

BOROUGH OF WATCHUNG

MINUTES

AUGUST 12, 2004

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 7:35 PM and made the following statement: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, Messenger-Gazette and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and SILENT PRAYER

ROLL CALL

Black [P] Franklin [P] Otto [P] Mobus [A] Joren [A] Harding [P]

Also present were Borough Attorney Albert Cruz, Borough Administrator/Clerk Laureen Fellin, Borough Engineer Richard Moody, and Deputy Clerk Michelle DeRocco.

There were 20 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin reported that the tax bills have been held up, however, the payment deadline has been extended. He said that he feels the bills will not be too painful, however, it may depend upon when your house was assessed. Councilman Franklin also announced that the State has enacted a new law which shaves the allowed cap on the budget from 5% to 2 1/2% which will make for very challenging budgets in the future, especially since necessary expenses have gone up so much; for example, rock salt went up 37.8%. Mayor Ellis added that the entity that prevented the tax bills from going out on time was the State.
2. Police - Councilman Black said that the Police Committee met yesterday and discussed increasing police observance around the circle. He said they are still in the data-gathering stage and are considering options for the circle. Councilman Black said he is very proud of the Police Department as they are doing an excellent job. Mayor Ellis agreed with Councilman Black, noting that recently their efficient work was instrumental in solving an armed robbery and has led to many arrests.
3. Public Works - Councilman Franklin, in Councilman Mobus's absence, reported that the County will mill and resurface the Borough's section of Terrill Road tonight, weather permitting; Public Works has begun to relieve Engineering's backlogged projects. They will be working on the repair and reconstruction of the Best Lake sidewalk, Best Lake Dam repair, and the installation of a flagpole/plaque footing. Mayor Ellis noted that it took a lot of effort to coordinate the work on Terrill Road with the County and thanked the staff for their diligence.
4. Buildings and Public Affairs -

Public Affairs - Councilman Harding reported that the Environmental Commission has not yet met with the new forestry consultant; the Open Space Committee did meet and are still looking for someone to mark the trail, and the Board of Health will be meeting in September. He announced the Borough will be holding its first annual Mayor's Regatta on Sunday, September 12 at Watchung Lake. He said although it is still in the planning stage, it should be a fun event which will include various groups from the Borough racing each other in canoes. Councilman Harding said that the Borough will also hold a September 11th memorial service, however, this too is still in the planning stage.

Buildings - Councilman Otto reported the roofing and gutter project at the Watchung Arts Center is now complete, the gutter and fascia work at the Texier House is now complete and they have begun the painting on the house and storage shed. He said they are also in the process of seeking proposals for the improvements and maintenance to the exterior of Borough Hall. Councilman Otto said the department is applying for grants for 3 separate items: the expansion of the garage, an enclosure for the salt storage area, and a jet vac to clean the catch basins. He noted that these projects are on course and wouldn't have happened without the efforts of last year's committees and the office staff.

5. Fire - Councilman Harding announced that the Department has three new junior members who are very dedicated, hard-working kids. He said at the last meeting, Fire Chief Kevin Reddington announced his resignation as Chief, due to the fact that he will be moving out of town. He explained that elections will be held in September for his replacement.

6. Laws/Ordinances, and Recreation - In Councilwoman Joren's absence, Council President Black reported that the Driveway ordinance has gone through its final review by the Committee and the final draft will be forwarded to the members of the Council in hopes to be able to move forward with this in September. The new ordinance will seek to categorize driveways and parking areas as accessory structures, thereby requiring them to be inside the building envelope of a lot. He explained that current driveways would be grandfathered and waivers would be granted through the zoning officer. Councilman Black also said the committee is continuing its review of the proposed Wildlife Control Ordinance and will have something ready for Council in September, adding that the Wildlife Feeding Ordinance will be done along with several others that are mandated by the new Stormwater Management plan adopted by the NJDEP. In regard to the Recreation Commission, Councilman Black said the basketball backboards have been replaced at Mobus, and although the asphalt was replaced about 5 years ago, the Commission is aware that it is again deteriorating and will discuss it as a future grant option. He reported that the summer playground program started with approximately 100 children and finished last Friday with a barbecue. He said they had Bobby Thompson and Billy Ard as guest speakers and commended the counselors for doing an outstanding job this year. He reported that the Field Hockey leagues are going strong with four teams playing on Wednesday evenings and will begin a league for 6th, 7th, and 8th graders in September. Councilman Black said that the winter basketball league has grown so popular that the Commission is looking for additional help. Councilman Black announced the date for the Harvest Festival will be October 30th. He said at the last meeting a resident inquired as to whether there was a time limit on construction and whether there was a time limit on permits. Ms. Joren contacted Construction Code Official, Ed Bennett, who stated that the length of validity for such permits is set in state regulation under the Uniform Construction Code not the Borough Code. He explained that any permit that is issued has a 3 year validity from time of issuance, however, if construction is not complete within that 3 years, the Borough must return the cost of the permit, less 20%, and the applicant must apply for a new permit and then would have another 3 years to complete the work. He said this process could be repeated, however, the applicant would be subject to any new code regulations which may have been implemented in the previous 3 years.

