

The Work Session Meeting of the Township Committee of the Township of Washington was called to order by Mayor Tobin at 7:00 p.m.

**MEMBERS PRESENT:** Comm. Cullen (Arrived 7:03) , Short, Walsh, Nedd, Mayor Tobin, Attorney Jansen, Administrator /Clerk Gallets, Recording Secretary Madden

**MEMBERS ABSENT:** None

Adequate notice of this meeting was sent to the Observer Tribune and the Morristown Daily Record on January 9, 2006 and was posted on the bulletin board in the Municipal Building on the same date. This meeting is being held at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey. Notices of this meeting were sent as there were requests.

### **PLEDGE OF ALLEGIANCE**

**LVFAS RECOGNITION ORDINANCE** - Attorney Jansen advised the Township Committee that he has prepared a draft ordinance entitled AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY TO RECOGNIZE THE LONG VALLEY FIRST AID SQUAD.

**Mayor Tobin** - instructed Administrator Gallets to send the Long Valley First Aid Squad a copy of the proposed ordinance for their review and request that they provide a copy of their By-Laws to the Township Committee and also request that they attend the August 16, 2006 Work Session Meeting.

### **SIGN ORDINANCE**

**Comm. Nedd** - stated on March 1, 2006, Ginny Kesper, Planning Board Clerk, forwarded a copy of a sign ordinance, which had been vigorously discussed by the Planning Board. There was not a heavy consensus among the Planning Board Members, as to the current status of the ordinance as it stands now. It was agreed by the Planning Board Members that they would forward the ordinance to the Township Committee to review and they would hopefully provide further guidance, as to what is important and then send it back to the Planning Board. Hopefully, then the Planning Board can clean it up and send it back to the Township Committee for approval. Fred Jordan is present tonight to provide further background about the ordinance itself.

**Mayor Tobin** - stated he would like to understand what the major concerns are in terms of signs.

**Comm. Nedd** - stated that he had spoken to Mr. Jordan several months ago, who stated there were some concerns about the differences in business signs. There is no standard configuration of business signs, they are different sizes, different shapes and it was a concern of certain members of the Planning Board.

**Fred Jordan** - stated that he can only make comments on his perspective of the sign ordinance and what the perceived problems are versus the actual problems. For the most part our ordinance is sound, fair and enforceable, but with anything it depends on your perspective. Businesses need signs in order to operate their activity or occupation, whether it be service oriented, retail or industrial. Therefore, any law or ordinance that regulates signs must be crafted carefully to be fair to businesses, yet not impose drastically on the esthetics of an area. Another important factor to consider is safety; too large a sign is esthetically displeasing, yet too small a sign can be unsafe if you are driving and you have to stare at the sign to read it. There must be a compromise. The types of signs most complained about are "real estate" signs and "temporary" signs. Real estate sign regulations are clear and we have no problem enforcing them. Temporary sign regulations, in Mr. Jordan's opinion, should be amended to limit the 30 day allowable period to once a year, which would eliminate most of our sign problems.

**Comm. Short** - expressed his concerns about enforcement of the present sign ordinance. Comm. Short stated that over the years we have received many complaints about signs.

**Fred Jordan** - explained to the Township Committee how the sign ordinance is enforced when dealing with realtors.

**Comm. Cullen** - stated that he does not have a problem with non-profit signs, but they should have a time limit put on them.

**Comm. Nedd** - stated that the Township Committee needs to give the Planning Board some guidance, as to what signs should be allowed, what should not be allowed and give specific guidelines as to the length of time and the enforcement procedures.

**Attorney Jansen** - stated with respect to the ordinance itself, one observation that he has made, both on the existing ordinance and the proposed ordinance, is that the sign regulations right now are under "site plan". He thinks they should be in the zoning ordinance, because when you are dealing with signs that apply within residential zones, the site plan ordinance really doesn't come into play. When you need a variance for a particular type of sign, that really should be a "C" variance, not a waiver by the Planning Board of a site plan requirement. That is something that definitely needs to be addressed. The ordinance probably should distinguish between business zones and residential zones. The ordinance, as it is drafted right now, is a little bit redundant and a little bit inconsistent.

**Attorney Jansen** - stated that the Township Committee has to be careful when attempting to regulate political speech. In State vs. Miller, it was held that while municipalities may regulate signs, such regulations cannot,

consistent with the First Amendment protections of speech, forbid political and other non-commercial messages, nor may it restrict commercial messages to a size not readily visible from the road by persons in vehicles or on foot.

**Attorney Jansen** - stated that the Township Committee should provide guidance to the Planning Board and its sign ordinance subcommittee. Attorney Jansen suggested that he and the Planning Board attorney be involved as early in the process as possible. There is also an Act called the Roadside Sign Control & Outdoor Advertising Act and there are regulations that are promulgated pursuant to that statute, that deal with things like the size of signs on different types of roadways with different speed limits.

