

BOROUGH OF WATCHUNG

MINUTES

SEPTEMBER 23, 2004

MAYOR'S STATEMENT: Mayor Ellis called the meeting to order at 7:36 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]

There were 16 members of the public present. Also present were Borough Attorney Albert Cruz, Borough Administrator/Clerk Laureen Fellin, Borough Engineer Richard Moody, and Deputy Borough Clerk Michelle DeRocco.

Mayor Ellis said he wished to thank Lynda and Joel Goldschein for the donation of the trophy for the Mayor's Regatta and said the Regatta will now be an annual event.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin said some contracts, including one for Deer Management, are being awarded tonight and the personnel policy manual is being finalized.

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

3. Public Works - Councilman Mobus said he would like to congratulate Charles Gunther on recently receiving his C2 Wastewater Manager's License. He also reported that the drainage project on Glen Eagle Drive is complete. Mayor Ellis said that Charles Gunther helped a great deal with the Regatta, along with the Public Works Department and said he appreciated his participation in the September 11th Memorial service.

4. Buildings and Public Affairs

Public Affairs - Councilman Harding thanked Public Works for their assistance with the September 11th Memorial service. He announced that the Open Space Commission met and spoke about Old Somerset Trail. Councilman Harding said the Board of Health met and the governing body should be receiving a resolution soon which would allow the Borough to have stricter regulations than the State when it comes to tobacco sales.

Buildings – Councilman Otto had nothing to report.

5. Fire – Councilman Harding said the Fire Department will be holding their election this month to fill the position of Chief due to the recent resignation of Kevin Reddington.

6. Laws/Ordinances, and Recreation – Councilwoman Joren said the Committee met with Board of Adjustment Chairman Dan Cronheim and Councilman Mobus to discuss the proposed fence ordinance and they hope to be ready to bring it to the Council in October. In regard to Recreation, Councilwoman Joren announced she met with Somerset County Officials who presented her with a \$5,000. check for the Youth Services programs. Mayor Ellis said that he was happy to hear that the fence ordinance is moving along.

REPORTS - OTHER:

7. Engineer – Mr. Moody had nothing to report.

8. Attorney – Mr. Cruz had nothing to report.

9. Administrator – Mrs. Fellin had nothing to report. Mayor Ellis said he had nothing to report.

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UNFINISHED BUSINESS

Public Hearing of Ordinance 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 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 Mobus and unanimously carried on roll call.

Emi Havas, Valley Road, asked which roads this pertains to and Mr. Moody replied that it pertains to the lower section of Rock Road East, Parlin Lane, Glen Eagles Drive and Price Drive.

With no one else 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:04/15 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 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.

Emi Havas, Valley Road, asked what this project is and Mr. Moody explained that the netting that is on the rock wall now behind the Police Station needs to be removed, cables need to be installed and then the netting needs to be replaced. Councilman Otto said we received a violation for this and it needs to be corrected.

With no one else 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.

Public Hearing of Ordinance OR:04/17 entitled "AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER VI ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF WATCHUNG, ADDING A NEW SECTION 6-7 PROHIBITING INTERFERENCE WITH AUTHORIZED CULLING SITES OR BAIT STATIONS, AS SUPPLEMENTED AND AMENDED" 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.

Emi Havas, Valley Road, asked for an explanation of this Ordinance and Mayor Ellis explained that this will prohibit and set the penalties for anyone interfering with the Borough sponsored baiting sites.

With no one else 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.

Public Hearing of Ordinance 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 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.

Councilwomen Joren explained that this ordinance is mandated by the new Stormwater Regulations required through the DEP. She said this will prohibit leaves or yard waste from being placed into the streets and will help to keep the storm drains clean. Councilman Otto added that having this ordinance in place allows us to apply for State grant money.

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 Franklin seconded the motion, which carried unanimously on roll call.

Public Hearing of Ordinance 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" 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.

Councilman Franklin explained that this ordinance will prohibit the feeding of wildlife on public property and is another Stormwater Regulation requirement.

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.

Public Hearing of Ordinance 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 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. Councilwoman Joren explained that this is also a State mandated ordinance necessary to fill the requirements of the Stormwater Regulations required through the DEP, and this requires that residents pick up after their pets so their waste also does not filter into our stormwater systems.

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 Franklin seconded the motion, which carried unanimously on roll call.

