

BOROUGH OF WATCHUNG

MINUTES

MAY 28, 2009 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 7:43 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.

SALUTE TO THE FLAG and SILENT PRAYER

ROLL CALL

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

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

There were 9 members of the public present

PUBLIC HEARING

Assessment Commissioners Report and Recommendation: the Sunbright Road, Corey Lane, Orchard Road, Old Somerset Road, Eaton Road and Valley Road Sanitary Sewer and Public Water Improvement Project.

Mr. Cruz explained the protocol for the Public Hearing, in that first the Commissioner's report would be presented, then the Governing Body would have the opportunity to ask questions and comment. The meeting would be opened to the public for their questions and comments prior to the Governing Body deliberating and making a decision on accepting the Report and Recommendations.

Maser Consulting Engineer John Van Dorpe presented the Report on behalf of the Commissioners and provided a summary of events from the beginning of this project in 1999, outlining factors used to calculate the affected property owner's assessments, as recommended in their final report. He explained that this project initialized due to resident problems with storm drainage. He said 30 residents were contacted and out of the 25 responses received, 22 were in favor of the improvement project. Mr. Van Dorpe said the affected residents are not only benefiting from the water for drinking, they now have the benefit for fire services. He explained that prior to this evening two meetings with property owners were held, at which time drafts of the report were presented and the property owner's comments were considered. Mr. Van Dorpe explained the payment options the affected residents are offered, either paying the assessment all at once, or over a 20 year period with a low interest rate of 3.2%.

No one from the Governing Body had any questions or comments.

Mayor Ellis opened the meeting to the Public.

Gail Pearlman explained that she is the owner of a flag lot and was unable to benefit from the water project, however, wanted it to be in the Borough's records that she was promised that the Water Company would run a water line to her home in the event that her water became a health issue. With no one else desiring to be heard, Mayor Ellis closed the Hearing to the Public.

The following Resolution was introduced by Councilman Nehls, seconded by Councilman Mobus, and upon Roll Call the vote was as follows: Mobus, Black, Franklin, Joren, Pote, Nehls "YES".

R1: Accept Commissioner's Report and Authorize Benefiting Property Assessments - and Valley Road Sanitary Sewer and Public Water Improvement Project

The following Resolution was introduced by Councilman Nehls, seconded by Councilman Mobus, and upon Roll Call the vote was as follows: Mobus, Black, Franklin, Joren, Pote, Nehls "YES".

R2: Authorize Payment Schedule for Property Assessments - Sunbright Road, Corey

The following Resolution was introduced by Councilman Nehls, seconded by Councilman Mobus, and upon Roll Call the vote was as follows: Mobus, Black, Franklin, Joren, Nehls "YES"; Pote "ABSTAIN".

R3: Authorize Assessment Commission Compensation - Sunbright Road, Corey Lane, Orchard Road, Old Somerset Road, Eaton Road and Valley Road Sanitary Sewer and Public Water Improvement Project

Councilman Pote said this project was completed in 2007, and feels the Governing Body needs to work harder as a group to complete these projects in a more timely manner. Mayor Ellis personally thanked Mr. Cruz, Mr. Van Dorpe, Mr. Don Pote, who was present, and the Assessment Commissioners for doing a good job for the Borough. Council President Mobus commented that this project was started in 1999, and it took 7 years to get the shovel in the ground. Mayor Ellis commended Borough Engineer Tom Herits and consulting Engineer Lee Purcell for moving this project along.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin announced the 2009 Budget is ready for introduction this evening. He thanked all of the Council members for their determination and vigilance in presenting a budget that is actually lower than last year's. Councilman Franklin thanked the Administrative and Finance Committee and the Public Works Committee, for working hard to keep down the costs of projects.

2. Police - Councilman Mobus had no report this evening.

3. Public Works - Councilman Nehls announced the speed humps recently installed on Brookdale have already proved successful in slowing down the traffic, and that the Borough has employed a summer intern who will assist in entering the locations of Borough signs in the GIS system. He said the bulk-pick up begins on June 1st, and the catch basin cleaner that was jointly purchased with Warren has finally been delivered to Warren. He said Charles Gunther and his crew have been very busy responding to 152 service calls, and maintaining the fields, which look great.

