

**MINUTES OF THE WARREN TOWNSHIP COMMITTEE  
AUGUST 13, 2015**

**REGULAR MEETING**

The Township Committee of the Township of Warren, County of Somerset, State of New Jersey, convened in Public Session on Thursday, August 13, 2015 at 6:30 p.m. in the Susie B. Boyce Meeting Room, 44 Mountain Boulevard, Warren, New Jersey.

Mayor Marion read the following notice:

“In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting was provided on January 7, 2015 by sending written notices to the Echoes Sentinel and Courier News, posting on the Bulletin Board in the Municipal Building and filing with the Township Clerk”.

“This meeting is to be taped for broadcast on the Access Channel and everyone is required to comply with the policies and procedures governing access programming for the Access Channel. No mention of political affiliation or political advertising shall take place at this meeting or it will be deleted from any rebroadcast of the meeting.”

On call of the roll, the following Committee members were present:

Mr. Lazo  
Mr. Sordillo  
Mayor Marion

Absent: Mr. DiNardo  
Mrs. Garafola (arrived at 6:45 p.m.)

Also Present: Mark M. Krane, Township Administrator  
Patricia A. DiRocco, Township Clerk  
Jeffrey Lehrer, Township Attorney

Mr. Sordillo introduced and read Resolution No. 2015-167, seconded by Mr. Lazo and carried by unanimous voice vote.

WHEREAS, the Open Public Meetings Act, P.L.1975 Chapter 231 permits the exclusion of the public from meeting in certain circumstances; and

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WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

**Litigation:** Affordable Housing Plan; 48 Hillcrest Boulevard

**Pending Litigation:** Chase Partners Warren, LLC vs. Warren Township

WHEREAS, when and if the matters discussed become public record, this will be made known to the public at that time;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Warren, that the public is excluded from this Meeting;

FURTHER RESOLVED, that formal action may be taken upon reconvening to Public Session.

The meeting convened in Executive Session at 6:30 p.m.

Mrs. Garafola arrived at 6:45 p.m.

The meeting reconvened to Public Session at 7:05 p.m.

Mayor Marion led all in the Pledge of Allegiance.

A Certificate of Recognition was presented to Citi Group for its participation in Global Community Activities held at Wagner Farm Arboretum and at the Dealaman Nature Park.

The Recreation "Volunteers of the Year" awards were presented to the Warren Blue Ridge Sportsmen's Club, Alexander Overzat and Jordan Blitzer, Bruce Vitale and Jim and Karen Zilinski.

Mayor Marion announced that Township Attorney Jeff Lehrer will give an overview on COAH and recent Court proceedings. He stated that the governing body is very concerned and very much against recent rulings regarding Affordable Housing.

Mr. Lehrer explained that on March 10<sup>th</sup>, the Supreme Court ruled that COAH is dead. The Township's affordable housing obligations will be handled by the Court. The COAH issue has been ongoing since the

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1990's. Towns will now have to deal with the court system.

The Township filed a Declaratory Judgement in Superior Court for temporary immunity from Mount Laurel lawsuits. Immunity could be granted if the Township shows good faith. On August 28<sup>th</sup>, the matter will be heard by a Judge. An expert was hired and, if that expert is right, the Township could be required to provide 1000 affordable units. Chase Partners at Warren LLC, a developer seeking to build affordable housing units filed against the Township. Property known as "the Broda property" is 110 acres and this developer wants to build approximately 800 units. The Township will create a plan but will be very aggressive in holding the number of units down.

Mayor Marion stated that it is very important that the public knows this is just one builder and that many more will want to build. The governing's body's goal is to continue to maintain the rural character of the Township. Mr. Sordillo suggested that the Township could potentially build 400 townhomes at zero cost, as there is land which adjoins Woodland Acres. Woodland Acres is already an affordable housing complex. The Township needs to be proactive. Mrs. Garafola brought up another aspect, commenting that there are four sewer areas. In Stage 2 there is no capacity. There is also no train service in Warren. There are many variables and the Township is challenging everything. Mr. Lazo stated that Warren could look like the Hills at Bedminster. This is not what the Township wants.

