

TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes
March 17, 2009

The regular meeting of the Township Committee was held 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 Samir Elbassiouny.

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, transmitted to the Express Times and posted at the municipal building and a copy is on file in the Clerks Office. This agenda is subject to change by the order of the Washington Township Committee and/or during the scheduled meeting.

ROLL CALL: Elbassiouny, present; Kovacs, present; Mueller, present; Strunk, present. Horensky was absent. Peter de Boer, Certified Public Works Manager, Chief James Mc Donald and Mary Ann O'Neil, Township Clerk were also present.

SALUTE TO FLAG

The Mayor said the agenda will be changed tonight. He said the item to be discussed at this time is not on the agenda and was not intended to be on the agenda. There have been conversations in the Township that the Township Committee intended to reverse the Recreation Commission decision on Field Scheduling. The rumor is false, nothing has been discussed or decided. The Mayor said the Township's priority is to the Washington Township Youth Association. They also respect the decisions the Recreation Commission makes, who try very hard to please everybody. They accommodate other people, such as Warren United Soccer Team. The decisions made for scheduling the fields is strictly designed to work with the Recreation Commission. The rumors out there should be put to rest. The Mayor opened the floor for any public comments. The Mayor spoke with both presidents of the Washington Township Youth Association and Warren United Soccer Teams. They both understand that the decision is final and there is really nothing further to discuss.

David Dempski, 4 Old Canal, Road, currently serving as president of the Washington Township Youth Association, said the Meadow Breeze Park is a jewel for everybody to use. It is a fantastic facility. Dempski said they are willing to share and cooperate with anyone. The WTYA will organize and cooperate and use fields together. They will share with Warren Hills and cooperate with anyone. They previously had reserved the Port Colden Field, but are willing to share it with Warren United to help them accomplish their goal for practices. He will do this, as long as he has the assurance that the decisions made at the Recreation Commission stand. This is about cooperation. They would be willing to relinquish some of the fields, if not all the fields.. They want to get all programs in park for all the residents. They asked for 2 fields, they received 2 fields. His organization will support, sharing, cooperating and compromising whenever possible. He said he supports the Recreation Commission in their decisions and they have been treated fairly. He would give up a field for Warren United if needed to practice on.

The Mayor said it needs to be fair and equitable for all. Everybody has to be represented and not a specific group or sport. He said Warren Hills played 34 games last year, but will be building a turf field this year, which will relieve space. The Recreation Commission is trying to help everybody. The first priority is to the youth.

Walter Godfrey, Vice Chairman of Washington Township Recreation Commission, gave a report on the field scheduling for 2008. There had been four meetings to do a fair scheduling. The Mayor said parents are upset and want to know why the children cannot use the same fields at same time. Godfrey said there are budget constraints right now and there are different needs for boys and girls. He said they try to satisfy everybody. They told the soccer teams two years ago to look for other fields.

Joseph Fellanto, Warren United Soccer President, came into the meeting. The Mayor advised him that, basically, David Dempski, president of the Washington Township Association had said he willing provide Port Colden Field to them for practices or games. Fellanto said it is smaller than S5, which is what they require, but it is a good field for practice. Fellanto said he went to the meeting last year and was told to look somewhere else to play. His organization has done that already and tried other municipalities. They are also a nonprofit organization. Unfortunately any games they cannot field they get fined \$100 a game. His organization wants to know why they cannot use the fields on Sunday. The Mayor said the lining of the fields is too expensive for them to do it day in and day out, and an employee would have to be brought in to do fields on Sunday.

Fellanto said most multi sports fields use colors and it is not confusing. He is not looking to push anybody out. He felt both organizations should come to an agreement, they both are working with the children. He does not understand why they cannot be accommodated. The Mayor suggested he contact Mansfield Township. Fellanto advised they had and were told no, but they are looking elsewhere. His parents, who live in the Township want to know why they cannot be accommodated.

Fellanto said last year they had 19 teams, this year 15 teams and four for West Jersey that they do the scheduling for games. The Mayor said in 2008 they played 183 games together. Fellanto said this sounds about right. This year, the time allotted for them caused them to reschedule for 33 games. Fellanto said the problem is they may have 12 home games scheduled and there is no way if the field is short sided they can use the field. They are looking of one game being fined right now. The Mayor said he is aware of his concern and if there was anything they Committee could do, they would. The club will have to pursue playing 33 games elsewhere. The Mayor said that any decisions must go through the Recreation Commission.

Fellanto said they would do the lining on Sunday and have a machine. The Mayor again told him to go to the Recreation Commission. Fellanto said they have to finalize their schedule in two days.

