

BOROUGH OF WATCHUNG

MINUTES

MARCH 14, 2013

MAYOR'S STATEMENT: Mayor Mobus called the meeting to order at 7:30 P.M. 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 SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD

ROLL CALL

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

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 4 members of the public present.

Council President Pote read a letter addressed to the Mayor and Council from Councilwoman Cassidy announcing her resignation as a Council member effective immediately due to work constraints. Mayor Mobus asked for a motion to accept the resignation by voice vote. Councilman Franklin made the motion with a second by Councilman Nehls. All members "aye." The Mayor and Council thanked her for her service.

REPORT OF STANDING COMMITTEES:

1. **Administration & Finance:** Councilman Franklin reported he has conferred with Administrator Tom Atkins and CFO Bill Hance on the preliminary budget numbers. He is ready to call for the Finance Committee to review. With the resignation of Councilwoman Cassidy there is a spot on the Committee to be filled. Council President Pote sat in on the previous meeting and Councilman Franklin would like him to fill the vacancy until someone is permanently selected. Mayor Mobus concurred and Council President Pote accepted this position until a replacement is named.
2. **Police:** Council President Pote reported two of the new police officers have completed their book training and are now training in the vehicles. The third new officer is still in training. Council President Pote also wished to thank all who attended the memorial service at Police Department for Matt Melchionda and thanked the Department for continuing to honor him. The Police Department is working on their budget.
3. **Public Works / Buildings and Grounds:** Councilman Nehls reported there have been several Public Works meetings, the most recent was on March 8th. The Committee discussed the tennis courts and the Johnston/Valley Drive sewer project. There are two resolutions on this evening's agenda for the sewer project. There was a Facility Committee meeting prior to the Council meeting this evening and all Council members have a copy of the report. John Kostic did the work acquiring the generator information. Councilman Nehls would like the Council to read the report and have any comments for discussion at the next Council meeting. The Committee is recommending the first building to be upgraded would be Police Headquarters, with Borough Hall being second and the Exempt Hall and Fire Department third and then the East End Fire House. This would prevent any interference with the emergency teams. They are recommending the Exempt Hall could also be used as a warming center. Mayor Mobus asked about the Court. Councilman Nehls stated Joe Cina thought it was not a practical option. There was a question about a back up fuel for the generators, possibly propane or diesel, and Councilman Nehls explained these generators are very expensive and it is the intent to apply for grants from FEMA. Tom Herits, Bob Burns and Gary Greves are working on these applications.

4. **Public Affairs:**

Open Space – Mayor Mobus reported the next meeting date is still to be announced.

Environmental – Mayor Mobus reported the next meeting will be held on March 25th. Mayor Mobus said he will fill in as liaison until a replacement to Ms. Cassidy is appointed.

Recreation – Council President Pote reported the Recreation Commission met last week and despite all efforts, could not find an alternative for a summer program. He said residents can attend the Long Hill or the Warren programs and registration information is available on the Borough's website.

Historical – Council President Pote reported the Committee met last evening. Walter Pennett presented his final position on what he would like to put up on the 1st wall. The Committee is in the final stages of getting an expert to come in to help set up files, archives, etc. This is through a CAPES grant which we have been approved for.

Council President Pote also reported the Library Study Committee met to discuss alternative plans for upgrading the Library.

Board of Health – Councilman Black reported the next meeting will be held on April 17th. He will be scheduling Tony DeMateo from the County to come the same evening to give an orientation on the CERT program, prior to the Board of Health meeting that will begin at 7:30 instead of 7:00 PM.

