

# BOROUGH OF WATCHUNG

## MINUTES

JUNE 14, 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 ]

Also present were Administrator/Clerk Lauren Fellin, Borough Attorney Albert Cruz, and Deputy Clerk Michelle DeRocco.

There were 9 members of the public present.

Mayor Ellis deviated from the agenda, and at the request of Councilman Pote, removed Resolution R1:06/14/07 from the agenda. Councilman Pote read the resolution which honored and commended resident Walter Niegisch for his dedicated service as a member of the Rescue Squad and congratulated him on recently receiving the prestigious 2007 Governor's Volunteer Award. Councilman Pote personally thanked Walter for all that he has done for the Borough, and for always being there. Mayor Ellis extended his thanks to Walter for many years of wonderful service. Upon roll call vote, this resolution was unanimously adopted.

### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance - Councilman Black had no report this evening.
2. Police - Councilman Franklin read a letter from the Borough's Court Administrator Pam Steves commending Officer Moberly for going above and beyond the call of duty to assist an elderly resident who was wrongly issued a summons from Newark. Councilman Franklin also noted that thefts are down and arrests are up, and attributed this to increased surveillance. He also noted that Watchung detectives were traveling to Richmond, Virginia to pick up suspects from the recent Verizon robbery.
3. Public Works - Councilman Mobus noted that on tonight's agenda is the introduction of a bond ordinance for the purchase of a replacement dump truck for Public Works. He said he will be meeting on Monday with the County to discuss the Gateway project, and the permit applications for Best Lake have been sent to the State. He explained that when Best Lake is dredged, some of the silt will be moved to Phillips Field.
4. Buildings and Public Affairs  

Buildings - Councilman Pote commended Officer Joe Cina for his work with the DARE program, and Mayor Ellis noted that Watchung was one of the first communities in the State to hold DARE training. Councilman Pote thanked all who were involved in the Memorial Day Ceremony and announced that he received thank you notes from the Laing and Dove families. He reported that the Rescue Squad is in the process of seeking contractors for the building's bay extension.

Public Affairs - Councilman Nehls reported Middle-Brook is still involved with health issues that arose from the recent flooding in Bound Brook, and has hired a part time health educator. Councilman Nehls noted the letter from the Rescue Squad on the agenda which suggests changing the date of the next Pancake Breakfast. Mayor Ellis agreed and after some discussion, Councilman Nehls said he will look to have it possibly in February next year.
5. Fire - Councilman Nehls reported they were very busy in May, responding to 31 calls. He said the Chief's new vehicle has arrived. He announced that the grant to study the feasibility of sharing fire services with North Plainfield and Green Brook, has been received.
6. Laws/Ordinances, and Recreation - In Councilwoman Joren's absence, Councilman Franklin noted the sidewalk maintenance and snow removal ordinances are being introduced, and the Laws and Ordinance Committee is working on the fences and walls, and tree ordinances. He explained that the Committee has asked Engineer Arlene McCoy for her input regarding trees. Mayor Ellis said "kudos" to the Recreation Commission for a wonderful Community Picnic.

**REPORTS - OTHER:**

7. Engineer - Mr. Herits was not present this evening.

8. Attorney - Mr. Cruz had no report, however, he noted that in regard to the introduction of OR:07/12 and OR:07/13, he explained that they both amend the property maintenance code, clarifying the property owner’s responsibilities in regard to sidewalks, curbs, and walkways and setting a policy for the removal of snow and ice.

9. Administrator - Mrs. Fellin reported she attended a “COOP” workshop in Hillsborough where they discussed continuity in government and resident services in the wake of a disaster. She explained that Somerset County is the first in the State to offer this training and it is a very comprehensive program.

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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 Black.

