

**Township of Washington
Gloucester County
Council Meeting Minutes
January 20, 2016
7:00 P.M.**

Council President Sean Longfellow called the meeting to order at 7:02 P.M. in the Council Room located at 523 Egg Harbor Road, Sewell, New Jersey. Mr. Longfellow delivered the Sunshine notice and the safety awareness notices. The flag salute followed.

Township Clerk Jill McCrea took a roll call vote. Councilmembers Newman, Fazzio, Donato, Martin, and Longfellow were present. Business Administrator Smith and Township Attorney Joe Alacqua (arrived at 7:07) were also present. Mayor Wallace was absent.

Council President Longfellow announced a change in the agenda in order to open the meeting to the public. Mrs. Martin motioned to open the meeting for public participation. Ms. Donato seconded the motion, which was unanimously approved by the council. Attorney **Stuart Platt** addressed the council and explained that he was there to go over the outcome of litigation that was filed by former Solicitor John Armano. Mr. Platt served as the prosecutor for the charges filed on January 3, 2015 against Mr. Armano. Mr. Armano, his partner John Trimble, and his attorney choose not to appear at the January 21, 2015 hearing. Instead, they sent a report that was reviewed and considered by the council. This report and Mr. Platt's presentation were considered when four (4) members made their determination to remove Mr. Armano from his position as Township Solicitor. The decision was based on Mr. Trimble's representation of others, against three (3) members of council, created a substantial risk of his ability to provide independent legal advice to this council as the attorney client privilege was irrevocably broken. Mr. Armano filed a multi-count lawsuit, against four (4) members of council and two (2) others, after a 2/3 majority of council voted to remove him and his firm Trimble and Armano. Mr. Platt's law firm filed a motion to dismiss the lawsuit. Judge Hillman of the Federal District Court found, in a 128 page opinion, that the council had substantial legal grounds to remove Mr. Armano. Further, Mr. Armano received constitutional due process, as he was notified of the hearing and chose not to take advantage of it. All claims made by Mr. Armano were dismissed.

Dallas Borgia, 5 Hickory Court, thanked the Township officials who came out to inspect the roadwork that was being done in Heritage Valley. He asked about the role of the Director of Public Works regarding the inspection process. He also asked if anyone had from the Township had looked at the 161 page punch list. Township Engineer Annina Hogan informed Mr. Borgia of the process and updated him on the status of the repairs and some of the terms that had been negotiated with the contractor performing the repairs. **David Rimby**, 47 East Holly Avenue, displayed pictures of the roadwork in Heritage Valley. Ms. Hogan informed the paving company would be out the next day to repair the areas of concern. He asked what was being done with the bus barn at the top of Heritage Valley Drive. He said the Heritage Valley Civic Association has repeatedly asked the Township to repair it. Mr. Fazzio motioned to close the public portion. Mrs. Martin seconded the motion, which was unanimously approved by the Council.

Council President Longfellow introduced Mr. Fazzio for a presentation. Mr. Fazzio announced that he would be donating his council salary to the Historic Village and the Open Space Committee for the repair of a bridge at Washington Lake Park. Historic Village President Nick Appice accepted the \$3,000 donation.

Approval of Bill List:

Ms. Donato motioned to approve the bill list of January 20, 2016. Mr. Fazzio seconded the motion, which was unanimously approved by the Council, with the exception of Mr. Fazzio on all Fazzio bills.

Approval of minutes:

Mr. Longfellow motioned to approve the minutes of January 4, 2016. Ms. Donato seconded the motion, which was unanimously approved.

ORDINANCES:

2 – 2016: ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WASHINGTON TO CREATE AN ADVISORY PARADE COMMITTEE

Ms. Donato moved Ordinance 2 – 2016 for the first reading. Mrs. Martin seconded the motion, which was unanimously approved by the Council

3 – 2016: ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WASHINGTON

Mr. Newman moved Ordinance 3 – 2016 for the first reading. Mr. Longfellow seconded the motion. The motion with carried with three (3) yes votes. Councilmembers Fazzio and Donato voted no.

Mr. Longfellow said there were issues that need to be discussed. Ms. Donato asked if it could be amended. Mr. Alacqua explained the amendment process. It was agreed that this ordinance would be discussed at later time in the meeting.

