with representatives from the Highlands Council at a Mayor's meeting, it was felt there would be considerable loss of equity to anyone with substantial acreage in the Planning Area and any development other than single-family homes would have to be approved by the Highlands Council. He would like the Township to remain in control of what occurs in the municipality.

Peter Basile, 14 Kinnaman Avenue, stated he was before the Committee last month. For the past eleven years he has been applying for a position with the Public Works Department and questioned the person who was recently hired. Mayor Klingel stated the most qualified person was hired. P. Basile discussed the job qualifications with Mr. Horensky. Attorney Lavery stated it is a personnel matter and details of the person hired cannot be discussed in public.

Joel Schnetzer, 240 Cemetery Hill Road and Vice-Chairman of the Land Use Board, applauded E. Sodtalbers' explanation of the Land Use Board's position regarding the Highlands. J. Schnetzer discussed the Committee's vote of the Highland's Ordinance with Mayor Klingel and hopes the Ordinance is not re-considered at a future date.

Marilyn Sendell, 9 Mountain Ridge Drive, asked the amount of money owed to the Highlands Planner. K. McCarthy replied \$50,000 and explained. M. Sendell doesn't feel the work received from the Planner totals \$50,000 and discussed with K. McCarthy. Committee discussion followed regarding invoices and the completion of Highlands tasks.

Sam Piazza, Piazza Farms and Greenhouses in Phillipsburg, owns land on Asbury Anderson and Changewater Road and feels letters should have been sent to the farmers who would be impacted by the change so they may be aware of the meeting. Mayor Klingel stated a meeting with the farmers was discussed at the recent Mayor's meeting and will be done in the future.

Al Ivany, Environmental Commission Chairman, thanked the Committee for their vote on the Highlands Ordinance. The Environmental Commission offers their assistance with any future items regarding the Highlands.

Hank Klump, Tewksbury farmer, feels the Committee made the right decision to not vote into the Planning Area.

A motion was made by Horensky, seconded by Finke, to close the public portion of the meeting. All were in favor.

#### OLD BUSINESS

There was no old business at this meeting.

#### NEW BUSINESS

Mayor Klingel acknowledged receipt of a copy of a letter from Chief McDonald to Nicholas Kaufman for his donation of a 2001 Trac Radar Unit to the Police Department.

A motion was made by Kovacs, seconded by Finke, to approve N. Godfrey's attendance at the MCANJ Central 2013 Mini Conference on Wednesday, September 25<sup>th</sup> in Somerset, NJ.

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

A motion was made by Finke, seconded by Willan, to approve a request from the Washington Township Fire Department to conduct an annual roadside fundraiser on Friday, November 29<sup>th</sup> from 8:00 a.m. to 4:00 p.m.

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

Mr. Kovacs stated he questioned why they are doing a fundraiser when the Township has a Fire District. He learned the money collected is used for scholarships.

A motion was made by Finke, seconded by Willan, to approve a request from the Washington Township PTA to hold the 2<sup>nd</sup> Annual Trunk or Treat event at the Meadow Breeze Park pavilion and parking lot on Sunday, October 27<sup>th</sup> from 5:00 p.m. to 7:00 p.m.

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

Mayor Klingel stated there is a Service Order Request from the Warren County Health Department for 33 Port Colden Road. A motion was made by Willan, seconded by Kovacs to approve work be done on this property in the amount of \$305.00.

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

A motion was made by Finke, seconded by Willan, to approve N. Godfrey's and A. Kilduff's attendance at the Mid State Registrar's Association Fall Re-Certification Seminar on Tuesday, October 22<sup>nd</sup> in Bridgewater, NJ.

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

Mr. deBoer stated the Highlands Council has provided a separate \$5,000 grant to the Township to review the Water Use Conservation Management Plan. He explained it will analyze groundwater availability in three watersheds to identify strategies for water conservation. Mr. deBoer noted this has nothing to do with the Highlands Plan Conformance and does not require State approval. A motion was made by Kovacs, seconded by Horensky, to approve the review of the Water Use Conservation Management Plan, not to exceed \$5,000.

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

Mayor Klingel stated the Township received a letter from the Warren County Chamber of Commerce proposing legislation for a new fourth waiver to the Highlands Act. The Committee discussed. E. Sodtalbers explained the County is asking municipalities to agree with them in taking the main route corridors out of the Highlands' Preservation Area. A motion was made by Horensky, seconded by Willan, to instruct Mr. deBoer to contact the Warren County Chamber of Commerce regarding the Township being in favor of the fourth waiver to the Highlands Act.

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

#### REPORT FROM OFFICIALS

Mr. Finke stated the County is offering free paper shredding services on September 28<sup>th</sup> and a household hazardous waste clean-up on September 29<sup>th</sup>. The County is considering expanding the landfill.

There were no other reports from the Committee.

#### PAYMENT OF BILLS

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

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

Mayor Klingel thanked the residents for attending Committee meetings and for providing input to the Committee.

#### EXECUTIVE SESSION

A motion was made by Horensky, seconded by Willan, to approve Resolution 13-130, 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 8:20 p.m. All were in favor. Attorney Lavery explained the Committee will be discussing a contractual matter dealing with the Washington Township/Washington Borough Police Services, a pending litigation matter dealing with Pinnacle/Hawk Pointe Developers, and a personnel matter.

A motion was made by Horensky, seconded by Kovacs, to come out of Executive Session at 9:26 p.m. All were in favor. Attorney Lavery stated the Committee discussed a contractual matter dealing with the Washington Township/Washington Borough Police Services, a pending litigation matter dealing with Pinnacle/Hawk Pointe Developers, a personnel matter, and an attorney/client privilege matter dealing with Fairway Estates pump station. 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 Horensky, seconded by Kovacs, to authorize the settlement for the Washington Township/Washington Borough Police Mediation based on the terms and conditions as discussed in Executive Session.

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

A motion was made by Horensky, seconded by Willan, to direct Attorney Lavery to advise Pinnacle of the Township's position with regard to their latest offer.

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

A motion was made by Horensky, seconded by Willan, to approve Resolution 13-131, Resolution to Authorize and Approve Salaries and Wages for Certain Employees (S. Heerwagen).

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

Mayor Klingel stated the Committee will now view a fifteen minute training video on Sexual Harassment as required by the Township's Insurance Company.

#### ADJORNMENT

Hearing no further business to come before the Committee, a motion was made by Horensky, seconded by Willan, to adjourn the meeting at 9:40 p.m. All were in favor.

Respectfully submitted,  
Anna C. Godfrey, RMC  
Township Clerk