

The Work Session of the Township Committee of the Township of Washington was called to order by Mayor Walsh at 7:30 P.M.

MEMBERS PRESENT: Comm. Cullen, Tobin, Nedd, Mayor Walsh, Attorney Jansen, Administrator/Clerk Gallets, Assistant Administrator Burd

MEMBERS ABSENT: Comm. Short

Adequate notice of this meeting was sent to the Observer Tribune and The Morristown Daily Record on December 28, 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.

GOLD AWARD PROJECT PRESENTATION – Scout Emily Peel made a presentation describing her contribution toward the proposed Long Valley Dog Park' pathway. Scout Peel's project will aid her in the achievement of the Gold Award.

DRIVEWAY WAIVER – LANG – This item will be discussed at a future date.

ORDINANCES

CABLE FRANCHISE RENEWAL ORDINANCE - The Township Committee discussed a letter from Comcast Cable which stated that Comcast does not agree with certain terms proposed by the town, and that free internet service will be provided to schools and libraries only, under the terms of its current policy. Attorney Jansen stated that further negotiations are currently underway. Comcast indicated that they are not willing to undertake a survey at the end of the franchise period. Comcast agreed to a \$20,000 investment in improvements (up from \$15,000). Comm. Nedd stated that Comcast has made a number of concessions and that the Township should move forward with negotiations. Attorney Jansen stated that he just received a request from Comcast for additional language to be added to the construction section of the agreement that would provide for prompt issuance of municipal permits when required; thus allowing for expedient repairs. Attorney Jansen stated that the obligation at this point is to introduce an ordinance granting Comcast the franchise renewal, or a resolution of disapproval. The Township Committee agreed that the Comcast franchise should be renewed.

ECONOMIC DEVELOPMENT COMMITTEE ORDINANCE – The Township Committee will consider the introduction of an ordinance entitled “AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 3, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF WASHINGTON TO ESTABLISH AN ECONOMIC DEVELOPMENT ADVISORY COMMITTEE,” at the May 21, 2007 meeting. Mayor Walsh initially asked for members of the Zoning Board of Adjustment and Planning Board to be part of the Economic Development Committee. Attorney Jansen suggested Zoning Board members should not participate due to the quasi-judicial nature of the Board. As the Committee will be advisory in nature, the number of citizen members could be unlimited. Attorney Jansen suggested two or three citizen members, with a definition of what constitutes a quorum. Mayor Walsh stated that citizen members would be increased from 1 to 2, with up to 4 advisory members to encompass all geographic regions of Washington Township. The purpose of the Committee will be to develop and implement recommendations for revitalization and marketing to attract businesses to Washington Township.

FIRST AID SQUAD GROUND LEASE ORDINANCE – Attorney Jansen stated that a draft of the proposed ground lease was sent to the First Aid Squad, and they have yet to respond. Attorney Jansen stated that it would be premature to introduce the ordinance without their comments. It was noted that the lease is currently being reviewed by their attorney.

Mayor Walsh opened the meeting to the public.

Kurt Warner, 10 Cindy Lance, questioned the Township's intended \$15,000 study of the Fire Department's operating expenses. Mr. Warner stated that the Fire Department's budget is the smallest in the township as there is no salary element. Mr. Warner opined that the Fire Department would like to be part of that study, with the ability to provide feedback on developing specifications, bids, suggestions on who might be contracted. Mayor Walsh stated that when this study does take place, the Fire Companies will have direct input. Comm. Nedd stated that the intent of the study is not necessarily expense related; but to determine the most efficient deployment of assets devoted to the safety needs of the town.

Mayor Walsh recused himself from the Cucinella playground discussion at 8:00 P.M.

Comm. Cullen would also have to recuse himself, and without the presence of Comm. Short, the Committee would not have a quorum. Comm. Tobin would also have to recuse himself due to a possible conflict of interest. Attorney Jansen stated that the “rule of necessity” could be invoked and that the Cucinella playground could be discussed with all parties participating.

Mayor Walsh immediately returned to the meeting.

