

# BOROUGH OF WATCHUNG

## MINUTES

APRIL 22, 2004

**MAYOR'S STATEMENT:** In Mayor Ellis' absence, Council President Steve Black 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 [ P ] Joren [ P ] Harding [ A ]

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

There were 12 members of public present.

Councilman Harding arrived at 7:46 P.M.

### REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin announced that the 2004 Municipal Budget will be introduced this evening and said he would like to make two points, one being the fact that when the public receives their bill, they tend to look at the bottom line. He said it is important to look above the bill at the itemization and noted that the bill includes two Boards of Education and the County's budgets and not to blame the local municipal government. The second point was regarding the final tax levy for the municipal budget. Councilman Franklin noted that the tax rate went down almost a penny per \$100 in the assessments and the property values went up 4.85%. He said that this increase comes out to a 3.1% which, in his opinion, is not a very large increase. He explained that each home may be different, depending upon whether or not your home has been recently assessed.
2. Police – Councilman Black had nothing to report.
3. Public Works – Councilman Mobus said the Mayor had asked the Committee to take some time to review the proposal for the Washington Rock Road / Rock Road East Intersection project with the new members on the Council. He said they did meet to discuss and review the project and announced that they are going ahead as planned and are waiting for a bid package. He also announced that he personally went to the north side of Hill Hollow Road to observe the situation and said it is a similar situation. Councilman Mobus also announced that there is a resolution on tonight's agenda which will approve the Borough's participation in the State Development and Redevelopment Plan, also referred to as the Cross Acceptance Plan, and will be confirming the appointment of the members of the Municipal Cross Acceptance Committee tonight.
4. Buildings and Public Affairs  
Public Affairs – Councilman Otto thanked the members of the Committee for meeting and said they discussed projects such as the completion of the downstairs area in Borough Hall. He said he was unable to make the Historical Committee meeting

therefore had nothing to report.

Buildings - Councilman Otto covered Buildings in his earlier report.

5. Fire – Councilman Harding said the Fire Department and Rescue Squad are making progress in their talks of a common structure. He said although they are not decisive, they are moving along and there is good communication between the two. He said it was very encouraging to see.
6. Laws/Ordinances, and Recreation – Councilwoman Joren reported that the Committee had met and discussed the sidewalk and grease trap ordinances, however, have not made any decisions. The Committee will be asking Board of Adjustment Chairman Dan Cronheim to come to a meeting to give his input. She also reported that the Recreation Committee did not have a meeting but informed that Little League had their opening day on Saturday and it was a very nice day

#### REPORTS - OTHER:

- 7 Engineer – Mr. Moody had nothing to report.
- 8 Attorney – Mr Cruz had nothing to report.
- 9 Administrator – Mrs. Fellin had nothing to report.

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#### UNFINISHED BUSINESS

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#### NEW BUSINESS

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

Approval of the following Council minutes:

December 1, 2003

February 12, 2004

Approval of the following Borough Reports:

Recreation Commission Minutes- March 3, 2004

Police Report - March 2004

- #50- Mr Braulke, Mrs. Buhot, Mrs. Sadrian, Mr Lund, Mr & Mrs. Spingler 4/6/04 Requesting Plan 2 for Washington Rock Road intersection project be rejected and a new design be considered c: Mayor & Council, LBF, RWM
- #51- Rick Spingler to Mayor and Councilman Black 4/7/04 Requesting Plan 2 for Washington Rock Road intersection project be rejected c: Mayor & Council, LBF, RWM
- #52- Rick Spingler to G Mobus 4/9/04 Requesting support for Plan 3A for Washington Rock Road intersection project c: Mayor & Council, LBF, RWM
- #53- Jon Loomar to G. Mobus 4/12/04 Submission of diagram to support the rejection of Plan 2 for Washington Rock Road intersection project c: Mayor & Council, LBF, RWM
- #54- Leonard Glaser 4/11/04 Commending borough on newsletter and asking for MIA flag

at Borough Hall be replaced c: Mayor, LBF

- #55- Township of Bridgewater 4/7/04 Resolution supporting participation in the State Cross Acceptance Plan c: Mayor & Council, LBF
- #56- Suburban JIF 4/12/04 Bulletin re: Playground Safety c: Mayor & Council, LBF, Recreation Commission
- #57- Mr. & Mrs. Spingler, R. Lund, G. Buhot, G. Braulke, L. Sadrian, Mr. & Mrs. Fittipaldi, V. Williams, Mr. & Mrs. Lampert 4/10/04 Requesting Plan 2 for Washington Rock Road intersection project be rejected and a new design be considered c: Mayor and Council, LBF, RWM
- #58- Bd. of Public Utilities 4/12/04 Notice of Hearing re: appropriate funding level for the Clean Energy Program on April 30, 2004 c: Mayor and Council
- #59- J. Czapp, R. Gannon, H. Long 4/15/04 Asking for assistance to solve a severe water drainage problem c: Mayor & Council, AMC, RWM
- #60- Township of Warren 4/16/04 Resolutions amending Land Use Procedures and Development c: Mayor & Council, LBF, RWM, Planning Board
- #61- J. Loomar 4/16/04 Asking for more options to be investigated for Washington Rock Road intersection project c: Mayor, SB, GM, TF, DJ, MH, LBF, RWM
- #62- J. Loomar 6/19/04 E-mail requesting Council represent the majority of residents when making a decision on the Washington Rock Road intersection project: Mayor & Council, A. Cruz