**Mayor Tobin** - stated that he finds the real estate signs problematic at major intersections.

**Comm. Short** - suggested that Mr. Jordan work with Attorney Jansen to make the minor changes, which he had suggested to the existing ordinance that is enforceable. If we have an ordinance on the books, let's enforce it, if we are not going to enforce it, let's repeal it.

**Fred Jordan** - stated if the present ordinance is enforceable we try to enforce it.

**Mayor Tobin** - requested Comm. Walsh and Comm. Short have two business group meetings, one specifically with the realtors and one with the business associations and any independent businesses in the town that might not be members of the association. The meetings would be to work with the two groups, giving them a sense of where things could possibly go, if we do not come up with something workable.

**Comm. Walsh** - stated that between now and the August 16, 2006 Work Session Meeting, Comm. Short and he will meet with those two groups. One will be with the village association and one with non-village association businesses. We will also meet with the Recreation Committee as well to get their feedback.

**Mayor Tobin** - my suggestion is to go back to the ordinance that is on the books and try to work from that. Fred Jordan would have to be an integral part of looking at what the Township Committee has agreed upon. Mayor Tobin stated that his comments are going to be very minimal.

**Mayor Tobin** - suggested that the Township Committee Members, Fred Jordan, Attorney Jansen and Administrator Gallets, work together from the sign ordinance that is on the books now, to see if we can come up with things that are a concern, prior to the August 16, 2006 Work Session Meeting.

**Mayor Tobin** - requested Comm. Cullen to contact the non-profits groups, the first aid squad and the fire companies, letting them know what the Township Committee is trying to accomplish. Mr. Nedd will advise the Planning Board that the Township Committee has discussed the sign ordinance and has come to a reasonable conclusion.

**PRESENTATION – WASHINGTON TOWNSHIP BUILDING DEPARTMENT** - Mr. Fred Jordan updated the Township Committee on the status of the Building Department for 2006.

**Mayor Tobin opened the meeting to the public.**

**Ms. Laura Akin** - stated that she is happy that the sign ordinance is being dealt with.

**There being no further comments or questions, Mayor Tobin closed the meeting to the public.**

## **DISCUSSION**

**SENIOR CITIZEN ADVISORY COUNCIL** - The Township Committee discussed a candidate for an opening in the Senior Citizen Advisory Council. Mayor Tobin will set up an interview with him.

**LONG HILL ROAD REPAIR** - The Township Committee discussed a letter from a resident concerning the horrendous condition of Long Hill Road.

**TEEN CENTER** - Ms. Kim Kaiser and Ms. Linda Guldner from the Teen Center requested that they be officially recognized by the Township Committee as an Advisory Group of the Township.

**BARTLEY ROAD SEWER LINE IMPACT** - Mr. Jeff Emory from the West Morris Regional High School Board updated the Township Committee on the status of the Bartley Road Sewer Line. He stated they hoped to have the project underway in mid-August and to have it completed in 4 to 4 ½ months.

**BOARD OF EDUCATION SHARED SERVICES – SUMMER CAMP** - Comm. Nedd updated the Township Committee on an Agreement signed in 2004 between Washington Township and the School Board regarding the use of the gymnasium at the Benedict A. Cucinella School, whereas the Township provided \$30,000 towards the construction of the floor in exchange for being able to use it for five years at no charge. He stated that the agreement specifically states that the five years started at the commencement of the agreement back in 2004.

**LIBERTY TREE** - The Township Committee discussed the condition of the Eagle sculpture at the intersection of Schooley's Mountain Road and Flocktown Road and how soon it will need to be cut and raised from the ground to prevent it from rotting.

**MORRIS COUNTY BOARD OF AGRICULTURE – LOSS OF FARMLAND** - The Township Committee discussed a letter received from the Morris County Board of Agriculture opposing the use of the recently acquired Borgenicht Farm to build the Long Valley By-Pass.

**DEPARTMENT OF PUBLIC WORKS CONTRACT RATIFICATION** - The Township Committee will consider the introduction of an ordinance entitled “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY” at the July 17, 2007 Regular Meeting.

**The Township Committee went into Executive Session at 9:50 p.m. upon approval of the following resolution:**

**RESOLUTION #R-133-06 – EXECUTIVE SESSION - LAND ACQUISITION: LILLIS PROPERTY  
COLLECTIVE BARGAINING: PBA  
ATTORNEY/CLIENT PRIVILEGE: CLEARY  
TACTICS AND TECHNIQUES UTILIZED IN PROTECTING  
THE SAFETY AND PROPERTY OF THE PUBLIC:  
NAUGHRIGHT ROAD INCIDENT**

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Motion was made by Comm. Cullen, seconded by Comm. Walsh that the foregoing resolution be adopted. Motion was carried by the following roll call vote:

AYES: Comm. Nedd, Short, Cullen, Walsh, Mayor Tobin

NAYS: None

ABSTENTIONS: None

ABSENT: None

The Township Committee came out of Executive Session at 10:29 p.m.

The meeting adjourned at 10:30 p.m.

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**Diane S. Gallets, Clerk**