

# BOROUGH OF WATCHUNG

## MINUTES

MAY 11, 2006

**MAYOR'S STATEMENT:** Mayor 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, Messenger-Gazette and Star Ledger, and posted at Borough Hall.

### **SALUTE TO THE FLAG and SILENT PRAYER**

### **ROLL CALL**

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

Also present were Attorney Albert Cruz, Administrator/Clerk Laureen Fellin, CFO William Hance, Auditor Bob Swisher, and Deputy Clerk Michelle DeRocco.

There were 3 members of the public present.

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

1. Administration & Finance - Councilman Franklin said a public hearing of the 2006 Municipal Budget is on the agenda and scheduled for adoption.

2. Police - Councilman Black had no report.

3. Public Works - Councilman Mobus announced that a resolution is on tonight's agenda to expand the Anderson Road project. He reported that the trees on Stirling Road are down in preparation of the sidewalk project and the contract for the Corey/Sunbright project will be awarded tonight, as well as a contract for sanitary sewer design for Johnston/Skyline Drive to L.T. Purcell Associates. Councilman Mobus said he was proud to report that he is getting good comments from residents in regard to the many projects that are finally getting done. Mayor Ellis said Engineer Tom Herits is doing a great job.

4. Buildings and Public Affairs

Buildings - Councilman Pote said he has scheduled two Library Workshop meetings, the first session on May 18<sup>th</sup> and the second session for May 31<sup>st</sup>, from 7:00 pm to 9:00 pm. In regard to the Rescue Squad, he said they continue to do an extremely good job, noting that they had to extricate on 5 different occasions since January, including the tragedy of our own police officer. He said in a couple of cases they were able to extricate in less than 15 minutes which is an excellent time. In regard to the Historical Commission, Councilman Pote said they are anxiously awaiting the reprint of the Watchung book, with the hope to have it by Memorial Day, but unfortunately, that will not happen. He thanked the Schumacher Family for their generous donation of postcards. Councilman Pote announced that the annual Memorial Day Services will be held on Monday, May 29<sup>th</sup>, at the memorial near the Texier House on the circle, at 9:30 am, all are invited to attend.

Public Affairs - Councilman Nehls reported that he met with the Middle-Brook Regional Health Commission on May 1<sup>st</sup> to discuss the annual report and said he was pleased to announce that they have met all the standards. He commended our Health Officer, Kevin Sumner, saying he goes above and beyond for the Borough and this is a great example of the benefits of shared services.

5. Fire - Councilman Nehls announced that he had met with North Plainfield and Green Brook to discuss a joint grant application for a shared services feasibility study. Councilman Nehls also said he was remiss in his last report and added his appreciation to Wilson Memorial Church for donating the use of its facilities for the Emergency Services Pancake Breakfast and added that many members of the church assisted in making the event a success.

6. Laws/Ordinances, and Recreation - Councilwoman Joren had no report for Recreation, however, announced that several ordinances were to be introduced this evening. She said the Laws and Ordinance Committee has finished their review of the Land Use Ordinance and it is scheduled for discussion with the Planning Board on May 24<sup>th</sup>.

### **REPORTS - OTHER:**

7. Engineer - No report.

8. Attorney - Mr. Cruz said he had two items for Executive Session.

9. Administrator - Mrs. Fellin had nothing to report.

Mayor Ellis said he was happy to hear many of the Borough's departments are either involved in or looking into shared services. He announced that he will be attending the Borough's DARE gradua-

tion ceremonies tomorrow at 10:00 am and said he believes the Borough was one of the first in the County to hold DARE instruction.

=====

**UNFINISHED BUSINESS**

Public Hearing of Ordinance OR:06/09 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 138, ENTITLED "ZONING" TO ADDRESS THE CREATION OF LOT SHAPES IN THE BOROUGH, PARTICULARLY ON CORNER LOTS, THROUGH NEW DEFINITIONS OF "LOT DEPTH," "LOT WIDTH" AND "LOT FRONTAGE" AND THE CREATION OF MINIMUM LOT DEPTH REQUIREMENTS IN THE BOROUGH'S 'R' RESIDENTIAL DISTRICTS." Councilwoman Joren explained that this ordinance addresses lot shapes, particularly corner lots and was an omission in the Land Use Ordinance. She explained that the public hearing was inadvertently advertised for tonight and requires Planning Board approval, therefore the hearing will be continued to the meeting of May 25, 2006.

Public Hearing - 2006 Municipal Budget

R2A: Resolution determining the budget shall be read by title was read by Councilman Franklin and moved for adoption. Councilman Black seconded the motion and upon roll call vote, unanimously carried.

R2B: Resolution to Authorize Budget Self-Examination, was read into the minutes by Councilman Franklin and moved for adoption. Councilman Black seconded the motion and upon roll call vote, unanimously carried.

Adoption of 2006 Municipal Budget

R2C: Resolution of Adoption  
Councilman Franklin called for a second and final reading of the budget. The Clerk produced an affidavit of publication, certification of posting and availability of copies. Mr. Franklin moved a public hearing on the 2006 Municipal Budget, seconded by Councilman Black and unanimously adopted on roll.

No one from the public desired to be heard, Councilman Franklin moved the Public Hearing be closed and offered Resolution R2C, Resolution of Adoption. Councilman Black seconded the motion which upon roll call, the vote was as follows: Black, Franklin, Mobus, Joren, Pote, and Nehls, "YES".