Public Hearing of Ordinance OR:04/21 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" Councilman Black 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.

Emi Havas, Valley Road, asked about the details of this Committee and Mayor Ellis recommended she obtain a copy of the ordinance which will explain the details. Steve Pote asked if this Committee will be up and running by January 1st and Mayor Ellis said although the Committee is not required to proceed with the culling, he would like to have it in place prior to January 1st and if he does he will make an announcement.

With no one from the public desiring to be heard, Councilman Black moved the public hearing be closed, the ordinance be adopted and the Clerk be directed to publish the notice of adoption. Councilman Franklin seconded the motion, and upon roll call the vote was as follows: Black, Franklin, Otto, Mobus, and Harding, "AYE"; Joren, "NAY".

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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:
Police Department - August 2004

#127 - NJ General Assembly 9/10/04 Resolution urging municipalities to encourage volunteeris

#128 - Jersey Central Power & Light 9/15/04 Public Notice of Petition for Rate Increase c: Mayor &

#129 - PERMA, Inc. 9/15/04 Notice of Public Hearing regarding 2004 and 2005 Budgets c: Mayor &

#130 - Lynda Goldschein 9/20/04 E-mail commenting on Proposed Ordinances 04/17, 19, & 21 c: Mayor & Council, LBF, AC

#131 - Don Pote 9/16/04 E-mail commenting on Proposed Ordinances 04/17, 19 & 21 c: Mayor & C

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda listed below, with the exception of R11 and R17, was unanimously accepted on roll call following a motion by Councilman Black and a second by Councilman Franklin. Resolution R11 was withdrawn at the request of Mayor Ellis and Resolution R17 was removed for separate discussion at the request of Councilwoman Joren.

R8 :09/23/04 Authorizing Soil Removal Permit - Block 43.11, Lot 13

R9 : Purchases over \$2,000: Tom Rillo, Seating Solutions, DiFonzo Fence, Inc., Fire & Safety Services, LTD.

R10: Authorize a Tax Appeal Stipulation of Settlement - Block 6802, Lot 15

R11: Authorize Award of Contract - Suburban Consulting Engineers, Inc. - Park Place/Hughes Lane Drainage Improvement **WITHDRAWN**

R12: Authorize return of Performance Guarantee and Setting of Maintenance Guarantee to Crown Atlantic Company, LLC

R13: Approve Soil Removal Permit Application - Block 6402, Lots 4 & 5

R14: Authorize return of Performance Guarantee and Setting of Maintenance Guarantee to Alexander B. & Svetlana Zamikhovsky

R15: Authorize issuance of Raffle License for Sisters of Mercy of NJ – November 20, 2004

R16: Authorize Loan Application for the Best Lake Restoration

R17: Authorizing submission of 2004 Deer Management Plan and Application and authorize the utilization of Borough-owned property

Councilwoman Joren asked for an explanation as to why this is on the agenda this evening and Mrs. Fellin explained that she was authorized by the Mayor & Council to move ahead with the application to the State and noted that this resolution authorizes the use of Borough owned property. Councilwoman Joren said she would think that the Committee must be in place prior to authorizing the application, Mayor Ellis said this year's application is almost identical to last years. Mr. Cruz reminded the governing body that voting on this resolution is just for the act of moving forward with the application, not the application itself. Councilman Otto pointed out what he considered to be a substantial change in the 3rd paragraph, generating a discussion on what exactly a substantial change is. Councilman Otto said he was comfortable that this change was made in good faith.

Councilman Black made a motion to accept R17; it was seconded by Councilman Franklin and upon roll call the vote was as follow: Black, Franklin, Otto, Mobus, Harding, "AYE"; Joren, "NAY".

R18: Authorizing Removal of Sanitary Sewer User Fees - Block 69.03, Lot 29

R19: Award Professional Contract - Assessor Services

R20: Approve Soil Removal Permit Application - Block 10.05, Lot 8

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NON-CONSENT AGENDA

S. Shobin and A. Townsend

Request for consideration of alternate to gravity-feed sanitary sewer system on Valley Drive

Mayor Ellis provided a background history, explaining that the Public Works Committee has met with residents Shobin/Townsend in regard to a proposed sewer easement which would run across the property of Mr. Salz. Since the Shobin/Townsend's and Mr. Salz have not yet been able to come to an agreement, Kevin Page, engineer for the Shobin/Townsend's, has come here tonight to present to the governing body alternate proposals. Mr. Page presented 3 proposals, and the pro's and con's of each were discussed. Mayor Ellis recommended that the Public Works Committee study and discuss all three proposals and come back to the Council by the October 28th meeting with a recommendation.

