

BOROUGH OF WATCHUNG

MINUTES

AUGUST 18, 2011 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Gerald Mobus called the meeting to order at 7:33 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

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

Also present were Clerk Michelle DeRocco, Attorney Albert Cruz, and Borough Engineer Tom Herits.

There were 22 members of the public present.

Mayor Mobus deviated from the agenda schedule and called forward Superintendent of Watchung Hills Regional High School Dr. Fran Stromsland, for a presentation of Resolution R3 (copy attached), recognizing their National Achievement as promoted in Newsweek, as follows:

Councilman Black offered R3:08/18/11, with a second by Councilman Franklin and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

Dr. Stromsland thanked the Governing Body for their continued support and said on behalf of her staff, all are proud that WHRHS has been ranked 154th of the top 1000 high schools in the United States and that all are working to continue the trend.

Mayor Mobus and called forward Lynn Franklin and Lynn Stahl for a presentation of a Proclamation (copy attached), designating the month of September as Ovarian Cancer Awareness Month in the Borough of Watchung.

Lynn Franklin and Lynn Stahl thanked the Governing Body for their support and for authorizing them to "turn the town teal" during the month of September.

PUBLIC HEARING

Assessment Commissioners Report and Recommendation: Sanitary Sewer Extension -
Valley Road Area

Mr. Cruz began this public hearing with the background and history of this project, and set the protocol for the presentation and public portion. He called forward project Engineer Lee Purcell who gave an overview of the work that was done to the 11 affected properties, Upon questions from Mr. Cruz, Mr. Purcell this project was done completed on-time, and within the budget, by Finne Building and Investment Co.

The meeting was open first to the Governing Body, and then to the public, for comments and questions and no one desired to be heard.

R1:8/18/11 Authorizing the Adoption of the Final Report of the Assessment Commission
Recommending a Special Assessment to be Assessed to the Properties Benefited
by the Sanitary Sewer Extension - Valley Road Area Project

Councilman Franklin offered resolution R1, with a second by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

R2: Authorize Assessment Commission Compensation - Sanitary Sewer Extension -
Valley Road Area Project

Councilman Franklin offered resolution R2, with a second by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin reported the revenue report for July was very similar to June's, and noted most of the Borough's revenue comes in the fall. Referring to the Borough's audit report, he said the comments were mostly "house-keeping" items and said the report was very good. He commended our CFO Bill Hance. In Councilwoman Cassidy's absence, Councilman Franklin referred to a purchase order added to the agenda to Donnelly Energy Solutions, in the amount of \$10,881.12. He explained that this is the total amount the Borough will need to expend, and thanks to an energy grant received from the State, the Borough will receive approximately \$187,000. of energy saving equipment, including installation. Councilman Franklin also announced receipt of a \$250,000. grant from DOT for improvements to Ridge Road. He said that a contract to F & P for Ridge Road, along with a contract to Maverick Building Services for the Borough's janitorial services, will be awarded this evening.

2. Police - Councilwoman Joren announced that she and Councilman Franklin attended a very informative meeting on red-light cameras. She said Lt. Cina and Lt. Egnasko have met with other red-light camera vendors and will soon be making a recommendation. Councilwoman Joren said if the Borough decides to use these camera's, that it will not happen anytime soon, explaining there is a long process which includes obtaining DOT approval, and said the only viable intersection for their installation would be Rt. 22 and Terrill Road. She said Chief Wenzel is still at FBI training, and reported a recent bust by our Police Department of ecstasy pills, and commended them for a job well done.

3. Public Works - In Councilman Nehls' absence, Councilman Franklin reported the Public Works Department has fielded 59 service calls and generated 108 work orders. He thanked the Board of Education for sharing the knowledge of Eric Schwartz, head of the school's maintenance department, who instructed Bob Pittenger on the proper way of cleaning the air conditioner condensers. He reported that 34 applicants were interviewed for the driver/laborer position, and that community service have been washing the police cars on the weekends.