James Miller, Recreation Commission and Field Scheduling Committee, said they had four meetings. They were notified they would not be getting the fields. They are also taking baseball fields away to accommodate lacrosse as well. Miller said they are trying to work with everybody. The Youth Association comes first and they fill in after that.

Committeeman Kovacs said the Committee cannot interfere with the Recreation Commission, they are doing their best with the fields.

Manny Manchelli, Warren United parent, offered to pay for paint and do the lining. If it was a budget issue, this would be solved. The Mayor advised, take this information to the Recreation Commission.

Marco Fernandez, said they lose \$5 for lacrosse and this year \$2 and \$5.

James Miller, said the boys lacrosse is an outside organization, this year under the township umbrella. As far as the painting of lines, because the DPW is union, organizations cannot paint their own lines. Peter de Boer, Certified Public Works Manager, said he does not know if this is true. They spend a lot of money for fertilizer and watering the fields. The DPW crews are trained and have taken courses to take care of the fields. It is not just about lining, it is field and turf management. Sometimes the fields just need to sit and not be used. The Recreation Commission is educated and know how important this it. The DPW crews take pride in what they do with the fields.

Committeeman Mueller said the Recreation Commission works hard on making fair decisions. The Committee should not interfere with their decisions.

Committeeman Strunk said the Committee appoints good people to work on Recreation Commission.

This was the end of public discussion. This ended at 8:00 p.m. The Mayor said there would be a short break at this time so the public could leave if they wanted to do so. The meeting resumed at 8:10 p.m.

PROCLAMATION

Proclamation Honoring Oakwood Lanes/Sports Scene - The Mayor presented the proclamation to Rob Plenge honoring the Oakwood Lanes/Sport Scene Business for being in operation in the Township for 50 years. Plenge commented that he was glad the Township is taking care of the township kids and they should keep up the good work.

APPROVAL OF MINUTES

Kovacs made a motion to approve the Regular Minutes of January 20, 2009, Strunk seconded.

ROLL CALL: Kovacs, yes; Strunk, yes; Mueller, yes. Elbassiouny, abstain.

Kovacs made a motion to approve the Executive Session Minutes of January 20, 2009, Strunk seconded.

ROLL CALL: Kovacs, yes; Strunk, yes; Mueller, yes. Elbassiouny, abstain.

ORDINANCES

Kovacs made a motion to open Ordinance 09-04 Ordinance Amending, Revising & Supplementing Chapter 23 of Code of the Township of Washington, Entitled "Officers & Employees," Article VII, Entitled, "Acting Township Administrator," Mueller seconded. All were in favor.

Eve Marks, questioned, what has changed in the community to necessitate spending tax payers funds on this position. People are losing homes and moving out of Township. What has changed so drastically?

Committeeman Kovacs said, at one time the Township had 4200 people. Washington Borough had a population of 7000 at that time. The Township is now larger than the Boro and it has come to the point to consider having an Acting Administrator. There was the question to consider, when can the Township afford to get one. It could cost \$100,000, plus \$15,000 in benefits. At this time, the Township is in a position to bring somebody on board to do

this job for \$10,000, prorated at \$7500 and not pay benefits. We are getting somebody for \$7500 and this person has also done special projects, so it is a good deal for the Township.

Eve Marks questioned the experience this person has. What is his education and qualifications?

Committeeman Kovacs said he was in the Township when de Boer came on as employee and he would be a great administrator. de Boer was already getting \$5000 as project manager, so this position is only costing the Township \$2500.

Mayor Elbassiouny said this position is only on a temporary basis. This is not a permanent position, they will be searching to see what is out there.

Eve Marks asked if this was temporary until the interview for the position and said she was confused on the township's hiring practice. She asked if anyone else was given the opportunity to apply for this position. She asked if there was a contract in place for this position if a law suite should arise over the hiring procedure. If de Boer is Acting, who then will be the new Certified Public Works Manager? Mayor Elbassiouny said he will do both positions and will be trying to promote someone to supervisor.

Committeeman Kovacs said the Township is need of an administrator, but cannot budget to do so at this time, but de Boer will be filling the position until the end of the year.

Eve Marks said, if you say so. She said the hiring practices in the Township are not in line with other Townships. We need qualified people and actually go through the hiring process, so they have legitimate type of government, with no conflict of interest, to any person or group. This is a potential law suit waiting to happen. Mayor Elbassiouny asked what law suit? Marks said she was qualified and could do it, why cannot she fill the position? Kovacs asked if she would do it for \$2500, she said would do it for nothing.

