

BOROUGH OF WATCHUNG

MINUTES

FEBRUARY 26, 2009 - 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, and Star Ledger, and posted at Borough Hall.

ROLL CALL

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

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

There were 35 members of the public present for the special presentation, and 16 remained for the rest of the meeting.

SALUTE TO THE FLAG and SILENT PRAYER

SPECIAL PRESENTATION AND PROCLAMATION

Watchung Scout Troop #32 to present the Colors / Historical Ceremony

This meeting began with members of Boy Scout Troop 32 conducting a traditional presentation of the opening flag ceremony. The Scouts presented four Flags, the Flag of 1777, the Star Spangled Banner, the 46 Star Flag, and the Old Glory Flag (our flag of today). A brief history was given after each flag was presented. Scoutmaster Jack Valente introduced each participating scout: Andrew Valente, Christopher Vander Fliet, Robbie Tucker, Ben Chang, Drew Desai, Ryan Desai, Justin Scalera, Hunter Stiles, and Kyle Celeste. Also present to assist were Assistant Scoutmaster Jay Stiles and Troop Committee person Sue Tucker.

Proclamation - Boy Scout Week

Mayor Ellis presented the Scouts with a presentation copy of a proclamation acknowledging the week of February 1st as Boy Scout Week. (Copy of Proclamation attached.)

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin reported the Administrative and Finance Committee is working on the budget and will be meeting to discuss a personnel issue. He announced the Borough sold a "BAN", explaining it is a Bond Anticipation Note, and said the Borough received an interest rate of a little over three-fourths percent.

2. Police - Councilman Mobus read letters of commendation for several members of the Police Department, and said the Chief will be scheduling a commendation ceremony for a Council meeting either late March or early April. He announced that the Police Activity report will be distributed to the full Council monthly and discussed if any questions arise. Councilman Mobus reported he and the Mayor and Police Chief have met with Dr. Malyska and other Board of Education members to discuss a safety issue at Valley View School and will release a report when it is complete.

3. Public Works - Councilman Nehls reported that since the last Council meeting, an additional 248 tons of salt were used over two snow events, and that the Department successfully passed the annual Stormwater Inspection of the Public Works facility.

4. Buildings and Public Affairs

Buildings - Councilman Pote presented the Rescue Squad's report for the month of January, highlighting a total of 30 calls, 1 CPR save, and 3 mutual aid responses. Councilman Pote referred to correspondence #9 on the agenda submitted by the Rescue Squad and said that when the original agenda was sent out it stated that the Rescue Squad "did not desire to participate in the Pancake Breakfast" and noted this agenda was corrected to reflect the intentions of the Rescue Squad as "did not desire to participate in the Pancake Breakfast as the lead agency" and explained that the Rescue Squad is more than willing to participate in the breakfast however, does not want to have to oversee it. He was happy to report that the Bonus Room is now complete and the Construction, Zoning and Tax Offices will be closed for a few days next week to move from the Texier House; the Library Study Committee continues to interview potential architects.

Public Affairs - Councilman Nehls reported the Environmental Commission is busy reviewing the tree removal permit process and are discussing their goals, looking at pollution by way of pesticides and fertilizers. He reported the Energy Committee has submitted a grant application.

5. Fire - Councilman Black reported details of a recent structure fire on Johnston Drive and commended all who were involved for a job well done. He said the Installation Dinner was held this past weekend and was a nice event, noting that Scott Otto was named Fireman of the Year. In regard to the Shared Services study, Councilman Black announced that the membership is in favor of sharing services, however, they are not in favor of the recommended plan.

6. Laws/Ordinances, and Recreation - Councilwoman Joren announced there is a vacancy on the Recreation Commission that needs to be filled, tickets are being sold for the Nets/Knicks game, the Basketball Shootout at Valley View will be held on March 27th, and the Community Picnic is scheduled for May 24th. She noted the resolution on the agenda accepting the donation of an AED from the Little League for Phillips Field, and it was agreed that the presentation of the resolution to Little League would be done during an official ceremony, possibly during opening day. In regard to Laws and Ordinances, Councilwoman Joren noted the introduction of the charitable bin regulation ordinance, and an amendment to the purchasing ordinance. She explained the Committee is still discussing the issue of engine braking.

