

The Regular Meeting of the Township Committee of the Township of Washington was called to order by Mayor Short at 7:00 p.m.

MEMBERS PRESENT: Comm. Nedd, Short, Cullen, Walsh, Mayor Tobin, Attorney Jansen, Administrator/Clerk Gallets, Recording Secretary Madden

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

PROCLAMATION – READ ACROSS AMERICA – Mayor Tobin read aloud a proclamation declaring March 2, 2006 as Read Across America Day.

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 – SECOND READING AND PUBLIC HEARING

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 read by title upon second reading and a hearing held thereon.

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. Nedd, Short, Cullen, Walsh, Mayor Tobin

NAYS: None

ABSTENTIONS: None

ABSENT: None

Mayor Tobin opened the meeting to the public. There being no comments or questions, Mayor Tobin closed the meeting to the public.

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 final reading and that said ordinance be published 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. Nedd, Short, Cullen, Walsh, 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 – SECOND READING AND PUBLIC HEARING

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 read by title upon second reading and a hearing held thereon.

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. Nedd, Short, Cullen, Walsh, Mayor Tobin

NAYS: None

ABSTENTIONS: None

ABSENT: None

Mayor Tobin opened the meeting to the public. There being no comments or questions, Mayor Tobin closed the meeting to the public.

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 final reading and that said ordinance be published 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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RO-03-06 – AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF \$10,000 FROM THE “OPEN SPACE TRUST FUND” – INTRODUCTION AND FIRST READING

BE IT RESOLVED by the Township Committee of the Township of Washington that an Ordinance entitled AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF WASHINGTON, COUNTY OF MOR RIS, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF \$10,000 FROM THE “OPEN SPACE TRUST FUND” 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. Nedd, Short, Cullen, Walsh, 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 AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AND PROVIDING FOR THE APPROPRIATION OF \$10,000 FROM THE “OPEN SPACE TRUST FUND” 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 March 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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

***ACCEPT RESIGNATION**

Mary Harrigan – Tax Collector Clerk, Tax Department, effective January 27, 2006

RESOLUTION #R-34-06 - APPOINTMENTS/ADJUSTMENTS

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-35-06 - RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT – REAL ESTATE APPRAISAL SERVICES – APPRAISAL SYSTEMS, INC.

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-36-06 - RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT – REAL ESTATE APPRAISAL SERVICES – APPRAISAL CONSULTANTS CORP.

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-37-06 - AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF COMMUNITY AFFAIRS TO CREATE A MASTER ELEMENT FOR DOWNTOWN LONG VALLEY

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-38-06 - REFUND TO TAXLIENHOLDERS

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-39-06 - REFUND TAX PAYMENT

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-40-06 - TRANSFER 2005 TAX OVERPAYMENTS TO SURPLUS

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-41-06 - AUTHORIZE THE ISSUANCE OF A SOIL DISTURBANCE PERMIT TO MORITZ & CO. FOR THE MOVEMENT OF SOIL FROM BLOCK 33, LOT 3.14 TO RARITAN TOWNSHIP, HUNTERDON COUNTY

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-42-06 - AUTHORIZE THE ISSUANCE OF A NEW PLENARY RETAIL CONSUMPTION LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO THE HIGHEST QUALIFIED BIDDER

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

RESOLUTION #R-43-06 - RESOLUTION OPPOSING SENATE BILL 319 AND ASSEMBLY BILL 1030

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. Nedd, Short, Cullen, Walsh, Mayor Tobin
NAYS: None **ABSTENTIONS:** None **ABSENT:** None

***RESOLUTION #R-44-06 - EXECUTE DEVELOPER'S AGREEMENT FOR BOND REDUCTION THE ESTATES AT LONG VALLEY – SECTION I**

***RAFFLE APPLICATIONS**

Applications have been received for the following raffles:

HSA Everitt Academy School	Fifty-Fifty	03/04/2006
HSA Everitt Academy School	Tricky Tray	03/04/2006
PTTO West Morris Central High School	Fifty-Fifty	04/25/2006
PTTO West Morris Central High School	Tricky Tray	04/25/2006
Long Valley Fire Company Ladies Auxiliary	Armchair Race	03/11/2006

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.

***AUTHORIZE SPECIAL ABC PERMIT – MSGR. GEORGE E. EVERITT ACADEMY HSA**

An application has been received from the Msgr. George E. Everitt Academy HSA for permission to dispense alcoholic beverages at a fundraising event to be held on March 4, 2006 from 7:00 P.M. to 11:00 P.M. at the Saint Luke's Parish Center, 256 West Mill Road, Long Valley, New Jersey. Noted that Captain William Gundersdorf, the Washington Township Police Department Officer in Charge, has signed the permit application.

