

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

MEMBERS PRESENT: Comm. Cullen, Short, Tobin (7:35 P.M.), Nedd, Mayor Walsh, Attorney Jansen, Assistant Administrator/Clerk Burd, Senior Deputy Clerk Madden

MEMBERS ABSENT: None

Adequate notice of this meeting was sent to the Observer Tribune and The Morristown Daily Record on January 6, 2007 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

JERSEY CENTRAL POWER & LIGHT (JCP&L) – UTILITY MAINTENANCE – Ms. Hannah Massaquoi, Area Manager was not present. Administrator Burd stated that JCP&L will be using helicopters to maintain and repair power lines. She advised that Washington Township has requested that JCP&L provide locations for a couple of safe landing zones, and that the Police Department be used to oversee traffic control. JCP&L provided two locations: one on Flocktown Road and one on the Soccer Field in Hastings. Police Chief Michael Bailey feels that these sights are safe zones for dropping repairmen. Administrator Burd stated that JCP&L now needs that Township Committee and Police Department's permission to approach the New Jersey Department of Transportation (NJDOT). The Washington Township Police Department will coordinate this effort including safe landing zones.

Motion was made by Comm. Tobin, seconded by Comm. Short for Mayor Walsh to sign a permission letter granting JCP&L the ability to seek the approval of the NJDOT for the use of helicopters for power line maintenance. Motion was carried by the following roll call vote:

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

NAYS: None

ABSENT: None

ABSTENTIONS: None

ORDINANCE

SIGN ORDINANCE – Fred Jordan, Construction/Zoning Official, stated that, as requested by the Township Committee, he has reviewed the existing sign ordinance. Mr. Jordan suggested the incorporation of several modifications to the ordinance:

- Page 1 B) #5 "...on any one property." instead of "...at any one location."
#6 "No permits will be required for such signs provided that there are no balloons."
edited to end the sentence after "...sign. No balloons...."
C) Place a 30 day limit on signs where work is being done on houses.
D) Allow Open House Realtor signs to be located in safe areas on Sundays and Tuesdays.
- Page 3 G) #1 (a) Under G1, added the exception "...Real Estate signs conforming to Section 159:42G(6) & 159:42B(6)
#6 Sentence omitted "Real Estate signs shall be installed only on premises involved."
"32 square feet" down to "9 square feet" maximum size excluding existing billboards.
"Shall not remain in place for more than 4 weeks in 1 calendar year."
#7 "All premise commercial advertising signs except Real Estate Signs..."
- Page 4 G) #16 "32 square feet" down to "9 square feet" maximum size excluding existing billboards
"Election signs should not be located in public right of way or obstruct the view of motorists..."
No election signs shall be within "...200 linear feet of another sign announcing the same candidate."
Special event signs "...shall conform to the requirements of Subsection G6" changed to "shall not be placed or erected more than 30 days prior to the election or event and shall be removed within 5 days after the event."

Mr. Jordan suggested that the modifications be reviewed by legal counsel and the Planning Board.

Comm. Nedd stated that as many of these modifications were directed toward election events, he felt that candidates should be consulted for their input. He opined that he felt some of the changes were too restrictive. For instance, he suggested 60 days instead of 30 days prior to an election to erect signs.

Comm. Tobin suggested that election signs be removed within 8 days instead of 5 days.

Comm. Short stated that the idea is not the exact number of days imposed, but to remove signs promptly for the maintenance of Township aesthetics, and trying to come up with an enforceable ordinance. He also had some concern over the lack of mention of sign height restrictions.

Mr. Jordan stated that height restrictions could be placed into the ordinance for clarification.

Comm. Cullen inquired as to whether our local Police have the right to enforce sign safety over the weekend and remedy that situation immediately.

Attorney Jansen responded that public safety is a primary concern and would allow for the removal of signs that cause public endangerment, as long as the removal is done in a fair and reasonable manner.

