

The Regular 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. Short, Cullen, Walsh, Nedd, Mayor Tobin, Attorney Jansen, Administrator/Clerk Gallets, Recording Secretary Maddon

**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**

**GIRT SCOUT GOLD AWARD** - Mayor Tobin, on behalf of the Washington Township Committee, presented a plaque to Girl Scout Jennifer Lennon.

**INTRODUCTION OF TWO NEW POLICE OFFICER'S - PATROLMAN JOHN C. LEE AND PATROLMAN RECRUIT REGINALD L. WRIGHT, JR.**

Mayor Tobin introduced Patrolman John C. Lee and Patrolman Recruit Reginald L. Wright, Jr. to the members of the Township Committee.

**SOIL DISTURBANCE - PUBLIC HEARING - BLOCK 35, LOT 3.14, EAST VALLEY BROOK ROAD**

A Proof of Service was presented. Mayor Tobin opened the meeting to the public for comments or questions on this soil disturbance application.

**Kim Kaiser, 40 East Valley Brook Road** - questioned how many soil logs were done.

**Dan Fantina, Eng.** - stated that the soil log charts were done up in the septic.

**Eric Kaiser, 40 East Valley Brook Road** - expressed concerns about the grading plan.

**Dan Fantina, Eng.** - stated that the grading plan complies with the ordinance. Mr. Fantina stated that he can take the high point of the swale and slide it to the east, as much as we physically can and force more water around the westerly side of the house and away from the Kaiser's.

The Township Committee will consider a resolution to allow Moritz & Company to remove 906 cubic yards of soil from East Valley Brook Road to Raritan Township, after receiving recommendations from Mr. Hall, Township Engineer, the Environmental Commission and Mr. Norton, Environmental Services Consultant, Norton Conservation Company, Inc.

**RO-01-06 - AN ORDINANCE TO AMEND CHAPTER 42, ALCOHOLIC BEVERAGES, ARTICLE 1, GENERAL PROVISIONS, OF THE CODE OF THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY - INTRODUCTION AND FIRST READING**

**BE IT RESOLVED**, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE TO AMEND CHAPTER 42, ALCOHOLIC BEVERAGES, ARTICLE 1, GENERAL PROVISIONS, OF THE CODE OF THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY be introduced and read by title on first reading by the Township Committee.

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**BE IT RESOLVED**, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE TO AMEND CHAPTER 42, ALCOHOLIC BEVERAGES, ARTICLE 1, GENERAL PROVISIONS, OF THE CODE OF THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY be adopted upon first reading.

**BE IT FURTHER RESOLVED**, that said Ordinance shall be further considered for final passage at a meeting of the Township Committee on February 20, 2006 at 7:00 p.m. at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey at which time and place all persons interested shall be given an opportunity to be heard concerning same.

**BE IT FURTHER RESOLVED**, that the Clerk be authorized to advertise said Ordinance in full in the Observer Tribune according to law.

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**RO-02-06 - AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SOLID WASTE, OF THE CODE OF THE TOWNSHIP OF WASHINGTON - INTRODUCTION AND FIRST READING**

**BE IT RESOLVED**, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SOLID WASTE, OF THE CODE OF THE TOWNSHIP OF WASHINGTON be introduced and read by title on first reading by the Township Committee.

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**BE IT RESOLVED**, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 168, SOLID WASTE, OF THE CODE OF THE TOWNSHIP OF WASHINGTON be adopted upon first reading.

**BE IT FURTHER RESOLVED**, that said Ordinance be further considered for final passage at a meeting of the Township Committee on February 20, 2006 at 7:00 p.m. at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey at which time and place all persons interested shall be given an opportunity to be heard concerning same.

**BE IT FURTHER RESOLVED**, that the Clerk be authorized to advertise said Ordinance in full in the Observer Tribune according to law.

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**\*ACCEPT RESIGNATIONS**

Amy Barkman - Police Matron, Washington Township Police Department, effective January 1, 2006  
Jacqueline Waugh - Member, Long Valley First Aid Squad, effective October 24, 2005

**\*RESOLUTION #R-29-06 - ACCEPT DEVELOPMENT ON TO MAINTENANCE - WASHINGTON MANOR - KRAMER BUILDERS AT LONG VALLEY, LLC**

**\*RESOLUTION #R-30-06 - AUTHORIZE RELEASE OF MAINTENANCE BOND - STONEY BROOK ESTATES**

**\*RAFFLES APPLICATIONS**

Applications have been received for the following raffles:

Old Farmers Road School PTA	Tricky Tray	05/05/2006
Old Farmers Road School PTA	Draw Raffle	05/05/2006

Noted that the Chief of Police has signed the Findings and Determination Forms and all forms are in order.

That the foregoing raffle application be approved, subject to the Mayor signing the Findings and Determination Forms.