That the foregoing special permit for a social affair be approved and the Clerk be authorized to sign the permit application and forward it to the applicant for submission to Division of Alcoholic Beverage Control.

***AUTHORIZE SPECIAL ABC PERMIT – WASHINGTON TOWNSHIP LAND TRUST OF MORRIS COUNTY, INC.**

An application has been received from the Washington Township Land Trust of Morris County, Inc. for permission to dispense alcoholic beverages at a fundraising event to be held on April 22, 2006 from 7:00 P.M. to 9:00 P.M. at the Schooley's Mountain Lodge, Camp Washington Road, Long Valley, New Jersey. Noted that Captain William Gundersdorf, the Washington Township Police Department Officer in Charge, has signed the permit application.

That the foregoing special permit for a social affair be approved and the Clerk be authorized to sign the permit application and forward it to the applicant for submission to Division of Alcoholic Beverage Control.

***APPROVE MINUTES**

December 14, 2005 Work Session

***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
Monthly Report and Annual Report

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

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

NAYS: None

ABSTENTIONS: None

ABSENT: None

CORRESPONDENCE NOTED FOR THE RECORD

- ◆ Letter stating the DEP Bureau of Watershed Regulation has determined that the Scharf single family dwelling, located on West Springtown Road, (Block 31, Lot 6.12) qualifies for an exemption from Highlands Rules and is consistent with the Upper Raritan Water Quality Management Plan.
- ◆ Letter from Comcast Area Director for Government and Community Affairs Charles L. Smith, III, and franchise fee of \$52,916.23 for Comcast's use of municipal rights-of-way during 2005.
- ◆ Letter from Chairman Tracy Kinsel, stating the County of Morris Heritage Commission has awarded a grant of \$2,235.00 to assist towards the professional preservation of Washington Township historical records.
- ◆ Letter to Mayor Tracy Tobin from Morris County Administrator John Bonanni, stating the Freeholders have made \$2,500 in supplemental funding available to Municipal Alliances for the 2006 funding cycle.
- ◆ Letter to Tax Assessor Dolores Pecorari from Maser Consulting Engineers' Senior Associate Jeromie P. Lange, acknowledging her extraordinary service in forwarding a certified property owner's list for his project.
- ◆ Letter from Mrs. Shirley Lipkin, thanking the Washington Township Committee for their kind thoughts and the beautiful gifts presented on the occasion of her retirement as Washington Township Registrar.
- ◆ Letter to the Long Valley Fire Company from Ms. Shelley Heretyk, President of the Washington Township Historical Society, expressing the society's thanks to the volunteers who kept the museum furnace functioning through the night of the January 15th storm, and enclosing a \$100.00 donation.
- ◆ Letter to Mr. Steve Daly of Daly Plumbing & Heating, who donated his time and expertise as well as \$4,500 toward materials needed to provide heat at the Teen Center.
- ◆ Memorandum from Director Joanne Kares of the Morris County Division of Library Services, presenting a breakdown by municipality of the apportionment of county taxes for library services for 2005.

DISCUSSION

TOWNSHIP COMMITTEE SALARIES 2006 -

Comm. Cullen stated that he would like to see their salaries set at \$0.

Comm. Short stated that there are a lot of expenses associated with the position. There has to be some compensation to defer expenses. He stated that of over 500 municipalities throughout the state, the Washington Township Committee is in the lowest 5% of salaries. Comm. Short stated that he is not here to make money, but he doesn't want to lose money either. He stated that \$500 will not cover expenses.

Comm. Walsh stated that he agrees with Comm. Short. He would like to utilize the dollars that have been taken off the table to help seed some community events that have now lost support. First being the Fall Festival. The Township used to seed this event with \$5,000 which would be given back to the Township after the funds were raised. The Washington Township Educational Foundation has decided that they don't want to take that on this year. Comm. Walsh stated that he thinks it is a great event that we owe our community. He would like the Fall Festival Event to fund a 4th of July event.

Comm. Nedd stated that his biggest concern about dropping the stipend down to the levels that are being discussed is that it is sending a signal to the public that the work that the Committee does isn't valued - even to the extent of being able to recover expenses that come out of their pocket. However, it troubles him deeply to see this particular position in stipends politicized. Therefore, so that no other Committeemen will find themselves in the position of being stigmatized of receiving money on the take, Comm. Nedd stated that he would like to see the stipend eliminated in its entirety so that the issue is no longer before us.

Mayor Tobin stated that the Committee has never adopted a salary ordinance in secret in the dark where nobody could see it. It was always done at a public meeting. He stated that if we are doing the job right, it easily takes 30

hours a week because it is not just two meetings a month - everybody is on Committees. At the amount proposed, this is a money losing proposition. Mayor Tobin stated that he will not except the Mayor's stipend but he is in favor of the \$500 salary.