Proclamation - National Breast Cancer Awareness Month – (copy attached)

Mayor Ellis read a proclamation proclaiming October to be "National Breast Cancer Awareness Month" and noted the pink ribbons on the trees around the borough which were placed there to bring awareness to a very serious disease that affects women.

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NON-CONSENT AGENDA RESOLUTIONS

The resolutions listed below, with the exception of R7 and R21, were adopted unanimously on roll call with offering and seconding as follows:

		<u>Offered</u>	<u>Second</u>	
R1:9/23/04	Adoption of OR:04/14 - Bond Ordinance - General Road Resurfacing and rehabilitation projects	Joren	Mobus	
R2:	Adoption of OR:04/15 - Bond Ordinance - Police Facility Rock Slope Retention Remediation Project	Joren	Black	
R3:	Adoption of OR:04/17 - Amend Borough Code, Police Regulations - Interfering with Hunt/Bait Sites	Joren	Black	
R4:	Adoption of OR:04/18 - Amend Borough Containerized Yard Waste	Joren	Franklin	Cod
R5:	Adoption of OR:04/19 - Amend Borough Code, Police Regulations - Wildlife Feeding	Joren	Black	
R6:	Adoption of OR:04/20 - Amend Borough Code, Animal Control - Pet Waste	Joren	Franklin	
R7:	Adoption of OR:04/21 -Establish Wildlife Management Advisory Committee Upon roll call the vote was as follows: Black, Franklin, Otto, Mobus, and	Black	Franklin	Har
R21:	Award of Contract - Deer Management Systems, Inc. Councilman Otto asked when copies of R21 were distributed to the Mayor and Council and Mrs. Fellin said the agenda was revised this morning and copies of the revision and this resolution were faxed to the Mayor and Council. Councilman Otto said he never received it. Upon roll call, the vote was as follows: Black, Franklin, Mobus, Harding, "AYE"; Otto, Joren, "NAY".	Franklin	Black	
R22:	Payment of Bills	Franklin	Black	
R23:	Executive Session: Personnel WITHDRAWN Litigation - Weldon Tax Appeal Litigation - Valley Drive	- - -	- - -	

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PUBLIC PORTION

Walter Niegisch, Tuttle Road, asked if the governing body is considering the “net and bolt” method for deer management and Councilman Black replied that alternate or additional methods of deer control may be a function of the Wildlife Committee. Mr. Niegisch said he feels the Borough is losing ground in deer control and Councilman Black replied that the Borough is always looking for additional sites.

Maria Perez, Hill Hollow, asked how much money the Borough has allocated for deer control and Councilman Black replied \$100,000. Mrs. Perez said that the residents were promised a “deer workshop” to discuss last year’s hunt and to answer questions and discuss non-violent solutions such as reflectors. She said as an advocate of reflectors, she has done research and has new information. She asked why the Borough would allocate \$100,000. for deer management, yet float a bond for road projects. Mrs. Perez said she feels information for residents in regard to what should and should not be planted should be in the newsletter. Councilman Otto said there was a very good article on deer resistant planting in the Star Ledger and agreed that it is the Borough’s obligation to inform the residents.

Laura Wright, Crestwood Drive, said she is not in favor of killing the deer and she has a friend who comes from Holland where they use the birth control method and it is effective. Mayor Ellis said the Borough has looked into birth control, however found it not favorable in our circumstances. Mayor Ellis asked Ms. Wright to bring him some information. Councilman Franklin explained that there are several methods of birth control and because it is a drug, it must be approved. He said it is possible that in Holland a particular drug is approved, but not approved in the United States. Councilman Otto said Princeton is experimenting with methods of birth control.

Emi Havas, Valley Drive, asked what the subject matter was for the executive session and Mayor Ellis replied that it was Personnel, Weldon Tax Appeal litigation, and Valley Drive litigation.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:35 PM to the call of the Chair until the next scheduled meeting on October 14, 2004.

Respectfully submitted,

Michelle DeRocco
Deputy Borough Clerk