Amy Ricci, 7 Salisbury Lane, submitted a letter which stated that the Playground Committee, consisting of concerned citizens and parents, along with the Cucinella PTO, has been diligently attempting to raise funds. They have virtually exhausted all avenues of funding. The Cucinella PTO has allotted the funding for purchasing the equipment at this point. Ms. Richie requested \$12,000 from the town, which is needed to install the playground equipment. Ms. Richie stated that there is a precedent of the Town aiding the Board of Education in these types of projects. Furthermore, she stated that the playground will be used for community purposes. Ms. Richie opined that she is aware of \$20,000 in the Township budget that was originally slated for an audit of the K-8 budget if it did not pass. As the budget did pass, Miss Richie requested that these funds be used for playground equipment installation.

Mayor Walsh stated that the funds for audit are not available due to budgetary shortfalls. He suggested that if the Committee provides funds to the PTO, any monies received thereafter via corporate donations, etc. be used to cover this extension of funds.

Comm. Cullen suggested that a check for \$12,000 should be written to purchase the equipment as opposed to its installation. Attorney Jansen stated that the solicitation of quotes would then be needed.

Comm. Tobin inquired as to why the school did not fund the playground. Why is it coming back to the Committee to fund it through the municipal budget? Comm. Tobin is troubled that the Board of Education did not put this project in their budget, and where such shortfalls might undermine the Township’s budget in the future.

Comm. Nedd supports Ms. Richie’s request. He opined that dollars were set aside in the budget for an audit in the event that the budget was defeated. Comm. Nedd stated that the Board has demonstrated that it has the public’s confidence and that these allocated funds should now be utilized for the playground equipment.

Mayor Walsh inquired of Ms. Richie as to whether the Board of Education has been approached since the passing of the budget regarding the funding of this project. Upon her negative response, and given that the school audit will not take place, Mayor Walsh stated that he needs to consult with Chief Financial Officer (CFO) Kevin Lifer as to whether the funds should now be allocated toward the Fire Department audit.

Attorney Jansen agreed that CFO Lifer needs to be consulted as to whether these funds are available.

Mayor Walsh again suggested that the money can be “loaned” with the knowledge that additional resources through continued fund raising efforts would be used to allocate funds back to the town. He would like to approach the Board of Education with this idea.

Comm. Cullen stated that any relevant information should be obtained by Monday’s Regular Meeting in order to move forward with the decision to allocate (or not allocate) these funds.

The Committee agreed that a decision should be forthcoming on Monday evening upon review of all information and input from the Board and CFO Lifer.

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

LONG VALLEY DOG PARK – Mayor Walsh stated that all departments have addressed most of the issues and concerns in the installation of this park. He stated that he would like to move forward at this point, and requested a legal opinion as to how to proceed. Attorney Jansen stated that Ms. Hope Greenfield’s representatives have made some additional demands. Ms. Greenfield has requested that the berm be doubled in height, which would require its extension into the parking lot. Attorney Jansen stated that the Township now needs to make firm decisions as to what it is willing to do relative to the height of the berm, park hours, etc. He opined that it will be incumbent upon Ms. Greenfield to demonstrate that the actions of the Township are unreasonable.

Mayor Walsh requested a motion to approve the proposed dog park plan as drafted by Anderson and Denzler on April 16, 2007. Motion was made by Comm. Tobin, seconded by Comm. Cullen that the foregoing be approved. Motion was carried by the following roll call vote:

AYES: Comm. Cullen, Tobin, Nedd

ABSTENTIONS: None

ABSENT: Comm. Short

DISCUSSION

COMMERCIAL CONSTRUCTION MORATORIUM – A Washington Township business owner has requested that the Committee place a moratorium on any new commercial construction in the center of town until the store vacancies are filled. He claims that he has lost customers due to the vacancies. Attorney Jansen stated that the Land Use Law does not allow a moratorium to be imposed by the municipality unless it is demonstrated that a clear and imminent danger to the health of the residents of the municipality exists.

LIQUOR LICENSE REGULATIONS – The same business owner expressed concern over the distribution of liquor within the confines of a gas station. Administrator Gallets explained what she learned from the ABC. She will write a letter to the business owner.