4. Buildings and Grounds; Recreation – No report presented.

5. Public Affairs – No report presented.

6. Fire – No report presented.

7. Laws/Ordinances - Councilman Pote announced the Laws and Ordinance Committee will be Meeting on September 6th.

REPORTS - OTHER:

8. Engineer - Engineer Herits reported the contract for Ridge Road will be awarded to F & P, and noted that they have done work before in the Borough and are very good. He said NJ American Water Co. is replacing the water line along Bonnie Burn Road from Valley Road to the Colorado Cafe, and should be done before school starts. The DOT is completing the ramp at the end Johnston Drive and Bonnie Burn, and have made the changes the Borough had requested. He thanked DOT project manager, Bob Morley, for his assistance. Mr. Herits said he will be meeting with residents of a section of Johnston Drive, and with the residents of a section of Valley Drive, to discuss the interest in a sewer project. He reported 2 tennis courts have been repaired and are usable, and a third should be done soon. He said he will be making application to DOT for the next round of grants. He said the Texier House doors that were on special order should be received soon.

9. Police Chief – No report presented.

10. Fire Department – No report presented.

11. Rescue Squad - Don Monetti, Rescue Squad President, reported the Squad answered 40 calls last month. He said they will be in attendance at the 911 Ceremony and are already working on the Tree of Lights event.

12. Attorney – Mr. Cruz said he had nothing to report, however, one item for discussion in Executive Session.

13. Administrator – Mr. Atkins thanked all for a wonderful welcome. He reported he attended the interview with the Borough’s auditors, Suplee Clooney, and said there was a good exchange of information. He noted the authorization to submit the Borough’s “Best Practices” check list to Trenton was on the agenda, and he’d be glad to answer any questions.

UNFINISHED BUSINESS

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda listed below, with the exception of #50 was unanimously accepted, following a motion by Councilwoman Joren, a second by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, “aye”.

Approval of the following Council minutes:

- July 12, 2011 - Special Meeting - Regular and Executive Session
- July 21, 2011 - Regular and Executive Session
- August 3, August 12, 2011 - Bid Openings

Acknowledging Receipt of the following Borough Reports:

- Finance Department Revenue Report - June, 2011
- Police Activity - July, 2011
- Building Department - July, 2011
- Tax Collector’s Monthly Report - June, 2011

Acknowledging Receipt of the following Correspondence:

- #44 - County of Somerset, Department of Human Services 7/20/11 Notification of Youth Services Grant award - \$5000., and an additional \$3,000. for the Pursuit of Excellence grant c: M & C, WH, MAH
- #45 - Township of Berkeley Heights 7/27/11 Notice of Adoption of Land Use Ordinance #15-2011 to include a “Riparian Zone” c: M & C, TH, DS
- #46 - Township of Warren 7/26/11 Notice of Adoption of Land Use Ordinance #11-09, pertaining to the definition of building height; and notice of public hearing on proposed ordinance #11-13 Pertaining to definitions and regulations for solar energy systems c: M & C, TEA, TH, DS
- #47 - PSE&G 7/22/11 Notice of filing and public hearings for electric and gas societal benefits rate charges c: M & C, Post
- #48 - NJ Transit 7/22/11 Notice of public hearing regarding Senior Citizen and Disabled Resident Transportation Assistance Program funds c: M & C, Post
- #49 - Animal Protection League of NJ 7/25/11 Offering resource information on black bears, and requesting support to urge our legislators to vote against black bear relocation in NJ c: M & C

Council President Joren asked for the following correspondence, #50, to be removed for separate consideration:

- #50 - Lynn Franklin, Lynn Stahl 8/8/11 Requesting permission to place teal ribbons around the Borough from September 1 through October 1, in a effort to bring awareness of Ovarian Cancer during “Turn the Town Teal” month c: M & C, TEA

Council President Joren moved to acknowledge receipt of #50, a second was made by Councilman Pote and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, “aye”.