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

- R2:04/2/04 Authorizing Participation in the State Development and Redevelopment Plan (SDRP) Cross-acceptance
  - R3: Authorizing the execution of the Inter-local Agreement with the County of Somerset to accept Cross-acceptance grant
  - R4: Reappointment of Harry Haushalter as Special Tax Attorney
  - R5: Appointment of Nick Rillo as a Junior Member in the Fire Department
  - R6: Authorize Budget Submittal in Excess of Time Required by Statute
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## NON-CONSENT AGENDA

Introduction of Ordinance OR:04/02 entitled BOND ORDINANCE TO AMEND SECTION 3 (d) OF THE BOND ORDINANCE (ORD. OR:99/12) ENTITLED: "BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF SANITARY SEWER AND PUBLIC WATER CONNECTIONS ALONG CENTURY LANE, CARDINAL DRIVE, PRICE DRIVE, OLD SOMERSET ROAD AND VALLEY ROAD IN AND BY THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF A PORTION OF THE COST THEREOF", ADOPTED SEPTEMBER 9, 1999. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren 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 May 27th, 2004.

### Introduction of 2004 Municipal Budget

Councilman Franklin offered and Councilman Mobus seconded a motion to introduce the 2004 Municipal Budget. On roll call, the resolution was unanimously adopted.

Councilman Franklin gave a recap of the budget and announced that the amount to be raised by taxes for support of municipal budget is \$5,914,139.13

### Proclamation - Myasthenia Gravis Foundation

Councilman Black read a Proclamation recognizing and commending the Garden State Chapter Of The Myasthenia Gravis Foundation, Inc. for their efforts in bringing awareness to the public.

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## 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>	<u>Abstain</u>
R1:04/22/04	Introduction of OR:04/02 Amending Section 3. (d) of the Bond Ordinance OR:99/12	Joren	Franklin	Black
R7:	Payment of Bills	Franklin	Mobus	
R8:	Waive Chapter 46 - Gray's Florist	Harding	Franklin	
R9:	Introduction of 2004 Municipal Budget	Franklin	Mobus	
R10:	Confirming appointments to the Municipal Cross-acceptance Committee	Otto	Franklin	

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## PUBLIC PORTION

Lee Ehrenworth, Canterbury Lane asked for an explanation of R:2. Mr. Cruz explained the State Redevelopment Plan and said the State is encouraging all municipalities to participate in "Smart Growth" and said there is a \$2,000. grant given to municipalities to participate. Dr Ehrenworth asked if this has anything to do with the proposed Highlands Preservation legislation. Mr Cruz said it may be included as part of the whole initiative of Smart Growth. Councilwoman Joren said the Highlands Preservation legislation is totally separate. Councilman Black told Dr. Ehrenworth that if he visited the DEP website he can see how it will affect Somerset County. He added that in his eyes this was deplorable legislation.

Lynda Goldschein, Sherwood Drive, asked Councilwoman Joren if the Laws and Ordinances Committee can get past the sidewalk and grease trap ordinances and work on a fence ordinance. She said the Borough has one, although it appears that no one abides by it. Mrs. Goldschein said the Board of Adjustment had decided that corner properties do not have to abide by the setbacks, however, she said it is not in writing but should be. Councilwoman Joren said she is aware of this and it is on her "to do" list. She said Chairman Dan Cronheim is very vocal regarding the fence ordinance and would like him to come and talk about it with the Committee. Councilman Otto pointed out that the Zoning Board can interpret the ordinance but cannot change it. Mrs Goldschein said that Ed Bennett is no longer giving letters regarding people on corner lots. Councilman Black said the Committee will the fence ordinance a high priority and may ask Mrs. Goldschein to come and speak. Mrs. Goldschein said that would be fine. Mrs Goldschein then asked when the Council would be informing the public in regards to their plans for the Subramanian property. Mr Cruz said the Council is not ready to speak about it. Councilman Black explained that there is a whole list of possibilities for the use of the property if the Borough were to obtain it. Mrs. Goldschein said that she feels this is unfair to the public. She asked if there is a possibility that, if purchased, the property would have to stay preserved as open space. She said if that is the case, she feels it is senseless to purchase it if it cannot be developed. She asked if the Borough was pursuing the Ness property. Mr. Cruz said the Borough has expressed interest in purchasing both properties and at the appropriate time, it will be introduced by ordinance with a public hearing. He explained to Mrs. Goldschein that these properties are being explored and the Borough is trying to be prudent. He said there is no intent not to discuss it and will, once the Council is in a position to do so. He told Mrs. Goldschein that he cannot answer these questions as we are dealing with estates.

