

# BOROUGH OF WATCHUNG

## MINUTES

MAY 13, 2010 - 7:30 P.M.

**MAYOR'S STATEMENT:** Mayor Albert Ellis 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, and Star Ledger, and posted at Borough Hall.

### SALUTE TO THE FLAG and SILENT PRAYER

### ROLL CALL

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

Also present were Administrator/Clerk Laureen Fellin, Attorney Albert Cruz, and Deputy Clerk Michelle DeRocco. Although not present at Roll Call, Councilwoman Joren arrived at 7:40 P.M.

There were 7 members of the public present.

### SPECIAL PRESENTATION

R1 Honoring Barbara Diem - Profiles of Positive Aging Recognition

R2 Honoring Claire Ohl - Profiles of Positive Aging Recognition

Mayor Ellis began the meeting with a presentation of a Resolution honoring the successful nomination of Barbara Diem and Claire Ohl for the Somerset County's Office on Aging's "Profiles of Positive Aging Recognition." (Claire Ohl was not present) Mayor Ellis read R1 (copy attached) and said he cannot say enough about Barbara Diem and all that she does for the Borough and added that he is looking forward to more good things in the future. Councilman Mobus congratulated Barbara and said they both know a lot about Watchung. Councilman Pote thanked Diddy Addario for nominating both Barbara and Claire and commended Barbara on her unwavering dedication and commitment to the history of Watchung. Councilman Black thanked Barbara for her years of comradery and dedication saying her roots run very deep and thanked her on behalf of him and his family. Barbara graciously responded that she feels no different than any of the other many volunteers in the Borough.

Councilman Pote read R2 (copy attached) - Claire Ohl was not present - and said he would present the Resolution to her at a Rescue Squad meeting. Councilman Black said Claire lives on his street and even his children cannot believe what a busy woman she is, and how computer savvy she is. Barbara Diem said she was sorry that Claire was unable to attend tonight's meeting, and noted that Claire will be honored at the Borough's Memorial Day ceremony.

### REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin reported that in addition to working on the Municipal Budget, the Council has been working on the two defeated school budgets and he explained the process. He noted several items on tonight's agenda pertaining to Finance, citing the resignation of Ryan Valentino from the Department of Public Works; an amendment to the Borough Attorney's contract reducing the billing rate on certain tasks; the implementation of the 1½% deduction to the salaries of non-union employees as a contribution towards health benefits; the transfer of the handling of Social Services to the County; and the reduction of the residential Open Space Tax from \$.02 cents to \$.00 (zero) cents per hundred dollars of the annual assessed valuation and tax rate for this year.

2. Police - Councilman Mobus referred to the Police Activity Report and noted the large number of traffic violations continues. He announced Officer Dave Melchionda was instrumental in a major drug bust last Monday, however, was unable to discuss details. Councilman Mobus said he met recently with representatives from Mount St. Mary's who expressed their gratitude to our Police and Rescue Squads for services rendered throughout the year, and more recently for assistance received during a flood.

3. Public Works - Councilman Nehls reported the improvements to Stanie Glen and Anderson Road are complete, and that Engineer Tom Herits performed an inspection today in response to complaints received by residents of Villa Domenico. He said the Borough has received a bill from Berkeley Heights in the amount of approximately \$300,000.00 for sanitary sewer fees, and has asked that a more detailed explanation be provided. Councilman Nehls advised that recently the Borough's Municipal Wastewater Management Committee met with representatives from Warren Township to review a proposal from the New Jersey DEP to keep all golf courses reserved as open space.

4. Buildings and Public Affairs

Buildings - Councilman Pote reported Building and Grounds continues to perform building maintenance, and that the contractors for the bridge on the circle will continue to rent the Texier House for at least another month, explaining that the Historical Committee is eager put the rent monies received toward renovations.

Public Affairs - Councilman Nehls said he will have a report at the next meeting.

5. Fire - Councilman Black reported the Fire Department responded to a total of 105 calls and that is only to the end of March. He said last night they responded to a fire in the Berkeley Heights train station. He responded that the Department is cross training with Warren and Berkeley Heights, and in an effort to conserve funds, swapping gear with North Plainfield. Councilman Black said Chief Bell continues to work to reduce the Department's budget.

6. Laws/Ordinances, and Recreation - Councilwoman Joren said the Laws and Ordinance Committee met and discussed two proposed stormwater management ordinances that are on tonight's agenda, and federally mandated by the DEP. She said they also reviewed escrow fees, fire lanes and teen drinking on private property. In regard to Recreation, Councilwoman Joren announced that the planning of the Community Picnic is underway, and this year it will be held in conjunction with the Fire Department's 100<sup>th</sup> Anniversary celebration. She said spring sports are in progress, and that a Field Modification request has been submitted to the Board of Education to approve the sign that will be placed when the new practice field is dedicated to John Blackadar during the Community Picnic at 1:00 P.M.

**REPORTS - OTHER:**

- 7. Engineer - No Report.
- 8. Police Chief - No Report.
- 9. Fire Department - No Report.
- 10. Rescue Squad - No Report.
- 11. Attorney - Mr. Cruz said he had two items for discussion in Executive Session
- 12. Administrator - Mrs. Fellin said she received a call from neighboring business L'Oreal who advised they are sponsoring a "volunteer" day and can provide the services of 50 to 60 of their employees for one day. Mrs. Fellin said she is open to suggestions and had suggested having them clean up Johnston Drive and other roadways, or weed the triangles.