Comm. Cullen stated that the "200 linear feet rule" would not work well on a property that is not 200 feet wide. He suggested stating a candidate could not have a sign **on the same property** within 200 feet.

Comm. Cullen inquired of Attorney Jansen what is the Township's remedy to a violation of an ordinance.

Attorney Jansen stated that failure to comply with an ordinance would result in the issuance of a notice of violation in the first instance and then a summons, requiring a hearing in municipal court, and if convicted, all of the applicable penalties would apply (fines up to \$2,000, community service and jail time).

Comm. Cullen further inquired what constitutes a political, public interest, or commercial sign?

Attorney Jansen stated that the message will determine how it is classified.

Attorney Jansen will review the legality of the recommended modifications with particular attention to constitutionally protected freedom of speech, and will present a draft for discussion at the November Work Session.

The Township Committee will further discuss the introduction of a modified sign ordinance at the November Work Session.

PUBLIC PORTION

Mayor Walsh opened the meeting to the Public.

SIGN PLACEMENT:

Lynn Richter, 186 Flocktown Road – inquired of the Township Committee whether she has the right to remove signs that have been placed on her property, especially in light of sight distance issues. Ms. Richter is concerned that the ordinance is not enforceable.

Attorney Jansen reiterated that if the signs present a public safety issue, they may be removed.

Mayor Walsh stated that the ordinance is being modified to be more easily enforceable.

Attorney Jansen and Chief Bailey stated that the Police should be called upon to remove the signs.

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

RAFFLE APPLICATION

An application has been received for the following raffle:

Old Farmers Road School PTA	Fifty-Fifty	10/27/2007
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Noted that the Chief of Police has signed the Findings and Determination Form and all forms are in order.

Motion was made by Comm. Short, seconded by Comm. Tobin that the foregoing raffle application be approved, subject to the Mayor signing the Findings and Determination Form. Motion was carried by the following roll call vote:

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

NAYS: None

ABSENT: None

ABSTENTIONS: None

DISCUSSION

LIBRARY RAIN GARDEN - **Scott Frech**, Superintendent of the Department of Public Works (DPW) stated that weather permitting, the DPW will assist in the installation of the garden on Friday, October 12, 2007.

DRIVEWAY WAIVER – BLACK RIVER ROAD – **Attorney Jansen** stated that the determining factor is not whether the Lang's need a stream encroachment permit. He further advised that the Township Committee may grant a driveway waiver to the sight distance requirement if it is satisfied that there is a hardship in achieving

the sight distance and that the waiver can be granted without creating a safety hazard. The Township Committee will further discuss this waiver at the October 15, 2007 Regular Meeting.

SENIOR CITIZEN BUS DRIVER REPLACEMENT – **Mayor Walsh** stated that Mary Gustagson, Senior Citizen Bus Driver, will be retiring. He noted that Assistant Administrator Burd suggested the hiring of 2 part time drivers to provide some flexibility in benefits and scheduling. Assistant Administrator Burd will speak with Eleanora Murfitt-Hermann, Director of Parks and Recreation, and provide the Committee with information from that discussion. The Township Committee will further discuss this driver replacement at the October 15, 2007 Regular Meeting.

DISPATCHERS – EMERGENCY PROTOCOL – The Township Committee will discuss the issue of Dispatchers Emergency Protocol in Executive Session.

PUBLIC PORTION

Mayor Walsh again opened the meeting to the Public. There being no comments or questions, Mayor Walsh closed the meeting to the public.

FUZZBOX TRAILER

Comm. Cullen stated that there is a request to have the trailer behind the Fuzzbox removed. It contains old valueless electronic equipment. **Chief Bailey** stated that either someone could be hired to remove the old equipment, or the Township could recycle certain items, crush the remainder of the contents and dispose of it accordingly. **Mayor Walsh** asked that Scott Frech and Chief Bailey investigate the situation, and return with recommendations as well as the associated costs.