4. Buildings and Public Affairs

Buildings - Councilman Pote said he has heard wonderful comments from the public in regard to the installation of the speed humps on Brookdale, in particular, mother and Pony Tail League Coordinator Elaine Perry, who is thrilled. Councilman Pote reported the Library Committee will soon be ready to recommend an architect, and that he was pleased with the turnout for the Memorial Day services. Mayor Ellis thanked Councilman Pote for his comments at the service and said it was very moving. Councilman Pote thanked Paige Black for performing the National Anthem, Boy Scout Troop #32, Reverend Barbara Peters, Charles Gunther, and Clerk's office staff. This year, the ceremony honored Donald Scotti, Henry Scotti, the late Lou Scotti, and Dr. Lee Ehrenworth.

Public Affairs - Councilman Nehls announced the Triathlon will be held this Sunday, and that at last night's meeting of Middle Brook Regional Health Commission, Health Officer Kevin Sumner reported he is working on the implementation of a "gold seal" program in which local restaurants will be rewarded for good practices and restaurant reports will be posted on the web, and available for all customers to review. Councilman Nehls said that Mr. Sumner will also be working to revise Middle Brook's personnel manual, in particular, personnel conduct while out on inspections.

5. Fire - Councilman Black reported the Fire Department has been ubiquitous at the Community Picnic, the Memorial Day Services and at the upcoming Triathlon. He said he was happy to see the appointment of a new member on tonight's agenda.

6. Laws/Ordinances, and Recreation - Councilwoman Joren said the Community Picnic was very well attended, and thanked Applebees, not only for their generous donation of hotdogs, but for cooking them as well. She also thanked Public Works employees Bob Burns and Bob Pittenger for helping out all afternoon. Councilwoman Joren said the picnic is a wonderful example of a true community event, exemplified by the participation of local scouts and businesses. Mayor Ellis personally thanked Councilwoman Joren for her efforts in making the Community Picnic such a success. Councilman Mobus thanked Applebees for their generous donation to the event and suggested that the Commission consider purchasing a grill for future use.

REPORTS - OTHER:

7. Engineer - Engineer Herits said he is completing the plans for Anderson Road, Stanie Glen, and Devonshire Lane, and the County will soon be receiving bids for the Gateway Project. He reported the federal funding for the bridge replacement has not yet been received, however, it is anticipated this program will begin in August. Mr. Herits said the grading behind Phillips Field is complete, and the bid for the Valley Road Sanitary Sewer Extensions will be awarded at the next meeting. He reported he had met with the Public Works Committee to discuss the Prospect Street resident's concerns, and will continue to keep them advised. He said the Committee will be meeting again tomorrow to continue discussions on the Piniero request for a sewer hook-up.

8. Police Chief - No report was presented.

9. Fire Department - No report was presented

10. Rescue Squad - President Mike Valla was present and said the situation that was discussed at the last meeting regarding mutual aid to Plainfield, has stabilized. He reported the Squad will be supporting the Triathlon this weekend, and reminded all of the wet-down on June 27th. He thanked the Governing Body for designating May as Rescue Squad month. Mr. Valla thanked Squad Liaison Steve Pote with the 2008 Outside Recognition Commendation and thanked him for his support. He said Councilman Pote has been the liaison between the Council and Squad for the past several years and with his advocacy, the Squad now enjoys greater support from the Council and it is greatly appreciated. Mayor Ellis thanked Captain Valla and said it was wonderful to have the reports each month.

11. Attorney - Mr. Cruz had no report this evening.

12. Administrator - Mrs. Fellin had no report this evening

Mayor Ellis reminded all that June 2nd is Primary Election day. He reported he attended a meeting at the Somerset County Superintendent of Education's office yesterday and consolidation was discussed. He said they are preparing a "what if" report, which will outline several possible scenarios for the potential redistricting of school districts in the County. Mayor Ellis said the report will probably not be available until next year.

=====
UNFINISHED BUSINESS
=====

=====
NEW BUSINESS
=====

CONSENT AGENDA: The Consent Agenda listed below, with the exception of #46, was unanimously accepted on roll call following a motion by Councilman Mobus and a second by Councilman Black.

Approval of the following Council minutes:
May 14, 2009

Approval of the following Borough Reports:
Police Activity - April, 2009
Historical Committee Minutes - April 8, 2009

#46 - Township of Berkeley Heights 5/15/09 Resolution urging the NJDOT to address alternatives to the proposed Route 78/Diamond Hill Road improvement plan c: M & C, LBF

Councilman Mobus requested Resolution #46 be removed from the Consent Agenda and voted on separately. Council President Gerald Mobus read aloud the resolution received from Berkeley Heights and interpreted by the Borough as an effort to thwart the Borough's determination to pursue the NJDOT's original improvement and enhancement plans for the Route 78/Diamond Hill Road Interchange project. He said this resolution proposes improvements and enhancements at Exit 41 at Drift Road and Plainfield Avenue, all within Watchung's borders. He explained new development has been approved by Berkeley Heights to produce tax ratables, with no thought given to the amount of traffic generated by those improvements - all at Watchung's expense. Councilman Pote said Berkeley Heights did not hold up to the original agreement. Mayor Ellis said he has and will continue to reach out to DOT Commissioner Stephen Dilts in a continued effort to for a solution to the Borough's long-standing concerns.

