

BOROUGH OF WATCHUNG

MINUTES

MARCH 11, 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 [P] Pote [P] Nehls [P]

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

There were 11 members of the public present.

Mayor Ellis deviated from the Agenda for the following two presentations scheduled under Unfinished Business:

Library Study Advisory Committee - Presentation of Study Status and Recommendation

Chairperson Debbie Downs, on behalf of the Committee members present, provided the Governing Body with time line of events leading up to the their next step which, upon approval, would be the release of an RFI (Request For Information) for preliminary design of Watchung Library. Councilman Pote reviewed the Committee's Vision and Mission Statements, and spoke of their goals. He provided all with a copy of the proposed RFI and stressed the importance of a preliminary design, explaining the public needs to see what the plans are in the event a decision needs to be made by referendum. Councilman Pote thanked Chairperson Debra Downs and all the members of the Committee for their contributions. After discussion, Councilman Pote made a motion to pursue the distribution of the Request for Preliminary Design with the final three architectural firms. The motion was seconded by Councilman Black and unanimously carried upon roll call vote.

Wildlife Management Advisory Committee - Deer Herd Population Survey Recommendation for 2010 - Discussion Points / Provided by Committee

Paul Michaelis, Advisory Committee member, spoke in favor of the ongoing need for a current ground survey in an effort to make an accurate recommendation. Councilman Franklin said at the last meeting, the cost of \$10,000. for aerial survey was compared against the \$5,000. cost for an "unbiased" ground survey. He continued to say the news from the State has not been good, and although we have not heard specifically about the cuts in the Borough's State aid, we are not optimistic. After discussion, it was the consensus of the Governing Body to consider doing an "in house" survey in an effort to keep costs to a minimum. Councilman Mobus suggested a Scout project, and Mr. Michaelis proposed a local group of volunteers. Councilman Mobus also suggested the Borough revisit the bow hunters who are also certified to hunt with guns, as they carry the same credentials as Deer Management but will cull by gun at no cost to the Borough. Councilman Mobus made a motion to confine the survey to a group of local volunteers in an effort to conserve costs, and require the survey be completed within 90 days. Councilman Mobus seconded the motion and upon roll call the vote was as follows: Mobus, Black, Franklin, Pote, and Nehls, "Yes"; Joren, "No".

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported all Departments have been asked to make suggestions as to where budget cuts can be made. He explained that the problem is not with Borough spending, it is with the lack of revenues coming in, citing the Construction office as an example saying that no large projects are on the table, therefore no permit fees are coming in. Councilman Franklin said the budget will be very tight this year and even small amounts of money will matter.

2. Police – Councilman Mobus reported all have received the Police Activity Report and noted the high number of traffic violations continues, still due to the training of officers who may be interested in working in the traffic department. Councilman Mobus read a letter into the minutes (copy attached) from Chief Sean Whelan to Detective Scott Anderle, advising of a phone call he received from Somerset County Prosecutor Wayne Forrest complimenting Detective Anderle's performance on a particular case. Councilman Mobus commended Officers Michael Bouchard and Kyle Poulson for their actions to a call for an unresponsive 65 year old male, resulting in the saving of his life. He was pleased to report the Department will be cutting their budget by 18%, explaining they will be doing more with less.

3. Public Works – Councilman Nehls said Public Works met on February 24th to discuss their budget, and announced that they will be cutting most major projects, with the exception of the continuation of the Johnston Drive project and explained that the Borough has received grant money for this portion of the project and there is a time line requirement. He said Mr. Gunther and his crew do a wonderful job of maintaining equipment, therefore, vehicle replacement within the Department will be pushed to 2012. Councilman Nehls said the Department has been very busy fielding 109 service calls this month amidst tending to two additional major snow events. He said he has received several letters and phone calls commending Mr. Gunther and the Department's work during and after the storms, and read one from Maria Sa Kenwell into the minutes (copy attached). He said he would like to personally thank Charles Gunther and the men in his department for a job well done.

4. Buildings and Public Affairs

Buildings - Councilman Pote reported the Buildings and Grounds crew have been working very hard to get the fields and playgrounds ready for Spring, in addition to performing ongoing building maintenance. He said plans for the canopy for the rear door are being finalized. On behalf of the Library Study Committee, he thanked all for their support and patience, adding that he believes we are on the right track. In regard to the Historical Committee, Councilman Pote said Texier House building renovations and improvements are being discussed. He noted a sign will be placed at the House, announcing it is the future home of the Historical Committee, and that donations of artifacts and/or money are welcome. He thanked the Rescue Squad, in particular Diddy Addario, for hosting the District Council meeting and said he was very impressed with the dialogue between Squads from other towns.

