

**BOROUGH OF WATCHUNG
MINUTES**

SEPTEMBER 9, 2004

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, Messenger-Gazette and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and SILENT PRAYER

ROLL CALL

Black [P] Franklin [P] Otto [P] Mobus [P] Joren [P] Harding [P]

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

There were approximately 50 people in the audience, however, after the police promotion was completed there were 12.

OATH OF OFFICE

Promotion to Captain - Lt. Sean Whelan

Councilman Black gave a brief history of Mr. Whelan's career which began in 1987 as a dispatcher. Councilman Black offered and read R.1:9/09/04 from the non-consent agenda, promoting Lt. Whelan to Captain. Mr. Whelan's daughters held the Bible as his wife Sandra held his son and Mayor Ellis gave him his Oath of Office. Chief Frosoni pinned the new badge on Captain Whelan's uniform.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin congratulated Sean Whelan on his promotion to Captain. He reported that the revision of the employee policy manual has gone to Kerrin Maletesta for final review. Councilman Franklin noted that on tonight's agenda there are resolutions which will allow the insertion of grant money into our budget and said that it was always nice to see that.
2. Police - Councilman Black congratulated Sean Whelan on his promotion and said the Police Department is very busy, explaining that there are 2 radar machines out along streets in the borough and he noted that arrests are up 100 from last year and summonses are up 150 from last year.
3. Public Works - Councilman Mobus noted that on the agenda tonight the Council will be awarding the bid for the Washington Rock Road East intersection project and introducing the Bond Ordinance which will fund the Police Facility Rock Slope Retention Remediation Project.
4. Buildings and Public Affairs

Public Affairs - Councilman Harding said that at the Open Space meeting, it was announced that an Eagle Scout candidate from Stirling was interested in taking up the trail as a project, however, he needs approval from the scout master. He reported that the Environmental Commission is working on a forestry plan and that Committee Chair Dolores Kresge is in the hospital but is doing well. Councilman Harding said the upcoming weekend will be very busy with the September 11th Memorial scheduled for Saturday at 5:00 PM and on Sunday, the 12th the Mayor is holding his first annual "Mayor's Regatta" from 2 PM to 4 PM. Councilman Harding and Mayor Ellis thanked Steve Pote for his help with the Regatta and said he did a great job organizing it.

Buildings - Councilman Otto said that he has met with a construction consultant to discuss the unfinished space at Borough Hall. He said he did receive a letter from the 21st District Legislators supporting the recently submitted grant application for a new and improved communication system. He commented that after reviewing the police report he was amazed to see an a large increase in summonses and arrests in the highway district and said he takes this as a sign that the department is moving in a positive direction.

5. Fire - Councilman Harding said that the Fire Department will be holding their annual softball game and clam bake this weekend and he will be stopping by after the Regatta. He also announced that an election will be held to fill the position of Fire Chief as Chief Kevin Reddington is moving out of Watchung and has resigned.

6. Laws/Ordinances, and Recreation – Councilwoman Joren said she would like to commend Katie Blackador who served as Director of the Summer Playground program as it was a huge success. She said the Recreation Department also held its Community Picnic which was attended by approximately 700 people and was also a successful event. Councilwoman Joren announced the Harvest Festival will be held on October 30th this year from 3:00 PM to 5:00 PM. She announced that the winter programs are gearing up and currently the Commission is looking for an assistant for Dave Chemidlin. Councilwoman Joren said the Laws and Ordinances Committee has also been busy as the State has mandated several ordinances under the Stormwater Management program. She said the Commission is very close to introducing a revised driveway ordinance and hope to introduce a revised fence ordinance within a few months.

REPORTS - OTHER:

7. Engineer – Mr. Moody reported that Bohler Engineering continues to work with the Borough on various drainage projects and the road overlay program is underway. He said Phase 1 plans and specs for the rock fall netting at the Police Department are due next week. He also announced that Eagle Scout candidate Adam Cornelisse has completed his project for the parking lot at Phillips Field.
8. Attorney – Mr. Cruz said he has two items for executive session.
9. Administrator – Mrs. Fellin said she is working on the fall newsletter and has not yet received a lot of input, however, she will remind the Department Heads when they meet this week.