Approval of the following Council minutes:
May 10, 2007; Regular and Executive Sessions, Special Meeting of May 17, 2007;
and May 24, 2007

Approval of the following Borough Reports:
Police Activity - May, 2007
Tax Collector - May, 2007

- #44 - William Carlough, Jr. 5/23/07 Requesting action to force NJDOT to proceed with the Route 78 & Diam
#45 - Ken Meaney 5/22/07 Requesting the construction of a new Veterans Monument on the Ness
Property c: M & C, LBF
#46 - Marie Murphy 5/30/07 “Thank-you” on behalf of Senior Citizen’s Club for increase in annual
stipend c: M & C, LBF, WH
#47 - Township of Warren, June 5, 2007 Notice of adoption of Ordinance pertaining to “Cul-de-
sacs”
and “design standards” c: M & C, LBF, Pl. Board
#48 - Township of Warren, June 5, 2007 Notice of adoption of Ordinance pertaining to “Wetland
Protection” c: M & C, LBF, Pl. Board
#49 - Watchung Rescue Squad 6/7/07 Letter of suggestions for next year’s Pancake Breakfast
c: M & C, LBF
#50 - US Bicycling Hall of Fame 6/7/07 “Thank-you” for the successful Super Saturday Classic
Which passed through Watchung on May 26, 2007 c: M & C, LBF, PD
#51 - Susan Bass Levin 6/7/07 Notification of award of Sharing Available Resources Efficiently
Grant in the amount of \$61,285. to assess the feasibility of Shared Fire and EMS Services
c: M & C, LBF, WH, FD, RS

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda listed below, with the exception of
R1 (removed and read separately by Councilman Pote), was unanimously accepted on roll call follow-
ing a motion by Councilman Franklin and a second by Councilman Black.

- R1:06/14/07 Honoring Walter Niegisch - Governor’s Award Recipient
R2: Ratify Motion to Accept Library Study Committee’s Recommendation
R3: Ratify Motion to Increase Senior Citizen Club’s Annual Stipend by \$500.00
R4: Authorize Return of Escrow Deposits and Board of Adjustment Fees
R5: Approval of Corrective Action Plan - 2006 Audit Report Recommendation
R6: Award of Contract - Excavating/grading work at Phillips Field/ Wayne Boylan Cont.

- R7: Authorize Professional Services Contract Amendment - Maser Consulting for the Updating and Digitizing of Borough Tax Maps
- R8: Certify General Fund 2007 - 2008 Tax Levy - Watchung Board of Education
- R9: Certify General Fund 2007 - 2008 Tax Levy-Watchung Hills Regional Board of Education
- R10: Appointment to Green Brook Flood Control Commission - Stephen Caruso (unexpired term of John Gausz)

Mayor Ellis thanked Steve for stepping up to the plate and said he looks forward to his participation.

- R11: Correction to Award of Contract - Melick-Tully and Associates (should be \$11,980.00)
- R12: Authorize Expansion of Contract - Lee T. Purcell Associates / Water Main Record Drawings for Sunbright/Corey
- R13: Establish Requirements for Grant Application Submissions
- R14: Establish 2007 Sewer Fee
- R15: Establish 2007 Employee Base Salaries
- R16: Amendment to Capital Budget - Public Works Truck Replacement
- R17: Authorize Liquor License Renewals
- R18: Urging DOT to Continue with Rt. 78 Diamond Hill Road Interchange Alterations

Mayor Ellis commented that this is a contentious time for the Borough, as we have spent the better part of the 90's until now anticipating improvements to Exit 41 and Diamond Hill Road, only to find out that in the past week and a half the Township of Berkeley Heights has reversed their position and have requested that DOT change the project. (Mayor Ellis read R18 into the minutes - copy attached) Councilman Pote thanked Mrs. Fellin for her quick response to having just received the resolution from Berkeley Heights and expressed his disappointment with the actions of Berkeley Heights. Councilman Franklin also expressed his disappointment and said the recent move by Berkeley Heights approving a 230 room hotel will bring them rateables and increase traffic to Watchung. Councilman Mobus said a lot of time had been spent on the original project and the ideal plan would be to get to 78 through the Connell property. Councilman Black said this revised plan would be a disaster for Watchung.