SUMMER CAMP RENTAL – The middle school will not be hosting the recreation summer camp as an asbestos abatement is being done. With no other school facilities available, an additional \$2,500 is needed to rent St. Luke's community center as the camp site. Administrator Gallets stated that these funds were not originally allocated in the budget as the Township was under the impression that the middle school was to be used when the budget passed. The funds will be allocated from Committee Projects within the budget.

CONVENTION VOUCHER – Keith Heimburg, Schooley's Mountain Fire Chief, requested reimbursement for a convention voucher six weeks ago which has not yet been approved for payment by the Township Committee. Mayor Walsh stated that verbal approval was given to attend the convention while Mr. Heimburg was still in his OEM position. Keith Heimburg stated that the intent of his attendance at the convention was to enhance his grant securing abilities. Comms. Nedd and Cullen stated that they approve the \$600 expense, however, the item should be listed as a Fire Department line item in next year's budget. Mr. Heimburg will be immediately reimbursed the \$600 expense for the convention.

SCHEDULING OF INTERVIEWS – BOARD & COMMITTEES – Mayor Walsh stated that two members of the public have expressed an interest in joining various committees. Comm. Cullen can conduct interviews on Monday at 6:45 p.m. and Comm. Nedd can conduct interviews at 7:00 p.m.

SUMMER HOURS PROPOSAL – Assistant Administrator Burd stated that the proposal for summer hours is requested on a trial basis, as the summer months tend to be slow. The proposal suggests condensing the 35 hour work week into four days, Monday through Thursday, with adjusted daily hours of 7:45 a.m. until 5:30 p.m. The proposal was approved by the Committee.

KYLEIGH'S LAW – Comm. Cullen stated that there are proposed changes in the penalties for violating sections of the provisional licensing sections of Title 39. Chief Bailey stated that from a law enforcement standpoint, the change gives officers an indication of who is operating the vehicle. Comm. Cullen stated that the change allows law enforcement to make a stop based on a secondary offense, such as the lack of a seat belt. If the law goes through, provisional drivers would be identified by a tag in the windshield. Comm. Cullen stated that he would like the Township Committee to write a letter in support of those changes. Comm. Tobin inquired as to whether a penalty is provided for not properly displaying the provisional license identification. Comm. Cullen stated that such a penalty is provided for both the children and their parents. Administrator Gallets will contact Assemblyman Guy Gregg to inquire about the endorsement of 40:21.

INTERNET AUCTIONS – Mayor Walsh stated that this venue provides the Township with an alternate opportunity to the auction process. This pilot program has been State approved for municipalities. The program is entitled "Gov Deals" and auctions government surplus for a period of two weeks. The Township's first use of this auction process will be the sale of the large bus which is no longer utilized. The auctioneer takes a certain percentage of the sale price. State approval has been secured.

SUPERIOR OFFICERS – APPOINT NEGOTIATORS/SET MEETING DATE – Mayor Walsh stated that the Superior Officers Association of the Washington Township Police Department has requested to schedule an appointment with the negotiations committee to discuss their contract. Comm. Tobin, Police Commissioner, and Comm. Cullen, Assistant Police Commissioner will handle these discussions.

DPW – APPOINT NEGOTIATORS/SET MEETING DATE – Comm. Short and Comm. Nedd will handle these negotiations.

RESCUE TRUCK – Chief Steinel of the Fairmount Fire Department, stated that DPW Superintendent Scott Frech inspected a 1990 truck which the Fire Department was interested in for use as an equipment transport vehicle.

Scott Frech indicated that the truck in question was the first rescue crash truck used by the First Aid Squad. The truck has not been in use for two years, and needs a great deal of work to be operational. Mr. Frech suggested looking for a more viable vehicle, such as the 1997 ambulance which will be available when the new one arrives (in approximately one year). Mr. Frech indicated that it would take approximately \$2,000 to make the 1990 rescue vehicle operational, and that it would cost the Township more money for its maintenance. Chief Steinel stated that the Fire Department had greater interest in the older vehicle due to its greater interior capacity, generator, halogen lighting, and lower mileage. Comm. Nedd, Fire Commissioner, stated that the 1997 vehicle is more appropriate due to the lack of costs associated with making it immediately operational, notwithstanding its smaller capacity. The Committee is concerned about the integrity of the older vehicle and recommended the 1997 truck.

