

The Regular Meeting of the Township Committee of the Township of Washington was called to order by Mayor Short at 7:32 P.M.

MEMBERS PRESENT: Comm. Babb, LiaBraaten, Roehrich, Tobin, Mayor Short

OTHERS PRESENT: Attorney Jansen, Administrator Coppola, Municipal Clerk DiGregorio, Office Manager Lyons

ABSENT: None

Adequate notice of this meeting was sent to the Observer Tribune and the Daily Record on January 9, 2014 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 – The Pledge of Allegiance was recited.

MAYORS UPDATE.

Mayor Short recognized Martin Luther King Day and stated that society has come a long way in the past 50 years, and that we should be thankful for the freedoms that we have and the open mindedness in our government and our society.

The CERT Team recently took part in a CERT Disaster Drill., replicating a gas explosion. It was very real and very informative for all participants. Boy Scouts and other volunteers were victims and **Mayor Short** was impressed by the expertise and professionalism of our emergency personnel responding to the mock scene.

Mayor Short urged residents to be prepared and take precaution for the pending snow storm this week. Ten inches are expected tomorrow.

Budget Meeting dates have been set. The meetings will be held at 6:00 PM at the Senior Center on February 4, 11, 18, 25, and at 7:00 PM on March 4. The public is welcome and encouraged to attend.

Safe Wise – **Mayor Short** read an excerpt from recent report acknowledging that Washington Township is the 4th Safest Community in the State of New Jersey.

PUBLIC PORTION. **Mayor Short** opened the meeting to the public.

Attorney Bob McBriar, from Schenck, Price, Smith & King, introduced himself as legal counsel for **Ms. Spae**. **Mr. McBriar** reiterated that the personnel matter is to be held in open session. Mayor Short acknowledged **Mr. McBriar** and noted that matter is the final discussion item on this evening's agenda.

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

RO-01-14 AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF – INTRODUCTION AND FIRST READING

BE IT RESOLVED, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF be introduced and read by title on first reading by the Township Committee.

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

AYES: Comm. Babb, LiaBraaten, Roehrich, Tobin, Mayor Short

NAYS: None

ABSENT: None

ABSTENTIONS: None

BE IT RESOLVED, by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY, NEW JERSEY FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF 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 17, 2014 at 7:30 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.

RESOLUTION #R-25-14 RESOLUTION IN SUPPORT OF A WATER TAX TO FUND THE LOSS OF LAND EQUITY FOR PROPERTY OWNERS IN THE HIGHLANDS REGION

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

AYES: Comm. Babb, LiaBraaten, Roehrich, Tobin, Mayor Short
NAYS: None ABSENT: None ABSTENTIONS: None

***RESOLUTION #R-26-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – TOTAL PLAY MULTI SPORT CAMPS – US SOCCER ACADEMY**

***RESOLUTION #R-27-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – MINDS IN MOTION – SUMMER SCIENCE CAMPS**

***RESOLUTION #R-28-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – JANE LARSEN – SUMMER TENNIS CAMP**

***RESOLUTION #R-29-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – SUPER SCIENCE PROGRAMS FOR KIDS**

***RESOLUTION #R-30-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – MAD SCIENCE OF MORRIS & SUSSEX – SPRING/SUMMER SCIENCE CAMPS**

***RESOLUTION #R-31-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – SMARTYCAT KIDS, LLC – SUMMER / FALL SCIENCE CAMPS**

***RESOLUTION #R-32-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – KICKZ SOCCER – SPRING / SUMMER CAMPS**

***RESOLUTION #R-33-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – COMPLETE PLAYER – BASEBALL / SOFTBALL CAMPS**

***RESOLUTION #R-34-14 AWARD CONTRACT – WASHINGTON TOWNSHIP RECREATION – MULTI SPORT CAMPS – US SPORTS INSTITUTE**

***RAFFLE APPLICATIONS**

Applications have been received for the following raffles:

Knights of Columbus	50/50	March 16, 2014
Heath Village, Inc.	50/50 and Draw Raffle	May 16, 2014
PTO Benedict Cucinella School	Tricky Tray	March 28, 2014

Noted that the Chief of Police has signed the Findings and Determination Forms and all forms are in order. That the foregoing raffle applications be approved, subject to the Mayor signing the Findings and Determination Forms.