- R19: Authorize Borough Clerk to Issue Raffle License - Sisters of Mercy

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Introduction of Ordinance OR:07/11 entitled "BOND ORDINANCE AUTHORIZING THE PURCHASE OF A PUBLIC WORKS TRUCK IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$60,000.00 AND AUTHORIZING THE ISSUANCE OF \$57,000.00 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF". Councilman Black moved the ordinance be given its first reading. So ordered. Councilman Black 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 to be held on June 28, 2007.

Ordinance OR:07/12 entitled "AN ORDINANCE AMENDING CHAPTER XIV, TITLED Introduction of Ordinance OR:07/12 entitled "AN ORDINANCE AMENDING CHAPTER XIV, TITLED "PROPERTY MAINTENANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, ADOPTED 2004 BY ADOPTING A NEW ARTICLE VIII, TITLED "SNOW AND ICE REMOVAL." Councilman Black moved the ordinance be given its first reading. So ordered. Councilman Black 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 to be held on June 28, 2007.

Introduction of Ordinance OR:07/13 entitled "PROPERTY MAINTENANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, ADOPTED 2004 BY AMENDING SECTION 14-15.1, TITLED "CURBS, SIDEWALKS AND WALKWAYS." Public Hearing to be held on June 28, 2007. Councilman Black moved the ordinance be given its first reading. So ordered. Councilman Black 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 to be held on June 28, 2007.

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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>
R20:06/14/07	Introduction of Bond Ordinance 07/11 - Purchase of Truck/ Public Works	Black	Franklin
R21:	Introduction of Ordinance 07/12 - Amend Borough Code / Snow and Ice Removal Regulations and Penalties	Black	Franklin
R22:	Introduction of Ordinance 07/13 - Amend Amend Borough Code /Sidewalk, Curb Maintenance along County Roads	Black	Franklin
R23:	Executive Session - Litigation: Fuentes vs. Borough of Watchung		Franklin    Black

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**PUBLIC PORTION**

Alfred Rebmann, Johnston Drive, asked when the balance of Johnston Drive's drainage problems will be addressed and Councilman Mobus explained that the project will continue from the point where it was left off, however, at this time he said he is not sure how far up the street the funding will allow us to go. He said the Engineer, Tom Herits, is presently working on the plans.

Justin Scalera, Park Place, presented a petition to the governing body requesting a dock for fishing at Mobus Field. The petition contained over 100 names of people who also support this idea. Mayor Ellis accepted the petition and commended Justin for his actions. He said he will pass this request on to the Recreation Director Maria Bachert for consideration by the Recreation Commission.

Anthony Addario, Rock Avenue, thanked the Mayor and Council for doing what needs to be done in regard to the Rt. 78 / Diamond Hill Road improvement project. He said that Exit 41 was not built to standards and was illegal then and is illegal now. He said all the traffic burden will be on Watchung and credited Union County politics. Former Mayor Addario said he will be going to the next Berkeley Heights Council meeting. He said he hopes that Scotch Plains continues to support the original plan. Mayor Ellis said what is needed is a regional solution to a growing concern of traffic. He said leadership is a very interesting job. He said he recently attended a meeting with the DOT in Newark and they were very responsive, and feels they (DOT) knows the history of the project and are not about to flip it. He said he is confident that the DOT will do their "due diligence". Councilman Mobus added that Lynn Middleton, the project manager from DOT said an extensive study will be done. Mr. Addario urged residents to write letters to legislators and the DOT.

Councilman Franklin offered R23:06/14/07 authorizing an executive session, with a second by Councilman Black and unanimously approved.

Upon return to regular session at 8:52 PM, all members previously present, were again in attendance.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:55 PM to the call of the Chair or the next regularly scheduled meeting of June 28, 2007 at 7:30 PM.

Respectfully submitted,

Michelle DeRocco, RMC  
Deputy Municipal Clerk