Committeeman Michael Kovacs said, for \$2500, they can bring de Boer on board and he is convinced that he can do the job on a temporary basis, until they interview and hire elsewhere.

Mayor Elbassiouny said they are trying to get the job in motion. They absolutely need a day to day person aboard. This is a temporary position, they cannot afford someone full time, there is no money. This is a part time solution.

Eve Marks asked about the time frame? Mayor Elbassiouny said one year. Committeeman Kovacs said they cannot address it further until the budget next year. Marks said obviously there was extra money in the budget to do it at this time.

Eve Marks, asked why is there a need today, why is it imperative that this position be filled? Why now? Why not in December? We elected you to do certain things for us in as a Township. That is why you were elected into your positions. If you have full time jobs and cannot attend meetings, you should not be sitting there. Why is it imperative at this time?

Mayor Elbassiouny said they have needed someone for some time to take care of the day to day activities. This is the right time, because all employees are under one roof and someone needs to be in charge of the employees. Two years ago they did not have the opportunity to bring someone aboard to do this, but now they do. They will also research it further. They really needed it now. For you to say, if we are elected and have full time jobs we should not be sitting here, it is a very reckless comment on her part, because - Marks asked if she was being chastised as a tax payer. Mayor Elbassiouny said he was trying to explain to her, because the \$2700 compensation is not enough for him to feed his family, that the Committee does have outside jobs. Marks said she understood that. She said she was not trying to be smart, she was just making a comment, only that this Committee has been working for three years, but she asked why the administrator was needed now. This came up in September, why wasn't it addressed at that time? It was also on the agenda. She was just asking why now, its March. Mayor Elbassiouny said, financial reasons. Marks thanked the Committee for their time.

Liz Scoville, Osprey Court said there were some present that supported this ordinance and thought it was a good idea.

Frank Cregan, 62 Merlin Drive, said he attended over 90% of the meetings and land use board meetings for over five years. He is flabbergasted by the comments made by the new person coming to the meetings. de Boer is an outstanding candidate and it should be full time.

Tom Prisk, said he agrees with Cregan. He has also attended 80% of meetings. The Committee has worked their butts off. de Boer has held everything together. If you want to criticize, come to the meetings. They could have saved a lot of money over the last five years if they had direction.

Al Ivany, 1010 Butler Park Road, asked what is the future on this? The economy is not good and he cannot do both jobs. What are the plans for next year?

Mayor Elbassiouny said they need someone at the building for the day to day problems. The Township is trying to ease into this.

Committeeman Kovacs said the Committee knows de Boer's administrative abilities. He was project manager for the park and the new building and did well with both. He can be administrator for right now, but he still reports to the Township Committee.

There were no further comments

Mueller made a motion to close Ordinance 09-04, Kovacs seconded. All were in favor. Kovacs made a motion, after public hearing and second reading, to adopt Ordinance 09-04, Mueller seconded.

ROLL CALL: Kovacs, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

Kovacs made a motion to open 09-05 Ordinance to Amend an Ordinance Fixing the Salaries of the Officers & Employees of the Township of Washington, County of Warren and State of NJ, #2009-1, to the public, Mueller seconded. All were in favor, Al Ivany, 1010 Butler Road, asked what this ordinance meant? Kovacs said it is an ordinance fixing salary range and any salary must fall within the range, then a resolution is passed within limits of range. Mueller made a motion to close the public hearing, Kovacs seconded. All were in favor. Kovacs made a motion to adopt Ordinance 09-05, after public hearing and second reading, Mueller seconded.

ROLL CALL: Kovacs, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

Kovacs made a motion to introduce Ordinance 09-08 Ordinance of the Township of Washington, County of Warren, State of New Jersey to Amend, Revise & Supplement Chapter 58 of the Code of the Township of Washington to Regulate Donation Clothing Bins, Strunk seconded.

ROLL CALL: Kovacs, yes; Strunk, yes; Mueller, yes; Elbassiouny, yes.

Second Reading and Public Hearing will be April 20, 2009.

Mueller made a motion to introduce Ordinance 09-09 Ordinance amending & Supplementing Chapter 71, "Fees", Section 71-1.1, Municipal Court Discovery, Subsection B(7) Duplication of video tapes, Kovacs seconded.

ROLL CALL: Mueller, yes; Kovacs, yes; Strunk, yes; Elbassiouny, yes.

Second Reading and Public Hearing will be April 20, 2009.

RESOLUTIONS

The Mayor asked if anyone wanted to pull any resolutions, otherwise they would be approved with one vote.