4 – 2016: ORDINANCE HONORING FRANCIS J. CAMPBELL, JR BY ASSIGNING THE ALTERNATE NAME OF FRANK CAMPBELL BOULEVARD TO MCCLURE DRIVE

Ms. Donato moved Ordinance 4 – 2016 for the first reading. Mrs. Martin seconded the motion, which was unanimously approved by the Council. Mrs. Martin made note that it was Frank Campbell's birthday.

1 – 2016: AN ORDINANCE REPLACING ORDINANCE 08-2015 AND SECTIONS 2-64 AND 2-70 OF THE CODE OF THE TOWNSHIP OF WASHINGTON IN ORDER TO CREATE A HISTORIC PRESERVATION COMMISSION IN CONFORMANCE WITH N.J.S.A. 40:55D-107 AND PROVIDE FOR THE PRESERVATION OF THE OLDE STONE HOUSE VILLAGE AND ANY OTHER PERTINENT HISTORIC BUILDINGS OR SITES WITHIN THE TOWNSHIP OF WASHINGTON

Mr. Fazzio moved Ordinance 1 – 2016. Ms. Donato seconded the motion, which was unanimously approved. Mrs. Martin motioned to open the public hearing for Ordinance 1 - 2016. Ms. Donato seconded the motion. Mrs. Martin motioned to close the public hearing. Ms. Donato seconded the motion, which was unanimously approved. All roll call vote was taken. All members of Council voted yes.

RESOLUTIONS:

R28: RESOLUTION APPOINTING MEMBERS TO THE ADVISORY BOARD OF ECONOMIC DEVELOPMENT

Mrs. Martin moved Resolution 28 – 2016. Ms. Donato seconded the motion, which was unanimously approved. Mr. Longfellow read the names of the appointees.

R29: RESOLUTION AUTHORIZING A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) TO ALLOW ENTRY ONTO TOWNSHIP PROPERTY TO FACILITATE THEIR REPLACEMENT OF A BRIDGE OVER BIG TIMBER CREEK ON ROUTE NO. 168

Mrs. Martin moved Resolution 29 – 2016. Ms. Donato seconded the motion, which was unanimously approved.

R30: RESOLUTION AUTHORIZING THE LEASE OF CERTAIN LANDS OWNED BY THE TOWNSHIP OF WASHINGTON, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY THROUGH BY SUBMISSION OF SEALED BIDS

Mrs. Martin moved Resolution 30 – 2016. Ms. Donato seconded the motion, which was unanimously approved.

R31: RESOLUTION AUTHORIZING THE USE OF TAG'S AUTO SUPPLY FOR THE PURCHASE OF AUTO SUPPLIES THROUGH THE COUNTY COOPERATIVE PURCHASING PROGRAM

Mrs. Martin moved Resolution 31 – 2016. Mr. Newman seconded the motion, which was unanimously approved.

R32: RESOLUTION AWARDDING A CONTRACT FOR LEGAL SEVICES THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH NJSA 19:44A-20.4 ET SEQ TO BROWN & CONNERY, LLC

Mr. Newman moved Resolution 32 – 2016. Ms. Donato seconded the motion, which was unanimously approved.

OLD BUSINESS /NEW BUSINESS:

Mrs. Martin distributed copies of Ordinance 5 – 2016 to those present on the dais.

ORDINANCE 5 – 2016: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF WASHINGTON TO ESTABLISH A NEW SECTION §2-75 THROUGH §2-83 THEREOF, TO BE ENTITLED DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICIALS AND EMPLOYEES IN CIVIL ACTION AS PERMITTED BY LAW