Mrs. Garafola introduced Ordinance No. 15-13 by title for second reading/adoption and read the following:

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$490,000 FOR CONSTRUCTION OF SANITARY SEWER EXTENSIONS TO PORTIONS OF GEIGER LANE, KRAUSCHE ROAD AND WHISPERING WAY FOR AND BY THE TOWNSHIP OF WARREN, IN THE COUNTY OF SOMERSET, NEW JERSEY, DIRECTING A SPECIAL ASSESSMENT OF THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

Mayor Marion opened the Public Hearing on this Ordinance. No one wished to speak and the Public Hearing was closed.

On motion of Mrs. Garafola, second of Mr. Sordillo, Ordinance No. 15-13 was adopted. The roll call vote was unanimous.

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Mayor Marion stated that formal action on Bond Ordinance No. 15-14 will be considered later in the meeting.

Mr. Sordillo introduced Ordinance No. 15-15 by title for second reading/adoption and read the following:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ACCESS AND TRAIL EASEMENT FROM SOMERSET COUNTY GRANTED TO THE TOWNSHIP OF WARREN BLOCK 89 LOT 2.03 IN WARREN TOWNSHIP AND BLOCK 120.04 LOT 22.01 IN GREENBROOK TOWNSHIP

Mayor Marion opened the Public Hearing on this Ordinance. No one wished to speak and the Public Hearing was closed.

On motion of Mr. Sordillo, second of Mr. Lazo, Ordinance No. 15-15 was adopted. The roll call vote was unanimous.

On motion of Mrs. Garafola, second of Mr. Sordillo, the Regular and Executive session meeting minutes of July 16, 2015 were approved. The roll call vote was unanimous.

Mayor Marion opened the Comments on Agenda Items portion of the meeting. No one wished to speak and this portion was closed.

Mrs. Garafola introduced and read Resolution No. 2015-168 for the payment of bills, seconded by Mayor Marion. The roll call vote was unanimous.

Resolution No. 2015-168 is appended to the official minutes.

Mr. Lazo introduced Ordinance No. 15-16 by title for first reading and read the following:

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER II ENTITLED "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN AS HERETOFORE SUPPLEMENTED AND AMENDED BY ADDING NEW SECTION 2-41 ENTITLED "THIRD-PARTY PAYROLL DISBURSEMENT".

On motion of Mr. Lazo, second of Mr. Sordillo, Ordinance No. 15-16 was passed on first reading. The roll call vote was unanimous.

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Mrs. Garafola introduced Ordinance No. 15-17 by title for first reading and read the following:

AN ORDINANCE VACATING PORTIONS OF THE FOLLOWING PAPER STREETS: FOURTH STREET, FIFTH STREET, SIXTH STREET, SEVENTH STREET, EIGHTH STREET AND OAK AVE

On motion of Mrs. Garafola, second of Mr. Sordillo, Ordinance No. 15-17 was passed on first reading. The roll call vote was unanimous.

Mr. Sordillo introduced Ordinance No. 15-18 by title for first reading and read the following:

ORDINANCE AUTHORIZING ACCEPTING FULL OWNERSHIP FROM PASSAIC RIVER COALITION OF BLOCK 82 LOT 13; BLOCK 83 LOT 1; BLOCK 85.01 LOT 5 AND BLOCK 86 LOT 3.01

On motion of Mr. Sordillo, second of Mrs. Garafola, Ordinance No. 15-18 was passed on first reading. The roll call vote was unanimous.

Mayor Marion asked if any resolutions listed in the Consent Agenda should be discussed and voted upon separately. Mr. Krane noted that Resolution No. 2015-172 should be removed from the Consent Agenda.

On motion of Mr. Lazo, second of Mrs. Garafola, the following Consent Agenda Resolutions were approved, with the exception of 2015-172, carried by unanimous roll call vote:

- 2015-169 APPOINTMENT OF MEMBER TO THE WARREN TOWNSHIP VOLUNTEER FIRE DEPARTMENT – B. HOFFMAN
- 2015-170 EXTENSION OF CONTRACT TO MAGIC TOUCH CONSTRUCTION CO. INC. PLUMBING SERVICES FOR TOWNSHIP OWNED BUILDINGS & PROPERTY
- 2015-171 AWARD OF CONTRACT – MTB ELECTRIC FOR ELECTRICAL SERVICES FOR TOWNSHIP OWNED BUILDINGS AND PROPERTY
- 2015-173 AUTHORIZING INCREASE IN BID THRESHOLD FOR QUALIFIED PURCHASING AGENT TO \$40,000 PURSUANT TO NJSA 40A:11-3C