5. **Fire** – Councilman Black reported Chief Carlucci met with Adele Rafat to discuss renovations to the fire house. This will be discussed with the fire committee and then sent to buildings and grounds for review prior to sending requests to the Mayor and Council. The Fire Department is also requesting a new truck at a cost of approximately \$500,000 (noting they have a truck fund with \$280,000). They are hoping to go out to bid at the end of 2013 with purchase in 2014. Councilwoman Joren asked if we are replacing a truck or adding one. Mayor Mobus explained that there is a life expectancy for these vehicles and if past that time it does affect our fire insurance rating. Councilman Nehls asked if that life time has been passed and if the vehicle has to be replaced at this time. Councilman Black said he will supply all information to the Mayor and Council and he will also be scheduling a Fire Committee meeting for next week. Clerk Michelle DeRocco said Bob Burns and Maria Fittipaldi are setting up a meeting with the cleaning service to discuss this and other issues with them.
6. **Laws/Ordinances:** Councilwoman Joren reported there is an Ordinance regarding Liquor License fees on the agenda this evening for final approval and an introduction of an Ordinance amending the Towing Ordinance, raising fees and revising the renewal dates. Councilwoman Joren is still waiting to hear from the Court Administrator regarding parking summons fees, and also for more information from the Board of Health about a tobacco ordinance. She also is going to review the Grease Trap Ordinance, specifically reviewing the responsibility of enforcement.

REPORTS - OTHER:

7. **Engineer:** No report was presented.
8. **Police Chief:** No report was presented.
9. **Fire Department:** No report was presented.
10. **Rescue Squad** - Denise Wilson, on behalf of the Rescue Squad, thanked the Mayor and Council for hosting the Saturday thank you dinner event. Noah Monetti will be the representative from the squad at the PTO's spring fundraiser, he looks forward to playing basketball against the Harlem Wizards. Squad members attended the ICS 300 class with members from the Fire Department and Police Department. It was a four day class earning 24 credits, learning how to run large-scale emergency scenes. At the last meeting Skip Bell and Sage Kaneshige were accepted into membership. Two weeks ago the Monday night crew responded to a pedestrian struck by a car and found a 2 year old ejected from a shopping cart. The child was brought by helicopter to UMDNJ and the father was transported by a second Watchung rescue squad crew to the same to be with his child. Both are expected to make full recovery. Denise was happy to report the entire situation went very smoothly, efficiently, very professionally. Top responders for the month were Jess Ray, Logan Taylor and Adam Wexler. Mayor Mobus said the Squads' response to all calls are very professional and exceptional.
11. **Attorney :** Mr. Cruz reported there are 2 items for Executive Session. There is only one listed on the agenda and he will add the second one at the time of the Resolution being read to go into Executive Session. Mr. Cruz asked that Council President Pote pass the letter of resignation received from Councilwoman Cassidy to Clerk Michelle DeRocco. It is a Statutory requirement that this goes to the clerk. It is my understanding that the Borough of Watchung received a conditional offer from an individual to rebuild the tennis courts at Mobus Field. That offer requires that the Borough relinquish all oversight of the reconstruction of the tennis courts. It is my understanding that the Borough will not pursue this offer because the Borough believes that an offer with these conditions is not in the Borough's best interests. Mr Mayor, I ask that the Council confirm my understanding with a voice vote. Councilman Nehls requested the Council concur by voice vote.
12. **Clerk:** Mrs. DeRocco thanked the Mayor and Council, on behalf of the employees for the lovely evening at Twin Brooks on Saturday evening, thanking all for their efforts during Sandy, and commended Councilman Nehls for doing a great job organizing this event. She said the newsletter is almost ready to go to print. MaryAnn received a few last minute articles to add, so we are hoping to have it in the mail the first week of April.

13. **Administrator:** Tom Atkins mentioned the Borough received a copy of a Resolution sent to the Governor and New Jersey State Legislature from South Brunswick Township regarding the State taking \$21 Million from the State Recycling Fund and transferring it to the State Budget General Fund and urging them to restore to the Recycling Fund. They are asking all municipalities to do the same. Mr. Atkins asked the Council to consider doing this. R3 on the agenda this evening is for November interest paid on taxes, these are the final refunds. R6 is for CDL requirements, which the Borough already does but these must be incorporated into the personnel manual. R7 authorize making application to Local Finance Board to waive Bond Ordinance Down Payment. Mr Atkins stressed the importance of the down payment waiver due to the status of the Capital Improvement Fund. It is critical that approval from the State is received.. Mr. Atkins offered his congratulations to Councilwoman Joren for completing and passing with “flying colors” the Risk Management program. He urges the rest of the Council to go online to take the course in the next 30-45 days. The Borough gets a credit for each person who completes this program.