Public Affairs - Councilman Nehls reported the Board of Health will be asking the Laws and Ordinance Committee to review the Borough's ordinance for animal control services and to consider implementing a regulation that would allow the Borough to charge the pet owner back for the fees incurred from utilizing the services of Roxdane Kennels. He said Peter Wright from Somerset County will be attending the next Board of Health meeting to discuss shared services. Councilman Nehls announced that Bound Brook has not yet officially submitted a letter announcing their intention to withdraw from Middle Brook, and that Middle Brook is proposing changes to their by-laws that seem to be directed at regulations for withdrawal from the Regional Commission. He said Middle Brook is also looking at ways to cut their budget, and will be reducing food inspections from two a year to one a year. He advised that on tonight's agenda is the appointment of a Shared Service/Consolidation Study Committee and preliminary discussion will be on the Police Department and dispatching. He said a report on their findings will be presented to the Governing Body in the next two to three weeks.

5. Fire – Councilman Black read a letter into the minutes (copy attached) from Warren Township Fire Department Chief John Tucker commending Chief Bell and the Department for the assistance provided in the structure fire at Dock Watch Hollow Road.

6. Laws/Ordinances, and Recreation - Councilwoman Joren reported Recreation Commission met last night and began to discuss the Summer Playground program, and announced the date of the Community Picnic to be held from 12:00 noon to 3:00 PM at Phillips Field on May 30th. She announced this year's picnic will be combined with the Fire Department's 100th Anniversary celebration, with many extras. She reminded all that the Basketball Shootout will be held on March 19th and the Rutgers Safety Clinic dates are March 13th and April 8th. Councilwoman Joren said the Commission is still working on their budget and are discussing the increase of fees. She said tonight John Pennett will be appointed as a new member. In regard to Laws and Ordinances, Councilwoman Joren said the Committee has been very busy, as can be seen with the number of ordinances on tonight's agenda, and will be reviewing escrow fees at their next meeting.

REPORTS - OTHER:

7. Engineer - Mr. Herits was not present.

8. Police Chief - Lt. Wenzel advised the reduction in the Police Department's budget is closer to 20%, and commented that the phone call received from Prosecutor Forrest complimenting Scott Anderle is unusual and almost never happens, which is a real tribute to Scott and said the Department is lucky to have him. He explained the high number of motor vehicle summonses continues to be due to the training of officers, but added that it is "contagious" and spreads to all patrols. Lt. Wenzel an-

nounced that during a routine traffic stop, Officer LaVecchia, with the help of the Somerset County K-9 unit, uncovered a rather large drug case and is to be commended.

9. Fire Department - No report was presented.

10. Rescue Squad - No report was presented.

11. Attorney - Mr. Cruz said he has one item for discussion in Executive Session.

12. Administrator - Mrs. Fellin reported that she, along with Mayor Ellis, Mr. Gunther, and Ms. Rousseau attended the JIF Safety Award breakfast where the Borough was awarded a total of \$1,500. in the evaluated categories, which includes \$300. just for participating. She said she will be scheduling a EPL (Employee Practices Liability) session prior to the start of an upcoming Council meeting. Mrs. Fellin said she also attended, along with Mayor Ellis and CFO Bill Hance, a seminar regarding ways to negotiate health benefits. She held a Department Head meeting last week and discussion was mainly centered on ways to reduce the budget, the same was discussed with Staff at yesterday's meeting.

Mayor Ellis announced that in an effort to save money and also "go green", the bi-yearly newsletter will no longer be mailed to homes. He said the Spring and Fall newsletters will be available on the Borough's website, sent out through resident e-mails, and if a hard copy is really needed, available at Borough Hall. He said he attended a program at the Somerset County Vo-Tech where approximately 20 students from Watchung will be graduating in 2010, and said he was really impressed with what he saw.

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UNFINISHED BUSINESS

Library Study Advisory Committee - Presentation of Study Status and Recommendation
(See beginning of meeting)

Wildlife Management Advisory Committee - Deer Herd Population Survey Recommendation for 2010
- Discussion Points / Provided by Committee
(See beginning of meeting)

Public Hearing on Proposed Ordinance OR:10/01 entitled "AN ORDINANCE AMENDING CHAPTER VIII, TITLED "TOWING", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG." Councilwoman Joren moved a public hearing be held with a second by Councilman Black and unanimously carried on roll call.

Jim Hammonds, Berkeley Collision, requested an explanation of the changes to the current ordinance. Councilwoman Joren explained the current ordinance was limited to light duty and heavy duty and now it will be either or both, and the proposed ordinance changes the acceptable methods of payment from cash only to cash, checks or credit cards. She advised the changes were recommended by our Police Department in an effort be in compliance with the State's requirements.