Kovacs made a motion to approve Resolutions 09-45 through and including 09-47, Mueller seconded.

ROLL CALL: Kovacs, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

09-45 Tonnage Grant Application for 2008

09-46 Resolution Regarding Designating a Public Agency Compliance Officer (PACO)

09-47 Resolution to Authorize & Approve Salaries & Wages for Certain Employees (de Boer)

Kovacs made a motion to appoint Pete de Boer, as Acting Administrator, effective April 1, 2009 through December 31, 2009, Mueller seconded. Kovacs amended his motion to include at a salary of \$7500, Mueller seconded the amendment.

ROLL CALL: Kovacs, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

OTHER

Lavery advised that a prior meeting the Committee had discussed the release of the bond for Tony Concrete and he asked for a motion to release the bond, subject to review. Elbassiouny made a motion to accept the Maintenance Bond and release Performance Bond for Tony Concrete, subject to review by Lavery, Strunk seconded.

ROLL CALL: Elbassiouny, yes; Strunk, yes; Kovacs, yes; Mueller, yes.

REPORT FROM STAFF

Police Chief Mc Donald congratulated Pete de Boer on being appointed as Acting Administrator.

Mc Donald advised the Committee that the Township has been chosen to receive \$25,000 for a live scan, which would advise them immediately if someone was wanted. The State advised him the Township had been chosen for this equipment, no strings attached. They should have it up and running with the next three weeks.

Peter de Boer, Certified Public Works Manager, said he is aware of the pot holes in Township. He has been patching, but it is not sticking. He is still working on it. He advised residents are welcome to call him and advise where they find pot holes.

Also, OSHA was in to check on the October 2008 fire at the Department of Public Works. There were 12 areas that they were concerned about. As of this week, all have been abated.

PUBLIC CONCERNS AND QUESTIONS

Randy Anema, 83 Rymon Road, said his road is in total chaos. He has been there since 1984, it has never been paved. There is a very aggressive crown in it. It is from Cemetery Hill Road to Route 31. Chunks of road is coming up and asphalt is flying all over the place. de Boer said he agrees with him, the road is bad. He has spoken with the Township Engineer and it has been put on for State Aid Programs and he feels it could be a favorable road. de Boer said there is nothing he can do on this road this year.

Mayor Elbassiouny said that de Boer has a list of the worst roads which must be taken care of and is trying. Eventually, they would have to go out and bond all the roads and apply for grants. This was discussed during the budget sessions, but they are trying not to add more debt at this time. The Mayor is meeting with the County and hoping to get people to work together on projects.

Liz Scoville, 5 Osprey asked Lavery what is happening with her concerns. Lavery talked with engineer today and gave him the numbers and they are doing calculations. He should have this within the week.

George Willan, 32 Falcon Way, thanked the Road Department for clearing the streets and they have completed the cleanup. He also thanked the Mayor, de Boer and Finelli in getting Pinnacle to the table three weeks ago. They are waiting for Nevitt to come back on inspections. He asked the status of the sidewalks? Who will own when turned over? Lavery said he will check, but was pretty sure the homeowners will own sidewalks.

Frank Cregan, 62 Merlin Drive, echoed the comments made on the Anema's Road. He also drove past the Port Colden Manor, which is 167 years old, and questioned on whether it is safe building? The Mayor asked de Boer to check on this matter. He also said, he sees a lot of open space in the Township and cannot believe they cannot come up with another park. Kovacs said they have the old Morel and Segal Land, but right now they are trying to reduce Township Debt.

David Dempski, 4 Old Canal Road, said on the Acting Administrator Ordinance, as a tax payer, it will benefit the Township immensely having Pete de Boer as Acting Administrator.

Public portion ended 9:13 p.m.

NEW BUSINESS

1. Kovacs made a motion to approve Pete de Boer as Public Agency Compliance Officer (PACO), Mueller seconded. All were in favor.

2. Strunk made motion to approve the Clerk attending the Municipal Clerks Conference April 27 through April 30 in Atlantic City, Mueller seconded. All were in favor.

3. Discussion on outside agencies using building requiring \$1 million dollar rider. All organizations using buildings now have to post the rider. Lavery said this should be run by Risk Manager Sharon Cooper to see if its adequate. The volunteers are covered under umbrella coverage. The Clerk said that Horensky thought any groups should use the Code and Construction Building, Kovacs thought they should use the new building and Strunk thought they should use the Park and Recreation Building. He said he would like to see the Garden Club use it, but he is concerned about the \$1 million dollar rider. He thinks, right now, outside organizations should be going the Park and Recreation Building. This should be used by the Community. de Boer said the office rooms have equipment in them, but the meeting room is open. The downstairs is being used by the Department of Public Works. There was discussion, if people used the Park and Recreation Building, they could pick up key from Clerks Office, use building and bring back, there would be no overtime involved in having someone available to open and close building. The Mayor said that is why it should be a community center.