Motion was made by Comm. Short, seconded by Comm. Walsh that the salary for the Township Committee and the Mayor be established at \$500 for the year 2006. Motion was carried by the following roll call vote:

AYES: Comm. Short, Walsh, Mayor Tobin

NAYS: Comm. Nedd, Cullen

ABSTENTIONS: None

ABSENT: None

TOWNSHIP COMMITTEE BENEFITS 2006 –

Comm. Nedd stated that during his campaign for this position, he took a very solid platform as one of his pledges that he did not believe that taxpayers should be paying for the health benefits of Township Committeemen. I still believe that. I would like to propose that we eliminate the taxpayer provided portion of our benefits, however, that we allow any committeeman who is currently receiving benefits to pay for those benefits at their own expense.

Attorney Jansen stated that under the State Health Benefits Program, an employee is defined as an "appointed or elected officer, or a full time employee". Elected officials can't be treated any differently than any other employee of the municipality. Attorney Jansen stated he doesn't believe that the governing body can decide to preclude members of the governing body from participating in the State Health Benefits Program if they wish to do so.

Comm. Walsh stated that each Committeeman should have the opportunity to accept the benefits, not except the benefits, or if he chooses to take them, have the opportunity to make a donation of those costs back to the Township.

Comm. Cullen stated that Comm. Tobin has been on the Committee for more years than we can count, he has volunteered his time, and he has cut his work hours and lost personal income this year and other years. He started this year expecting to have those benefits and he should not be expected to pay for them.

Comm. Short stated that he does accept the State Health Benefits Program and since he began accepting this monies, his donations to the municipality have usually exceeded his premiums by 50%. So yes, he does except monies, but the money that comes back to the community through different programs far exceeds the premiums of \$11,606.32 that are paid. So, I am doing what Comm. Walsh suggested and making a donation back by my choice.

Comm. Nedd stated that now that Attorney Jansen has clarified the benefits program, he would like to make an addendum to his earlier statement. He stated that he understands that we cannot legally take the benefit away, but his original position still stands and he doesn't believe this is a benefit that should be on the burden of the taxpayers. He doesn't believe that it should be one that the Committee should be taking. He stated that he himself could chose to stop paying the \$400 a month that he pays to his employee and jump on the state plan. It's not his intention, and he doesn't think that would be the right thing to do. Comm. Nedd stated that he believes the Committee shouldn't take it. He understands what the law says and he will respect the law but again, personally, he doesn't think that they should.

Comm. Walsh stated that he wanted it on the record that he would not be accepting the benefits.

Mayor Tobin stated that this benefit was put into place sometime during the six or seven years that he was off the Committee. He doesn't know who started it or what the thought process was behind it. From 1992 until mid 1999 when he retired, he could have taken this plan and saved himself the premiums that he paid to his employer. In fact, if he had taken this plan he not only would have eliminated the premiums he paid to this plan, his employer would have paid him around \$1,000/\$1,500 because they came out ahead. Mayor Tobin stated that he did not do that. Everybody who has had a medical plan available through a full-time employer – whether their own or their spouse's - has not taken the Township's benefits. In mid 1999, he accepted the plan when he moved into retirement. He stated if he were to return to full-time employment where there was a medical plan available, he would stop taking the Township's plan. He is going to take advantage of the State Health Plan provision that he am eligible for. He is not going to make a donation of the equivalent of \$13,000 back to the town. Mayor Tobin stated that just taking the Mayor's position this year cost him \$6,000 - \$7,000 in salary. It made him eligible for only a pittance of the bonuses, because he cut his hours before the end of the eligibility period. He is putting in more hours then ever and it has cost him money to serve in this position. He stated he doesn't think he is taking advantage of the town. We had discussions regarding whether the lack of a realistic salary might discourage people in certain income brackets from taking a position on the Committee. He thinks there is merit to that argument. To decide to put 20-30 hours into a position that gives you next to nothing back is not incentive and similarly with something like health benefits. Now there might be an incentive for somebody.

Mayor Tobin opened the meeting to the public.

Ms. Jennifer Tiner, Long Valley, inquired how much money is currently being spent for health benefits.

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

GRIEVANCE HEARING – MARCH 20, 2006 – 6:00 PM - It was noted that a grievance hearing will be held on March 20, 2006 at 6:00 p.m. to hear a grievance from Sgt. Almer. This meeting will be advertised.

Mayor Tobin opened the meeting to the public. There being no comments or questions, Mayor Tobin closed the meeting to the public.

Comm. Cullen stated that a letter had been received back in January from the Long Valley First Aid Squad summarizing a meeting that had been held in the municipal building and he inquired if anybody had asked for that letter to be written.

The meeting adjourned at 8:10 p.m.

Dianne S. Gallets, Clerk