Mayor Ellis announced that beginning tomorrow, residents will be able to log onto the Borough's website and read a summary of this evening's Council meeting. He also reported that TV22's notices have been updated and commended Borough CFO Bill Hance for doing a wonderful job with our website. Mayor Ellis said that communication with our residents is important.

UNFINISHED BUSINESS

Public Hearing of Ordinance OR:04/11 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FOR A ROADWAY DEDICATION FROM LOT 2 IN BLOCK 5.01 FROM WILLIAM N. SCOTT AND HELEN E. SCOTT 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 Franklin and unanimously carried on roll call.

With no one 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 Mobus seconded the motion, which carried unanimously on roll call.

Public Hearing of Ordinance OR:04/12 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FROM FELICE DiROSA AND MARY LOU DiROSA FOR A PORTION OF LOT 1 IN BLOCK 601 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF WATCHUNG AND ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM THE SHIV SHAKTI FAMILY TRUST OVER A PORTION OF LOT 10 IN BLOCK 403 AS SHOWN ON THE TAX MAP FOR THE BOROUGH OF WATCHUNG FOR THE WASHINGTON ROCK ROAD AND ROCK ROAD EAST INTERSECTION IMPROVEMENT PROJECT" 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.

With no one 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 with the exception of Councilman Otto who asked to recuse himself for this vote and all agreed.

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

Approval of the following Council minutes:

Approval of the following Borough Reports:

Police Department - July 2004

Treasurer's Report - February 2004 thru May 2004

Building Department - August 2004

Tax Collector's Report - August 2004

#116- Bruce Ruck 8/1/04 E-mail regarding the security of the rescue vehicle parked outside the rescue squad building c: Mayor & Council

- #117- Ken Scherer, Freeholder 7/27/04 Announcing approval of \$15,000. 2004 Athletic Grant
c: Mayor & Council, LBF, WH, MB
- #118- State of New Jersey 8/4/04 Announcing acceptance of application for funding in the amount of \$60,000. under NJ Safe and Secure Communities Grant Program c: ASE, SB, DJ, WO, WH
- #119- Bd. of Chosen Freeholders 8/11/04 Invitation to attend dedication ceremony for September 11th Memorial on Sept. 11, 2004 c: Mayor & Council, LBF
- #120- Francine Martin 8/9/04 Request to waive sewer fees for an unconnected sewer line c: Mayor & Council, LBF, RWM
- #121- NJ American Water Co. 8/12/04 Public Notice of Hearing for Rate Increase c: Mayor & Council, WH
- #122- Bradford Bury 8/16/04 Donation of \$1,000. for the purchase of a portable radar speed device
c: Mayor and Council
- #123- Alex DeCroce, General Assembly of NJ 8/26/04 Resolution urging Gov. McGreevey to resign immediately c: Mayor & Council, LBF
- #124- Borough of Tinton Falls 8/26/04 Resolution requesting the State implement a State sponsored Financial Aid Program for Military reservists deployed in the GWOT c: Mayor & Council, LBF
- #125- Valley Furniture Shop 8/30/04 Request for reduction of speed limit in the circle c: Mayor & Council, LBF
- #126- State of NJ, DEP 9/3/04 Public Notice of Intention to issue an Industry Specific Permit for the Mining & Quarrying Industry c: MAH, DS, RWM, Environmental Commission
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- CONSENT AGENDA RESOLUTIONS: The resolutions listed below, with the exception of R13 which was pulled for a separate vote, were adopted on roll call following a motion by Councilman Black and a second by Councilman Franklin with all voting in favor.
- R4:09/09/04 Purchases over \$2,000. - Kerr Concrete Pipe, Darrow's Sporting Edge, Electronic Measurement Lab, Inc., Symbology Enterprises
- R5 : Authorize Sanitary Sewer Capacity Allocation and Connection Approval
Block 7003, Lot 1
- R6: Agreement to Renew Membership in the Suburban Municipal Joint Insurance Fund
- R7 : Appoint Alternate Representative to Lower Raritan-Middlesex County Water Resources Association - A. McCoy
- R8 : Request Extension of DOT Grant for Anderson Road, Section 2
- R9 : Authorize return of Cash Performance Guarantee and Performance Bond
to Sybra, Inc.
- R10 : Authorize return of Cash Performance Guarantee and Performance Bond
to OCB Realty Co.
- R11 : Authorize 3 month extension of Portable Toilet Rental at Phillips Field
- R12 : Authorize return of Duplicate Tax Payment - Block 4308, Lot 8
- R14 : Certify Adjusted Total Levy 2004 - 2005 Watchung Board of Education
- R15 : Budget Insertion, \$13,500 Gen'l Appropriations: Operations - County of Somerset Municipal Planning Partnership Grant
- R16: Budget Insertion, \$2,000 Gen'l Appropriations: Operations - Municipal Cross-Acceptance Grant
- R17 : Budget Insertion, \$15,000 Gen'l Appropriations: Operations - Youth Athletic Grant
- R18: Capital Budget Amendment
- R19: Salary Adjustment - Police Chief
- R20: Grant Noise Waiver - Watchung Board of Education

