

**BOROUGH OF WATCHUNG**

**MINUTES**

**JULY 26, 2010 - 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Ellis called the meeting to order at 7:32 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 a MOMENT OF SILENCE FOR OUR TROOPS**

**ROLL CALL**

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

Also present were Administrator/Clerk Laureen Fellin, Attorney Albert Cruz, Chief Finance Officer William Hance, Engineer Tom Herits, Deputy Clerk Michelle DeRocco and Borough Auditor Warren Korecky from the firm of Suplee, Clooney & Company.

There were 11 members of the public present.

Mayor Ellis deviated from the scheduled agenda and requested the Hearing on the 2010 Municipal Budget be addressed at this time.

A public hearing on Proposed Ordinance OR:10/13 entitled "ORDINANCE TO ESTABLISH A CAP BANK" was held. 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 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 a public hearing be held with a second by Councilman Mobus and unanimously carried on roll call.

Lynda Goldschein, Sherwood Road, questioned why the cap bank was 2½% and not the 2% as recommended by the State, and CFO William Hance explained that these are two different caps. No one else from the public desired to be heard and upon roll call vote, this ordinance was unanimously adopted.

There being no one else 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 Mobus seconded the motion, which carried unanimously on roll call.

**R2A: Determining Budget to be Read by Title**

Councilman Franklin read R2A (copy attached) and it was seconded by Councilman Mobus. Upon roll call vote, R2A was unanimously approved.

**R2B: Resolution Authorizing Budget Self-Examination**

Councilman Pote read R2B (copy attached) and it was seconded by Councilman Franklin. Upon roll call vote, R2B was unanimously approved.

**R2C: Resolution of Adoption**

Councilman Franklin said this was the toughest budget he ever had to work on, and wanted to clarify the article that was in last week's Echoes Sentinel where he was incorrectly quoted. He said the Governing Body of Watchung has made a concerted effort to keep the tax rate flat for Borough residents this year and they are confident that goal has been attained. He said the Council suspended the Open Space Tax contribution for this year, and overall the average home dropped about \$2.00 which is not a lot but at least it did drop. Councilman Franklin said drastic cuts had to be made, and some employees were hurt, but a mandated cap had to be met. He thanked Committee members Debra Joren and Steve Pote, and all of the Governing Body for their assistance. Mayor Ellis noted that all employees made sacrifices and next year will be even more difficult.

Councilman Franklin called for a Public Hearing of the 2010 Municipal budget and asked the Clerk to produce an affidavit of publication. Councilman Franklin made a motion to open the Public Hearing on the 2010 Municipal Budget, Councilman Mobus seconded the motion. Upon roll call vote, this motion was unanimously approved.

The meeting was open to the public for any questions or comments on the proposed 2010 Municipal Budget. No one desired to be heard, Councilman Franklin made a motion to close the Public Hearing on the 2010 Municipal Budget, and Councilman Mobus seconded the motion. Upon roll call, the vote was as follows: Mobus, Franklin, Joren, Pote, Nehls, "Yes." The 2010 Municipal Budget was adopted.

#### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance - see Budget Adoption for Councilman Franklin's comments.
2. Police - Councilman Mobus noted a resolution on the agenda in support of Dano's Law, and also an approval for new weapons for the Police Department.
3. Public Works - Councilman Nehls reported the Department responded to 45 service calls and 88 work orders. He said it is with sadness that he received a letter of resignation from Supervisor Charles Gunther who is leaving the Borough for a position in the private sector. He said Charles was a hard worker, wished him well and said he will be missed.

#### 4. Buildings and Public Affairs

Buildings - Councilman Pote thanked Charles Gunther for his years of work and said his expertise will be missed. He also thanked Bob Burns for stepping up to the plate. He reported the Department is busy with summer maintenance. In regard to the Library, Councilman Pote said the 3 proposals received are being reviewed and are creative and innovative. He said the Committee plans to report to the Council in September. He announced the Historical Committee has regained ownership of the Texier House and will be using the funds that have been reserved for the past 5 or 6 years for renovations. He thanked Councilman Franklin for his leadership throughout the budget process.

