

BOROUGH OF WATCHUNG

MINUTES

MARCH 13, 2008 - 7:30 P.M.

MAYOR'S STATEMENT: Council President Franklin 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

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

Also present were Borough Attorney Albert Cruz, Deputy Clerk Michelle DeRocco. Mayor Albert Ellis and Administrator/Clerk Laureen Fellin were absent. There were 5 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Nehls reported the Budget Meeting is scheduled for 8:30 am on Saturday, March 29th and the budget packets should be ready and distributed to the Council for their review on Monday. Councilman Nehls said after the projected cut in State aid of \$202,000.00, the budget will be very tight. He said it is his understanding that the Democrats are not happy with the budget cuts either, and there is talk that these figures may change. He said the only major increases in this year's budget will be the uncontrolled expenses, such as pensions and utilities. Councilman Nehls, citing the unfair Regional High School per pupil costs, opened for discussion the issue of attaining a feasibility study that would assess the Borough's options.

Councilman Nehls said he is in favor of moving forward with a feasibility study. Councilman Pote said he agrees, a lot of time has been spent talking about the inequity of the regional school funding formula and we will continue to do so for a long time to come. He said we have seen examples of other municipalities who fought and won, and feels it is worth trying. Councilman Mobus said that after listening to the speaker from Governor Corzine's office at the Somerset County Governing Official's dinner, State aid cuts are on the way, and now may be a good time to pursue this. Councilman Nehls said the Borough is concerned about spending money, however, a feasibility study will tell us if we have any chance of winning. He said the cost of the study is \$50,000.00. Councilman Pote said Mr. Gagliardi came to a meeting almost a year ago to discuss the process. Councilman Franklin said philosophically, he supports it and believes the Borough owes it to its residents.

Anthony Addario, Rock Avenue, said he has personally spoken to all of the Borough's legislators, and have gotten nowhere. He explained that it is unfair that Warren's per pupil cost is \$16,000. and Watchung pays \$21,000. Former Mayor Addario recommended "getting the word out" to residents, by way of the newsletter, and let everyone know what the plan is and why.

Councilman Black said he is a proponent of the feasibility study and feels the formula is wrong and the time is right. Attorney Cruz suggested a resolution for the next meeting, and instructed the Deputy Clerk to include the history and rationale within it. Councilman Pote wanted it to be noted that the full Council was in support of hiring Mr. Gagliardi to do a feasibility study.

With no one else desiring to be heard, the governing body agreed to offer a resolution at the next meeting for an award of contract to Mr. Vito Gagliardi, Esq. and his firm, for the preparation of a feasibility study, at a cost not to exceed \$50,000.

2. Police - Councilman Franklin announced that he attended the Governing Official's dinner last night along with the Mayor, Council members Nehls, Mobus, and Joren, and the speaker was Gov. Corzine's Chief of Staff who spoke about the proposed cuts in aid to municipalities. Councilman Franklin said it is the small municipalities that are most efficiently run, and the ones who will get hit the hardest from these cuts. Councilman Franklin said that he stopped in to see our Municipal Court in action and was very impressed by the way the court was run. He said our judge runs a good courtroom and knows what he is doing.

3. Public Works - Councilman Mobus said the renovations to Best Lake are in progress, and despite all of the heavy rain over the past weekend which caused some soil erosion problems and caused the silt to be too wet, the project is still on target. He reported other projects, such as the Johnston Drive sewer project, are set to go and should begin on or around April 1st. He said he is excited to see this project begin, and has had a request from 4 more houses to hook up, and he said he believes this could be done without major changes to the original plans.

4. Buildings and Public Affairs

Buildings - Councilman Pote announced that bids for the bonus room were received yesterday and are under technical review, and hopes to see this project begin on or around April 1st. He noted the improvements to the Council chambers are moving along, and said the window treatments should be installed in the next week or two. In regard to the Rescue Squad, Councilman Pote reported they responded to 35 basic calls and 6 advanced life support calls. He thanked the Rescue Squad for their efforts. He reported the Historical Commission met yesterday and said they are in receipt of some wonderful pictures of the flood of 1973 and are busy preserving their albums. He said they are planning a bus trip around town for a video tour with excerpts from long time residents. They said they would like to start with Betty Black who has fantastic memories and stories of how Route 22 used to be.

