

Township of Washington
Council Meeting
August 24, 2011
Washington Township Municipal Building
7:00 P.M.

Council President Del Borrello called the meeting to order. He asked everyone to stand for the pledge of allegiance to the flag.

Council President Del Borrello delivered the Sunshine Law and the awareness for the town.

Roll Call: Mr. Newman – present, Mr. MacDowell – present, Mr. D’Orazio – present, Mr. Morley – present, Mr. Del Borrello – present, Mr. Chell – present, Mrs. Breslin – present, Mrs. Bileci– present

Motion to open to the public: Mr. Del Borrello, 2nd Mr. D’Orazio
All in favor

Sandy Matteo – Wilson Road

She thanked Council for their hard work on keeping the tax increase to a minimum. She said that the school should look to this board as an example.

Mr. Del Borrello responded by saying that all the entities are trying their best.

Mr. Newman responded by thanking the former Mayor Matt Lyons and Mary Breslin for their efforts.

It was asked from the public if they would be able to speak after as well. Mr. Del Borrello stated yes.

Motion to close: Mr. Del Borrello, 2nd Mr. Morley
All in favor

ORDINANCE #13-2011: ORDINANCE AMENDING CHAPTER 168 ENTITLED
PEACE AND GOOD ORDER

Public Hearing

Motion to open to the public:	Mr. MacDowell, 2 nd Mr. Newman
All in favor	
Motion to Close to the Public:	Mr. MacDowell, 2 nd Mr. Newman
Motion to move Ordinance #13-2011:	Mr. Newman, 2 nd Mr. Morley
Roll Call: 5 yes votes	

ORDINANCE #14-2011: ORDINANCE AMENDING CHAPTER 186 ENTITLED RESIDENTIAL PARKING PERMITS

Public Hearing

Motion to open to the public: Mr. Morley , 2nd Newman
All in favor: 5 yes
Motion to close: Mr. Del Borrello, 2nd Mr. Newman
All in favor: 5 yes

Chief Muniz

Mr. Morley asked the Chief if this Ordinance was coming from the residents who live on this street. The Chief responded yes and explained that Sgt. Simms tried to resolve the issue with the principle of the Whitman elementary school. However, a resolution could not be met.

Mr. D’Orazio asked the Chief what impact this Ordinance would have on the police department? The Chief responded that in the beginning of the year there might be a little situation but the traffic officer will be out there making sure the situation is resolved. He made reference to a similar situation in the development across from the high school. Mr. D’Orazio also asked if other developments will now be able to do the same thing? The Chief responded that each situation will handled individually and they will try to resolve the issue before using parking permits.

Motion to move Ordinance #14-2011: Mr. MacDowell, 2nd Mr. Newman
Roll Call: 5 yes votes

RESOLUTION #100-2011: A RESOLUTION APPROVING AND AUTHORIZING A LIEN ON REAL PROPERTY OF THE TOWNSHIP OF WASHINGTON FOR MAINTENANCE WORK PERFORMED BY THE TOWNSHIP OF WASHINGTON

Mr. DelBorrello read the Resolution.
Motion to move Resolution #100-2011: Mr. Newman, 2nd Mr. Morley
Roll Call: 5 yes votes

RESOLUTION #101-2011: RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR ALCOHOL ED REHAB & ENFORCEMENT FUND IN THE AMOUNT \$4,692.32

Mr. DelBorrello read the Resolution.

Motion to move Resolution #101-2011: Mr. Morley, 2nd Mr. MacDowell
Roll Call: 5 yes votes

RESOLUTION #102-2011: RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE COMCAST DONATIONS IN THE AMOUNT OF \$5,000.00

Mr. DelBorrello read the Resolution.

Motion to move Resolution #102-2011: Mr. Morley , 2nd Mr. Newman
Roll Call: 5 yes votes

RESOLUTION #103-2011: RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR DRUNK DRIVING ENFORCEMENT FUND IN THE AMOUNT \$12,018.44

Mr. DelBorrello read the Resolution.

Motion to move Resolution #103-2011: Mr. MacDowell, 2nd Mr. Morley
Roll Call: 5 yes votes

RESOLUTION #104-2011: RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE OVER THE LIMIT UNDER ARREST IMPAIRED DRIVING CRACKDOWN IN THE AMOUNT \$4,400

Mr. DelBorrello read the Resolution.