- #51 - The Somerset County Board of Chosen Freeholders 8/8/11 Invitation to attend Somerset County’s 10th anniversary ceremony of the 9/11 attack c: M & C
- #52 - Residents of Edgemont Road and Mountain Drive 8/12/11 Petition requesting the Borough accept their roads, and a portion of North Drive, as public roads so that necessary improvements can be made c: M & C, TEA, TH
- #53 - Union Township 8/15/11 Request for support of resolution that would help to eliminate noise from diesel truck mufflers - engine braking c: M & C, TEA, TW
- #54 - Walter Schmeide 7/22/11 Letter to Engineer Tom Herits thanking him for the prompt, courteous, and professional service extended to him during a road improvement in front of

CONSENT AGENDA RESOLUTIONS: The Consent Agenda listed below, with the exception of R3, was unanimously accepted, following a motion by Councilwoman Joren, a second by Councilman Black. Upon roll call the vote was as follows: Joren, Black, Franklin, Pote, “aye”.

Mayor Mobus addressed R3 at the beginning of the meeting.

- R3:08/18/11 Recognizing Watchung Hills Regional High School on their National Achievement
- R4: Purchases Over \$2,000. - Communications Specialists, Hy-Viz, Inc., Fullerton Ford, Pumping Services, Inc., El Coronado, L-3 Communications Innovation Data Solutions, Donnelly Energy Solutions
- R5: Authorize Clerk to Issue Liquor License Transfer - Apple Food Service of Watchung, Inc. To Rick’s Liquor Shop LLC
- R6: Ratification of Motion to Authorize Agreement Settlement - Watchung PBA
- R7: Authorize Clerk to Issue Raffle Licenses - Rawhide Rescue Inc.
- R8: Appointment of JIF Commissioner - Thomas E. Atkins
- R9: Acceptance of 2010 Annual Audit Report
- R10: Approval of Corrective Action Plan
- R11: Award of Bid - Janitorial Services - Maverick Building Services
- R12: Award of Bid - Ridge Road Improvements/ Phase II - F & P Contractors

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.

Proposed Ordinance OR:11/12 entitled “AN ORDINANCE ACCEPTING A DEED OF DEDICATION FOR A PORTION OF PROPERTY LOCATED AT 404 JOHNSTON DRIVE AND KNOWN ON THE TAX MAPS OF THE BOROUGH OF WATCHUNG AS BLOCK 54.02, AND PART OF LOT 12 TO THE BOROUGH OF WATCHUNG.” was introduced. Councilman Pote moved the ordinance be given its first reading. So ordered. Councilman Pote 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 September 8, 2011.

Continued Discussion - Status of Proposed Improvements to Mountain Boulevard

Mayor Mobus reported a discussion ensued at the Special Meeting held on August 10th with the Somerset County engineers, regarding the proposed improvements to Mountain Boulevard, and in particular, future provisions for sidewalks. He explained after hearing comments from the Council, opinions from residents, and an unofficial straw poll, he asked for a formal recommendation from the Public Works Committee. Councilman Franklin said that although it appears that most residents are against sidewalks on either side of Mountain Boulevard, the well being of the public must be the Council’s number one priority and the Council must look to the future of the Borough, when more children may be walking to school. He said he believes the Borough should at least consider the provisions for a sidewalk in the future and said the County is asking for a 7’ easement, and feels a smaller easement could still meet the requirements for a sidewalk - 4’ ft. of sidewalk and a 1’ ft. Buffer. Engineer Herits noted a 4’ ft. Sidewalk is the ADA requirement. Councilwoman Joren said after hearing the presentation of the County’s engineers, she believes provisions should be made for a sidewalk on the south side. Councilman Pote said he believes the north side is better for sidewalks for the continuity of walking from Watchung Lake to the Ness property. He said after hearing the plans done by the County are 90% complete, the costs involved in changing the plans, and the environmental considerations, the Council would be remiss in not providing provisions for the future. Councilman Black said he does not want sidewalks on either side, however, if it is in the future to connect sidewalks from Warren to Watchung and eventually to Blue Star Shopping Center, then he feels they should be provided for. Engineer Herits said he does not see why the County could not grade both sides, for the future. Councilwoman Joren offered the following motion:

Whereas, the Mayor and Council of the Borough of Watchung, examined the location of the proposed sidewalks along Mountain Boulevard as proposed by the County of Somerset; and

Whereas, the sidewalks will not be constructed at this time but will be included in the design and the area prepared for sidewalks along the south side of Mountain Boulevard; and

Whereas, the Mayor and Council of the Borough of Watchung are of the opinion that the width of the area necessary for the sidewalks should be minimized using good engineering practice and design.

Now, therefore, be it resolved by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. That the County of Somerset provide for sidewalks along the south side of Mountain Boulevard as described in this resolution.
2. That the width of the easement area around the south side be consistent with good engineering practices.
3. That the Borough of Watchung requests that the County of Somerset grade the north side of Mountain Boulevard where possible in consultation with the Borough's Engineer.
4. That a copy of this resolution be provided to the County of Somerset.
5. That this resolution take effect immediately.

Councilman Franklin seconded the motion and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye."

Councilman Pote reiterated that the Council agrees with all other recommendations contained in the proposed improvement plan, such as the left turn lanes.

Discussion - Best Practices Inventory

Mr. Atkins explained that the Best Practices checklist is required by the State and began in 2010, although the concept goes back about 25 years. He said the amount of State aid a municipality receives is based on its "score" and in order to receive 100% of your aid, you need a score of 80%. Mr. Atkins said he discussed this checklist with CFO Bill Hance and Clerk Michelle DeRocco and reported the Borough's total score is 92%.

Proclamation - Ovarian Cancer Awareness Month / September (addressed at the beginning of meeting)

NON-CONSENT AGENDA RESOLUTIONS - The resolutions listed below were unanimously adopted on roll call with offering and seconding as follows:

Councilman Pote moved R13, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

R13:08/18/11 Introduction of Proposed
Ordinance OR:11/12 - Accepting a Deed of Dedication
for a portion of 404 Johnston Drive,
Block 54.02, and part of Lot 12

Councilman Franklin moved R14, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

R14: Authorize Execution of Employment Agreement –
Dispatchers /FMBA Local 432

Councilman Franklin moved R15, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

R15: Payment of Bills

Council President Joren moved R16, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, "aye".

R16: Executive Session:
Contract Negotiations:
Shared Services Agreement
with the Borough of North Plainfield

PUBLIC PORTION

Bruce Ruck, Lakeview Terrace, urged the Council to think thoroughly before they revised the ordinance that would restrict the size of homes. He explained that a large house was built on both sides of his home, and while he may not wish to expand his, a restriction to the building code may make his current home unsellable if a prospective buyer wanted to purchase it with the intention to renovate it to fall in line with the size of his neighbors. Councilman Pote thanked Mr. Ruck for his input, and advised him that research is being done before any changes would be considered to this ordinance. He said many requests have been made from residents who are in favor of restrictions being made to the ordinance. He assured Mr. Ruck that the Laws and Ordinance Committee will consider all concerns before recommending any changes.

Don Speeney, Planning Board Chairman and resident of Stanie Glen Road, thanked the Governing Body for taking the time to go through the process and thoroughly discuss all options regarding the proposed improvements to Mountain Boulevard.

Council President Joren offered R16:8/18/11 authorizing an executive session, with a second by Councilman Black and unanimously approved. Upon return to regular session at 10:25 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 10:35 P.M. to the call of the Chair, and the next scheduled meeting to be held at 7:30 P.M. on Thursday, September 8, 2011.

Respectfully submitted,

Michelle DeRocco, RMC
Clerk