Public Affairs - Councilman Nehls said the Environmental Commission heard a presentation from Eagle Scout candidate Tom Nadbielny who is proposing to build bat houses, and the Commission is also reviewing a suggestion from a resident in regard to the tree ordinance.

5. Fire - In Councilman Black's absence, Mayor Ellis noted the appointment of new members on tonight's agenda.

6. Laws/Ordinances, and Recreation - Councilwoman Joren reported that the Recreation Commission does not meet during the summer months, however, the summer camp is in progress and going well. She said that the Laws and Ordinance Committee will be meeting in August, and a "do not knock" ordinance will be considered.

#### **REPORTS - OTHER:**

7. Engineer - Mr. Herits announced that bids were received for the Johnston Drive Phase IV project and the contract will be awarded to low bidder Reivax from Harrison. He said this work is made possible with a grant received from the DOT in the amount of \$325,000. Mr. Herits said new grant applications are being accepted and he has submitted an application for the sidewalks on Mountain Boulevard, and for paving of two additional sections of Johnston Drive.

8. Police Chief - Chief Wenzel had nothing to report.

9. Fire Department - No report was presented.

10. Rescue Squad - Lynda Goldschein, on behalf of Captain Winston, reported the Squad responded to 35 calls in June, including 2 CPR calls, 2 extrications, and 1 call utilizing Northstar. Unfortunately, three fatalities occurred. She said a command post was set up for the Berkeley Heights fire works display, providing good practice for a large scale event. Mrs. Goldschein announced the addition of one new member, and on behalf of the Squad, congratulated the Warren Rescue Squad on their 70th anniversary.

11. Attorney - Attorney Cruz advised that last week, the Planning Board adopted an amendment to the Fair Share Plan, to create an overlay zone to include a portion of Mt. St. Mary's and Liccardi Ford, therefore, no executive session will be necessary this evening.

12. Administrator - Mrs. Fellin said Borough Hall was very busy last Thursday with bid opening for the Johnston Drive project and tax sale being held. She said bids will be received on August 3<sup>rd</sup> for Janitorial Services. Mrs. Fellin announced the Borough was invited by Senator Kean to participate in the "Beautiful NJ" program, and she had suggested a clean-up along Route 22. She said she and Councilmen Pote and Franklin met with the new County Library Director, who was both knowledgeable and informative.

Mayor Ellis said he received a letter from DOT Commissioner James Simpson advising that the Borough's request for improvements to Rt. 78 are still being considered and a meeting should be scheduled soon.

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**UNFINISHED BUSINESS**

The following agenda items pertaining to the adoption of the 2010 Municipal Budget were addressed at the beginning of the meeting:

Public Hearing on Ordinance OR:10/13 entitled "AN ORDINANCE TO ESTABLISH A CAP BANK."

**PUBLIC HEARING OF 2010 MUNICIPAL BUDGET**

- R2A: Determining Budget to be Read by Title
- R2B: Resolution Authorizing Budget Self-Examination
- R2C: Resolution of Adoption

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**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:  
June 24, 2010 Regular Meeting and Executive Session  
April 26, 2010 Special Budget Workshop Meeting  
July 22, 2010 - Bid Opening

Approval of the following Borough Reports:  
Environmental Commission - Minutes of March 22, 2010  
Tax Collector's Annual Report - March, 2010  
Tax Collector's Monthly Report - June, 2010  
Building Department Report - June, 2010  
Police Activity Report - June, 2010  
Planning Board Minutes - April 20, 2010

