

BOROUGH OF WATCHUNG

MINUTES

NOVEMBER 28, 2011 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Gerald Mobus called the meeting to order at 7:32 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 [P] Cassidy [P]

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

There were 7 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance - Councilman Franklin said he is in receipt of October's Revenue Report, and some of the "red" is disappearing, however, it does not reflect the November property tax receipts. He reminded the Council to return their budget books. Mayor Mobus asked if we would have a preliminary budget in place by January 15th, and Councilman Franklin explained that this would be a tough goal to make, as the final figures for 2011 will not be in until late January.

2. Police - Council President Joren provided a short report from Chief Wenzel on the activity and events that accompanied "Black Friday" shopping at the local malls. His report addressed safety and security concerns with keeping the stores open 24 hours. Councilwoman Joren said she will ask the Laws and Ordinances Committee to review the Borough's regulations on operating times for businesses. She also announced that two of the three blocks required for the certification process on software training have been completed.

3. Public Works - Councilman Nehls reported the Department, in addition to daily operations such as safety inspections on equipment, buildings, and roads, has fielded 56 service calls and 49 work orders. He said the October 29th snow event damaged numerous trees, and downed limbs, in addition to requiring snow removal. He said the Borough hired an outside tree contractor, Predator, to assist with the removal of broken limbs, noting that the process will be ongoing until the town is clean. Somerset County shared a "vac" truck with the Borough, cleaning stormwater pipes on Sunlit and Washington Drives. Councilman Nehls announced an informal meeting with residents will be held on November 29th at 7:00 PM to discuss the sanitary sewer project on Johnston and Valley Drives, and on November 30th at 7:00 PM another resident meeting will be held to review the County's plans for Mountain Boulevard. He noted a transfer resolution on tonight's agenda that will enable the Borough to obtain additional help with the branch and debris removal from the storm. He said he appreciates the efforts of Bob Burns.

4. Buildings and Grounds; Recreation - Councilwoman Cassidy reported that she did a 'walk-through' of the Texier House with Mayor Mobus, Clerk DeRocco, and Historical Committee members Barbara Diem and Diddy Addario, and discussed the painting, staining, and installation of shelving for file storage.

5. Public Affairs - Councilman Nehls said the Environmental Committee is meeting 'as we speak' and at the last Board of Health meeting, possible changes to the sanitary sewer hook-up requirements were discussed. He reported that the Open Space Committee met on November 21st and addressed possible uses for Camp Endeavor and the Ness properties. Councilman Nehls said the Open Space Committee has reviewed the last reports from the Ness Property Development Committee and are in

support of their recommendations. Mayor Mobus noted that a 'halt' was placed on it due to the Borough's affordable housing and environmental concerns.

6. Fire - Councilman Black said Chief Bell is present this evening and will provide a report.

7. Laws/Ordinances - Councilman Pote said this evening's agenda calls for a public hearing on a zoning ordinance that will expand the R-M-L Zone, in accordance with a recently adopted Planning Board resolution. He said the Laws and Ordinance Committee met on November 15th and reviewed changes to the dog regulations and vehicle usage. Councilman Pote said he, along with Attorney Cruz and Administrator Atkins met with representatives from the Foreman Group to discuss the status of the preliminary plan progress, and reported all are working very hard to have it completed by February. He said the goal is to have everything in place for a non-binding referendum on the ballot in November.

REPORTS - OTHER:

8. Engineer - Mr. Herits said the improvements to Ridge Road are substantially complete, as is the work the contractor for the Texier House was hired to do. He announced NJ American Water Company will be doing work on Rock Avenue, beginning on December 5th, duration of project approximately two weeks. He said they will wait until the spring to do the paving. Mr. Herits said the bin-blocks were installed on Mountain Drive, and the next steps are the mark outs and preliminary designs. He said a repair was needed a for a low pressure sewer that was damaged by Public Service during the storm, but PSE&G is expected to reimburse the Borough. He said he does have a quote for the striping of Johnston Drive and will be moving forward with that.

9. Police Chief - No report was presented.

10. Fire Department - Chief Bell said November was a very busy month, reporting a total of 311 calls to date. He said the Department logged in at least 50 calls during the October snow event, and tended to some evacuations. He said the Department also responded to an accident on Route 78, and assisted in the search for a missing resident. Chief Bell said the Department is expecting monies from FEMA for both Hurricane Irene and the October snow event, and he announced that about 25 members have qualified for the incentive program.

11. Rescue Squad -No report was presented.

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

13. Clerk- Mrs. DeRocco reminded all the holiday party for the Borough's volunteers and employees will be held this Friday at the Exempt Hall, and that all are asked to bring a donation of non-perishable food or clothing for Somerset County's less fortunate.

14. Administrator - Mr. Atkins said that he had visited Mountain Drive and Edgemont Road 2 days after Hurricane Irene, and there were a lot of problems. He said he returned for another visit on November 16th and was amazed at the progress. He announced the JIF has adopted their 2012 budget, and reported a 2% increase for the Borough. He said market conditions do affect the rates, based on statewide losses. He said Hurricane Irene will not be factored in until the 2013 budget as it relates to property and casualty coverage.

Mayor Mobus said he attended the League of Municipalities Conference last week, and many informative sessions.

UNFINISHED BUSINESS

A Public Hearing on Proposed Ordinance OR:11/13 entitled "AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, SO AS TO RE-ZONE CERTAIN PROPERTIES TO THE R-M-L II ZONING DISTRICT" was held.

