

BOROUGH OF WATCHUNG

MINUTES

JUNE 28, 2007 - 7:00 P.M.

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 7:00 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 [P] Pote [A] Nehls [P]

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

A transcriber from Colin J. Duffy Associates arrived at 7:30 P.M. to transcribe the Public Hearing of the Will Lane and Brook Drive in the case that a complete transcription is needed.

There were 3 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Black reported all is well in the Finance Department, and for the first time since 1999, the Borough will be holding a Bond Sale. He said this is a very interesting process and Mayor Ellis said that CFO Bill Hance is doing an excellent job.

2. Police - Councilman Franklin said he received a note from Chief Frosoni commending the Detective Bureau for their efforts to solve the Verizon robbery case, and said the case is still an ongoing investigation so he was not able to say anything else. The Chief's note also reported that an arrest was recently made in the 2004 mugging that took place in the front of Bed, Bath and Beyond. Councilman Franklin commented that the Borough's detectives are like "bulldogs" and said kudos to Tim Wenzel for his work on that case.

3. Public Works - Councilman Mobus reported the following: the Hughes Lane project has been awarded, the pre-construction meeting held, and discussed was a call for utility mark-out and the review of the layout of drainage structures. He explained the contractor will order pre-cast structures, and will start the project upon completion of the project in Green Brook; the Rock slope netting project is moving along; the Spencer/Fawn sanitary sewer repair project is complete; Engineer Tom Herits is completing paperwork for DOT reimbursement for the Rock Road East project; the pedestrian crosswalk lighting systems are being installed on Stirling, at Verona and Brookdale; Mr. Herits met with a contractor under Morris County Co-op regarding the 2007 Road Overlay Program scheduled to be completed in August; the consultant is completing applications for permits for Best Lake dredging and dam replacement; Phillips Field preliminary grading is complete; the Skyline/Johnston sanitary sewers project has been approved by DEP, and the last parcel map for PSEG property easement is being completed, geo-tech work is being completed to finalize design; the DPW is soliciting proposals to irrigate Spratford Park; Mr. Herits is requesting a DOT permit for the Johnston Drive funding to be utilized for the extension of roadway and drainage improvements from the end of the last project up Johnston Drive to approximately Woodledge; individual homeowners have been hooking up to Sunbright/Corey sanitary sewers and water; the two outer tennis courts at Camp Endeavor have been repaired by DPW, and the Borough is awaiting JIF (insurance company) inspection prior to opening to the public, however, the center court requires extensive repairs and is closed at this time; the drainage on the south side of Will Lane has been completed by DPW; Mr. Herits is preparing a FY 2008 DOT Trust Fund application for curb, sidewalk, drainage, pavement repair, and overlay of Bayberry, from Valley to Sequoia; the Borough is finalizing Somerset Street Gateway design with the County Engineer's office, for construction in Spring 2008; the Beechwood base map information is complete, and County assistance will be requested to address the ditch at the northern end of the roadway, allowing for the final design to be completed; and the Engineer has met with FEMA to try to secure some funding.

4. Buildings and Public Affairs

Buildings - Councilman Pote was not present.

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

Public Hearing of Ordinance OR:07/13 entitled "AN ORDINANCE AMENDING CHAPTER XIV, "CURBS, SIDEWALKS AND WALKWAYS." Councilwoman Joren called for a second and reading of the ordinance. The Clerk read the ordinance by title and produced an affidavit of title, 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.

Dr. Erhenworth, asked for an explanation and Councilwoman Joren explained that due to an increase of sidewalk installations in the Borough, and the anticipation that sidewalks will be installed along parts of Route 22, this ordinance will clarify the responsibility of maintenance of the sidewalks.