Mayor Mobus announced that he was working on the Annex revision (OEM Manual) with Coordinator Gary Greves, and will very soon be making some re-assignments for responsibilities. He advised the complete revision may take up to a year to complete. He said many months back the Public Works Department was asked to report any possible property maintenance issues that they may spot as they patrol the Borough on other assignments, and wanted to confirm that this is being done. Mayor Mobus personally thanked Councilman Nehls for planning a very well run affair at Twin Brooks on Saturday and said it was a great time (After Superstorm Sandy thank you dinner).

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UNFINISHED BUSINESS

A Public Hearing on OR:13/3 entitled “**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER VI, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” SPECIFICALLY SECTION 9-3.7 THEREOF, ENTITLED ‘LICENSE FEES; AN ORDINANCE MAXIMUM NUMBER’ AS HERETOFORE SUPPLEMENTED AND AMENDED**” was held. Councilwoman Joren moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Pote, Black, Franklin, Joren, Nehls, “aye.”

With no one from the Public wishing to be heard, Councilwoman Joren closed the public hearing and moved the following resolution:

R1:03/14/13 Adoption of OR:13/03 - Amend Code to increase Liquor License Fee

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

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NEW BUSINESS

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

Approval of the following Council minutes:
February 28, 2013
February 14, 2013 Executive Session

Acknowledging Receipt of the following Borough Reports:
Board of Health Minutes - January 16, 2013
Tax Collector’s Report - January, 2013
Bd of Adjustment Minutes - January, 2012 thru and including February, 2013
Bd of Adjustment Annual Reports - 2011, 2012

Acknowledging Receipt of the following Correspondence:

#15 - Township of Hillsborough 2/19/13 Resolution requesting the NJ Board of Public Utilities hold hearings on PSE&G’s and JCP&L’s response to Super Storm Sandy c: M & C, TEA

- #16 - Victor Garber 3/4/13 Email in support of a new library facility c: M & C, TEA
- #17 - David Miller 2/27/13 Email against any plans for a new library facility, and supporting renovations to the Fire House c: M & C, TEA
- #18 - Watchung Associates, LLC 3/4/13 Requesting a waiver of the connection fee for sewer installation in turn for their replacement of an existing sewer line that will be necessary for their Development project at 708 Mountain Boulevard, in an effort to avoid a moratorium after Mountain Boulevard is repaved c: M & C, TEA, TH
- #19 - Township of Green Brook 3/8/13 Resolution requesting the NJ Board of Public Utilities hold hearings on PSE&G's and JCP&L's response to Super Storm Sandy c: M & C, TEA
- #20 - Michael Bellew 3/14/13 Email recommending a few preliminary ideas to improve the current Library facility, without an exorbitant cost to the taxpayers c: M & C, TEA

Councilwoman Joren commented on the Board of Adjustment minutes received for one year and the annual reports for two years and said this is not acceptable. She hopes these will be submitted to the Clerk in a more timely manner in the future. Mayor Mobus also commented this was not acceptable. Both the Mayor and Council requested Mr. Atkins speak to the Chairman of the Board and the Board Clerk about this.

Councilman Nehls requested Correspondence #18 be pulled and given to the Public Works Committee for discussion. Mr. Cruz wished to clarify the request with Mr. Anthony Paoella, Warren, NJ, what they are actually requesting. It is the location of what used to be O'Connors and they are only requesting a postponement, not a waiver of the connection fees until the development of the property. They are continuing payments for usage fees. Councilman Franklin questioned why there is a connection fee if there is already one there and Mr. Nehls said the property would be from 1 unit to 26 units developed or improved. Mr. Cruz then requested the letter be amended to say postponement. Councilman Nehls stated the Public Works Committee will discuss at the next meeting which, hopefully, will be scheduled for next week. Mr. Paoella thanked the Mayor and Council for their time.

