

BOROUGH OF WATCHUNG

MINUTES

APRIL 26, 2007 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 7:30 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

Franklin [P] Black [P] Mobus [P] Joren [A] Pote [P] Nehls [P]

Councilwoman Joren arrived at 7:40 P.M.

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

There were 6 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Black announced that the 2007 Municipal Budget will be introduced this evening and commended all who worked so hard to prepare it. He said that he is proud of the difference between this year's and last year's budget, which is less than a penny, or \$367. increase per \$100,000 of assessed value.

2. Police - Councilman Franklin said he will be contacting a consultant from Maser Engineering to look at the climate control problem in the Police Department. He reminded all that May 5th is the date of the Pancake Breakfast, and announced that on May 9th a bike tour will be passing through Watchung, enroute to Washington DC in memory of fallen police officers. He explained that possibly 400 cyclists will be stopping at our headquarters for the dedication of a memorial for Matthew Melchionda. Mayor Ellis commented that this will be quite an event and the public is invited. He also said that he is pleased to announce that four of our officers will be participating.

3. Public Works - Councilman Mobus announced that the bid packages for the Park Place/Hughes Lane drainage improvements will be available next week, and reminded all that the dedication of Spratford Park will be held this Saturday at 12:00 noon. He commented that this should be a nice event as it is commemorating the life and dedication of a real gentleman, Elmer Spratford.

4. Buildings and Public Affairs

Buildings - Councilman Pote said the dedication of Spratford Park is a very important event for the Borough. He reported that the Buildings and Grounds Committee met with the employees of the Texier House to get their input in regard to their needs when they move to this building. He said they had very good ideas which will be incorporated into the plans. Councilman Pote said he would also like to personally thank Charles Gunther, Laureen Fellin, Arlene McCoy and Bob Scalera for their actions on Sunday, April 16th during the nor'easter. He explained that they were very concerned with both of the spillways and believes their actions helped deter serious consequences for the Borough. He also thanked the extrication team who assisted Bound Brook during their flooding. Councilman Pote reported the Historical Committee is meeting next week, and the Library Study Committee is meeting on the 30th of April. He said they plan to make a presentation to the governing body at the second meeting in May.

Public Affairs - Councilman Nehls announced that the profits from the Pancake Breakfast will go to the Children's Tumor Foundation, an organization promoted by resident Sandra Blumberg, who suffers from Neurofibromatosis. He said donations for the breakfast are starting to come in from local businesses and people are signing up to volunteer their time. He announced that he attended the Educational Foundation's recent fundraiser, which was a dog walk around Watchung Lake, and said they had a great turnout and it was very successful. Councilman Nehls commended Middle Brook and said they were at Bound Brook literally round the clock to assist them during this tragedy. He said it shows their dedication and it is nice to know that if Watchung ever needed them, they would be here as well. Mayor Ellis said he Mrs. Ellis and their dogs also attended the Educational Foundation's walk and said it was well attended and was a great example of the spirit of Watchung residents. He said it was a great day. Mayor Ellis also said that Watchung has shared a good relationship over the years with Middle Brook and he is proud that Councilman Nehls is president of the their commission.

5. Fire - Councilman Nehls reported that the Fire Department will be meeting on the 7th.

6. Laws/Ordinances, and Recreation - Councilwoman Joren said she had no report for Laws and Ordinances, and Mrs. Fellin said the Mr. Cruz is preparing the Land Development Ordinance revision for introduction. Councilwoman Joren noted that the Recreation Commission is on the agenda to speak to the governing body about a field modification request and options for the future of the tennis courts.

REPORTS - OTHER:

7. Engineer - Engineer Tom Herits said the pre-construction meeting for the Rock Slope Remediation project would be scheduled soon, as they are working out some staging details. He reported that the Spencer/Fawn Sanitary Sewer Repair project has been awarded, and he wants to first TV the lines to see exactly which need to be replaced and which can be repaired, possibly saving the Borough some money. He said he will be meeting with Public Works next week to discuss the road overlay programs, and he hopes to be able to schedule these roads during the summer when school is not in session. In regard to the Gateway project, Mr. Herits said the County is looking for additional input.