SPEED LIMIT ISSUE – Michael Selvaggi, Esq., on behalf of Toll Brothers, made a presentation regarding the reduction of the speed limit on Ridgeline Drive and Chancellor Way (The Estates of Long Valley). Gary Dean, a consulting civil engineer who specializes in traffic engineering and municipal consulting for traffic related matters, stated that recent statutory changes would enable the municipality to assume authority over these roads. Mr. Dean recommended a 25 MPH speed limit, down from 35 MPH, pursuant to the residential sight improvement standards. These standards are regulations published by the Department of Community Affairs, governing Planning Boards and developers, with which Toll Brothers' residential subdivision design has complied. Mr. Selvaggi stated that the Committee is vested with the statutory power to enforce/change the speed limit. Legal posting of 25 MPH as at other new developments, will provide the highest level of safety for homes, as exists on other parts of the road in the same subdivision. Attorney Jansen stated that the road was specifically delineated at the time as a private road. It was specifically agreed in writing that the developer would seek New Jersey Department of Transportation (DOT) approval of a 25 MPH speed limit, and that once it was approved, the Township would take over the roadway. Attorney Jansen further stated that the street's design under the residential site improvement standards was for a 25 MPH road, however, given the density of the homes on the street, the New Jersey statutory speed limit is 35 MPH. The Department of Transportation must approve a different speed limit. Toll Brothers is seeking the written support of Leon Hall, Township Engineer, for a 25 MPH speed limit in order for Toll Brothers to approach Department of Transportation. Nothing has changed that would preclude Toll Brothers from pursuing the 25 MPH speed limit. Upon approval of that speed limit, the Township will accept the road.

Mayor Walsh suggested a five minute break at 10:05 p.m.

The meeting reconvened at 10:10 P.M.

POLICER OFFICER HIRES FOR 2007 - Chief Bailey stated that two people are being considered that may not require full academy training. In order to proceed by the Academy's July 9th commencement, Chief Bailey needs a signed resolution that these candidates are hired. Chief Bailey is looking for the hire confirmation by the June Work Session to get an answer from the PTC as to whether these candidates are required to attend the Academy. The savings to the Township would be \$250 tuition per candidate as well as approximately \$2000 in clothing and equipment per candidate; a total savings of roughly \$4,500. A third applicant, a Spanish speaking female, has academy training but was not originally part of the hiring budget. The starting annual salary would be \$43,000; \$11,000 for the 4th quarter of the year as a starting hire in October 2007. The hire of this candidate will be further discussed at the next meeting. If Califon policing becomes a reality, payment will be forthcoming and another hire will be necessary. Comm. Tobin stated that not hiring this candidate could be a missed opportunity. Administrator Galletts stated that the annual cost for the year including benefits could amount to \$20,000 for four months. Possible funds could currently come from dispatch.

Mayor Walsh suggested the preparation of those resolutions after consultation with CFO Lifer, subject to psychological, medical, and background investigation. Appointments would be effective July 1, 2007.

MORRIS COUNTY OPEN SPACE TRUST FUND - Mayor Walsh stated that Mr. Nolan and Mr. Storms properties will be Washington Township's two applications for the Morris County Open Space and Preservation Trust Fund. The Nolan property consists of 126 acres which border Route 46 and are predominantly wooded, with trails. Additional land would be donated as part of this agreement. The Storms property is 14.6 acres on North Four Bridges Road. The application needs to be in by July 2007.

Mayor Walsh opened the meeting to the public for comments or questions on any matter. There being no comments or questions, Mayor Walsh closed the meeting to the public.

The Township Committee went into Executive Session at 11:40 P.M.

RESOLUTION #R-83-07 - EXECUTIVE SESSION – **Land Acquisition:** Reservoir Road – IOM #12;
Cooper Chemical – IOM #15;
North Four Bridges Road (Storms)
Contract Negotiations: Califon Policing

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May 16, 2007

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

AYES: Comm. Cullen, Short, Tobin, Nedd

ABSTENTIONS: None

ABSENT: None

The Township Committee came out of Executive Session at 11:25 P.M.

The meeting adjourned at 11:26 P.M.

Dianne S. Gallets, Clerk