REPORTS - OTHER:

7. Engineer - Tom Herits announced he is submitting the grant application to Community Development for the completion of the ADA restroom compliance at the Arts Center; the Borough received a grant for improvements to Bayberry Lane, the County is proceeding with the replacement of the bridge on the circle, the State is moving forward with the Rt. 22/Bonnie Burn Road improvements, and he has submitted comments from the Public Works Committee to the County in regard to the proposed Gateway project.

8. Police Chief - Chief Whelan invited all to check his department's new website, www.watchungpd.com and commended Lt. Egnasko for its construction

9. Fire Department - No report was presented

10. Rescue Squad - Walter Niegisch was present and deferred to Councilman Pote's report on the monthly statistics.

11. Attorney - Mr. Cruz reported on last night's Assessment Meeting and said they will be meeting again in March to discuss the concerns that were raised. He noted that the Cable Franchise renewal will be due and that this is a three year process, and suggested a review committee be appointed.

12. Administrator - Mrs. Fellin announced she met with the Somerset County Administrators and DLGS addressed the group, providing insight as to what is being done at the State level in regard to budgets and pension deferral. Also discussed were energy audit programs, and upcoming programs for the purchasing of solar power. Mrs. Fellin reported on her attendance at a meeting with the Administrators of Green Brook, North Plainfield, and Warren where the shared services of a recycling coordinator was discussed. She also said she attended a seminar on e-mail use and OPRA, and is working on the implementation of reducing paper correspondence within the office by "going green." Mrs. Fellin also announced that this evening's meeting is being recorded.

Mayor Ellis said he was happy to hear that the Green Brook Flood Commission is receiving \$10 million of the \$13 million dollars that is needed. He announced the Pancake Breakfast will be held on March 21st and has been tweaked to include the services of the local Board of Education and said anyone who wished to volunteer should contact Linda Monetti to sign up. Mayor Ellis also invited all residents to participate in the Community Forum to be held at Valley View School this Saturday. He noted two pieces of correspondence he received, one from local electrician John Kostic commending Carolyn Taylor and Cathy Hammel for turning the Construction Office around and being a pleasure to work with, and another letter from a Hill Hollow resident thanking Charles Gunther for working with him on the repair to his mailbox that was damaged during snow plowing.

Councilwoman Joren added that she attended a meeting with Congressman Leonard Lance where the Federal appropriation package was discussed. She explained that the appropriation request process will begin in May, and that Congressman Lance assured all that his office is ready to help.

UNFINISHED BUSINESS

Public Hearing on Proposed Ordinance OR:09/02 entitled "BOND ORDINANCE TO AUTHORIZE THE RECONSTRUCTION OF PORTIONS OF BAYBERRY LANE AND JOHNSTON DRIVE IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,590,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." 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.

The meeting was opened to the public and Stephen Church, Johnston Drive, questioned the fiscal responsibility of floating a bond for this project in this economic environment. Councilman Franklin explained that when a project is bonded, it does not necessarily mean an increase in taxes. He said it is the Borough's desire to have the entire town sewered, and this particular project is not an assessment ordinance, adding that the interest rates are very good right now. Lynda Goldschein, Sherwood Drive, questioned the section of Johnston Drive this refers to and Mr. Herits replied that it was the upper section to Woodledge and is basically road reconstruction.

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 Mobus and a second by Councilman Franklin.