**\*APPROVE MINUTES**

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That the following minutes be approved and placed on file in the Municipal Clerk's Office:

October 17, 2005 Regular Meeting  
November 16, 2005 Work Session  
November 21, 2005 Regular Meeting

**\*PAYMENT OF VOUCHERS**

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That the vouchers be approved and that the Treasurer shall issue warrants in payment when there are sufficient funds to meet them. The bill list is on file in the finance office.

**\*APPLICATION FOR MEMBERSHIP - FAIRMOUNT FIRE COMPANY**

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An application has been received for membership in the Fairmount Fire Company from Steven R. Peck.

That the foregoing application be approved and be forwarded to the Fairmount Fire Company.

**\*APPLICATION FOR MEMBERSHIP - LONG VALLEY FIRST AID SQUAD**

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An application has been received for membership in the Fairmount Fire Company from Steven R. Peck.

That the foregoing application for membership be approved and be forwarded to the Fairmount Fire Company.

**\*APPLICATION FOR MEMBERSHIP - LONG VALLEY FIRST AID SQUAD**

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An application has been received for membership in the Long Valley First Aid Squad from Daniel J. Burns.

That the foregoing application for membership be approved and be forwarded to the Long Valley First Aid Squad.

**\*MONTHLY DEPARTMENT REPORTS**

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That the following monthly department reports be accepted and placed on file in the Township Clerk's office:

Washington Township Board of Health, Washington Township Municipal Court,  
Washington Township Police Department, Washington Township Tax Collector

All items preceded by an (\*) were approved as part of the consent agenda on a motion by Comm. Short, seconded by Comm. Cullen on the following roll call vote:

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**RESOLUTION #R-21-06 - APPOINTMENTS/ADJUSTMENTS**

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**RESOLUTION #R-22-06 - APPROVAL OF CLOSED SESSION MINUTES**

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

**AYES:** Comm. Short, Cullen, Mayor Tobin.

NAYS: None

ABSTENTIONS: Comm. Walsh  
Comm. Nedd

ABSENT: None

**RESOLUTION #R-23-06 - TRANSFER OF FUNDS**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**RESOLUTION #R-24-06 - RESOLUTION REESTABLISHING THE WASHINGTON TOWNSHIP  
MUNICIPAL ALLIANCE**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**RESOLUTION #R-25-06 - AUTHORIZE TAX EXEMPTION FOR DISABLED VETERAN -  
STEPHEN SCARPULLA**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**RESOLUTION #R-26-06 - RESOLUTION AUTHORIZING ACCEPTANCE OF 2006 ASSESSMENT**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**RESOLUTION #R-27-06 - AUTHORIZE ANNUAL CONTRIBUTION TO EMERGENCY SERVICES  
VOLUNTEER LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**RESOLUTION #R-28-06 - AWARD BIDS - CERTAIN PERSONAL PROPERTY**

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

**CORRESPONDENCE NOTED FOR THE RECORD**

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Letter from Acting Governor Richard J. Codey, stating Resolution #R-213-05, in opposition of the NJDEP's amendment to the State's Area Wide Water Quality Management Plans, has been sent to the Office of Counsel to the Governor.

Letter to Municipal Utilities Authority Executive Director Thomas Horn from Ms. Rebecca Hill, of the NJDEP Bureau of Watershed Regulation, listing additional information that must be submitted to complete the WTMUA application for the Fawnridge Drive Sewer Line.

Letter from Morris County Agriculture Development Board Director Frank Pinto, stating 190 West Mill Road (36 acres) has been preserved through the NJ Agriculture Retention and Development Program.

Letter from Morris County Agriculture Development Board Director FRANK Pinto, stating that 210 Parker Road, (41.29 acres) has been preserved through the NJ Agriculture Retention and Development Program.  
Letter from The ARC of Morris County Executive Director William R. Tests, with a check in the sum of \$1,150.25, a year-end contribution in lieu of their exempt property taxes.

Letter from Washington Township Historical Society Member Dorothy Brahney, thanking Lieutenant Monahan and Police Officer Burns for their assistance with the Christmas House Tour and stating our tour was noted as fourth in the Holiday Top Ten House Tours" in the New Jersey Countryside Magazine.

Letter from NJDOT Local Aid and Economic Development Manager James A. Harding, stating Washington Township was not selected to receive funding 2006 from the Transportation Enhancement Program.

Letter to Ms. Julia Felder, 93 Frog Hollow Road, from Municipal Engineer Leon C. Hall, stating Ms. Feler must apply for a soil disturbance permit for soil imported and it appears that importers may have encroached on freshwater wetlands or transition areas with the soil disturbance activity.

Administrator Gallets' response to an e-mail from Ms. Michelle Riccordella, 11 East Maple Avenue, regarding field usage fees to be paid by athletic organizations who use municipal fields.

Washington Township Bureau of Fire Prevention Annual Report.