Motion to move Resolution #104-2011: Mr. MacDowell, 2nd Mr. Morley
Roll Call: 5 yes votes

RESOLUTION #105-2011: RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE RECYCLING TONNAGE GRANT IN THE AMOUNT \$98,192.37

Mr. DelBorrello read the Resolution.

Motion to move Resolution #105-2011: Mr. Newman, 2nd Mr. Morley
Roll Call: 5 yes votes

RESOLUTION #106-2011: RESOLUTION DESIGNATING CERTIFYING AGENT FOR PENSION FUNDS

Mr. DelBorrello read the Resolution.

Motion to move Resolution #106-2011: Mr. Morley, 2nd Mr. MacDowell

Roll Call: 5 yes votes

RESOLUTION #107-2011: RESOLUTION AWARDING A CONTRACT TO ASPHALT PAVING SYSTEMS FOR THE RECONSTRUCTION OF HARVARD AND HYANNIS AVENUES

Mr. DelBorrello read the Resolution. Mr. Del Borrello explained that a bid was refused. Ms. Hogan explained that we received one bid the first time and it was excess of the available budget for the CDBG grant. It was rebid but the thickness of the work was modified and it came in at a reduced price. Mr. DelBorrello asked if there will be a second phase to the project. Ms. Annina stated no.

Motion to move Resolution #107-2011: Mr. Newman, 2nd Mr. MacDowell

Roll Call: 5 yes votes

RESOLUTION #108 -2011: RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP OF WASHINGTON TO DISCUSS THE STATUS OF LITIGATION INVOLVING DI BONAVENTURA V. WASHINGTON TOWNSHIP

Mr. DelBorrello read the Resolution.

Motion to move Resolution #108-2011: Mr. Morley, 2nd Mr. MacDowell

Roll Call: 5 yes votes

Approval of Bill List:

Mr. D'Orazio questioned the agent fees for a 2004 bonds. Mrs. Breslin explained that serial bonds include paying an agent fee that is part of the process. She explained that this fee is paid every year that the serial bonds are in place. He asked for a copy of the contract. Mrs. Breslin stated that she can provide a copy of the bond documents.

Motion to approve Bill List #1: Mr. D'Orazio, Mr. Newman

Roll Call: 5 yes votes

Motion to approve Bill List #1 Addendum #1: Mr. Newman, 2nd Mr. Morley

Roll Call: 5 yes votes

Motion to approve Bill List #2: Mr. Newman, 2nd Mr. D'Orazio

Roll Call: 5 yes votes

APPROVAL of MINUTES:

Motion to approve June 8, 2011: Mr. Del Borrello, 2nd Mr. Newman
Roll Call: 5 yes votes

Motion to approve July 27, 2011: Mr. Del Borrello, 2nd MacDowell
Roll Call: 5 yes votes

Mr. D'Orazio questioned the Council Vice President Morley was suppose to be on the subcommittee for the Washington Square Redevelopment Project. Mr. Del Borrello explained that only 2 members from Council could be on the subcommittee because of a quorum.

Motion to approve August 18, 2011: Mr. Del Borrello, 2nd Mr. D'Orazio
Roll Call: 5 yes votes

REPORTS:

Mr. Newman thanked Mary Breslin for her years of service and wished her well on her retirement. He also wished Meredith Tomczyk well and stated that it was a bittersweet farewell. He stated that he feels she was very dedicated and she will be missed. Mr. Newman also thanked those who are supplying food to the cupboard.

Mr. MacDowell thanked Mrs. Breslin for her years of service and thanked her for all her help. He stated that Meredith will be missed and did a great job for the Township of Washington.

Mr. D'Orazio wished Mrs. Breslin well and stated that with Meredith sometimes changes must be made. He wished her good luck with new position. He also stated that he paid his respects to the family of the military man from Pitman who lost his life. He also commented on the 19th anniversary of the Senior Center.

Mr. Morley thanked Mary for all her help during his months on Council. He also stated that Clean Up is October 8th. The School Board is looking for input on their selection of the new superintendent.

