

Washington Township Planning Board
FEBRUARY 11, 2013

Chairman Leavens called the regular meeting of February 11, 2013 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Kathleen McGroarty, Eric Trevena,
Lou Mont, Charles DiSalvo, Mark Bauerlein
ALTERNATES: Howard Popper, Sam Akin
CLASS I: Ken Short
CLASS II: Roger Read
CLASS III: -
ABSENT: James LiaBraaten
OTHERS PRESENT: Engineer Hall, Attorney Buzak, Clerk Margolese

Adequate notice of this meeting was sent to the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as per requests.

MINUTES

1. Minutes from the January 23, 2013 Regular Meeting
Mr. Short made a motion to approve the minutes as presented, seconded by Mr. Popper. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, DiSalvo, Popper, Short, Trevena, McGroarty, Akin
Nays: None Abstentions: Bauerlein, Read

2. Minutes from the December 26, 2012 Executive Session Minutes
Mr. Popper made a motion to approve the minutes as presented, seconded by Mr. Short. A voice vote was taken and the motion carried.

Ayes: Leavens, DiSalvo, Mont, Read, Trevena, Short
Nays: None Abstentions: Akin, Bauerlein, Mc Groarty, Popper

RESOLUTIONS

None

PUBLIC COMMENT ON NON AGENDA ITEMS

The meeting was opened to the public for items not on the agenda. There were no questions or comments from the public and the meeting was closed to the public.

PUBLIC HEARING/APPLICATIONS

1. WTMUA – Modification of Conservation Easement - Block 28, Lot 19 – 46 E. Mill Rd.
Request to modify existing conservation easement to allow a well to be added behind their existing facility on E. Mill Rd.
Representatives present: WTMUA Director Mike Pucilowski, WTMUA Attorney James Gregory

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Mr. Popper and Mr. Akin recused themselves from this discussion citing a conflict of interest. The WTMUA's attorney James Gregory introduced himself and the WTMUA director Mike Pucilowski and gave an overview of the proposed reason why the Planning Board is being asked to consider the modification of the conservation easement on 46 East Mill Road. It was noted that the original easement language for the WTMUA had required Planning Board review prior to any modification to the easement.

Mr. Pucilowski stated that the project on East Mill Road involves land clearing, the construction and maintenance of the well, water main piping, electrical panel and service, and the stormwater outflow from well pump building. He stated that there will be a concrete building outside of the easement and that the WTMUA will be presenting their plans for the pump station which is associated with this matter. He stated that the WTMUA will be building a one mile long pipe to Parker Road and to Church Road. He noted that there are a group of homes in Chester that have had the need to have certain substances filtered from their water and that this proposal will remedy that situation.

Mayor Short noted that his insurance office is located within 200 feet of the proposed project and announced that he was recusing himself from the discussion due to possible conflict of interest. Mr. Pucilowski stated that the driveway for this area will be 10 feet wide and will be located from the easement to the well site. He stated that there are no issues with regard to the Historic Preservation Commission. Attorney Buzak noted that the Planning Board was aware at the time of the creation of the conservation easement that the WTMUA would from time to time need to do certain things relative to the utility and that the easement language had specifically asked that the Planning Board look at any modifications being considered.

Attorney Buzak stated that this is a unique situation. Planner Banisch noted that this is a compelling public need being served. Mr. Banisch asked if the WTMUA has approached the NJDEP for relief regarding the wetlands on the site. Mr. Pucilowski stated that they are currently under review by the NJDEP. It was noted that the WTYMUA will be coming back before the Board with their proposal as a capital improvement project. The Board reviewed the map that was distributed at the meeting. The Board decided that a color-coded map of the entire area is advisable when this matter comes before the Township Committee to better clarify the subject area. The matter was opened to the public for comment. No comment was offered from the public.

A motion was made by Mr. DiSalvo instructing the Board Clerk to send a letter on behalf of the Planning Board to the Township Committee stating that the Board found the presented proposal is not inconsistent with the Washington Township Master Plan and approves of this easement modification to allow specific uses within the conservation easement to include the following: Land clearing, Construction & maintenance of the well, Water main piping, electrical panel and service and drainage outflow of the well at the pump building, seconded by Mr. Mont. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, DiSalvo, McGroarty, Read
Nays: None Abstentions: None

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EXECUTIVE SESSION

Mr. Short made a motion to go into executive session to discuss potential litigation and board professional services contracts, seconded by Mr. Popper. It was noted that the minutes will be made available once confidentiality is no longer necessary. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, Short, Trevena, DiSalvo, Read, McGroarty, Popper, Akin
Nays: None Abstentions: None

Mr. Akin recused himself from the meeting citing a conflict of interest. The Board went into closed session at 8:07 p.m. It was noted that the WTMUA director and attorney went into the executive session.

The Board came out of executive session at 8:19 p.m. A brief discussion was had with the WTMUA's Director Mike Pucilowski and their attorney James Gregory regarding the WTMUA's water service agreement that had been made with Regency in 2007. It was noted that the wet basins had been required for Regency because of their lack of a 20 acre drainage area.

Mr. DiSalvo made a motion to go into executive session again to discuss potential litigation and board professional services contracts, seconded by Mr. Popper. It was noted that the minutes will be made available once confidentiality is no longer necessary. A voice vote was taken and the motion carried. The Board went into closed session at 8:30 p.m.

Ayes: Leavens, Mont, Short, Trevena, DiSalvo, Read, McGroarty, Popper
Nays: None Abstentions: None

The Board came out of executive session at 9:00 p.m.

Mr. DiSalvo made a motion to direct the Board's attorney to take action based upon the information discussed during the Board's closed session, seconded by Mr. Popper. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, Short, Trevena, DiSalvo, McGroarty, Popper, Read
Nays: None Abstentions: None

DISCUSSION / CORRESPONDENCE

1. Vouchers

Mr. DiSalvo made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payment, seconded by Mr. Short. A voice vote was taken; all were in favor and the motion carried.

Mr. DiSalvo made a motion to adjourn, seconded by Mr. Bauerlein. A voice vote was taken; all were in favor and the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Barbara J. Margolese, Clerk

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