Mrs. Martin moved Ordinance 5 – 2016 on first reading. Ms. Donato seconded the motion, which was unanimously approved by all members present. Mrs. Martian explained that this ordinance was exactly the same as Ordinance 12 – 2015, which was vetoed by the mayor. She added that the ordinance protects all Township board members from exposure, not just the Township Council. Mr. Alacqua said he would review the document. Ms. Donato moved Ordinance 5 – 2016 for the first reading. Mrs. Martin seconded the motion, which was unanimously approved by the council. Mr. Newman asked Council President Longfellow if there would be guidelines established for agenda items submittal. Mr. Longfellow said he would like to have agenda items by the previous Wednesday, but noted there will be exceptions made with items that are time sensitive. He explained the protocol he had established with the Township Clerk. Ms. Donato asked Mr. Longfellow where he was with revising the nepotism ordinance. Mr. Longfellow said he had spoken with Mr. Smith. The revisions were in the works and should be ready for the February 10, 2016 meeting. Ms. Donato referenced a letter the councilmembers had received from a senior citizen regarding the heat and toilets at the Washington Township Senior Center. Mr. Smith said Mayor Wallace is addressing these issues and she had discussed it with the seniors. He added the letter was unsigned and upon speaking to the members of the senior center, no one took credit for it. Mrs. Martin said she would be going to their next board meeting.

REPORTS:

- Mr. Newman reported the Sports Advisory Board had reorganized and that its newest member was Maggie Woodward. He also announced spring sports registration has begun and participants should not wait to sign up.
- Mr. Fazzio reported there were two (2) new Zoning Board members.
- Mrs. Martin reported that Washington Square Development presented plans at the last Planning Board meeting. A representative from the Rothman Institute and an assisted living facility reaffirmed their interest in occupying space in the project. She added the project will be done in phases.

- Ms. Donato reported she had not been able to attend the Veterans Advisory Board and Family and Community Services reorganizations due to a conflict. She announced the Changing Our World hoagie sale fundraiser and the annual rabies clinic.

PUBLIC PARTICIPATION:

Ms. Donato motioned to open the meeting for public participation. Mr. Fazio seconded the motion, which was unanimously approved. **Chris Fosler**, 21 Longwood Drive, asked who is responsible for enforcement when businesses are not complying with local ordinances. Mr. Smith explained that if it were sign or property maintenance, it would be the zoning officer. If it were parking or traffic, it would be the police department. **Dallas Borgia**, 5 Hickory Court, asked for clarification on Ms. Hogan's earlier comments regarding the forgiveness of fines for Arawak Paving and why they would be considered to continue work on the 2014 Road Program in the spring when there were so many problems. Ms. Hogan addressed Mr. Borgia's questions. **Rich Silvestri**, 5 Heather Road, asked why families being penalized with higher property taxes when they put an addition on their home to help a family member. He felt this should not happen because a family is doing "the right thing" and he believed it didn't increase the value of the property, nor did it require more services from the Township. He asked if council could work out some type of abatement plan for these situations. Mr. Longfellow said they would look into it. **Charlie Donato**, 4 Windy Acres Way, asked how many payrolls there had been this year and if anyone had gotten a raise. Mr. Smith said there was one (1) payroll and no raises. Ms. Donato motioned to close the public portion. Mr. Fazio seconded the motion, which was unanimously approved.

At this time, Mr. Smith asked if they should discuss the salary ordinance. Mrs. Martin asked why the salary of the CFO listed on the ordinance had been increased by \$10,000? Mr. Smith explained he had a signed agreement with the CFO that increased his salary after he became a Certified Municipal Financial Officer. He said the CFO is not at the top of the range and it can be lowered to \$82,000. Mrs. Martin said she would like to see a copy of the letter. Ms. Donato asked if the increase on a few of the positions were by contract. Mr. Smith explained the increases reflected a 2% increase because that is the amount contractual employees received. Mr. Longfellow asked when the last time there was a freeze was. Mr. Smith said it was in 2009 and lasted for three (3) years. Ms. Donato motioned to freeze the salaries of all non-contractual employees to help ease the tax burden on the residents. Mrs. Martin seconded the motion. Mr. Smith added, as per state statute, only seven (7) positions actually have to be on the salary ordinance and approved by council. It was agreed that this issue would be discussed with Township Solicitor Joe Alacqua, who was not present at the time of this discussion. Mrs. Martin motioned to table the ordinance because Mr. Alacqua was not present and she wanted to see the CFO letter. Mr. Longfellow agreed and seconded the motion, which was unanimously approved. Mr. Newman said the council should ask all boards, "including us", to step up and discuss cuts.

Ms. Donato motioned to adjourn. The motion was seconded by Mr. Newman, which was unanimously approved. The meeting was adjourned at 8:08 P.M.

Respectfully submitted,

Jill S. McCrea

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