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

9. Administrator - Mrs. Fellin said she will be attending a meeting at the County to discuss shared services.

Mayor Ellis said he would like to publicly thank Mrs. Fellin for good foresight and good planning, noting that she was able to save the Borough a lot of money for animal control services. Mayor Ellis also said he would like to echo Councilman Pote's comments pertaining to Charlie Gunther and Arlene McCoy who came out on Sunday during the storm, to make sure all would be safe. He noted that on tonight's agenda is the approval to let No. Plainfield share our court facilities while theirs is under renovation. He invited all residents to come out on Saturday for the dedication of Spratford Park and said it would be an uplifting event. He also commended Dr. Stromsland for her proactive approach to safeguard our students on the anniversary of the Columbine tragedy.

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UNFINISHED BUSINESS

Public Hearing on Proposed Ordinance OR:07/06 entitled "AN ORDINANCE SUPPLEMENTING AND A CONNECTIONS" AS HERETOFORE SUPPLEMENTED AND AMENDED" Councilwoman Joren 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. Councilwoman Joren 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, Councilwoman Joren 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 on OR:07/07 entitled "AN ORDINANCE PROVIDING RULES AND REGULATIONS CONTROL' " Councilwoman Joren 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. Councilwoman Joren moved a public hearing be held with a second by Councilman Black and unanimously carried on roll call.

Lee Ehrenworth, Canterbury Lane, asked what the effect upon this ordinance will have upon major development with site plans and is stricter than before. He explained that it deals with detention basins and addresses safety issues.

With no one else from the public desiring to be heard, Councilwoman Joren 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.

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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 Black.

Approval of the following Council minutes:
March 22nd and April 12, 2007

Approval of the following Borough Reports:
Planning Board Minutes - February 20th, and March 20th, 2007
Historical Committee Minutes - March 1, 2007
Building Department - March 2007
Board of Health Minutes - February 21, 2007

#29 - Township of Berkeley Heights 4/18/07 Notice of Adoption of Master Plan Re-examination Report & Amendments c: M & C, Eng., DS

#30 - Township of Berkeley Heights 4/18/07 Notice of Hearing before Planning Board from Paramount Hotel Group, LLC on April 30, 2007 c: M & C, DS

#31 - Township of Warren 4/22/07 Notice of Public Hearing on an Ordinance to amend Land Use Procedures, adding a section entitled "Wetland Protection", on April 19, 2007 c: M & C, Eng., DS

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

R3:04/26/07 Authorize Award of Contract - Heyrich Architects/ ADA Improvements at Watchung Arts Center

R4: . Authorize Budget Submittal in Excess of Time Required by Statute

R5: Purchases Over \$2,000. - Vueworks, Inc.

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Introduction of OR:07/08 entitled "AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN MUNICIPAL LANDS AND BUILDINGS, BEING BLOCK 44.01, LOT 5, IN THE BOROUGH OF WATCHUNG TO THE WATCHUNG ARTS COUNCIL, INC." 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 Black and unanimously carried on roll call. Public Hearing to be held on May 10, 2007.

Mayor Ellis said he would like to thank all who were involved in this process, and that he is sure this will be a positive experience.

Introduction of Ordinance OR:07/09 entitled "ORDINANCE TO ESTABLISH A CAP BANK" Councilwoman Joren moved the ordinance be given its first reading. So ordered. This Ordinance allows a municipality to bank the difference between its final budget appropriations subject to the 2.5% cap and the 3.5% cost of living adjustment when the difference is not appropriated as part of the final budget, and may be retained for the next two years. 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 Black and unanimously carried on roll call. Public Hearing to be held on May 10, 2007

Introduction of 2007 Municipal Budget - Public Hearing to be held on May 24, 2007.