Councilman Otto said as part of the Police Commission, they have recently applied for a Local Emergency Preparedness Grant and are looking to upgrade the communication system. He said everyone has been very busy at Borough Hall, as Public Works is also actively continuing to look for grants.

REPORTS - OTHER:

7. Engineer - Mr. Moody announced that the Washington Rock Road East Intersection project has been advertised and the bid opening is August 23rd. He noted that on tonight's agenda the Council will be introducing an Ordinance for the acceptance of a deed of dedication for a roadway dedication from William and Helen Scott, as well as another from Felice and Mary Lou DiRosa for a portion of Lot 1 in Block 601. He reported that a contract for the dam repair design work has been awarded to Civil Dynamics. He has been working on map amendments for the Cross Acceptance project with Planning Board Chairman Don Speeney, and the Somerset County questionnaire has been completed. Mayor Ellis said that it was very important to keep up with the Cross Acceptance Plan.

8. Attorney - Mr. Cruz had nothing to report.

9. Administrator - Mrs. Fellin announced that our new and very much improved website should be up and running as early as next week. She commended Bill Hance, the Borough's CFO, for doing such a wonderful job with it. Mayor Ellis added that he was able to view it today and was thrilled. He said there will be many links to various departments and residents will find it very useful. He said the Borough will eventually use it more and more as a way to communicate information to residents.

UNFINISHED BUSINESS

Public Hearing of Ordinance OR:04/09 entitled "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER VI, ENTITLED "ALCOHOLIC BEVERAGE CONTROL," SPECIFICALLY SECTION 9-3.7 THEREOF, ENTITLED 'LICENSE FEES; MAXIMUM NUMBER' AS HERETOFORE SUPPLEMENTED AND AMENDED" Councilman Otto called for a second and final reading of the ordinance. The Clerk read the ordinance by title and produced an affidavit of publication, certification of posting and availability of copies. Councilman Otto moved a public hearing be held with a second by Councilman Black and unanimously carried on roll call.

With no one from the public desiring to be heard, Councilman Otto moved the public hearing be closed, the ordinance be adopted and the Clerk be directed to publish the notice of adoption. Councilman Black seconded the motion, which carried unanimously on roll call.

Public Hearing of Ordinance OR:04/10 entitled "Ordinance OR:04/10 entitled "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$878,500 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." Councilman Otto called for a second and final reading of the ordinance. The Clerk read the ordinance by title and produced an affidavit of publication, certification of posting and availability of copies. Councilman Otto moved a public hearing be held with a second by Councilman Black and unanimously carried on roll call.

With no one from the public desiring to be heard, Councilman Otto moved the public hearing be closed, the ordinance be adopted and the Clerk be directed to publish the notice of adoption. Councilman Black seconded the motion, which carried unanimously on roll call.

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda listed below was unanimously accepted on roll call following a motion by Councilman Black and a second by Councilman Franklin.

Approval of the following Council minutes:

Workshop Meeting - March 13, 2004

Bid Opening - July 13, 2004

Approval of the following Borough Reports:

Police Report - June 2004

Tax Collector's Report - June and July 2004

Building Department - June and July 2004

#106- Karen Graboyes, Patti Manthey 7/14/04 E-mails re: opposition to possible zoning changes to Subramanian Property c: Mayor & Council, AC

#107- Borough of North Plainfield 7/15/04 Resolution supporting the clarification and updating of qualifications required to obtain Historic Site Property Tax Exemption c: Mayor & Council, LBF

#108- Borough of North Plainfield 7/15/04 Resolution supporting the creation of a Pilot Program to create and maintain a secure database for public buildings c: Mayor & Council, LBF

#109- Watchung Board of Education 7/16/04 Asking the Bd of Adjustment to consider the impact of additional students when considering the use variance application for 216 Mountain Blvd. c: Mayor & Council, AC, LBF