Approval of the following Council minutes:
January 22, 2009

Approval of the following Borough Reports:
Building Department - January, 2009
Police Activity - January, 2009
Tax Collector - January, 2009
Board of Adjustment Minutes - January 3, February 7, March 6, April 3, May 1, June 5,
July 17, August 7, September 4, October 2, and November 6, 2008
Historical Committee - 2009 Mission Statement, 2008 Annual Report, January 14, 2009, and
2008 Highlights

- #6 - Carol Spratford 1/20/09 Letter of resignation as a member of the Planning Board c: M & C, LBF, DS
- #7 - Township of Warren 1/26/09 Notice of Public Hearing on February 12, 2009 on proposed Ordinance No. 09-06 / Amendment to Land Use Procedures and Development - "Design Standards" c: M & C, LBF, TH, DS
- #8 - Borough of Bernardsville 1/28/09 Resolution supporting Assembly Bill A3570 which would abolish the current COAH Regulations and create a new policy c: M & C, LBF
- #9 - Watchung Rescue Squad 2/3/09 Advising Mayor and Council of their desire not to participate in the Pancake Breakfast as the lead agency c: M & C, LBF
- #10 - Board of Chosen Freeholders 2/6/09 Resolution Opposing Assembly Bill NO. 3686 which proposes the transfer of the Governor's Council on Alcoholism and Drug Abuse to the NJ Dept. of Human Services c: M & C, LBF
- #11 - County of Somerset, Department of Human Services 2/13/09 Thanking the Borough for its Donation to the 2009 Point in Time Survey of the County's Homeless / Holiday Party donations c: M & C, LBF
- #12 - New Jersey American Water 2/13/09 Letter of explanation for petition to to BPU for implementation of Distribution System Improvement Charge (DSIC) c: M & C, LBF, AC

- #13 - Chief Russell Leffert, Warren Police Department 2/17/09 Commending Officers Anderle and Zaiton for their decisive and professional assistance to a collision with occupant injuries and ent
- #14 - Borough of Peapack and Gladstone 2/17/09 Resolution supporting A3570, calling for the
- #15 - Township of Warren 2/17/09 Notice of Adoption of on two (2) proposed Zoning Ordinances: 09-01 -
 - Updates all General and Zoning Ordinances to comply with the NJ Building Code c: M & C, LBF, Eng., EB, DS
- #16 - Jersey Central Power & Light 2/20/09 Notice of filing and public hearing of Petition for propose
 Investment Program c: M & C, LBF, WH, Post
- #17 - PSE&G 2/13/09 Notice of filing and public hearing of Cost Recovery Mechanism for Electric and Gas Services c: M & C, LBF, WH, Post

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

- R2:2/26/09 Accept Donation from Watchung Little League - AED at Phillips Field
- R3: Appointment to Traffic & Beautification Commission - Phyllis Juette
- R4: Authorize submission of Recycling Tonnage Grant Application to NJDEP
- R5: Authorize execution of Agreement with Middle-Brook Regional Health Commission
- R6: Confirming Borough's Commitment for Participation in the PARIS Grant Program - Shared Services with Somerset County
- R7: Authorize Expansion of Contract - Maser Consulting / Affordable Housing Planning and Consulting Service
- R8: Award of Contract - Lee T. Purcell Associates / Final Assessment Report - Skyline Drive-Johnston Drive Area Sanitary Sewer System
- R9: Authorize Expansion of Contract - Maser Consulting / GIS Program
- R10: Appointment of Community Development Block Grant Representatives - Lauren Fellin, Arlene McCoy
- R11: Purchases Over \$2,000. - Bolyn Corporation, Blue Wing, Summit Truck Body, Inc.
- R12: Authorize Tax Collector to Issue Tax Sale Certificate Redemption - Block 7403, Lot 17
- R13: Authorize Clerk to Issue Raffle License - Watchung PTO
- R14: Approval of Submission of 2009 CDBG Grant Application
- R15: Award of Contract - Porzio, Bromberg & Newman, PC / Finalize Regional School
- R16: Authorize creation of Ad Hoc Committee - Affordable Housing Working Group
- R17: Authorize Salary Adjustment - Sean Whelan, Police Chief
- R18: Designating March 2009 as "Women's History Month"
- R19: Appointment of Volunteer Fire Member – Stephen Carlucci
- R20: Authorize Sale of Surplus Property through Somerset County Co-op