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**UNFINISHED BUSINESS**

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**NEW BUSINESS**

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

Approval of the following Council minutes:  
April 22, 2010 - Special Workshop Meeting  
April 22, 2010 - Regular and Executive Sessions

Approval of the following Borough Reports:  
Board of Health Minutes - February 17, 2010  
Bd. of Adjustment Minutes - March 4, 2010

- #33- PSE&G 4/20/10 Notice of Public Hearing on proposed increase - residential electric and gas service c: M & C, LBF, WH
- #34 - Ryan J. Valentino 4/20/10 Letter of resignation from the Department of Public Works, effective April 30, 2010 c: M & C, LBF
- #35 - Borough of North Plainfield 4/22/10 Notice of Adoption of Master Plan Re-examination Report
- #36 - Somerset County Director of Transportation 5/6/10 Notice of Public Hearing on the Senior Citizen

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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 Black.

- R1:05/13/10 Honoring Barbara Diem - Profiles of Positive Aging Recognition
- R2: Honoring Claire Ohl - Profiles of Positive Aging Recognition
- R3: Affirming the Borough of Watchung's Civil Rights Policy and Establish Implementation Procedures
- R4: Authorize Contract Amendment / Implementation of a tiered rate - Borough Attorney
- R5: Acceptance of 2009 Annual Audit Report
- R6: Approval of Corrective Action Plan
- R7: Purchases Over \$2,000.00 - Garden Irrigation
- R8: Implement State-mandated contribution to health benefit programs / Non-union
- R9: Authorize Transfer of General Assistance/Public Assistance services to Somerset County
- R10: Waive Chapt. 16-1.15b of the Code of the Borough - Swimming at Watchung Lake for Triathlon / May 23, 2010

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**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:10/10 entitled: "AN ORDINANCE AMENDING SECTION 14 TITLED "PROPERTY MAINTENANCE", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY AMENDING SECTION 14-19, TITLED "RUBBISH AND GARBAGE", BY ADDING SECTION 14-19.4 ENTITLED "REFUSE CONTAINERS / DUMPSTERS" REQUIRING THE PROVISION OF REFUSE CONTAINERS/DUMPSTERS UNDER CERTAIN CIRCUMSTANCES." was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this Ordinance sets the requirements for dumpsters and other refuse containers that are outdoors or exposed to stormwater and establishes the penalties for non-compliance. 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 27, 2010.

Introduction of Proposed Ordinance OR:10/11 entitled: "Introduction of Proposed Ordinance OR:10/11 entitled: "AN ORDINANCE AMENDING CHAPTER XXI TITLED "STORMWATER CONTROL", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY INSERTING A NEW SECTION 21-12, TITLED "PRIVATE STORM DRAIN INLET RETROFITTING." was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this Ordinance sets the requirements for the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing on private property to prevent the discharge of solids and floatables to the municipal storm sewer system and establishes the penalties for non-compliance. 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 27, 2010.

Introduction of Proposed Ordinance OR:10/12 entitled: "AN ORDINANCE AMENDING SECTION 2-70.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG REDUCING THE OPEN SPACE TAX RATE FROM TWO (\$0.02) CENTS PER HUNDRED (\$100.00) DOLLARS TO ZERO (\$0.00) CENTS PER HUNDRED (\$100.00) DOLLARS OF THE ANNUAL ASSESSED VALUATION AND TAX RATE." was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this Ordinance removes the Open Space Tax obligation for the year 2010 only. 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 27, 2010.

#37 - Page Engineering Consultants 4/30/10 Requesting permission to install a low pressure sanitary sewer force main within the Borough's right-of-way and connect to the existing sanitary sewer  
Block 64,03, Lot 2 c: M & C, LBF, TH

After discussion, it was the consensus of the Governing Body to refer this request to the Public Works Committee for their review.

Councilman Mobus requested that future items of correspondence reflect an actual address in addition to the Block and Lot, and Mr. Cruz advised, in property acquisition matters, it is recommended to use Block and Lot numbers.

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**ON-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>	<u>Ab-</u>
<u>stain</u>			
R11:05/13/10 Waive Chapter 2.25 of the Borough Code and Authorize Black	Franklin	Mobus	
	Purchase Order - Gray's Florist		
R12: Introduction of Ordinance OR:10/10 -	Joren	Black	
	Refuse Containers / Dumpsters - Stormwater Management		
R13: Introduction of Ordinance OR:10/11 -	Joren	Black	
	Private Storm Drain Inlet		
	Retrofitting - Stormwater Management		
R14: Introduction of Ordinance OR:10/12 - Reducing the Open Space Tax Rate	Joren	Black	
R15: Executive Session: Potential Litigation - Objections to Third Round	Mobus	Black	
	Housing Element and Fair Share Plan		

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**PUBLIC PORTION**

Lynda Goldschein, Sherwood Drive asked how the Borough can waive the Open Space Tax when it had been approved by referendum. Mr. Cruz explained that it is not being abolished, just waived for one year. Mrs. Goldschein asked Councilwoman Joren if Laws and Ordinances was reviewing the house size regulations and Councilwoman Joren responded the proposed amendment is being reviewed by the Planning Board at this time. Mrs. Goldschein asked if the Governing Body was considering combining the Planning Board and the Zoning Board in an effort to save money and Councilwoman Joren responded that it continues to be discussed, and Councilman Pote added that there are merits to having two boards.

Councilman Mobus offered R15:05/13/10 authorizing an executive session, with a second by Councilman Franklin and unanimously approved. Upon return to regular session at 9:09 PM, all members previously present with the exception of Mayor Ellis, were again in attendance.

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**ADJOURNMENT**  
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There being no further business to come before the Council, the meeting was adjourned at 9:10 P.M. to the call of the Chair and the scheduled meeting will be held at 7:30 P.M. on Thursday, May 27, 2010.

Respectfully submitted,

Michelle DeRocco, RMC  
Deputy Clerk