Jon Loomar, Washington Rock Road, with the assistance of Mr. Spingler, approached the Council with a diagram of the Washington Rock Road and Rock Road East intersection. He said if the objective of this project is safety, then an outside expert should have been consulted, not the engineer that works for the Borough. He said three residents will benefit from this project, Mr. Turnbull, Mr. Holland and Mr. DiRosa. He said Mr. Turnbull sold 18,000 square feet of his property for \$1.00 per square foot, doing the Borough a favor because he is looking for a sub-division. Dr. Loomar said there are 7 people on the record who want this project to go through, and 43 that do not. He said Mr. DiRosa is concerned about the safety of his children, however, there are many other children on the block that this will affect. He said something is not right here and the Council has to listen to the residents who want to be treated equally. Dr Loomar said he will not let this happen and this will end up in a court of law. Councilman Black said each of the members of the Council had made their own decision. Dr. Loomar said when he spoke to Mr. Moody and asked him how much more land Mr. DiRosa got, he said none, and when he spoke to Councilman Mobus he asked him the same question and he said none. Dr Loomar said Mr. DiRosa is getting 9,000 square feet of isolated buffer.

Mr. DiRosa, Rock Road East, said he is not getting anything and said he is giving up 2,500 sq feet. He said an appraiser told him his land would not be worth one penny more by any plan. Mr. DiRosa said the residents just want the road fixed and this is not a land grab, it is a hoax by Dr. Loomar. Mr. DiRosa said he is trading mature woods for black top and asked where the buffer is in that. Councilman Black said all of the Council had a chance to review the plans. Councilman Otto asked Mr. Moody if Dr. Loomar's account is correct? Mr. Moody said Dr. Loomar said the Borough should have hired an independent engineer, and they did, they hired Titus Engineering. Mr. Moody said Dr. Loomar said an independent traffic study should have been done, and it was. Mr. Moody said Dr. Loomar said Mr. Turnbull is in favor of this because he wants to sub-divide the property. He did apply and was denied due to merit and he has less of a chance to gain it now, and it has no value at this point to Mr. Turnbull.

Joel Goldshein, Sherwood Drive, asked if Mr. Moody just said there was no need for a traffic study as there was no increase in traffic. Mr. Moody said the speed limit has been reduced from 35 miles and hour to 25 and there is no anticipated development in the future that anyone is aware of which would increase traffic and the plan can handle an increase in traffic.

Rick Spingler, Washington Rock Road, said he feels the Council missed the point as it is a speed issue. He said if the Borough straightens out the road, it will just cause the traffic to speed up. He asked the Council to be realistic, as these gentlemen will be getting a benefit because the traffic will be pulled away from their homes. He said this is going to cause a dangerous speed situation.

Councilman Otto said this has been going on since 1995 and for seven years there has been numerous meetings to obtain public input. He said the Council did listen to the residents. He said the Council can please some of the people some of the time, however, not all of the residents all of the time.

Dr. Loomar said the insurance company has never said that this is the way the intersection has to be. He said this is unfair and although it looks good on paper, feels that when the Council sees this unfold, they will think again. Dr. Loomar said even the retired Green Brook police chief can't understand why this is being done. He said he has gone to Trenton because of this and there are admitted friendships. Mr. Cruz said Dr. Loomar was out of order. He said this has been reviewed and Dr. Loomar has had his opportunity to make his statements and some of the things he has said are recklessly untruthful, however, he will not debate them now. Mr. Cruz explained that a request was made, it was considered and a decision has been made to move forward. He asked Dr. Loomar to exercise caution in what he had to say.

Joe DeNicholas, Rock Road East, said he would like to thank the Council and gives them credit for what they have done. He said he is just as impacted as Dr. Loomar is. He said if there is an issue with speed, that is why we have law enforcement. He said no plan is ideal, this one is just the lesser of the evils. He said everyone needs to have more confidence in the Council's decision.

Anthony Addario, Rock Avenue, said this is not a dangerous intersection and anyone can check the police reports to see how many accidents have occurred there. He told the Council that what they do must benefit the Borough of Watchung, not just 3 families who have a lot to gain. Former Mayor Addario said he had a vendetta against no one, as he has been accused. He said 2 or 3 people on the Council should have recused themselves from voting on this issue as they are friends with the involved residents. He advised the Council that if they can't take the heat, to get

out.

Eleanor Niegisch, Tuttle Road, asked if there was a weight limit for the Washington Rock Road and Rock Road East intersection and if not could the Borough implement one. Mr. Moody explained there was not because of the overhead signs on Warrenton Road which prohibit trucks from going down to Route 22, so the alternate route is Rock Road to Washington Rock Road to Mountain Boulevard. He said Somerset County has asked the Borough to leave it as it is. Mr. Goldshein asked if there is a similar problem on Hillcrest and Mr. Moody replied there was. Councilman Black explained that there was an issue with the grade and the project will reduce it from 13% to 6%

Dr. Loomar stated that today was Earth Day should be a reminder that we have an obligation to respect the environment and to try to protect what we have. He said the residents are not being helped. He asked the Council to rethink this issue and said it was not wrong to look back at mistakes

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#### ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:50 PM to the call of the Chair until the next scheduled meeting on May 13, 2004

Respectfully submitted,

Michelle DeRocco  
Deputy Clerk