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NON-CONSENT AGENDA

Introduction of Proposed Ordinance OR:09/03 entitled: "Amendment to Ordinance Determining Positions Eligible for the Defined Contribution Retirement Program." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained this Ordinance removes the position of Municipal Court Administrator from the DCRP retirement program and places it back in to the PERS (Public Employees Retirement System) program. 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 March 12, 2009

Introduction of Proposed Ordinance OR:09/04 entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG ESTABLISHING REGULATIONS AND PERMIT REQUIREMENTS FOR THE PLACEMENT AND USE OF THE CHARITABLE CLOTHING BINS WITHIN THE BOROUGH." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained this Ordinance establishes regulations and permit requirements for the placement and use of charitable clothing bins within the Borough of Watchung. 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 March 12, 2009

Introduction of Proposed Ordinance OR:09/05 entitled: "AN ORDINANCE REPEALING SECTION 2-25.16 OF THE CODE OF THE BOROUGH OF WATCHUNG, TITLED "ALL PURCHASES MADE WITH AUTHORITY OF THE PURCHASING AGENT" AND REPLACING IT WITH A NEW SECTION 2-25.16 WITH THE SAME TITLE PROVIDING FOR PURCHASES MADE WITH THE AUTHORITY OF THE PURCHASING AGENT." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained this Ordinance repeals Section 2-25.16 of the Code of the Borough, and replaces it with a new Section 2-25.16, same title, and implements the enforcement of all Borough purchases to be made with the authority of the Purchasing Agent. 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 March 12, 2009.

Proclamation - Read Across America Day / March 2, 2009

Councilman Pote read a Proclamation endorsing the NJEA's Read Across America program. (Copy of Proclamation attached.)

Proclamation - Red Cross Month / March, 2009

Councilman Franklin offered a Proclamation proclaiming March, 2009 as American Red Cross Month. Mike Prasad, representative of the Red Cross, was present to accept the proclamation and gave a brief synopsis of the services provided by the Red Cross. (Copy of Proclamation 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>
R1:2/26/09	Adoption of Bond Ordinance OR:09/02 - Reconstruction of Portions of Bayberry Lane and Johnston Drive	Joren	Black
R21:	Introduction of Ordinance OR:09/03 - Amendment DCRP	Joren	Black to
R22:	Introduction of Ordinance OR:09/04 - Establishment of Regulations / Charitable Clothing Bins	Joren	Black
R23:	Introduction of Ordinance OR:09/05 - Amending Code Pertaining to Purchasing Regulations	Joren	Black
R24:	Payment of Bills	Franklin	Mobus

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PUBLIC PORTION

Walter Niegisch, Tuttle Road, expressed his disappointment with the way correspondence #9 from the Rescue Squad was originally listed on the agenda. He said the Rescue Squad is very willing to participate in the Pancake Breakfast, however, they are too busy to act as the lead agency. He said he feels although the agenda was corrected prior to the meeting, the incorrect agenda was sent out via resident e-mail and now hundreds of residents are now going to think that the Rescue Squad refuses to participate at all. Deputy Clerk Michelle DeRocco assured Mr. Niegisch that she would clarify this statement in the minute recap and the minutes, so all would know that the Rescue Squad is very willing to participate in the Pancake Breakfast, but not as the lead agency.

Stephen Church asked for an update in regard to the inequity of the Regional School funding, and Mayor Ellis brought him up to date.

Former Mayor Anthony Addario discussed his recent trip to the old Courier News office building where he went on behalf of the Historical Committee to look through old newspaper clippings and said they had some great "finds."

Lynda Goldschein, Sherwood Drive, asked if the Borough is considering refinancing any of its loans and Councilman Franklin explained that the Borough cannot. Mrs. Goldschein said she hopes that the architect that is chosen for the Library project "thinks green", and asked for details on the Park Avenue overpass, which Councilman Mobus explained. She asked if the Borough has a policy in place for the recording of the meetings and Mrs. Fellin explained that the Borough has a plan and is working on a policy.

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ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned to the call of the Chair at 9:20 P.M. to the next meeting regularly scheduled meeting on Thursday, March 12, 2009.

Respectfully submitted,

Michelle DeRocco, RMC
Deputy Clerk