The resolution listed below was introduced by Councilman Black and seconded by Councilman Franklin. It was adopted upon roll call and the vote was as follows: Black, Yes; Franklin, Yes; Otto, Abstain; Mobus; Yes; Joren; Yes; and Harding; Yes.

R13: Award of Bid - Washington Rock Road East Intersection Project

NON-CONSENT AGENDA

~~Introduction of OR-04/13 entitled "AMEND CHAPTER 138 "ZONING"--PROVISIONS FOR RESIDENTIAL DRIVEWAY AND PARKING AREA REQUIREMENTS"-- WITHDRAWN~~

Introduction of OR-04/14 entitled "BOND ORDINANCE AUTHORIZING GENERAL ROAD RESURFACING AND REHABILITATION PROJECTS IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$100,000.00 AND AUTHORIZING THE ISSUANCE OF \$95,000.00 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" Councilwoman Joren moved the ordinance be given its first reading. So ordered. 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 will be held on September 23, 2004.

Introduction of OR-04/15 entitled "BOND ORDINANCE AUTHORIZING THE POLICE FACILITY ROCK SLOPE RETENTION REMEDIATION PROJECT IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$630,000.00 AND AUTHORIZING THE ISSUANCE OF \$598,500.00 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" Councilwoman Joren moved the ordinance be given its first reading. So ordered. 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 will be held on September 23, 2004.

~~Introduction of OR-04/16 entitled "AN ORDINANCE TO ESTABLISH A NEW SECTION ENTITLED "WILDLIFE MANAGEMENT ADVISORY COMMITTEE" IN CHAPTER 2 "ADMINISTRATION" OF THE CODE OF THE BOROUGH OF WATCHUNG"-- WITHDRAWN~~

~~Introduction of OR-04/17 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER VI ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF WATCHUNG, AS SUPPLEMENTED AND AMENDED"-- WITHDRAWN~~

Introduction of OR-04/18 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER VI OF THE CODE OF THE BOROUGH OF WATCHUNG KNOWN AS "POLICE REGULATIONS," ADDING A NEW SECTION 6-2.3 ENTITLED "CONTAINERIZED YARD WASTE" AS HERETOFORE SUPPLEMENTED AND AMENDED" Councilwoman Joren moved the ordinance be given its first reading. So ordered. 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 will be held on September 23, 2004.