With no one else from the public desiring to be heard, Councilwoman Joren moved the public hearing be closed

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 - Executive Session

Approval of the following Borough Reports:
Recreation Minutes - April 4, May 2, 2007

#52 - Township of Scotch Plains Bd. of Adjustment 6/12/07 Notice of Public Hearing on July 12, 2007 - Use Variance and Site Plan Approval for 1927 Route 22 West, Block 1801, Lot 4 c: M & C, LBF, DS

#53 - Lucy Hsueh 6/14/07 Requesting repair of tennis courts on Sequoia Drive c: M & C, LBF, CG, MB

#54 - NJ Department of Transportation 6/14/07 Notice of Public Hearings re: Programs for Senior Transportation and Disabled Resident Transportation Assistance c: M & C, Post

#55 - Robert and Leslie Schwartz 6/15/07 E-mail supporting Diamond Hill Interchange project c: M & C, LBF

#56 - Township of Berkeley Heights 6/18/07 Resolution opposing the Proposed Rt. 78/Diamond Hill Interchange project c: M & C, LBF

#57 - Somerset County Planning Board and Board of Chosen Freeholders 6/20/07 Letter and Resolution reaffirming strong support of NJDOT proposed Improvements at I-78 to Diamond Hill Road

#58 - Hardyston Township 6/21/07 Correspondence re: Opposition to any legislation that jeopardizes the continued use of RCA (Affordable Housing Regional Contribution Agreements) c: M & C, LBF

#59 - Michelina Pittenger 6/21/07 Letter of Resignation as a member of the Recreation Commission c: M & C, LBF, MB

#60 - Rockaway Bedding 6/22/07 Notice of Sale and Bidding Procedures / Chapter 11 C: M & C, LBF, AC, EK, CP, GG

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda listed below, with the exception of R4, was unanimously accepted on roll call following a motion by Councilman Franklin and a second by Councilman Black.

Councilwoman Joren read Resolution R4 into the minutes.

R4:06/28/07 Resolution acknowledging Service to Recreation Commission - Michelina Pittenger

R5: Appointment to Municipal Wastewater Management Committee - William Nehls, Tom Herits, Jim Boyd

R6: Purchases Over \$2,000. - W. Boylan Contracting

R7: Waive Chapter 2-25.10 of the Code of the Borough - Springdale House

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R8: Authorize Renewal of Interlocal Agreement with Township of Warren - Community Service Director

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Introduction of Ordinance OR:07/14 entitled "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER X, ENTITLED "ANIMAL CONTROL," SPECIFICALLY SECTION 10-2.3(A) THEREOF, ENTITLED "LICENSE AND TAG FEES; EXCEPTIONS" AND SECTION 10-3-2 'FEES' AS HERETOFORE SUPPLEMENTED AND AMENDED." Public Hearing to be held on July 19, 2007. 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 July 19, 2007.

Introduction of Ordinance OR:07/15 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII ENTITLED 'FLOOD DAMAGE PREVENTION,' SPECIFICALLY SECTION 22-3.2 ENTITLED "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD" OF THE CODE OF THE BOROUGH OF WATCHUNG, ADOPTED 2004, AS HERETOFORE SUPPLEMENTED AND AMENDED." 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 24, 2007.

Public Hearing - Will Lane Roadway Pavement Improvement Project

Mr. Cruz explained the process used and the steps taken to implement the assessment. He said the benefiting property owners have received the draft of the report and have had an opportunity to comment.

John Van Dorpe from Maser Consulting provided maps and facts that were used as tools in the Assessment meetings which were considered and compiled into the final reports, all of which were available to residents prior to this evenings hearing. Also reviewed were the payment options offered to the owners of the 14 lots to be assessed.

The meeting was opened to the public for questions and comments and no one from the public desired to be heard.

Public Hearing - Brook Drive Roadway Pavement Improvement Project

Mr. Cruz explained the procedure used for the Brook Drive Roadway Improvement Project is the same as used to implement the Will Lane Roadway Improvement project. He said the benefiting property owners have received the draft of the report and have had an opportunity to comment.