- # 61 - NJ Fish and Game Council and the Endangered and Nongame Species Advisory Committee 6/24/10 Joint Resolution against the support of non-native, invasive domestic cats being allowed to roam freely in NJ c: M & C, LBF, Bd. of Health
- #62 - NJ Transit 6/24/10 Notice of Public Hearing in regard to Senior Citizen and Disabled Resident Transpo
- #63 - Township of Green Brook 6/29/10 Resolution supporting the repeal of Kyleigh's Law c: M & C, LBF, TW
- #64 - Borough of North Plainfield 6/30/10 Resolution in Support of S-241 concerning threats to Police K-9 Units c: M & C, LBF
- #65 - Somerset County Board of Chosen Freeholders 7/1/10 Resolution authorizing submission of a Part 30 c: M & C, LBF
- #66 - Lt. Cina 7/7/10 Memo to Chief Wenzel commending the Police Department employees for coming to the plate in order to fill a staffing void during the 4th of July holiday, and for not requesti
- #67 - Judge Gasiorowski 7/14/10 Commending the work ethic of Court Administrator Pam Steves and Deputy Loretta Shpunder c: M & C, PHF
- #68 - Charles Gunther 7/15/10 Letter of resignation from his employment with the Watchung Department of Public Works c: M & C, PHF
- #69 - Borough of Far Hills 7/15/10 Resolution supporting the repeal of Kyleigh's Law c: M & C, LBF, TW

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda resolutions listed below were unanimously adopted on roll call following a motion by Councilman Mobus and a second by Councilman Franklin.

- R3:07/26/10 Authorize Clerk to advertise for Bids - Johnston Drive Drainage and Road Reconstruction - Phase IV
- R4: Supporting the Immediate Repeal of Kyleigh's Law
- R5: Accept Donation - Game Table to the Recreation Department / Annette Vonbrandis
- R6: Authorize Participation with the State of NJ - Safe and Secure Communities Program
- R7: Supporting "Dano's Law" (S 241) - Adding a Penalty Provision to any person who  
  
Councilwoman Joren gave a brief explanation to the intent of this Resolution. She said there was a situation where a criminal had threatened the life of a Police Dog who was assisting an Officer during an investigation. This person knew of the consequences of threatening a Police Officer, therefore, he went after the dog, knowing there were no laws to protect the dog. This legislation would make threatening or harming a Police Dog a crime, punishable by law.
- R8: Authorize Transfer of Junk Title for Abandoned Vehicle - Benham's Garage
- R9: Certify General Fund 2010 - 2011 Tax Levy - Watchung Board of Education
- R10: Certify General Fund 2010 - 2011 Tax Levy-Watchung Hills Regional Board of Education
- R11: Purchases Over \$2,000. - Motorola, Lawmen Supply Co. of N.J.
- R12: Waive Chapter 2.25 of the Borough Code and Authorize Purchase Order - Sparta Discount Tire
- R13: Authorize Change Order #1 / Sanitary Sewer Extensions, Valley Road Area
- R14: Authorize final Payment for Accumulated Benefits - Charles Gunther
- R15: Calling on the State Legislature to Enact Property Tax Reform with Passage of the "Municipal Toolkit" and Other Mandate Relief
- R16: Authorize Appointment of Municipal Clerk - Laureen B. Fellin
- R17: Authorize Appointment of Tax Assessor - Ed Kerwin
- R18: Authorize Extension of Due Date - 2010 3rd Quarter Taxes
- R19: Authorize Return of Performance Bond Balances - as listed
- R20: Authorize Return of Curb Assessment Fee / Calculation Correction - Block 43.06, Lot 5
- R21: Increasing Bid Threshold through Maintaining a Qualified Purchasing Agent
- R22: Authorize Additional Stipend for Public Works Foreman
- R23: Appoint Public Works Laborer - R. Valentino
- R24: Authorize Public Sale of Salvage Vehicle
- R25: Award of Bid - Improvements to Johnston Drive Phase IV / Reivax
- R26: Endorsing the Housing Element and Fair Share Plan as adopted by the Planning Board

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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:10-14 entitled: "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12.76 ET SEQ., THEREOF, "PERSONNEL POLICY," AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained this ordinance sets the minimum and maximum base salaries and compensations to be paid to certain employees.