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- 2015-174 AUTHORIZING APPROVAL OF THE WARREN MUNICIPAL COMPLEX PARKING LOT CONSTRUCTION PLAN AND SPECIFICATIONS PREPARED BY KASTRUD ENGINEERING LLC.
- 2015-175 AWARD OF CONTRACT – ADAMSVILLE MAINTENANCE, INC. -CONSTRUCTION OF PARKING LOT BL 89 LOT 2.01 CORNER OF ELKS TRAIL AND BARDY ROAD
- 2015-176 APPROVAL OF THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET RECEIVED FROM SOMERSET COUNTY TO THE WARREN TOWNSHIP POLICE DEPARTMENT IN THE SUM OF \$5,000
- 2015-177 AUTHORIZING THE ACCEPTANCE OF DONATIONS FOR RECREATION PROGRAMS FROM WARREN TOWNSHIP PBA 235
- 2015-178 AUTHORIZING PARTICIPATION AGREEMENT WITH MRESC FOR COOPERATIVE PURCHASING OF NATURAL GAS SERVICES
- 2015-179 AUTHORIZING PARTICIPATION AGREEMENT WITH MRESC FOR COOPERATIVE PURCHASING OF ELECTRICITY SERVICES
- 2015-180 AWARD OF CONTRACT - HAMMOND CONSULTING GROUP LLC. TECHNOLOGY SYSTEMS FOR NEW MUNICIPAL BUILDING
- 2015-181 AUTHORIZING DEER MANAGEMENT HUNT ON CERTAIN TOWNSHIP AND COUNTY OWNED PROPERTIES
- 2015-182 SUPPORTING *2015 DRIVE SOBER OR GET PULLED* OVER STATEWIDE LABOR DAY CRACKDOWN
- 2015-183 PROMOTION OF POLICE LIEUTENANT ERIC YACCARINO TO GRADE 1

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Resolutions No. 2015-169 through No. 2015-183 are appended to the official minutes.

Resolution No. 2015-172 was removed from the Agenda.

On motion of Mr. Lazo, second of Mrs. Garafola, Resolution No. 2015-184 entitled "RELEASE OF PERFORMANCE BOND – STREET OPENING PERMIT NO. 2015-04" was introduced and adopted. The roll call vote was as follows:

Mr. Lazo	Aye
Mr. Sordillo	Abstain
Mrs. Garafola	Aye
Mayor Marion	Aye

Resolution No. 2015-184 is appended to the official minutes.

Mrs. Garafola introduced Ordinance No. 15-14 by title for second reading and adoption and read the following:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 14-05 REGARDING THE CONSTRUCTION OF A MUNICIPAL BUILDING FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WARREN, NEW JERSEY ON MARCH 13, 2014**

A discussion ensued regarding the proposed construction of a new municipal building. Mayor Marion announced to the public in attendance that the governing body wants full transparency and there will be facts and points explained to the public. Mr. Krane noted that the Township received bids for the construction of the building, but cannot award until the Bond Ordinance is effective. The effective date would be 20 days from publication. Mr. Krane stated that the current building is 100 years old. He noted improvements made to the building since 1962, as that is when it became a home for municipal offices. The trailer that houses locker rooms was built 25 years ago. The trailer was temporary and was intended to last only 5 years. The building has three floors, no elevator, an improper HVAC system and not enough space. A subcommittee was created to come up with ideas for a proper building. In 2014 Salustro Partnership Architects, LLC estimated that a new building would cost approximately \$4.8 million. At that time a Bond Ordinance was adopted.

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Cummings Construction Management was retained to oversee the construction of the building. It was determined that the original cost assessment plans were not adequate. The Township received 17 bids for the construction and the low bid was approximately \$5 million. Since then, the Township was required to amend the 2014 Ordinance.

Mr. Krane spoke of the approximate cost and noted that the former knitting mill site planned development is estimated to bring in approximately \$200,000 every year to help pay for the building. This payment is a "payment in lieu of property taxes". That could help to reduce the cost to taxpayers to approximately \$36 a year a household. Also, there is a plan to use \$50,000 a year from surplus. This could further reduce the cost to taxpayers to approximately \$30 a year.