Public Affairs - Councilman Nehls reported that the Environmental Commission is scheduled to meet on March 31st and the Board of Health will meet in April. He advised that the plans for the Athletic Foundation's first triathlon are moving forward.

5. Fire - Councilman Black reported that the recent wind storm that blew through the Borough was a horrific event and thanked all of the Borough's emergency service departments for coming out. He thanked Council members Joren and Mobus for coming together on short notice yesterday morning when he called a Committee meeting, and explained that it was a very productive meeting. He said Chief DiPaolo was there and was able to answer many questions in regard to the grant application that is on tonight's agenda. Councilman Black announced that the Fire Department is always looking for new members and additional volunteers are welcome.

6. Laws/Ordinances, and Recreation - Councilwoman Joren announced the Recreation Commission met last week and reported they are very excited about their upcoming new event, the Basketball Shoot-Out contest on March 28th. She said it will be held at the Valley View School and will take place between 7:00 pm and 9:00 pm. She urged everyone to come out and laugh at people like her who are trying to shoot baskets. In addition to preparing for that, Councilwoman Joren reported the Commission is busy preparing for the spring and summer field permits, spring programs, and summer programs. She announced the date of the Memorial Day picnic is Sunday, May 25th, with a rain date of the 26th.

REPORTS - OTHER:

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

8. Police Chief - Chief Whelan said that the Department opened 23 new criminal investigation cases this month, including a strong-arm robbery attempt at the Speedy Mart, 2 cases of CDS arrests and a disorderly person waving a knife at Wendy's. He announced that at the next Council meeting, he will be presenting his Department's commendations. Councilman Franklin said he had taken his flashing light bulb idea to Wal-Mart and Home Depot and both are interested in it. He explained that they both asked him for a proposal, but in the meantime he came down with the flu and the process has been delayed.

9. Attorney - Mr. Cruz said he had one item for discussion in Executive Session.

10. Administrator - Mrs. Fellin was not present this evening.

UNFINISHED BUSINESS

Public Hearing on Proposed Ordinance OR:08/01 entitled "AN ORDINANCE REPEALING AND REPLACING CHAPTER XXIV OF THE CODE OF THE BOROUGH OF WATCHUNG, NEW JERSEY, TITLED "TREE PRESERVATION" 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.

Mrs. Joren explained that this Ordinance repeals and replaces Chapter XXIV of the Code of the Borough of Watchung titled "Tree Preservation" and said it is intended to maintain and enhance the general health, safety and welfare of the residents of the Borough by preserving and protecting one of Watchung's most valuable assets, its trees. She said that this ordinance is a result of a draft provided by the Environmental Commission. She said many meetings were held with the members of the Laws and Ordinance Committee, the Environmental Commission, Planning Board and the Engineering Department, as well as with Assistant Engineer Arlene McCoy who was very helpful. She said this was a long process but this ordinance is one that all can be proud of. Councilwoman Joren said she would especially like to thank former long time resident and past Environmental Commission Chairperson Dolores Kresge, who was present this evening, for all of her years of hard work.

Dolores Kresge, Former Environmental Commission Chair, thanked all and said she will be glad to be able to finally remove this draft from her computer.

Councilman Nehls thanked Councilwoman Joren for getting this ordinance done.

Councilman Pote said the key to the success of this ordinance will be enforcement and the enforcement will send a signal to properties owners.

Councilman Franklin thanked Councilwoman Joren and said she has been an excellent leader.

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 on Proposed Ordinance OR:08/04 entitled "AN ORDINANCE ACCEPTING A REVISED DRAINAGE FACILITIES EASEMENT FROM RAM T. REDDY AND VIJAYA REDDY TO THE BOROUGH OF WATCHUNG" 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.

Anthony Addario, Rock Avenue, asked where this easement is located and why is this being done. Mr. Cruz explained that the location is Acorn Drive and that the homeowner wanted to install an in ground pool and needed a revision to a drainage easement to do so. It was the recommendation of the Engineering Department to authorize it.

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.