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 Mobus and unanimously carried on roll call. Public Hearing to be held on August 19, 2010.

#60 - Kyle Diane Weisholtz 6/22/10 Requesting additional measures be taken at the intersection of Dale Road and Exit 41 off Route 78 Eastbound to ensure drivers come to a complete stop  
c: M & C, LBF, TW, RL

A request from Kyle Diane Weisholtz for additional measures to be taken at the intersection of Dale Road and Exit 41 off Route 78 to ensure drivers come to a complete stop, was discussed. This request was forwarded to the Police Department for further review.

#70 - William Hector 7/16/10 Request for permission to place a deer fence over a sanitary sewer easement - 117 High Oaks Drive, Block 4101, Lot 5 c: M & C, LBF, TH

A request from William Hector for permission to place a deer fence over a sanitary sewer easement on his property located at 117 High Oaks Drive was discussed. This request was forwarded to the Public Works Committee for further review.

Discussion - Middle-Brook Regional Health Commission

Councilman Nehls advised that Middle-Brook Regional Health Commission is experiencing financial difficulties and is currently negotiating an agreement with Bound Brook, who is unable to pay the full contract cost. Currently, Bound Brook is without a health officer, and is being served on an emergency need basis only. Mayor Ellis said Middle-Brook has a long standing history and suggested a meeting with the other Mayors of the towns that make up the Commission in an attempt to work out an agreement. Councilman Nehls said he would schedule a meeting.

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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>Second</u>	<u>Offered</u>
R1:07/26/10 Adoption of Ordinance OR:10/13 - Cap Bank	Joren Mobus
R2A: Determining Budget to be Read by Title	Franklin Mobus
R2B: Authorize Budget Self-Examination Mobus	Pote
R2C: Adoption of 2010 Municipal Budget	Franklin Mobus
R27: Introduction of Ordinance OR:10/14 - Set Minimum/Maximum Salaries for Employees	Joren Mobus

Councilman Mobus recused himself from the following vote (R28):

R28: Appoint Fire Department Members - W. Schmiede, Franklin	Joren
K. Blackadar, S. Speeney; Junior Member M. Disch	

Upon roll call, the vote was as follows: Franklin, Joren, Pote, Nehls, "Yes".

R29: Payment of Bills	Franklin Mobus
R30: Executive Session: Objections to Third Round Housing Element and Fair Share Plan	<b>WITHDRAWN</b>

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**PUBLIC PORTION**

Jane Steinhouer, Somerset County resident, advised of some concerns in regard to the Watchung Arts Center and their finances. Mayor Ellis said he would review their current financial statement and Councilman Franklin advised Ms. Steinhouer that her concerns would be addressed.

Lynda Goldschein, Sherwood Drive, inquired as to the status of the County's planned improvements to Mountain Boulevard and Mr. Herits advised they are in the permitting stage. Mrs. Goldschein said a Johnston Drive resident is concerned that when the curve on Mountain Boulevard is straightened out vehicles will go faster and Mayor Ellis advised Mrs. Goldschein to advise this resident to contact Mrs. Fellin with her concerns. Mrs. Goldschein asked for the status of the ordinance regulating housing sizes and Councilwomen Joren explained that it continues to be discussed with the Laws and Ordinance Committee. Mrs. Goldschein asked if the position of Public Works supervisor was advertised and Councilman Nehls explained Bob Burns will continue to oversee the Department in his position as foreman.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:47 P.M. to the call of the Chair and the scheduled meeting will be held at 7:30 P.M. on Thursday, August 19, 2010.

Respectfully submitted,

Michelle DeRocco, RMC  
Deputy Clerk