## DISCUSSION

### **LVBC CLINIC COST ANALYSIS -**

**Cynthia Thieringer** - questioned the field usage fees for the Long Valley Baseball Club, which is a non-profit organization. Ms. Thieringer stated that the fields were booked in February of 2005 and they received a bill on November 29, 2005 for \$6,000, 5 months after the fact. Ms. Thieringer stated that "our perspective was that we were not going to be charged field usage fees and that's how we went forward with our camp. I feel that was indicated to us here in this room at the April 18, 2005 Township Committee Meeting, as well as at the May 2, 2005 Recreation Meeting by Comm. Tobin. I fulfilled my end of the deal, I got copies of the documentation and I moved forward with that understanding." Ms. Thieringer suggested that communications regarding fields and fee usage fees be communicated early on in the process. "We schedule the fields in February, which is next month, now is when we should be talking about this for next coming summer. We are more than willing to work with the Township Committee to move forward. We feel that this bill came way after the fact and in addition to that, it was our understanding that we were not going to be billed."

**Mayor Tobin** - stated that based on the way our ordinance was written, it was his interpretation that as long as the club was a 501-C-3, Federal Tax I.D. Exempt Organization, that it was meeting the requirements of the ordinance and they were not being charged a field usage fee. Mayor Tobin stated that accurately reflects what I said at the Recreation meeting. The difficulty being that Attorney Jansen indicated that we had no right to do that under State law.

**Attorney Jansen** - stated that the Township Committee has every right to treat non-profit organizations as exempt from field usage fees, in connection with the

use of playing fields for practices and games, but that the non-profit organizations have no right to enter into concession agreements for the use of township facilities, especially not with for profit individuals or entities. It is really not a question of usage fees, it is a question of the propriety of such an arrangement. Attorney Jansen stated that this position was set forth in communications that were sent to the President of the Long Valley Baseball Club, by mail, e-mail and hand delivery.

**Comm. Walsh** - stated that communications took place, there were some miscommunications during the process, we understand both sides of the story, now what do we do to come to a resolution here. Comm. Cullen asked Attorney Jansen if there is any way the Township Committee can waive the field usage fee this time for the Long Valley Baseball Club.

**Ms. Thieringer** - stated that the profit from the camp was \$1,913.25.

**Attorney Jansen:** - stated that 100 hours of field usage at \$25.00 per hour, minus a 15% non-profit discount, results in a total charge of \$2,125.00. That could be a reasonable compromise.

**Attorney Jansen** - stated that the Township Committee is the proper body to award the franchise/concession contracts for the running of camps and clinics. The Local Public Contracts Law controls.

**Comm. Short** - suggested that the Township Committee split the \$1,900.00 profit in half, \$950.00 paid in usage fees for the field and \$950.00 back to Long Valley Baseball Club, to be used for maintenance of the fields.

Attorney Jansen - stated that the \$25.00 field usage fee was an accommodation that was reached last year. The Township Committee has the ability to adjust that number. Attorney Jansen stated that his concern is that we are going to see others who paid the \$25.00 fee for camps and clinics in 2005, coming back looking for a refund.

**Mayor Tobin polled the Township Committee members.**

Comm. Nedd - No

Comm. Walsh - Yes

Comm. Cullen - Yes

Comm. Short - Yes

Mayor Tobin - Yes

**SPORTS GROUP CLINIC HISTORY**

Camerson Esemplare, 26 Squire Hill - presented the initial field usage report to the Township Committee.

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

Comm. Nedd - stated that he contacted a company named American Liquor License Exchange and provided them with some very high level background information about our liquor license and they were scheduled to get back to us in a week or so with some initial thoughts about potential valuation and some thoughts about who might be interested.

Attorney Jansen - stated that Administrator Gallets, sent him an e-mail late today from Eleanora Murfitt-Herman, stating that the Long Valley Baseball Club wants to have a carnival, with vendors, rides and things of that nature.

Mayor Tobin - stated that his suggestion would be that we entertain no special events by any group, until after the recreation situation is straightened out. Mayor Tobin suggested that a moratorium be put on special events for this year.

**Mayor Tobin polled the Township Committee members.**

Comm. Short - stated yes.

Comm. Cullen - stated no, I need a definition of a special event on the record.

Comm. Nedd - stated that he would agree with the moratorium, if the Township Committee can act within the next 90 days to get a clarification of special events.

Comm. Walsh - stated that he would not seek elimination of these events for the year, but I will coincide with the comments, that until there is clarification, keep them on hold.

**The Township Committee went into executive session at 9:20 p.m. upon approval of the following resolution:**

**RESOLUTION #R-31-06 - EXECUTIVE SESSION:  
LAND ACQUISITION: SMITH FARM**

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

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

**NAYS:** None

**ABSTENTIONS:** None

**ABSENT:** None

**The Township Committee came out of executive session at 9:39 p.m.**

**1-16-06  
7509**

**January 16, 2006**

**7503**

**The meeting adjourned at 9:40 p.m.**

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**Diane S. Gallets Clerk**