Mr. Van Dorpe provided maps and facts that were used as tools in the Assessment meetings which were considered and compiled into the final reports, all of which were available to residents prior to this evenings hearing. Payment options provided to the owners of the 10 lots to be assessed, were discussed.

The meeting was opened to the public for questions and comments and no one from the public desired to be heard.

Mr. Cruz advised the governing body that they had the option to accept, modify or remand recommendation of the two reports, one being the Will Lane Assessment Report and the other being the Brook Drive Assessment Report.

The governing body unanimously voted to accept the Assessment Commissioners report.

Proclamation - Myasthenia Gravis Awareness Month - June
Mayor Ellis read this 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> R1:06/28/07	Adoption of Bond Ordinance OR:07/11- Purchase of Truck/ Public Works	Joren	Black
R2:	Adoption of Ordinance OR:07/12 - Amend Borough Code /Sidewalk, Curb Maintenance along County Roads	Joren	Black
R3:	Adoption of Ordinance OR:07/13 - Amend Borough Code / Snow and Ice Removal Regulations and Penalties	Joren	Black
R9:	Introduction of Ordinance OR:07/14 - Amend Borough Code / Animal Control - Fees	Joren	Black
R10:	Introduction of Ordinance OR:07/15 - Amend Borough Code / Flood Damage Prevention	Joren	Black
R11:	Authorize Benefiting Property Assessment - Will Lane Roadway Pavement Local Improvement Project	Black	Franklin
R12:	Authorize Benefiting Property Assessment - Brook Drive Roadway Pavement Local Improvement Project	Black	Franklin
R13:	Authorize Payment Schedule for Property Assessments - Will Lane and Brook Drive	Franklin	Black
R14:	Authorize Assessment Commission Compensation: Will Lane and Brook Drive	Franklin	Black

Councilman Franklin commented that the Borough is fortunate to be able to call upon a very competent group of citizens for their input into the assessment hearings and feels this compensation is a real bargain for the Borough considering all of the work that goes into the reports. He thanked the commissioners for their time.

R15:	Authorize Submission of 2007 Youth Athletic and Recreation Facility Grant to Somerset County	Joren	Black
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Councilman Mobus questioned why skating was listed on the grant application and if skating was a consideration, and Councilwoman Joren said she will find out and report back.

R16:	Payment of Bills	Black	
Franklin			
R17:	Executive Session:	Franklin	Black
	Litigation: Fuentes vs. Borough of Watchung		
	Litigation: Archer v. Melchionda, et al.		
	Litigation: Borough of Watchung v. Presbyterian Home		

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PUBLIC PORTION

Joseph Bruno, Berkeley Heights Councilman, introduced himself as the person responsible for the requested change in the proposed plan and explained his Township's position in regard to the Route 78/Diamond Hill Road Interchange project. He said he is not trying to start a turf war but believes the current plan will not work. Councilman Black thanked Mr. Bruno for coming this evening and asked Mr. Bruno if the original plan was conducive to Berkeley Heights' needs in the past and Mr. Bruno said they were. Councilman Mobus told Mr. Bruno he cannot understand his plan and why he would suggest bringing traffic to a stop street. Mr. Bruno said that all agreed that an exit ramp from Connell makes sense, but the DOT turned it down. He said both Berkeley Heights and Watchung need to tell DOT that they need to come up with a regional solution that will work for both towns. Mr. Bruno said there is a meeting on Monday with the DOT and NJTPA and Mayor Ellis asked him if he was sure it was on Monday and Mr. Bruno said he was, because they needed to meet before July 9th. Mr. Bruno said he cannot see spending \$25 million of federal money on a project that will not work. Mayor Ellis said that is Mr. Bruno's opinion and he will respect it. Councilman Mobus commented that although Mr. Bruno said he does not want to engage in a turf war he would like to make it clear that Watchung does not want to be dumped on.

Councilman Franklin offered R17:06/28/07 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.

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 July 19, 2007 at 7:30 PM.

Respectfully submitted,

Michelle DeRocco, RMC
Deputy Municipal Clerk