Planning Board Resolution PB11-R9 - Recommendation of Amendment to Zoning Ordinance regarding the expansion of the R-M-L II Zone

Councilman Pote acknowledged receipt of the Planning Board Resolution in support of this amendment, and moved a public hearing be held with a second by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, "aye."

With no one from the public desiring to be heard, Councilman Pote closed the public hearing.

R1:11/28/11 Adoption of Ordinance OR:11/13 - Amend Code - Re-zone certain properties

Councilman Pote offered R1:11/28/11, Councilman Nehls seconded the motion, and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy "aye." Councilman Pote directed the Clerk to publish the notice of adoption.

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below were unanimously accepted, following a motion by Councilwoman Joren, a second by Councilman Black and upon roll call as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy "aye".

Approval of the following Council minutes:
November 10, 2011

Acknowledging Receipt of the following Borough Reports:
Police Activity Report - October, 2011

Acknowledging Receipt of the following Correspondence:

#70 - NJ American Water Co. 11/17/11 Notice of Filing of Proposed Rate-Increase and Public Hearing c: M & C

CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below were unanimously accepted, following a motion by Councilwoman Joren, a second by Councilman Black, and upon roll call as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, "aye".

R2:11/28/11 Authorize Treasurer to Issue Tax Appeal Refund - 145 Stanie Brae

R3: Purchases Over \$2,000. - Watchung Fire Department, Wayne Boylan Contracting, Communications Specialists, Power Place, Inc.

R4: Authorize Towing Application - Majestic Towing & Transport, M & W Towing LLC

R5: Authorize 2011 Budget Transfer

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.

Discussion: Wildlife Management Advisory Committee / Community-Based Deer Management

Wildlife Management Advisory Committee Chairman Hans Juette provided a history of the Borough's last 6 or 7 years of action in attempt to reduce the deer population in the Borough, and explained the Advisory Committee's research that was done to lead up to their recommendation of October 14, 2011. Mr. Juette said the Committee recommends the use of an organized sports club using firearms, and bow and arrow hunting, and if the culling does not meet expectations, the use of paid deer management professionals. Scott DiGiacomo, resident and member of the Blue Ridge Sports Club Executive Board located in Warren, the organization that performed last year's cull, was present to answer questions from the Governing Body. Council President Joren said the Borough approved an ordinance last year that prohibits bow hunting in the Borough.

R6: Authorize Borough's Deer Management Plan (Rules and Regulations attached)

Councilman Franklin moved R6, a second was made by Councilman Pote and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye"; Joren, "No."

#71 - Todd A. Smith 11/10/11 Request to remove two (2) trees in the Borough's right-of-way, and recommendation from Engineer Arlene McCoy.

Councilman Nehls advised that a request was received to remove dying trees on Mr. Smith's property, that are also interfering with overhead wires. Mr. Smith has submitted a replacement plan, and, after review by Assistant Engineer Arlene McCoy, has received her recommendation to proceed. After discussion, it was the consensus of the Governing Body to authorize Mrs. McCoy to advise Mr. Smith his plan is acceptable.

NON-CONSENT AGENDA RESOLUTIONS

R7:11/28/11 Waive Chapter 2-25 of the Code of the Borough - Gray's Florist & Greenhouse

Councilman Pote moved R7, a second was made by Councilman Nehls and upon roll call the vote was as follows: Joren, Franklin, Pote, Nehls, Cassidy, "aye"; Black, "abstain."

R8: Payment of Bills

Councilman Franklin moved R8, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, "aye".

PUBLIC PORTION

Lynda Goldschein, Sherwood Drive, wanted to remind all that the Rescue Squad will host their annual Tree of Lights ceremony Saturday, beginning at 5:30 P.M. Mrs. Goldschein asked if the Borough was still going to be receiving the \$1 million dollar grant from the County for the Ness Property and Mayor Mobus said we have received confirmation that it has been extended for another year. Mrs. Goldschein asked if the Borough pays a company to remove the aerators from the lakes and Councilman Nehls explained that the Borough did this year, as the aerators are new and it is a different system, and the Public Works personnel had to receive training for the future. Mrs. Goldschein asked the status on the "lot size" ordinance and Councilman Pote explained the Laws and Ordinance Committee is still gathering information for consideration.

Wendy Robinson, Hill Hollow Road, questioned correspondence #70 from NJ American Water Company and Attorney Cruz explained that water rates are governed by the Board of Public Utilities and this was a notice of petition by NJ American Water to that Board for a rate hike, and notice of public hearing of which the public is welcome to attend and voice their concerns. Ms. Robinson questioned the cost of the deer program to the Borough and its effectiveness, and Mr. Atkins explained that the only cost will be about \$400. to \$500. for the feed. Mayor Mobus explained that last year was not a good year for the cull due to the unusual amount of snow, and previous years the cull had yielded over 100 deer.

Kathy Caldas, Brook Drive, was present representing the Board of Education, and Councilwoman Cassidy thanked her for coming, saying that the Board and the Governing Body has always had a good relationship.

R9: Executive Session; Potential Litigation

Councilwoman Joren moved R9, a second was made by Councilman Black and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, "aye".

Upon return to regular session, all Council members previously in attend were again in attendance.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:41 P.M.

to the call of the Chair and the next scheduled meeting to be held at 7:30 P.M. on Thursday, December 8, 2011.

Respectfully submitted,

Michelle DeRocco, RMC
Clerk