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

- R2:03/14/13 Authorize Clerk to Advertise for Bids - Renovations to the Mobus Field Tennis Courts
- R3: Authorize Return of Interest Due - 2012 4th Quarter Tax Payments / Superstorm Sandy (as listed)
- R4: Authorize Contracts through Morris County Co-Op / Finch Fuel Oil Company; Allied Oil
- R5: Requesting the NJ Board of Utilities Hold Hearings on PSE&G's and JCP&L's Response to Super Storm Sandy and Take Appropriate Action
- R6: Adoption of Mandatory Regulations for CDL Drivers

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CONSENT AGENDA RESOLUTIONS: Resolutions listed below will be individually addressed and acted upon accordingly.

Councilman Franklin Moved the following resolution:

- R7: Authorization to Make Application to the Local Finance Board / Waive Bond Ordinance Down Payment

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

Introduction of Proposed Assessment Bond Ordinance **OR:13/04** entitled "ASSESSMENT BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE CONSTRUCTION PHASE (INCLUDING ADDITIONAL ENGINEERING) FOR SANITARY SEWER EXTENSIONS TO PORTIONS OF JOHNSTON DRIVE AND VALLEY DRIVE IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, A LOCAL IMPROVEMENT, TO APPROPRIATE THE SUM OF \$1,173,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." 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.

R8:03/14/13 Introduction of Assessment Bond Ordinance OR:13/04 - Authorize Construction Phase, Additional Engineering for Sanitary Sewer Extensions

The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Pote, Black, Franklin, Joren, Nehls. "aye". Public Hearing to be held on April 25, 2013.

Introduction of Proposed Ordinance **OR:13/05** entitled: **"AN ORDINANCE AMENDING CHAPTER VII, TITLED "TOWING", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SECTION 8-2, TITLED "DEFINITIONS", TO ADD DEFINITIONS OF BASIC TOWING, RECOVERY TOWING AND ROADWAY; SECTION 8-7, TITLED "LICENSING FEE AND ISSUANCE OF LICENSE" TO PROVIDE THAT ALL LICENSES SHALL RUN FOR CONCURRENT PERIODS, AND INCREASE THE FEE TO SEVEN HUNDRED AND FIFTY DOLLARS FOR A THREE YEAR TOWING LICENSE; AND TO CLARIFY SECTION 8-20, TITLED "AUTHORIZATION, SCHEDULE OF RATES AND FEES FOR EMERGENCY TOWING SERVICE."** Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilman Joren moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

R9:03/14/13 Introduction of Ordinance OR:13/05 - Amending Code / Towing Ordinance
Add Definitions, Set Licensing Periods and
Renewal Dates, and Increase Annual Licensing
Fee.

The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Pote, Black, Franklin, Joren, Nehls. "aye." Public Hearing to be held on March 28, 2013.

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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.

Council President Pote read the following proclamation (copy attached):

Proclamation: Honoring Military Men and Women Who Have Served Our Country -
Watchung/Warren Rotary Club

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PUBLIC PORTION

Kathy Caldas, representing member of Board of Education said Dr. Resko has been doing a great job as the new Superintendent. The Board will be having their budget hearing on March 25th and all are invited to attend the meeting. Ms. Caldas asked if the Borough would be sharing any information regarding generators with the Board and Councilman Nehls said they would be happy to and he gave her a copy of the report which was given to the Council this evening. Ms. Caldas also said she will bring back information to the Board regarding the summer program to see if they have any possible suggestions.

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NON-CONSENT AGENDA RESOLUTIONS

Mr. Cruz requested an additional item be added to the Executive Session – Property Acquisitions.

Council President Pote moved the following resolution:

R10: Executive Session:

- Contract Negotiations - Levin Properties, L.P
- Property Acquisitions- easements acquisitions.
1316 Johnston Drive, Bl. 6403, Lot 14
1225 Johnston Drive, Bl. 7403, Lot 9
1236 Johnston Drive, Bl. 6403, Lot 10
1243 Johnston Drive, Bl. 7403, Lot 13
59 Johnston Drive, Bl. 4501, Lot 12
192 Valley Drive, Bl. 6801, Lot 1.01

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

Upon return to the regular session at 10.00 P.M., all Council Members previously in attendance were again present.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:00 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held March 28, 2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk