

## TOWNSHIP OF WASHINGTON, WARREN COUNTY

Regular Minutes  
September 15, 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 7:31 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; Horensky, present; Kovacs, present; Mueller, present; Strunk, present. Michael Lavery, Township Attorney, Mary Ann O'Neil, Township Clerk, Peter de Boer, Acting Administrator and Certified Public Works Manager and Police Chief James Mc Donald were also present.

### SALUTE TO FLAG

### PROCLAMATION

The Mayor read a proclamation Honoring Frank "Dick" Rhinehart, which was accepted by his granddaughter. The Mayor said he was a legend that lived in the Township and loved working with the youth of the Township.

### APPROVAL OF MINUTES

Kovacs made a motion to approve the Executive Minutes of July 21, 2009, Elbassiouny seconded.

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

Kovacs made a motion to approve the Regular Minutes of August 18, 2009, Horensky seconded.

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

Horensky made a motion to approve the Executive Minutes of August 18, 2009, Kovacs seconded.

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

### ORDINANCE

de Boer recommended that the Committee not approve Ordinance 09-18. He has done some investigating with Bill Gleba, Township Engineer, on East Front Street and the school property. Kovacs made a motion to open Ordinance 09-18 Ordinance Amending, Revising and Supplementing Section 117-6 Entitled "No Parking Certain Hours" of the Code of the Township of Washington "Vehicles and Traffic, Horensky seconded. All were in favor. Nobody from the public wished to be heard. Horensky made a motion to close the public hearing, Kovacs seconded. All were in favor. The Mayor called for a motion to approve Ordinance 09-18, there being none, the approval of Ordinance 09-18 failed.

### RESOLUTIONS

The Mayor asked if anybody wanted to pull any resolutions, otherwise they would do a consent motion. Horensky asked that 09-121 and 09-123 be removed. Strunk asked that 09-119 and 09-120 be removed. Horensky made a motion that Resolutions 09-116, 09-122, 09-124 through and including 09-129 be approved, Strunk seconded. Horensky made a motion to amend motion to include 09-130 and 09-131, Strunk seconded.

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

09-116 Escrow Account/change of banks

09-122 Return of Permit Fee Resolution, Nelson and Diane Cardona

09-124 Liquor License Renewal/special ruling of inactive license, Ocino,t/a Washington Township Liquor License Holding Company

09-125 Tax Sale Certificate Redemption Block 3, Lot 6.01

09-126 Resolution authorizing the adoption of the Township of Washington Department of Police Manual Rules and Regulations for the Washington Township Police Department.

09-127 Resolution Authorizing Garden State Asphalt Materials/Joint Roadway Resurfacing Program

09-128 Chapter 159 Budget Amendment/Police O/E

09-129 Release of Performance Guarantee, Route 31 Properties

09-130 Chapter 159 Amendment/Wastewater Management Planning Grant

09-131 Municipal Master Signers Certificate

Horensky made a motion to approve Resolution 09-119 Accepting a Deferred Compensation Plan provided by Met Life to provide employees of the Township of Washington, County of Warren, enhanced financial security at retirement and Resolution 09-120, Resolution Accepting a Deferred Compensation Plan provided by ICMA-RC to provide employees of the Township of Washington, County of Warren, enhanced financial security at retirement, Kovacs seconded. Strunk asked for more information on this. Horensky said this would enable employees to put money aside toward their retirement and there is no cost to the Township. Strunk asked how this procedure came about. de Boer said that one of the providers was a provider for former Borough Officers and it was their deferred comp and the other one is just a deferred compensation provider. They have been approved by DCA and are done by payroll deductions.  
ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes; Strunk, yes; Elbassiouny, yes.

Horensky made a motion to approve Resolution 09-121 Emergency Resolution NJS 40A:4-46 (under 3% limitation), Kovacs seconded. Strunk asked for background on this, because they are asking for a 100% increase in budget. The Mayor said there has been law suits going on and the Township must defend themselves in the suits. Strunk asked if some of this money was spent for the master plan update, the Mayor said yes. Strunk said he has never heard of the Land Use Board taking money out of their operating budget for master plan updates. They usually come to the Committee on this. The Mayor said there was a court order for the Land Use Board and Committee to comply with, so it was necessary to do this. Strunk said the order was to dismiss ordinance, there was no order to correct it. The Mayor said the Land Use Board felt it was an order to correct it. Strunk said they should have gone with the normal procedure to appropriate money to do it, this puts us \$20,000 in the hole for next year. Kovacs said, in his 19 years serving on the Committee, this is the first Emergency Resolution. He agreed with Strunk, but under the circumstances it was necessary, but will have to be put in 2010 budget, Lavery agreed.

ROLL CALL: Horensky, yes; Kovacs, yes; Mueller, yes. Strunk, no; Elbassiouny, yes.

Horensky made a motion to approve Resolution 09-123 Authorize and Approve Salaries and Wages for Certain Employees (Theresa Kennedy, cross. guard), Kovacs seconded.

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

#### STAFF ADMINISTRATIVE REPORTS

Police Chief Mc Donald distributed the August Monthly Report to the Committee. He reported that everything in the department is running smoothly.

Pete de Boer, Acting Administrator, said he met with the Department of Public Works for a Monthly Meeting, there was a Staff Meeting today with all Department heads, meetings with Bill Gleba, Finelli Engineering for various reasons, met with Roger Jinks from the School on issues regarding the parking ordinance and working on clothing bin application and stickers. Also, he had a special meeting with Department of Public Works on August 27 on several issues and met with Borough Manager and Chris Rose, Code and Construction.

#### PUBLIC COMMENTS AND CONCERNS

George Willan, 32 Falcon Way, thanked Attorney Lavery for getting the Hawk Pointe Service Agreement, being reviewed later. Several weeks ago, the developer advised they are no longer in business, does the Committee know where they are relative to calling in the bond to get the rest of the work done? Lavery advised this would be discussed in Executive Session.

Shirley Williams, Brass Castle Road, said she pays for brush and grass to be carried away. There is an ordinance that says it must be bundled and she thought it was not a good ordinance. You cannot really bundle logs from a tree, which she had taken down and it took three days for her son to drag logs out to the curb. The DPW would not pick up the logs. There was discussion on how to solve the problem. The Committee agreed to arrange to have the logs pick up. de Boer said, if a resident contacts a person to cut trees down, they do not pick up at all. This ordinance has worked fine for many years, with no problems.

Linda Magyar 11 Birchwood Avenue, said the word manageable in the ordinance is confusing, because it depends on your age and capability. Her mother has the same problem on Kinnaman Avenue. She has put stacks out for several weeks before they were picked up. The word manageable is abstract. de Boer read the ordinance, as it is written, to the public and said they work with the public.

Ron Getkin, Falcon Way, said he understands the Township is not paying for their street lighting and it is coming out of their development funds. There is a State Ordinance that states the Township should be paying for lighting. He understands because the streets have not been dedicated. He understands the Township is short of money, but it is not Hawk Pointe's problem that Township is out of money. They should get an emergency fund and get it done, or they should be getting a credit on their taxes. Kovacs said there was discussion during budget time with the Association on lighting. The agreement was they will pay for street lights, they have the numbers and should get bills on a quarterly basis and they would be reimbursed. There are also some alleys that the Township is not responsible for that must be checked. They will have the attorney look into this, but nothing can be done until the roads have been accepted. de Boer said he and Nevitt, Engineer, are looking into the light issue.

Kathy Enz said she was going through paperwork and found an aerial map of the Township, which may be 35 years old and she would like to give to Township. She suggested they have an updated version done and they both be posted. Also, the public cannot see the Committee, because the counter in front is too high, only the top of the heads can be seen and it should be changed.

#### OLD BUSINESS

Brian Sweat, Sweat and Walters, was present to discuss the health benefits. Sweat said the confusion was caused by the borough employees coming into the plan as new employees. They were sent to two different areas, underwriter to verify rates and new enrollment department. However, the enrollment department looked at applications and entered as new employees and put a waiting period on them. There had been a letter sent advising they were not new employees and should be covered immediately. This has been straightened out and proper cards have been issued. He distributed a letter form AETNA explaining what had happened.

Strunk said he had talked with an older employee that had been in the plan, who went for a procedure and the card did not work at all. Sweat said the card is not supposed to work in the hospital, the card works in the providers office and pharmacy. When you go into the hospital, they know not to use the card. You are to do the procedure, send the claim to insurance carrier, the carrier adjudicates the claim and it comes back, that is when the card is used. Sweat will talk to this employee.

#### NEW BUSINESS

1. Washington Township Business Owners Discussion - The Mayor asked the representatives to introduce themselves and their business. Jeff Smith, Smith Chrysler, Jeep and Dodge; Lou Traga, Trade Zone Auto Sales; Rob Romano, Remax Real Estate, Roger Hodge, Mens Barber Shop, Linda Magyar, Weeping Willow Garage and Patty Smith, Family Affair Florist and Landscaping. There were many other businesses in attendance to support the Committee. Jeff Smith said they have a concern on the temporary signs and it is getting to a point where it is necessary to have signs by the road to have a local business. They all feel the way business has become so competitive these days, it is necessary to promote their businesses. They would like to sit down with the Committee and try to revise the ordinance to help the businesses. Hodge said he has owned three businesses in the Township and knows the needs of advertising that must be done. Magyar, said as a safety issue, you need to know where you are going and with ordinance now, it is very dangerous. Romano said they fixed up the building and want to be a success in the Township. They need to attract new clients. They came up with a list of options they feel are reasonable. They would like to meet with some Committee and residents and review the list and come back with recommendations.

Horensky said he was part of the original committee that did the sign ordinance. It was not to create a condition that was detrimental to the businesses. There was a concern about temporary signs being put up and never taken down. They wanted a sign ordinance that worked with the committee and businesses.

Romano asked that a workshop be arranged to work on this. They have narrowed the list to what they would like to have done. The Mayor said there must be some control and a way to keep track of it. He said they could have a committee of 2 businesses, 2 committeemen, 2 residents, de Boer and possibly the zoning officer. The Mayor asked for two committeemen to volunteer to sit on the board, Strunk and Kovacs volunteered. All information should go through de Boer. The Mayor asked for residents to volunteer, Frank Cregan and Kelly Teboe both volunteered.

2. Strunk made a motion to approve Nancy Godfrey, Deputy Registrar, attending the Registrars Seminar in Atlantic City on November 16, 2009, Horensky seconded.

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

3. Strunk made a motion to approve Lydia Schmidt, Tax Assessor, attending the League of Municipalities in Atlantic City in November, paying 1/3 the costs, Kovacs seconded.

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

4. Strunk made a motion that any remaining escrow to developer Route 31 Properties not be released until any and all inspections and administration bills are satisfied, Kovacs seconded. All were in favor.

5. There was discussion on the Fire District holding a fund raiser on November 27<sup>th</sup>. Lavery said, if this was approved, it should be subject to State Regulations. Horensky made a motion to approve the fund raiser by the Fire District on November 27<sup>th</sup>, subject to any State Regulations, Elbassiouny seconded. Mueller asked if it was normal to ask the Committee to do this. Kovacs said, when they went to the Fire District, this was the end of fund raisers, because they do a budget every year. Horensky said, in the past, they have done this to provide scholarship programs.

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

6. Agreement on Snow Removal/Hawk Pointe To be discussed in Executive Session.

7. Strunk made a motion to approve Nancy Godfrey, Deputy Clerk, to attend classes on Introduction to Municipal Clerk Duties on September 16, 23, 30 and October 7 in Allendale, NJ Mueller seconded.  
ROLL CALL: Strunk, yes; Mueller, yes; Horensky, yes; Kovacs, yes; Elbassiouny, yes.

#### REPORT FROM OFFICIALS

Strunk had nothing to report.

Horensky had nothing to report. Horensky said he was glad to see people in the audience and encouraged them to come out and get involved with the Township, get to know what is happening in the Township. They are open to citizen involvement.

Mueller said the only thing he had was to remind them of the dedication of the bench for Dick Rhinehart on Sunday about 2:45 p.m at the football field at Meadow Breeze.

Kovacs had not report.

Elbassiouny had no report.

#### PAYMENT OF BILLS

Horensky made a motion to approve the bills, Mueller seconded.

ROLL CALL: Horensky, yes; Mueller, yes; Kovacs, yes; Strunk, yes on the bills he signed; Elbassiouny, abstain.

#### EXECUTIVE SESSION

Horensky made a motion at 9:10 p.m. to approve Resolution 09-132, Resolution Authorizing an 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 NJSA 10:4-12, Kovacs seconded. All were in favor.

The doors were opened. Horensky made a motion to come out of Executive Session at 10:18 p.m., Kovacs seconded. All were in favor.

Lavery said the Committee came out of Executive Session at 10:18 p.m. where they discussed a matter involving a snow removal agreement with Hawk Pointe, potential litigation matter dealing with Pinnacle, Hawk Pointe Municipal Service Agreement, two personnel matters dealing with Finance Office, potential litigation matter and contractual dealing with contract on old Municipal Building. No official action was taken.

Copies of these minutes will be available at such time the Committee determines it is no harm to the public interest.

Horensky said he was charged by the Committee to look at the operations in the Finance Department. He would like to introduce Resolution 09-133 to Authorize and Approve Wages for a Certain Employee (Suzanne Heerwagen), Mueller seconded. After discussion on the hours and salary and possible bringing in two part timers for the office, Horensky withdrew his motion and Mueller withdrew his second.

Horensky made a motion to authorize the Mayor to executive an agreement for the Snow Removal with Hawk Pointe, Strunk seconded.

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

Horensky said he had served on the Committee for 12 years. During this time, the Township has grown, accomplished a lot, built a park and the new municipal building,. There has been some consolidation and growth, in terms of the Police Department. It has been a very good time for him. It makes his decision this evening a little difficult, but he was tendering his letter of resignation effective October 1, 2009.

Horensky made a motion to adjourn at 10:35 p.m., Kovacs seconded. All were in favor.

Respectfully submitted,

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