***APPLICATION FOR PUBLIC EVENT – OLD FARMERS ROAD SCHOOL PTA**

An application has been received from the Old Farmers Road School PTA for a School Fair to be held on Friday, May 30, 2014 between the hours of 4:00 PM and 7:00 PM at 51 Old Farmers Road, Long Valley. Recommendations have been received from the Police Department, the Board of Health, the Zoning Officer, Construction Official and Fire Prevention Official.

That the foregoing application be approved subject to the conditions of the Police Department, the Board of Health, the Zoning Officer, Construction Official and Fire Prevention Official.

***APPLICATION FOR MEMBERSHIP – FAIRMOUNT FIRE COMPANY**

An application has been received for membership in the Fairmount Fire Company from David Migliaccio.

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

***PAYMENT OF VOUCHERS**

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.

***MONTHLY DEPARTMENT REPORTS**

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,
Washington Township Zoning Official

All items proceeded by an (*) were approved as part of the consent agenda on a motion made by Comm. LiaBraaten, seconded by Comm. Roehrich on the following roll call vote:

AYES: Comm. Babb, LiaBraaten, Roehrich, Tobin, Mayor Short

NAYS: None

ABSENT: None

ABSTENTIONS: None

DISCUSSIONS

Kings Highway Development Project.

Prior to the discussion Mayor Short stated that due to conflicts he and Comm. Roehrich will not participate. Mayor Short vacated his seat and Comm. Tobin chaired this discussion. Mayor Short left the meeting chamber and Comm. Roehrich sat in the audience.

Before commencing with the hearing, Comm. Tobin informed the public that public outcries, applause and other distractions will not be tolerated. He further advised the public that if you wish to speak, state your name and address for the record. Questions and comments are only to be directed to the Governing Body and not the property owner.

Memo from Township Planner David Banisch was discussed. Mr. Banisch was not present at the meeting.

Administrator Coppola summarized points from a discussion he had with David Banisch regarding possible alternatives for the site, including single family homes or a mixed use of the property, and if there is an interest in another use what would the procedure be.

Comm. Tobin stated that he does not feel that the proposed apartment complex is a reasonable use for the property. Comm. Tobin is in favor of establishing a subcommittee to work with the property owner and discuss an alternate use for the Kings Highway property. Comm. Babb agreed that a subcommittee is a favorable option. Comm. LiaBraaten also agreed.

It was stated that subcommittee meetings to discuss the Kings Highway property will be advertised and open to the public. The subcommittee will consist of Comm. Tobin, Comm. LiaBraaten, Township Planner Banisch, and representatives from the Planning Board. An invitation will be extend to Mansfield Township as well. The Highlands Council will also be asked to participate. The subcommittee will make a recommendation to the Township Committee.

PUBLIC PORTION. Comm. Tobin opened the meeting to the public.

Fred McQuaide, 185 Kings Highway, asked if Mr. Banisch's memorandum would be available to the public. Comm. Tobin stated the memorandum would be available to anyone submitting an OPRA request. Mr. McQuaide suggested continued commercial/industrial use might still be viable if the existing facilities were improved. However, if housing is considered, he prefers homeownership as opposed to rental.

Walter Cullen, 9 Laurel Drive, thanked the Committee for the decision to proceed with subcommittee but questioned what would happen if there were only two members of the Committee eligible to vote. Attorney Jansen answered that three members constitute a quorum but two affirmatives votes would be sufficient to adopt an ordinance under the township form of government, absent a protest. He also discussed the "Rule of Necessity".

Brent Panella, 92 Kings Highway, suggested that it might be best to first have NJDEP test results before proceeding to consider alternatives uses for the site. Comm. LiaBraaten responded that the applicant has commenced a cleanup and is obligated to complete it.

Fred Smith, 167 Kings Highway, suggested that the Committee consider an educational use for the site.

There being no further question or comments, Comm. Tobin closed the meeting to the public.

Before vacating his seat Comm. Tobin stated that at last month's public hearing on this topic he felt there were negative comments and or inferences expressed toward Peachtree Village. He recently reviewed police activity reports for Peachtree Village and assured members of the public that it is not a hot bed of problems. He knows people who reside there and they have never expressed any concerns about public safety.