#110- Township of Bridgewater 7/16/04 Announcing a Public Hearing on an amendment to the Master Plan c: Mayor & Council, Planning Bd., RWM

#111- Township of Warren 7/26 Ordinance amending Zoning - One Building, One Lot c: Mayor & Council, LBF, RWM, Planning Board

#112- Patti Manthey 7/14 E-mail opposing a request for rezoning of Mountain Blvd. property c: Mayor & Council, RWM, AC

#113- Township of Monroe 8/4/04 Resolution requesting a state sponsored Financial Aid Program for Military Reservists and National Guard c: Mayor & Council, LBF

#114- Elizabethtown Water Company 8/6/04 Notice of Public Hearing for Rate Increase c: Mayor & Council, WH

#115- State of NJ, Bureau of Operating Permits 8/9/04 Intention of approving of Pollution Control Operating Permit for Weldon Materials c: Mayor & Council, LBF, AC, RWM

CONSENT AGENDA RESOLUTIONS: The resolutions listed below were adopted on roll call following a motion by Councilman Black and a second by Councilman Franklin with all voting in favor.

- R3:8/12/04 Purchases over \$2,000. - El Corondo; Signs, Signs, Signs, Global Government/Education So., Russ Nelson Painting, Absolute Fire Protection
- R4: Award of Bid - 5 - 7 Yard SFA Dump Truck with Salt Spreader to Mid-Atlantic Truck Centre
- R5 : Tax Levy - Watchung Board of Education
- R6 : Tax Levy - WHRHHS
- R7: Appoint Planning Board Member - Tracee Schaefer
- R8: Donate Surplus Police Vehicle to Watchung Board of Education
- R9: Authorizing extension of due date and grace period for 3rd Quarter Taxes
- R10: Authorizing submission of application to DOT for the 2005 Municipal Aid Program - Johnston Drive
- R11: Authorizing submission of application to DOT for the 2005 Safe Streets to Schools Program - Stirling Road
- R12: Authorizing submission of application to DOT for the 2005 Safe Streets to Schools Program - Bayberry Lane
- R13: Authorizing Sanitary Sewer Capacity - Block 501, Lot 2
- R14: Award Professional Contract to Civil Dynamics, Inc.
- R15 : Authorizing the return of Escrow Deposits to Applicants
- R16: Authorizing Application and Execution of Grant Agreement with the State for Municipal Stormwater Regulation Program
- R17: Amending Fees Schedule for Police Department Services
- R18: Urging the NJ Legislature to Strengthen the Balanced Budget Provision of the State Constitution

NON-CONSENT AGENDA

Introduction of OR:04/11 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FOR A ROADWAY DEDICATION FROM LOT 2 IN BLOCK 5.01 FROM WILLIAM N. SCOTT AND HELEN E. SCOTT TO THE BOROUGH OF WATCHUNG" Councilman Otto moved the ordinance be given its first reading. So ordered. Councilman Otto moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Franklin and unanimously carried on roll call. Public hearing will be held on September 9, 2004.

Introduction of OR:04/12 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FROM FELICE DiROSA AND MARY LOU DiROSA FOR A PORTION OF LOT 1 IN BLOCK 601 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF WATCHUNG AND ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM THE SHIV SHAKTI FAMILY TRUST OVER A PORTION OF LOT 10 IN BLOCK 403 AS SHOWN ON THE TAX MAP FOR THE BOROUGH OF WATCHUNG FOR THE WASHINGTON ROCK ROAD AND ROCK ROAD EAST INTERSECTION IMPROVEMENT PROJECT"

At Councilman Otto's request, a motion was made by Councilman Black, seconded by Councilman Franklin and unanimously carried, that Councilman Otto be removed from the voting and any comments in regards to this Ordinance.

Councilman Harding moved the ordinance be given its first reading. So ordered. Councilman Harding moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Black and unanimously carried on roll call. Public hearing will be held on September 9, 2004.

NON-CONSENT AGENDA RESOLUTIONS

The resolutions listed below were unanimously adopted on roll call with offering and seconding as follows.