Mrs. Breslin stated that she enjoyed her 15 years of service especially the last two years with Mayor Lyons. She stated that her retirement is bittersweet.

Mr. Del Borrello echoed the sentiments of Council towards Mrs. Breslin. He stated that on September 11th will have the Founding Fathers Day at the Olde Stone Village.

PUBLIC PARTICIPATION:

Motion to open: Mr. Del Borrello, 2nd Mr. D'Orazio
All in Favor: 5 yes

Matt Lyons – 2 Packer Court

Mr. Lyons thanked the residents of Washington Township for allowing him to serve for the past 11 years. He thanked all Department Heads who served under the last two years. He thanked Mary Breslin for filling in as Mayor and more importantly all her years of service. He stated that it was truly a pleasure to work with her and she was nothing but a true professional the entire time. He stated that she is glue that holds this place together. Mr. Lyons asked if Council was still proceeding to sell assets and land that was discussed in May? Council President responded that he wasn't familiar with the proposals and appraisals of the buildings. He stated that the school board is interested in the old library building. Mr. Lyons stated that a lot of work was done on this subject matter and stated that more discussion was held on a parking spot that bringing revenue into the town. He asked if there was a reason why no one has followed up on getting the assets sold. Mr. Del Borrello stated that it is on their top agenda and they will look into it. Mr. Lyons asked if this will be on the agenda at the next Council meeting? Mr. Del Borrello stated yes.

Mr. Lyons also questioned the property maintenance issues of the commercial properties on Black Horse Pike. He asked if they were no longer enforcing the mow/lien laws in the Township? Mr. Del Borrello stated that we are. Mr. Lyons also commented and asked why we are losing Meredith and stated that she is a true asset to the community. He stated that Mary has spent countless hours training her in the CFO position. He stated that Meredith is a dedicated worker and a long time resident. He stated that it is dangerous to take the financial positions in the township and make them footballs. He stated that it is an error to lose Meredith and he stated that there should be an effort to keep her which is exacerbated by Mary's departure. He stated it is bad management and be avoided at all cost.

Mr. Newman stated that there were two votes, by himself and Mr. MacDowell to make her CFO and agree with your statement.

Mr. D'Orazio asked if it was a Mayor's appointment or Council appointment? Mr. Chell responded asking if the entire history should be explained. He stated it is a Mayor's appointment and he believed that Council had to confirm the appointment. He stated that you reported the issue to the State and they contact Mary and himself, and the State said that Council does not have the right and it is strictly a Mayoral appointment. However, they were concerned that the Acting Mayor made the appointment and in the interest of due caution, he stated that he advised that Mary's appointment was not effective.

Mr. D'Orazio asked if the confirmation needs to come before Council. Mr. Chell answered no. However, there is no Mayor now. He stated that he took the position that Council needed to confirm the position since it was the safest course of action. He further stated that he did not feel that it would be an issue for Council to confirm someone who the CFO had trained for a number of years to take her spot.

Mr. Chell stated that he believes the acting Mayor has all the powers of the Mayor again in excess of caution and not to expose the township to possible litigation and deferred to the State and said the appointment does not exist.

Mr. D'Orazio asked if it was Mayor's or Council appointment? Mr. Chell answered Mayor.

Mr. Lyons stated that he was not concerned with the process but the lack of support that Ms. Tomczyk would have from the entire body based on her experience and commitment to the town. He wished Ms. Tomczyk well.

Mr. Lyons stated that in the minutes it states that Mr. D'Orazio said that prior to the last meeting that they talked about whether to have a lawyer at the next Council meeting. Mr. Lyons asked Mr. D'Orazio who he talked to?

Mr. D'Orazio asked Mr. Chell if he needed to answer the question. Mr. Chell stated that he is member of the public and it is up to you whether you want to answer the question.

Mr. Del Borrello stated that the Township Clerk asked if he wanted another attorney at the meeting since Mr. Chell was on vacation. He explained that he responded to her and said that we have one vote to make and is it going to cost money. She responded yes. He responded and said that for one vote he was not going to spend any more tax payer money. He stated it was his decision.