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 on Proposed Bond Ordinance OR:10/02 entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$550,000 FOR IMPROVEMENTS TO RIDGE ROAD FOR AND BY THE BOROUGH OF WATCHUNG IN THE COUNTY OF SOMERSET, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$522,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION." WITHDRAWN~~

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda listed below, with the exception of #14, was unanimously accepted on roll call following a motion by Councilman Mobus and a second by Councilman Black.

Approval of the following Council minutes:
February 11, 2010 - Regular and Executive Sessions

Approval of the following Borough Reports:
Planning Board Minutes - December 15, 2009
Board of Adjustment Minutes - October 1st, December 3, 2009

Board of Health Minutes - January 20, 2010
Historical Committee Minutes - January 13, 2010
Planning Board Minutes - January 19, 2010 /Reorg.
Police Activity - February, 2010
Tax Collector - February, 2010

- #10 - Maureen Greenbaum 2/4/10 E-mail suggesting Watchung recruit hunters from gun clubs to cull deer at no cost to the Borough, as done in Scotch Plains c: M & C, Wildlife Advisory
- #11 - Borough of North Plainfield 2/12/10 Resolution urging the Legislature to amend the Open Public Records Act to address various technical and practical issues c: M & C, LBF
- #12 - Middle Earth 2/12/10 Request to allow cyclists to pass through Watchung on Saturday, May 29, 2010 for the "Hills of Somerset" event, also known as the Frank Torpey Memorial c: M & C, LBF, SW
- #13 - Jack Valente, Troop #32 Scoutmaster 2/13/10 Thanking the Mayor and Council for their continued support of Scouts and their activities c: M & C, LBF

Councilman Mobus recused himself from the following vote (#14):

- #14 - John Tucker, Fire Chief, Township of Warren 2/16/10 Thanking Chief Bell and the Watchung Fire Department for assistance provided at a structure fire on January 29, 2010 c: M & C, LBF

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

- #15 - Robert B. Riedinger, President, Board of Health 2/22/10 Requesting consideration of charge-backs to pet owners when dogs are at large and animal control services or veterinary attention need to be called upon c: M & C, AC, LBF
- #16 - Township of Warren 2/23/10 Notice of Public Hearing on March 4, 2010 - Amendment to Land Use Procedures / Escrow Funds c: M & C, LBF, TH., DS
- #17 - State of New Jersey, DEP 3/1/10 Notice of Public Comment Period regarding Proposed
- #18 - Maria S Kennel 3/1/10 E-mail complimenting the Department of Public Works on performing snow removal efforts beyond "the call of duty" during one of the most challenging years in a long time c: M & C, LBF, CG
- #19 - Anne Kenopensky 3/3/10 Thanking and commending Charles Gunther and the Department of Public Works for rectifying a snow removal concern in front of her property c: M & C, LBF, CG, PHF
- #21 - Karin Gelotte, The Garden Club of Watchung 3/3/10 Requesting consideration of a "community room" when planning the new Library, allowing for meeting use by community
- #22 - Township of Warren 3/8/10 Notice of Adoption of Ordinance OR:10-04, Amending Land Use Ordinance in regard to the deposit of Escrow Funds c: M & C, LBF, TH., DS, DC
- #23 - NJ Transit 3/5/10 Notice of Public Hearing on Proposed fare and service changes c: M & C, Post

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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

- R3:03/11/10 Authorize Stipulation of Settlement - Block 5403, Lot 5
- R4: Appointment to Recreation Commission - John Pennett
- R5: Authorize Removal of Scrap Metal from Ness Property - W. Boylan
- R6: Authorize Tax Collector to Issue Redemption Check - Tax Sale Certificate #1-2009 /
- R7: Award Professional Service Contracts - Land Use Board Consultants
- R8: Opposing Legislation Amending the Time of Decision Rule
- R9: Appointment to Wildlife Management Advisory Committee - Scott Galano
- R10: Appointment of Shared Service/Consolidation Study Committee - Nehls, Joren, Pote,

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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:10/03 entitled "AN ORDINANCE AMENDING SECTION 28-107, TITLED 'COMPLIANCE' AND SECTION 28-403, TITLED 'NONCONFORMING STRUCTURES, USES AND LOTS', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, CLARIFYING THE 'GRANDFATHERING' PROVISIONS OF THE LAND DEVELOPMENT ORDINANCES." 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 to be held on March 25, 2010.

Planning Board Letter Received March 4, 2010 (copy attached)
After review, recommending adoption of Proposed Ordinance OR:10/03

Introduction of Proposed Ordinance OR:10/04 entitled "AN ORDINANCE AMENDING SECTION 28-401, TITLED 'GENERAL ZONING DISTRICT REGULATIONS', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY AMENDING SECTION 28-401I, TITLED 'PARKING OF COMMERCIAL, RECREATIONAL, INOPERABLE OR UNREGISTERED VEHICLES IN SINGLE-FAMILY RESIDENTIAL ZONES', AND REPEALING SECTION 28-401i2, TITLED 'PARKING OF RECREATIONAL VEHICLES.'" 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 to be held on March 25, 2010.