=====

**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 Franklin.

Approval of the following Council minutes:

- Approval of the following Borough Reports:
- Building Department - April, 2006
  - Middle-Brook Regional Health Commission - Annual Report
  - Tax Collector - April, 2006
  - Board of Health Minutes - March 8, 2006

#36- C. Johnson, Project Manager for Dewberry - Consultants to NJ Department of Transportation 5/1/06 Requesting support of proposed improvements for the I-78 A Diamond Hill Road Interchange Improvements c: M & C, TH

=====

**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda listed below, with the exception of R12, was unanimously accepted on roll call following a motion by Councilman Black and a second by Councilman Franklin. Councilman Franklin asked that R12 be removed from the Consent Agenda and read separately.

- R3:5/11/06 Authorizing Grant Application for the Recreation Committee to the Somerset County Board of Chosen Freeholders
- R4: Appointments for Summer Recreation Program Employees
- R5: Authorization of a Fence on a Borough Easement - Block 1003, Lot 6
- R6: Appointment of NIMS Compliance Officer - Borough Administrator
- R7: Authorize release of check from Emergency Services Pancake Breakfast - Lynn Melchionda

- R8: Ratifying motion to allow "Annual Walk" around Watchung Lake on May 8, 2006 - Gail R. Schoenbach F.R.E.E.D. Foundation
- R9: Authorizing agreement with Elizabethtown Water Company/NJ American Water Company - Water Main Installation
- R10: Purchases Over \$2,000. - Pinto Brothers Disposal, LLC (Services), Pinto Brothers Disposal, LLC (Tipping Fees), Warner Communications, Window City
- R11: Award of Contract - Sunbright/Corey Sanitary Sewer and Water Main Extensions - Debranello Contracting, LLC
- R13: Amend Caretaker Agreement - S. Zamek
- R14: Authorizing Participation in a SHARE Grant Application - Shared Services Fire Department Feasibility Study
- R15: Award of Contract - Johnston Drive/Skyline Drive Sanitary Sewer Design to L.T. Purcell Associates
- R16: Authorize further expansion of Anderson Road Contract - Bohler Engineering/Tomaro Contracting Co., Inc.
- R17: Appointment of New Member to Fire Department - James Keane

Councilman Franklin read the following resolution into the minutes (copy attached). Councilman Franklin said this was the second time in two years that the voters rejected the proposed high school budget. He thanked the Business Administrator for doing a great job in keeping all up to speed and said he personally had a much better understanding of the process this year. Councilman Franklin thanked the committee from Watchung and the other towns involved, saying that all did the best possible job of dealing with a difficult task.

- R12: Certify General Fund 2006 - 2007 Tax Levy-Watchung Hills Regional Board of Education

Resolution R12 was unanimously accepted on roll call following a motion by Councilman Franklin and a second by Councilman Black.

=====  
 Introduction of OR:06/10 entitled "AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO VILLA DOMENICO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Mr. Cruz explained that this ordinance is needed to enable the police to patrol and enforce regulations on a private street at Villa Domenico, which was a condition made by the Planning Board. 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 25, 2006.

Introduction of OR:06/11 entitled "AN ORDINANCE AMENDING CHAPTER III, TITLED "POLICE DEPARTMENT", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this ordinance establishes a line of authority within the Police Department. 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 25, 2006.

Introduction of OR:06/12 entitled "AN ORDINANCE AMENDING SECTION 1-5.1, TITLED "MAXIMUM PENALTY", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this ordinance allows the Judge more flexibility to impose higher fines, as allowed by state law. 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 25, 2006.

Introduction Of OR:06/13 entitled "AN ORDINANCE ACCEPTING UTILITY EASEMENTS FROM VARIOUS RESIDENTS TO THE BOROUGH OF WATCHUNG." Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren explained that this ordinance accepts easements necessary to allow the Borough to proceed with the Sunbright/Corey sewer improvements. 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 25, 2006.

Proclamation - Proclaiming June as Myasthenia Gravis Month

Mayor Ellis read the proclamation into the minutes (copy attached) and commented that this is a very frightening disease and hopes a cure is found.

=====

**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>
R1:05/11/06	Adoption of OR:06/09 - Amending Chapter 138 "Zoning" Addressing Creation of Lot Shapes <b>Public Hearing to be carried to May 25, 2006</b>		
R2A:	Determining Budget to be Read by Title	Mobus	Black
R2B:	Authorize Budget Self-Examination	Pote	Black
R2C:	Adoption of 2006 Municipal Budget	Franklin	Black
R18:	Introduction of OR:06/10 - Authorize Municipal Enforcement of Police Regulations on Private Property - Villa Domenico	Joren	Black
R19:	Introduction of OR:06/11 - Amend Chapt. III of Borough Code: Police Department - Establishing a line of authority for police functions	Joren	Black
R20:	Introduction of OR:06/12 - Amend Sect.1-5.1 of Borough Code: Maximum Penalty - Increasing the maximum amount of fines imposed by Municipal Court, as per new State Law	Joren	Black
R21:	Introduction of OR:06/13 - Accepting easements from various residents	Joren	Black
R22:	Executive Session: Franklin  Attorney/Client Privilege Contract Negotiations		Black

=====

**PUBLIC PORTION**

No one from the public desired to be heard.

Councilman Black offered R22:5/11/06 authorizing an executive session, with a second by Councilman Franklin and unanimously approved.

Upon return to regular session at 9:37 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 9:40 PM to the call of the Chair or the next regularly scheduled meeting of May 25, 2006 at 7:30 PM.

Respectfully submitted,

Michelle DeRocco  
Deputy Clerk