Mayor Short and Comm. Roehrich return at 8:34 PM.

DPW/LVFC Underground Storage Tanks

Mayor Short provided a brief history regarding the matter, which dates back 20 years. After initially questioning NJDEP's requirement to retain a licensed professional, it was agreed to do so. **Attorney Jansen** suggested that the Township retain Environmental Council. After a brief discussion, the Committee agreed to authorize **Mr. Coppola** to retain the professional services of Environmental Council in an amount not to exceed \$1,500 to explore whether such testing is required.

Personnel – Construction Official, Clerical Assistant to Construction office

Mayor Short stated that **Construction Official Neil Ruggiero** and **Construction Clerical Assistant Ruth Spae** were each issued Rice Notice and both have opted to conduct this hearing in Open Session.

Mayor Short acknowledged **Labor Attorney Steve Trimboli**, present this evening. **Labor Attorney Trimboli** stated that each member of the Township Committee has been provided a confidential memorandum and requested that no reference to the memo be expressed during the hearing for it is privileged information.

Mayor Short stated that he wanted to have a brief closed session to pose questions as to procedure to **Attorney Trimboli**. **Attorney McBair** expressed opposition. After some discussion the Committee agreed not to hold a closed session. The issue is **Mr. Ruggiero's** familial relationship to **Ms. Spae** (first cousin) and whether there has been a violation of the Township's Nepotism Policy or the Local Government Ethics Law.

Mayor Short recently learned of Mr. Ruggiero and Ms. Spae's relationship and feels the Committee should discuss and determine if action should be taken or not. **Mayor Short** polled the Committee. **Comm. Tobin, Comm. Roehrich, Comm. Babb, Comm. LiaBraaten,** and **Mayor Short** all agreed that some action should be taken. Action could be disciplinary in nature, including termination, demotion, reprimand, an adjustment in salary, a change in supervisory roles, reassignment, etc.

After a discussion, the consensus was to create a subcommittee which will render recommendations within 30 days. The subcommittee will consist of **Administrator Coppola, Mayor Short,** and **Comm. Roehrich.** The department will continue to operate as it has been for now. Any changes will be made, if necessary, after the subcommittee returns with its recommendations.

Attorney McBrier was recognized and expressed that his client **Ms. Spae** has not violated any policy or ordinance. **Attorney Trimboli** referenced a State Statute pertaining to ethics; **Mayor Short** requested a copy of the statute.

Mayor Short asked **Mr. Ruggiero** if he had anything to say. **Mr. Ruggiero** questioned why discipline is being considered. **Mayor Short** stated that no decision has been made regarding discipline. The subcommittee will determine if there will be action or no action. **Mr Ruggiero** said he did nothing wrong. He did not hire **Ms Spae**, she was hired by the former **Construction Official Jordan.** **Mr. Ruggiero** noted that in a recent conversation he had with **Mayor Short** and **Administrator Coppola** he was told he did nothing wrong. Why then is discipline being discussed? **Attorney Jansen** stated that there is a question of whether this situation is a violation of the Local Government Ethics Law. **Mr. Ruggiero** asked who would be in violation of the Local Government Ethics Law. **Attorney Jansen** stated that making a recommendation for **Ms. Spae** to work more hours in the Building Department, without disclosing the familial relationship, could be in violation of the Local Government Ethics Law. **Attorney Jansen** stated that the subcommittee will research the matter, determine if there is a violation, and report back to the Township Committee.

PUBLIC PORTION. **Mayor Short** opened the meeting to the public. There being no questions or comments, **Mayor Short** closed the meeting to the public

Comm. Tobin brought up the bill providing immunity to volunteer rescue squads and personnel. **Attorney Jansen** stated that a new bill will be considered shortly.

Motion to adjourn was made by **Comm. Roehrich,** seconded by **Comm. Tobin.** Motion was carried by the following roll call vote:

AYES: **Comm. Babb, LiaBraaten, Roehrich, Tobin, Mayor Short**

NAYS: None

ABSENT: None

ABSTENTIONS: None

* Denotes Consent Agenda

Meeting was adjourned at 9:28 PM.