Richard Brown, Cummings Construction Management, explained that approximately \$230 - \$240 a square foot is not high for this type of building. Costs have already been reduced \$300,000. Reducing a floor could save an additional \$500,000. Everything is being considered. Mr. Krane noted that Berkeley Heights is building a complex that will cost over \$25 million. There will be a new Police building and a Library though. He also explained that the Township must pay prevailing wages on a large project by State law and Union wages would prevail. Mr. Sordillo stated that if the Township waits, there will be much higher costs than today rates.

Mayor Marion opened the Public Hearing on Ordinance No. 15-14.

Mrs. Florey, King George Road, stated that she believes that a new building is needed; however, the original cost estimated at \$4+ million would have cost the taxpayers nothing. Mr. Krane noted that, with the revenue from the Knitting Mill project and \$50,000 a year from the Surplus Fund, the average house would pay \$30 a year considering a 20 year bond. The bonds would be issued in 2018/2019. Initially the Township would borrow short term and then only borrow what is spent.

Mrs. Cole, Olsen Drive, stated that it is much more than just moving around money. She asked to view plans and stated that there needs to be transparency. More clarity is needed. Mr. Sordillo questioned her term of "transparency". He stated that this has been discussed many times at meetings. Nothing has been hidden. Mrs. Cole stated that there should be a referendum.

Ms. Amsterdam, Thoresen Road, stated that she wants a referendum. Most people do not attend meetings. The residents need to know

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more. Mrs. Garafola noted that when the Library was extended, it cost \$2 million and there was no referendum. Mr. Sordillo stated that there was a referendum regarding a Recreation Center fourteen years ago and it failed. There is no guarantee that a referendum would pass.

Mr. Klinger, Briarwood Drive, stated that in private sector any costs that go over 50% would result in a firm that estimated the original cost would be fired and have to refund costs. He said that the Township needs to be realistic. A needs assessment should be done.

Mr. Campione, Mountain View Road, stated that he is very disturbed and was notified only this morning. He referred to the High School project. The costs were overrun and it cost a lot to taxpayers. It seems as though this is being fast tracked. This is not good and should be postponed. The Public needs to be involved.

Mr. Rust, Dock Watch Hollow Road, stated that this has been in the press for over a year. He said that he appreciates the work the governing body does. He commented that the Public should let them do their job. The Township is not attempting to build the Taj Mahal.

Mr. Fallon, Gregory Lane, spoke of transparency. The Township website should have more information. The Public needs to see plans.

Mr. Krane exhibited the drawing of the proposed building. This drawing has been on display in the Municipal Building for quite some time. He explained the complete layout and why the Township needs a new building.

Mr. Lazo stated that the Township made a mistake. The original architect was wrong. The realization came when Cummings Construction Management was hired. Mr. Brown stated that this is a low cost building .

Mrs. Freijomil, Christy Drive, asked about the square footage of the new building. Mr. Krane stated that it would be approximately 26,000 square feet.

Mr. Greene, Sycamore Way, spoke of the cost to taxpayers. He asked about the Knitting Mill project. Mr. Krane informed him that it is age targeted.

Mr. Keller, Round Top Road, stated that he agrees with constructing a new building. He asked about repairing the current building.

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Mrs. Cole stated that the governing body is missing the point. Perhaps another open meeting for further discussion with the public is needed.

Mayor Marion closed the Public Hearing on this Ordinance.

On motion of Mrs. Garafola, second of Mr. Lazo, Ordinance No. 15-14 was tabled to a Special Meeting to be scheduled on September 3, 2015 at 7:00 p.m. in the Municipal Complex to vote on adoption of this Ordinance. The roll call vote was unanimous.

The 2016 budget goals and procedures outlined in a memo from Mr. Krane were agreed upon.

Mr. Krane noted that the postal service issues are still being worked on. There are meetings set up.

The governing body agreed to have the Township participate in a Gypsy Moth annual survey.

Mr. Krane stated that the Wagner Farm Arboretum is requesting that there be an appointment of a governing body member to the Board of Trustees. Mr. Lazo and Mr. Sordillo will consider being appointed.

Mayor Marion opened the Privilege of the Floor portion of the meeting.

Mr. Klinger, Briarwood Drive, spoke of a recent power outage. The 911 system was affected. Mr. Krane said that Fire, Police, OEM and Rescue personnel will put together a plan.

The Privilege of the Floor portion was closed, as no one else wished to speak.

On motion of Mr. Sordillo, second of Mr. Lazo, and unanimous voice vote, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Patricia A. DiRocco, RMC  
Township Clerk