4. The Mayor advised Al Ivany, Environmental Commission that Cavazzini has resigned from Land Use Board, so he is automatically is off the Environmental Commission. Lavery will check into this for clarification., because according to Ordinance Book, you need a member from LUB on Commission. Ivany is trying to have a quorum for the next meeting.

5. There was discussion on the COAH Administrative Agent Agreement and applying for Grants and authorizing the Mayor to sign the agreement. The Mayor advised that NORWESCAP has offered to take care of the COAH paperwork and applying for grants. Kovacs made a motion to approve the signing of the agreement, Strunk seconded.

ROLL CALL: Kovacs, yes; Strunk, yes; Mueller, yes; Elbassiouny, yes.

REPORT FROM OFFICIALS

Committeeman Strunk said he and Horensky met with Susan Lennon , who is director of Senior Services with the County. They are talking about maybe being able to provide a person in the Park

and Recreation Building on a regular basis for seniors in Township and area. They could go in if they needed something, they could go to this person. He would like to have her come to the Budget Meeting on Saturday and provide ideas to the Township on how they could use space at the Park and Recreation Building.

Strunk met with Karen Graff, president of the Warren Hills Regional High School Board, who was concerned about the ordinance regarding the new fields. He will meet with her on the 31st to discuss this matter.

He spoke with Brian Wilcox, Web Master, and also sent a memo regarding agendas and minutes be provided to Brian Wilcox, webmaster, in a timely manner.

Committeeman Mueller said the two technical assistants (Sue & Diane) in Code and Construction have fulfilled their 90 day probation period and Chris Rose, Code Official recommended they be hired as part time permanent employees. Mueller made a motion they be hired on a permanent part time basis, Strunk seconded.

ROLL CALL: Mueller, yes. Strunk, yes; Kovacs, yes; Elbassiouny, yes.

Committeeman Kovacs said asked de Boer to look further in the Township having their own fuel tanks.

Mayor Elbassiouny said he and de Boer are meeting tomorrow with the Warren County Freeholders and Warren County Mayors to brain storm shared services.

He said the Musconetcong Watershed Association and Pohatcong Watershed Regional Storm Management Water Group said there is some money to assist in our storm water plan. The engineer said it would be about \$30,000 to prepare this. They will be looking into getting a grant on this. Scarlette Doyle and Finelli are working on this.

PAYMENT OF BILLS

Mueller made a motion to approve the payment of bills, Kovacs seconded.

ROLL CALL: Mueller, yes; Kovacs, yes; Strunk, yes on bills he signed; Elbassiouny, yes

EXECUTIVE SESSION

Strunk made a motion to approve Resolution 09-47A, Resolution Authorizing Executive Session of the Washington Township Committee for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act N J S A 10:4-12, at 9:45 p.m., for the purpose of contractual issues on shared service with two municipalities, Mueller seconded. All were in favor.

The doors were opened. Strunk made a motion to come out of Executive Session at 10:42 p.m, Kovacs seconded. All were in favor,

Lavery said the Committee came out of Executive Session at 10:42 p.m. where they discussed four matters, two contractual matters dealing with shared service agreements and police departments in surrounding towns and two attorney client matters, dealing with bridge on Woolston Way and Treatment Water Application for Asbury Farms. No official action was taken. Copies of these minutes will be available once the Committee determines there will be no harm to the public interest.

Strunk made a motion to authorize the Mayor to sign the Asbury Farms Treatment Water Agreement once all the other parties involved have signed the agreement, Kovacs seconded.

ROLL CALL: Strunk, yes; Kovacs yes Mueller, yes Elbassiouny

Mueller made a motion to authorize a shared service proposal regarding the police proposal with Oxford Township, Strunk seconded. Strunk asked when this would be allowed to be viewed by the public. Lavery said once it is approved.

ROLL CALL: Mueller, yes; Strunk yes; Kovacs, yes; Elbassiouny, yes.

Kovacs asked that any comments or problems with the agreement be passed on to the committee for

the Budget Meeting on Saturday.

ADJOURN

There being nothing further to come before the Committee, Mueller made a motion to adjourn at 10:48 p.m., Kovacs seconded. All were in favor.

Respectfully submitted,

Mary Ann O'Neil RMC/CMC/MMC
Township Clerk