Introduction of Proposed Ordinance OR:10/05 entitled "AN ORDINANCE AMENDING SECTION 14-14, TITLED 'EXTERIOR PROPERTY AREAS', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY REPEALING SECTION 14-14.8, TITLED 'FRONT YARD PARKING - MOTOR VEHICLES', AND REPEALING AND REPLACING SECTION 14-14.9, TITLED "FRONT YARD PARKING PROHIBITED - BOATS, RECREATIONAL VEHICLES OR TRAILERS." 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 to be held on March 25, 2010.

Introduction of Proposed Ordinance OR:10/06 entitled "AN ORDINANCE ACCEPTING A STORM SEWER AND DRAINAGE EASEMENT FROM JOSEPH AND MARIANNE DeNICHOLAS TO THE BOROUGH OF WATCHUNG." 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 to be held on March 25, 2010.

Introduction of Proposed Ordinance OR:10/07 entitled "AN ORDINANCE AMENDING SECTION 2-40, TITLED "RECREATION COMMISSION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY AMENDING SECTION 2-40.1, TITLED "ESTABLISHMENT; MEMBERS; APPOINTMENT", TO PROVIDE FOR TWO (2) ALTERNATE COMMISSIONERS, AND SECTION 2-40.2, TITLED "TERMS OF OFFICE", TO ESTABLISH THE TERM OF OFFICE FOR THE TWO (2) ALTERNATE COMMISSIONERS." 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 to be held on March 25, 2010.

#20 - David Cooke 3/3/10 Suggesting re-striping, and revised signage to improve traffic flow at the Watchung Circle c: M & C, LBF, SW
This letter has been referred to Chief Whelan and the Police Committee for their review.

Proclamation - Honoring Ann Marie Lynch on years of service / Watchung Hills Regional Municipal Mayor Ellis read this proclamation honoring Ann Marie Lynch (Proclamation can be read in full on the Borough's website www.watchungnj.com)

Proclamation - "Read Across America" / National Celebration of Reading on March 2, 2010
Mayor Ellis read this proclamation and said he will be reading to the students at Bayberry School soon. (Proclamation can be read in full on the Borough's website)

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ON-CONSENT AGENDA RESOLUTIONS: The resolutions listed below, with the exception of R17, were unanimously adopted on roll call with offering and seconding as follows:

R1:03/11/10 Adoption of Ordinance OR:10-01 - Joren Black
Amendment to Borough Code,
Chapter VIII/ Towing Ordinance

R2: ~~Adoption of Bond Ordinance OR:10-02~~
~~Improvements to Ridge Road~~ WITHDRAWN

R12: Introduction of Ordinance OR:10/03 - Joren Black
Non-Conforming Structures, Uses, and Lots -
Clarifying "grandfathering" provisions / LDO

R13: Introduction of Ordinance OR:10/04 - Joren Black
Amending Code - Parking of Commercial,

R14: Introduction of Ordinance OR:10/05 - Joren Black
Amending Code - Front Yard Parking - Motor
Vehicles

R15: Introduction of Ordinance OR:10/06 - Joren Black
Accepting Storm Sewer and Drainage Easement /
Lot 2, Block 6.01

R16: Introduction of Ordinance OR:10/07 - Joren Black
Amending Code - Recreation Commission /
Establish terms of office for two alternate

Councilman Mobus recused himself from the following vote (R17):

R17: Purchases Over \$2,000. - East Coast Emergency Lighting Franklin Black

Upon roll call the vote was as follows: Black, Franklin, Joren, Pote, "Yes"; Nehls, "No".

R18: Payment of Bills Franklin
Black

R19: Executive Session: Mobus Frank-
lin
Potential Litigation - Objections to Third Round
Housing Element and Fair Share Plan

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PUBLIC PORTION

Lynda Goldschein, Sherwood Drive, advised the problem with hunting clubs is that they do not hunt on a schedule, they hunt when the can and said it took a long time for residents to gain the trust of Deer Management. She requested an explanation of the proposed parking ordinance and Councilman Franklin explained that requiring residents to park recreational type vehicles in the rear of their homes was sometimes confining, and the proposed ordinance would allow parking of these vehicles on the side of a residence.

Councilman Mobus offered R19:03/11/10 authorizing an executive session, with a second by Councilman Franklin and unanimously approved. Mayor Ellis recused himself. Upon return to regular session at 9:31 PM, all members previously present, with the exception of Mayor Ellis, were again in attendance.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned to the call of the Chair and the next scheduled meeting to be held at 7:30 P.M. on Thursday, March 25, 2010.

Respectfully submitted,

Michelle DeRocco, RMC
Deputy Clerk