POLITICAL SIGNS

Comm. Cullen inquired as to whether anyone could legally place a sign in front of his property by the roadway without his permission. **Attorney Jansen** stated that it is difficult to answer without knowing who owns the right of way, etc. He opined that political signs enjoy a great deal of constitutional protection.

Comm. Short stated that he received a letter from some residents on North Bridge Drive who do not like the appearance of their road. They indicated that the tar placed down on their road did not match the color of the asphalt, and he requested that Scott Frech investigate the road before the next meeting. Mr. Frech will comply.

NEWBURGH ROAD BRIDGE

Comm. Tobin inquired of Scott Frech as to whether Morris County has provided any information on the County's plans to improve the Newburgh Road Bridge. If he has not received any information, Comm. Tobin requested that he inquire. **Mr. Frech** replied that a meeting is being held at the municipal building on October 22, 2007 with regard to the bridge. **Assistant Administrator Burd** stated that the meeting is a public information meeting between 6:30 p.m. and 8:30 p.m.

STATE FUNDING RESOLUTIONS

Comm. Tobin stated that a newspaper article noted that the New Jersey population is decreasing due to the increased costs of living here. He recommended that committees determine an approach to alleviate the high cost of living and he opined that it is imperative that we as a State start working on a serious resolution to State funding.

RFP UPDATE

Comm. Nedd inquired as to the status of the Request For Proposal (RFP) for Municipal Engineering Services. Comm. Short responded that he spoke with Administrator Gallets regarding certain qualifications in order to limit the number of applicants (i.e. ten years municipal experience). Comm. Nedd was told that the advertisement will appear on the Website.

ACCESS ROAD TO LIBRARY

Comm. Short inquired as to the status of paving the access road to the Library. **Comm. Nedd** stated that he will contact Ed Carpenito, Board President to discuss the 2008 project, with the Township handling the costs associated with manpower and equipment, and the Library absorbing the costs of materials. **Comm. Tobin** stated that Mr.

Carpenito told him he was interested in the project. **Comm. Tobin** inquired of Scott Frech if the road could currently be handled with crack sealant. **Scott Frech** opined that it is a huge undertaking and that he is more concerned with the Police Department's parking lot which is in a worse state of deterioration. Mr. Frech will start with the crack sealant for now.

LITTER PATROL

Administrator Burd stated that Washington Township would like to use the individual who patrols for litter, who is funded through the Clean Communities Grant, to approach businesses to educate them on recycling and spot check to verify that businesses are proactive in their efforts.

MORRIS COUNTY OPEN SPACE PRESERVATION GRANT PRESENTATION

Mayor Walsh stated that he, Administrator Gallets, and Comm. Short will be attending the Morris County Open Space Preservation Grant Presentation on October 24, 2007. The Township has two parcels in contention.

PARIS GRANT

Mayor Walsh stated that he and Assistant Administrator Burd are working on the Paris Grant presentation. A date has not yet been set. He would like to see the County involved in this presentation. The goal is to share services with neighboring municipalities, through Paris Grants or through the County, to save municipal data. He opined that Washington Township will take the lead and set a template for other municipalities and counties to follow throughout the State.

The Township Committee went into Executive Session at 9:20 p.m. upon approval of the following resolution:

RESOLUTION #R-167-07 - EXECUTIVE SESSION – ATTORNEY/CLIENT PRIVILEGE: COSTA PERCHAM TACTICS AND TECHNIQUES UTILIZED IN PROTECTING THE SAFETY AND PROPERTY OF THE PUBLIC: DISPATCHERS – EMERGENCY PROTOCOLS

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, Mayor Walsh

NAYS: None

ABSENT: None

ABSTENTIONS: None

The Township Committee came out of Executive Session at 9:44 p.m.

The meeting adjourned at 9:45 p.m.

Dianne S. Gallets, Clerk