Councilman Black moved that this resolution be adopted on first reading, and the Clerk be directed to publish the Budget as required by law. Councilman Franklin seconded the motion and upon roll call the vote was as follows: Black, Franklin, Mobus, Joren, Pote, and Nehls, "Yes". Mrs. Fellin announced the public hearing will be held on May 24, 2007.

Request of Sidewalk Fund Contribution Waiver:

Townsend, Aleece & Shobin, Stephen, Lot 6, Block 68.01

Aleece Townsend was present with her attorney, Mr. VanRensellaer. Mr. VanRensellaer gave an overview of what he explained began as a minor subdivision application six years ago, intended to provide a profit for Ms. Townsend and her husband which would pay for their children's college. The governing body received a request from Ms. Townsend and Mr. Shobin to waive the sidewalk fund contribution, as required under their original Planning Board approval for a subdivision. The residents claimed financial hardship, as it has taken them over six years to proceed with their original plans due to difficulties in obtaining neighboring approvals for sewer lines, therefore, incurring unforeseen engineering and legal fees. Councilman Mobus said there have been many bumps along the road for this application, however, none caused by the Borough. He said although this has cost Ms. Townsend and Mr. Shobin a lot of money, it has cost the Borough as well by not only being time consuming, but creating attorney fees for the many meetings that were held. Mayor Ellis explained that the governing body is trying to be compassionate but this procedure has been difficult and he feels the client's pain. He said the Borough has expended a great deal of time and money on this over the years. Councilman Mobus made a formal motion that the Borough deny the request from Shobin/Townsend to waive the required Sidewalk Fund Contribution fee. The motion was seconded by Councilman Franklin and upon roll call the vote was as follows: Black, "no"; Franklin, Mobus, Joren, Pote, and Nehls, "yes". The request was denied.

Recreation Commission

Field Modification Form Request - Barrett Field Backstop

The Governing Body received a Field Modification Request form, and Recreation Commission Director Maria Bachert sought its approval. The request was to replace the existing backstop on Barrett Field with a 16' high backstop. After discussion, the Governing Body questions Ms Bachert as to why

the request did not follow required protocol and not properly signed, to which Ms. Bachert replied that this procedure is still new and they are still in the learning stage. A motion was made by Councilwoman Joren to accept the Field Modification Request pending the required departmental approvals, and upon roll call, unanimously approved.

Report on Options for Tennis Courts

The Recreation Commission members presented a report on options and costs for the existing tennis courts which are currently in need of repair. The Governing Body requested additional time to review the options and also requested additional information.

Proclamation - "National Safe Kids Week" - April 28 through May 6, 2007
 Mayor Ellis read the proclamation into the minutes. (copy attached)

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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>
R1:04/26/07	Adoption of OR:07/06 -Prohibiting Illicit Connections to the Municipal Storm Sewer Systems Operated by the Borough	Joren	Black	
R2:	Adoption of OR:07/07 - Amending Borough Code - Addition of New Chapt. XXI entitled "Stormwater Control", providing Rules and Regulation for Stormwater Control	Joren	Black	
R7:	Introduction of OR:07/08 - Authorizing Lease Renewal for Watchung Arts Council, Inc.	Joren	Black	
R8:	Introduction of OR:07/09 - Establish a Cap Bank	Joren	Black	
R9:	Introduction of 2007 Municipal Budget	Black	Franklin	
R10:	Waive Chapter 2-25.10 of the Code of the Borough - Gray's Florist & Greenhouse	Joren	Mobus	Black
R11:	Amend Professional Service Contract - Maser Consulting for Creation and Implementation of GIS System	Mobus	Franklin	
R12:	Payment of Bills	Black	Franklin	

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PUBLIC PORTION

Lee Ehrenworth, Canterbury Lane, asked if there is a SRO (school resource officer) at each of our schools and Mayor Ellis replied that there is, and said it was mandatory.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:00 PM to the call of the Chair or the next regularly scheduled meeting of. on May 10, 2007 at 7:30 P.M.

Respectfully submitted,

Michelle DeRocco, RMC
 Deputy Clerk