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 Mobus.
Approval of the following Council minutes:
November 8, 2007

Approval of the following Borough Reports:
Planning Board Minutes - January 15, 2008
Building Department Report - February, 2008
Tax Collector's Report - February, 2008

- #13 - Marie Della Piazza 2/25/08 Letter of retirement notification from her position in the Construction Office, effective April 1, 2008 c: M & C, LBF, PHF
- #14 - County of Somerset, Dept. of Human Services 2/26/08 Letter of gratitude for donations for the County's sheltered and unsheltered homeless persons (holiday party donations) c: M & C, All Depts.
- #15 - Mary Ciccolella 2/28/08 Email commending the governing body for new tree ordinance c: M & C, LBF
- #16 - Access to the Region's Core (NJ Transit) 3/10/08 Notice of Public Hearing re: recommendation for improving commuter rail access to Manhattan c: M & C, LBF, Post
- #17 - Green Brook Flood Control Commission 3/6/08 Resolution calling upon Congress to support the GBFCC project for the Federal FY2009 budget c: M & C, LBF

CONSENT AGENDA RESOLUTIONS: The Consent Agenda listed below, with the exception of R7, as unanimously accepted on roll call following a motion by Councilman Black and a second by Councilman Mobus.

- R3:3/13/08 Purchases Over \$2,000. - International Salt Company, Watchung Hills Reg. Municipal Alliance, Hertrich Fleet Services, Inc.
- R4: Waive Chapter 2-25.10 of the Borough Code and Authorize Purchase Over \$2,000. - Watchung Electric, LLC
- R5: Opposing the Failure of the Governor's Proposed State Budget for the 2008 – 2009 Fiscal Year
- R6: Authorize the Return of Escrow Deposits - Various Applicants
- R7: Authorize Submission of FEMA Fire Assistance Grant Application for 2008

Councilman Nehls requested that R7 be removed for discussion. Councilman Nehls said he supports this grant application, however, he has some concerns regarding confined space training that will be necessary for the equipment to be purchased. Councilman Black explained that the tool being purchased is an expansion of the extrication equipment and can be used for other facets of rescue. Councilman Nehls said his other concern was that there is no provision for water rescue training, an area that the Fire Department needs to become proficient in. Councilman Black said he is not sure, but believes the water rescue training may be in the budget, but assured Councilman Nehls that the Fire Department is aware of the need. Councilman Black said this grant is not a "given" and the Fire Department will be happy with any grant monies awarded to them. Councilman Nehls reiterated that he was fully supportive of the Fire Department's Grant application and moved that R7 be accepted. Councilman Mobus seconded the motion and this resolution was unanimously accepted on roll call.

Proclamation - Donate Life Month / April

In Mayor Ellis' absence, Council President Franklin offered a proclamation to encourage the citizens of Watchung to become organ donors through their driver license or living will, as he proclaimed April as "Donate Life Month" in the Borough. (copy of proclamation available at www.watchungnj.com)

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>
R1:3/13/08	Adoption of OR:08/01 - Repeal and Replacement of Ch. XXIV of the Code of the Borough, Titled "Tree Preservation"	Joren	Black
R2:	Adoption of OR:08/04 - Authorize Revision to Drainage Facilities Easement Block 12.01, Lot 2.02	Joren	Black
R8:	Award of Contract - 1868 Public Affairs WITHDRAWN		

Councilwoman Joren requested that R8 be removed from the agenda.

R9: Mobus	Executive Session: Litigation - Melchionda v. Borough of Watchung	Black
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PUBLIC PORTION

Lynda Goldschein, Sherwood Drive, thanked the Governing Body for adopting the tree ordinance and then asked what the Borough's obligation will be if the Fire Department is awarded the grant. Councilman Nehls replied that the Borough will have a 5% match obligation, however, there is no guarantee that they will be awarded the full amount or even a partial. Mrs. Goldschein said she remembers in the past that the Fire Department had been assigned the task of water rescue and did not want it. Mrs. Goldschein said she supports the Borough's decision to move forward with a feasibility study in pursuit of a remedy to the unfair regional school funding tax burden. She also suggested the Borough reach out and poll other regional districts to join in our pursuit. Mr. Cruz explained that this study is district specific.

Anthony Addario, Rock Avenue, said he is aware of other municipalities, such as Cape May, who may be interested in joining us.

Councilman Black offered R9:03/13/08 authorizing an executive session, with a second by Councilman Mobus and unanimously approved.

Upon return to regular session at 9:53 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 9:55 PM to the call of the Chair or the next regularly scheduled meeting of March 27, 2008 at 7:30 PM.

Respectfully submitted,

Michelle DeRocco, RMC
Deputy Municipal Clerk