	<u>Offered</u>	<u>Second</u>
R1:8/12/04	Adoption of OR:04/09 - Amending the Code of the Borough of Watchung - Alcoholic Beverage Licensing fees	Otto Black
R2:	Adoption of OR:04/10 - Bond Ordinance funding Various Public Improvements	Otto Black
R19:	Introduction of OR:04/11 - Accepting a Deed of Dedication for Roadway Dedication in Lot 2 in Block 5.01	Otto Franklin
R20:	Introduction OR:04/12 - Accepting a Deed of Dedication; Block 601, Lot 1 and a Temporary Construction Easement; Block 403, Lot 10	Harding Black
R21 :	Payment of Bills	Franklin Black
R22: <u>Withdrawn</u>	Executive Session: Litigation - Tax Appeal, Weldon Materials Litigation - Fuentes vs Borough of Watchung	

PUBLIC PORTION

Ray Miller, Valley Road, said that he is concerned with the lack of enforcement of speeding violations on Valley Road and Mountain Boulevard, as he never sees anyone being pulled over. In regard to the deer issue, he said he had attended a town meeting in Hillsborough and they spoke about the success of the use of reflectors for preventing accidents. He said a while back the Council had discussed investigating alternatives to the shooting of deer and was wondering the outcome of those discussions. In regard to the proposed Wildlife Feeding ordinance, Mr. Miller said he feels it is absurd to think that if the police cannot enforce speed limits, that they will actually go into someone's back yard and ticket them for feeding the birds. Mayor Ellis replied that he will be gathering the statistics for the tickets on Valley Road and will make them available. In regard to the proposed Wildlife Feeding ordinance, he explained that the Borough must have one in place in order to meet the requirements of the Stormwater Management grant. Councilman Black said that he has spoken to Police Chief John Frosoni and he is more than willing to give the traffic in and around the circle extra attention, however, he explained that there are only 28 members of the department and Watchung has a lot of ground to cover, with emergencies are a priority. Mr. Miller said that he is unable to drive through Long Hill without slowing down because Long Hill has a reputation of ticketing their speeders. He said he wished Watchung had that reputation.

Lynda Goldschein, Sherwood Drive, said all it takes to slow down traffic is a few tickets. Mrs. Goldschein asked what the Watchung website address was and Mrs. Fellin said it was www.watchungnj.com.

Bradford Bury, Mountain Boulevard, thanked whoever was responsible for replacing the basketball backboards but said that he would now like to see the court resurfaced. He also said that there appears to be an ongoing problem at the parks with the playground equipment and wasps. He said they need to be capped so that the wasps are unable to nest in the open pipes. Mr. Bury said he agrees with Mr. Miller about the need for enforcement and feels that the speed limit on Valley Road should be no more than 35 miles per hour. He said he spoke to the Engineer who recommended lowering it to 40 mph and said then you would have the statistics to back the argument for lowering the limit. Mr. Bury said the bottom line is enforcement and he would like to see, twice a month, the statistics on how many tickets are being issued. He said if shortage of manpower is the problem with the enforcement, then maybe the Borough should consider hiring another officer to maintain the quality of life. He said he personally would not mind paying more in his taxes for the hiring of additional police officers. Mr. Bury said he will continue to attend all of the Council meetings to follow up on progress for the betterment of Watchung. Councilman Black said that Chief Frosoni is very willing to beef up enforcement. Councilman Otto said that he attended the Police Committee meetings and is proud to say our department is very well prepared. He said they have his full faith and confidence.

John Price, Valley Road, said that it is very hard to cross the circle with children and feels that is because the circle is congested with traffic of people coming off Routes 78 and 22. He said that he does not feel that it is too much to ask to have a 25 mph limit in the circle. He said that travelers also need to know that there are parks and children along the roads where they are speeding. Councilman Black said he did request that the County survey all of the roads and Valley Road was the only one they said they would consider lowering. He said that he has asked for donations for a portable radar unit and so far has received \$5,000.

Steve Pote, Wildwood Terrace, asked if the Borough has a maintenance plan for their website and stressed it is important that the information be continually updated. He also asked what the status was on the Ness and O'Conner's properties. Mayor Ellis explained that the Borough employs a computer consultant who is available whenever he is needed. In regards to the properties, he said O'Connors will be going before the Board of Adjustment and the estate trustees are meeting to discuss the Ness property.

Maria Perez, Hill Hollow, said if we can't control the speeding on Valley Road, maybe the Borough should try to begin the enforcement on the smaller roads, such as Johnston Drive where people are doing 50 miles per hour. Mayor Ellis said he would like to have the residents involved and hear their input.

Mayor Ellis wished the residents a good labor day and said he hoped to see all at the Regatta. He also invited the residents to attend the September 11th memorial service and asked them reflect on the events that led up to this tragedy.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:45 PM to the call of the Chair or the next scheduled meeting of Thursday, September 9, 2004 at 7:30 P.M.

Respectfully submitted,

Michelle DeRocco
Deputy Clerk