~~Introduction of OR-04/19 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER VI OF THE CODE OF THE BOROUGH OF WATCHUNG KNOWN AS "POLICE REGULATIONS," (SPECIFICALLY DELETING SECTION 6-3 ENTITLED "FEEDING OF WILD WATERFOWL," AND ADDING A NEW SECTION 6-3 ENTITLED "WILDLIFE FEEDING") AS HERETOFORE SUPPLEMENTED AND AMENDED IS HEREBY SUPPLEMENTED AND AMENDED"-- WITHDRAWN~~

Introduction of OR-04/20 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER X OF THE CODE OF THE BOROUGH OF WATCHUNG KNOWN AS "ANIMAL CONTROL," (SPECIFICALLY DELETING SECTION 10-14 ENTITLED "CURBING OF DOGS" AND ADDING A NEW SECTION 10-36 ENTITLED "PET WASTE") AS HERETOFORE SUPPLEMENTED AND AMENDED" Councilwoman Joren moved the ordinance be given its first reading. So ordered. 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 will be held on September 23, 2004

NON-CONSENT AGENDA RESOLUTIONS

The resolutions listed below were unanimously adopted on roll call with offering and seconding as follows:

R1:9/09/04 Appointment of Police Captain

Offered Second

Black Mobus

R2:	Adoption of OR:04/11 - Accept Deed of Dedication for Roadway Dedication in Lot 2 in Block 5.01	Joren	Mobus
R3:	Adoption of OR:04/12 - Accept Deed of Dedication; Block 601, Lot 1 and a Temporary Construction Easement; Block 403, Lot 10	Joren	Black
R21:	Withdrawn Introduction of OR:04/13--Amend Chapter 138 of the Code of the Borough of Watchung--Residential Driveway and Parking-Area Requirements		
R22:	Introduction of OR:04/14 - Bond Ordinance - General Road Resurfacing and rehabilitation projects	Joren	Black
R23:	Introduction of OR:04/15 - Bond Ordinance - Police Facility Rock Slope Retention Remediation Project	Joren	Black
R24:	Withdrawn Introduction of OR:04/16--Establish Wildlife-Management Advisory-Committee		
R25:	Withdrawn Introduction of OR:04/17--Amend Borough Code--Police-Regulations--Interfering with Hunt/Bait Sites		
R26:	Introduction of OR:04/18 - Amend Borough Code, Police Regulations - Containerized Yard Waste	Joren	Black
R27:	Withdrawn Introduction of OR:04/19--Amend Borough Code--Police-Regulations--Wildlife-Feeding		
R28:	Introduction of OR:04/20 - Amend Borough Code, Animal Control - Pet Waste	Joren	Black
R29:	Executive Session: Litigation - Valley Drive Litigation - Weldon Materials	Black	Franklin

PUBLIC PORTION

Joel Goldschein, Sherwood Road, asked if the new contractor for the rock wall netting project is guaranteeing his work and Mr. Moody explained that it is a different procedure and is guaranteed for at least 50 years.

Lynda Goldschein, asked if the donations for the radar units are for the radar guns for the police department and Councilman Black explained that the donations will be used to purchase the mobile radar machines and although the Borough can rent them, he said he would like the Borough to purchase them. He said they seem to be very effective in slowing traffic down. Mrs. Goldschein said she thought that Councilwoman Joren was introducing the Wild Management Committee ordinance tonight but she skipped over it. Mayor Ellis said that the Borough plans to introduce that ordinance and others which are mandated by the DEP at a special meeting on Monday, September 13th, at 7:00 PM.

Mr. Goldschein asked Councilman Black if the radar units he plans on purchasing will take a picture of the speeding vehicle and automatically send a ticket to the owner of the vehicle and Councilman Black said he did look into them, however, they are very expensive. Mr. Goldschein said he saw a recent headline in a local paper which stated that former Mayor Addario is being sued for something he said at a Council Meeting and said he feels that the Borough should be involved in this suit. Mr. Cruz cautioned Mr. Goldschein about his comments.

Mayor Ellis called for a five-minute recess at 8:25 PM. Upon reconvening at 8:30 PM, all members previously present were again in attendance. Councilman Black offered R29:9/09/04 authorizing an executive session, with a second by Councilman Franklin and unanimously approved. Upon return to regular session at 9:13 PM all members previously present were again in attendance.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:15 PM to the call of the Chair for a Special Meeting set for September 13, 2004 with the next regularly scheduled meeting set for September 23, 2004 at 7:30 PM.

Respectfully submitted,
Michelle DeRocco
Michelle DeRocco
Deputy Borough Clerk