Councilman Mobus made a motion to accept receipt of Correspondence #46 into the minutes and upon Roll Call the vote was as follows: Mobus, Black, Franklin, Joren, Pote, and Nehls, "YES".

#47 - Township of Franklin 5/18/09 Resolution urging the Governor and the NJ Legislature to explore alternatives for real property tax relief c: M & C, LBF

#48 - Borough of North Plainfield 5/26/09 Notice of Public Hearing on Proposed Ordinance Affordable Housing (AH) Residence Zone c: M & C, LBF, Pl. Board

No. 09-

=====

CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below, with the exception of R1, R2, and R3 voted on earlier, were unanimously adopted on roll call following a motion by Councilman Mobus and a second by Councilman Black.

- R1:5/28/09 Authorize Benefiting Property Assessments -the Sunbright Road, Corey Lane,

- R2: Authorize Payment Schedule for Property Assessments - the Sunbright Road, Corey
- R3: Authorize Assessment Commission Compensation: the Sunbright Road, Corey Lane,
- R4: Purchases Over \$2,000. - Motorola, Inc., Fail Safe Fire Hose Testing, Inc.
- R5: Establish 2009 Sewer Fees
- R6: Appointment to Fire Department - Mario Abbruzzese
- R7: Authorize Tax Collector to issue Tax Sale Certificate Redemption - Block 7010, Lot 22
- R8: Appointment to Open Space Committee - Ellen Spingler
- R9: Authorize Budget Submittal in Excess of Time Required by Statute

=====

NON-CONSENT AGENDA: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Introduction of Proposed Ordinance OR:09/09 entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 7-24 ENTITLED "THROUGH STREETS" AND ARTICLE 7-26 ENTITLED "MULTI-WAY STOP INTERSECTIONS" OF CHAPTER VII ENTITLED "TRAFFIC" 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 explained this Ordinance amends the Traffic Code of the Borough of Watchung to allow for the installation of a "Multi-way Stop Intersection" or more specifically, a four (4) way stop at the intersection of Valleyview Road and Cedar Road. 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 June 11, 2009

Introduction of Proposed Ordinance OR:09/10 entitled "ORDINANCE TO ESTABLISH A CAP BANK" Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained 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 June 11, 2009.

Proclamation - June, 2009 / Curbing Hunger Month in Somerset County
Councilman Pote, on behalf of Mayor Ellis, offered a proclamation bringing the efforts of the County's call to help curb hunger in Somerset County by asking residents to place food donations along side their recycling pick-ups during the month of June. Councilman Pote said he is especially proud to offer this proclamation as his daughter has recently been eclectic as president of the Action Against Hunger organization at Watchung Hills Regional High School.

=====

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>
R10:5/28/09	Introduction of Ordinance OR:09/09 - Amend Borough Code to implement Multi-way Stop Intersection / Valleyview Road and Cedar Road	Joren	Black
R11:	Introduction of Proposed Ordinance OR:09/10 - Cap Bank	Joren	Black
R12:	Introduction of 2009 Municipal Budget	Franklin	Mobus
R13:	Payment of Bills	Franklin	Mobus

=====

PUBLIC PORTION

Lynda Goldschein, Sherwood Drive, questioned the Borough's ordinance for renting property out as a "hotel". Councilwomen Joren said the Laws and Ordinance Committee has discussed this issue and has received recommendations from Zoning Official Ed Bennett. She deferred to Borough Attorney Albert Cruz who advised Mrs. Goldschein to file a written complaint with Mr. Bennett. Mrs. Goldschein questioned the maintenance on a property she said has been vacant for three years, and Mayor Ellis said this will be directed to Ed Bennett. Mrs. Goldschein asked if the staff will be receiving raises this year and if so, how much and Mrs. Fellin explained that a salary ordinance has not been prepared yet.

=====

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned to the Call of the Chair and the next meeting of the Mayor and Council to be held at 7:30 P.M. on Thursday, June 11, 2009.

Respectfully submitted,

Michelle DeRocco, RMC
Deputy Clerk