Mr. Lyons stated that it was a very important vote. Mr. Lyons asked who else was involved in the discussion but Mr. D'Orazio indicates that he was involved with the discussion, just you and the Clerk and Mr. D'Orazio. He asked if there was a lawyer involved in the discussion. He said he asked Mr. Chell as well.

Motion to close to the public: Mr. Morley, 2nd Mr. Newman
All in Favor

RESOLUTION #109-2011: RESOLUTION APPOINTING NOMINEE TO FILL THE VACANCY IN THE OFFICE OF THE MAYOR

Mr. DelBorrello read the Resolution and stated that it is pretty clear that from the quotes in the newspaper that Ms. Rogale never intended to accept the position of Mayor. He stated that one nominee put forth by the Democrat party was a sham designed to subvert the law. He stated that accordingly, he is permitted under the law, to go outside the three nominees to select the interim Mayor. In making that decision, he stated that we wanted someone who knows the town well and is qualified Democrat and willing to serve.

Mr. Del Borrello made a motion to appoint Anthony Marsela as interim Mayor. Mr. D'Orazio seconded the motion.

Mr. Newman asked if there was going to be discussion. Mr. Newman stated that Ms. Rogale was willing to take the position, until many people stated that they would go after her personally. Mr. D'Orazio stated that there was a motion on the floor.

Mr. Del Borrello stated that a roll call was not asked for. The motion is still on the floor and asked Councilman Newman to proceed. Mr. Newman stated that efforts were made by himself and Mr. MacDowell to work together and get past this and move on with what we are suppose to do which is govern Washington Township. He stated that even though you have a nominee which the statute does not allow, the best course of action would be to nominate Bob Smith and move for the two months and do what is right. He stated that he is willing to resign immediately as Prosecutor.

Councilman Newman asked that the original motion be withdrawn and nominate Bob Smith and let's move on.

Councilman MacDowell asked if their motion was legal? Mr. Chell responded that he gave everyone on Council a memo stating his opinion. He stated that he does not believe that Council can go outside the three names and appoint whoever they choose. It doesn't conform to the statute or the case law. He stated that Council will be exposing the Township first to litigation involving this maneuver and second, potential litigation if Mr. Marsella is sworn in and takes actions on matters. Mr. Chell explained that if this Council votes Mr. Marsella as Interim Mayor, he would caution Council and Mr. Marsella to not take any action under the matter is decided in court.

Council President Del Borrello stated that he understood Mr. Chell's opinion, and stated that we have other Counsel and disagree.

Councilman MacDowell stated that he feels that this could possibly cause the town more money than doing what is legally right to do.

Mr. Del Borrello stated that he doesn't anticipate any litigation or cost to the taxpayers.

Motion to move Resolution #109-2011: Mr. Morley , 2nd Mr. D'Orazio

Roll Call: 3 yes votes (D'Orazio, Morley, Del Borrello) 2 no votes (Newman, MacDowell)

Mr. Newman made a motion to open to the public. Mr. MacDowell seconded it. Mr. Del Borrello made a motion to table Mr. Newman's motion. Mr. D'Orazio seconded the motion.

Mr. MacDowell stated that you have to call the question.

Councilman Newman said that the public has a right to speak. Mr. Del Borrello stated that it was already opened to the public. Mr. Newman stated that Mr. Del Borrello said that the meeting would be open to the public after this Resolution.

Mr. Del Borrello asked for a roll call: (Motion to table the motion to open to the public)
3 yes (D'Orazio, Morley, Del Borrello), 2 no (Newman, MacDowell)

Mr. Del Borrello asked for a motion for Closed Session: Mr. Morley, Mr. D'Orazio
Roll Call: 5 votes

Motion to come back into open session: Mr. Del Borrello, 2nd Mr. Morley
All in favor: 5 yes votes

**RESOLUTION #110-2011: RESOLUTION AUTHORIZING SPECIAL COUNSEL
TO EXECUTE SETTLEMENT AGREEMENT**

Motion to move Resolution #110-2011: Mr. Morley, 2nd Mr. MacDowell
Roll Call: 5 yes votes

Motion to adjourn: Mr. Del Borrello, 2nd Mr. Morley
All in favor: 5 yes

Respectfully Submitted,


Jennica Bileci, Township Clerk