



BOROUGH OF WATCHUNG

15 MOUNTAIN BOULEVARD
WATCHUNG, NEW JERSEY 07069

MAYOR & COUNCIL SPECIAL MEETING AGENDA

THURSDAY, AUGUST 17, 2023

7:00 P.M.

MAYOR

Ronald Jubin, Ph.D.

COUNCIL

Christine B. Ead

Curt S. Dahl

Paul Fischer

Paolo Marano

Sonia Abi-Habib

James J. Damato
Business Administrator

Edith G. Gil
Borough Clerk

Joseph Sordillo, Esq.
Borough Attorney

THIS MEETING AND ALL BUSINESS SHALL BE CONDUCTED IN-PERSON, INCLUDING THE ACCEPTANCE OF PUBLIC COMMENT. No public comment shall be allowed to be made virtually or accepted in writing and read into the record. All writings received shall be acknowledged and accepted by the Council as regular correspondence. The Borough may broadcast its meetings virtually for public viewing as a courtesy.

VIEWING INSTRUCTIONS: To listen to the meeting via phone, dial 1 (646) 558-8656. It will prompt you for a meeting ID. Type **99501390087#**. You do not need a participating ID, just press # | To view the meeting using a smart phone or computer, download the free **ZOOM** app. Type in the **meeting ID 99501390087** or click on <https://zoom.us/j/99501390087>. **Agenda items can also be requested by emailing egil@watchungnj.gov**

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL SPECIAL MEETING AGENDA**

AUGUST 17, 2023- 7:00 P.M.

MAYOR’S STATEMENT: This meeting is being held in compliance with the Open Public Meetings Act. 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 the Special Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough’s website.

**SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN,
SERVING HOME AND ABROAD**

ROLL CALL

Ead [] Dahl [] Fischer [] Marano [] Abi- Habib []

RESOLUTIONS

R1S: Authorizing the Appointment of Council Member to Fill Unexpired Term

Mayor Jubin to Administer Oath of Office

R2S: Authorizing Field and Facility Permit Application for the Use of Gazebo for Wedding Ceremony

DISCUSSIONS

❖ Safety and Security Updates

CORRESPONDENCE:

Acknowledging receipt of the following:

#18: Letter from BOE Interim Superintendent on Shared Services Agreement for the Provision of a School Resource Officer

PUBLIC PORTION

*Individuals commenting are limited to **3 minutes** per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

ADJOURNMENT

The next regular meeting of the Mayor and Council will be Thursday, September 7, 2023 at 7:30 PM.

**BOROUGH OF WATCHUNG
RESOLUTION: R1S**

WHEREAS, a vacancy on the Borough Council was created by the resignation of Freddie Hayeck as a Member of Council, effective August 10, 2023; and

WHEREAS, N.J.S.A. 40A:16-5 et seq. provides for filling municipal vacancies for its unexpired term by appointment of the Governing Body.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung in the County of Somerset, that the appointment of _____ as a Member of the Council to fill an unexpired term ending on December 31, 2023, is hereby confirmed.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: AUGUST 17, 2023
INDEX: APPOINTMENTS
C:

**BOROUGH OF WATCHUNG
RESOLUTION: R2S**

WHEREAS, the Borough has received a Field and Facility Permit application and the Borough's Recreation Coordinator has reviewed the application as submitted and hereby recommends its approval; and

WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize the request to use the Watchung Lake Gazebo.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset that the use of the Watchung Lake Gazebo is hereby authorized for the intended use as noted below:

1. Tori Butchin, use of Watchung Lake Gazebo for a wedding ceremony, from 6 PM to 8 PM, on Friday, September 1, 2023.

Sonia Abi-Habib, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: AUGUST 17, 2023
INDEX: RECREATION
C: LM, PD

BOROUGH OF WATCHUNG



RECREATION COMMISSION

FIELD AND FACILITY PERMIT APPLICATION

Approval of Governing Body Required

Applicant Name: TORI BUTCHINAddress: [REDACTED] WARREN NJ 07059Phone: [REDACTED] Email: [REDACTED]@gmail.comName of Organization, Team, Club, Etc. N/A
☐ Profit Entity
 ☒ Non-Profit Entity
FACILITY USE***Pavilion Rental**

- ☐ Resident
- ☐ Non-Resident / Commercial

FEES

\$50.00 Per Event

\$100.00 Per Event

***☐ Port-A-John Rental**

\$150.00 (Includes Delivery)

***Mobus Field**

- ☐ Sport and Organized Programs
- ☐ Events (Non-Profit) - Resident
- ☐ Events (Non-Profit) - Non-Resident

\$15.00 Per Person/Week

\$50.00 Per Event

\$150.00 Per Event

***Gazebo**

- ☐ Resident
- ☒ Non-Resident

\$50.00 Per Event

\$100.00 Per Event

***Seniors Room**

- ☐ Residents/Non-Profit
- ☐ Profit Organizations

No Charge

\$25.00 Per Hour / \$100.00 Minimum

***☐ Police Security**

\$107/hour per Officer

All Watchung Based Non-Profit Sports Programs, Government or School Based Events and Non-Profit Fund-Raising Events: Free of Charge except as required by the Borough Administrator to cover out-of-pocket costs for any applicable expenses. All fees include removal of bagged garbage and access to electricity, if needed.

Location Requested and Detailed Description of Event: MYSELF, fiancé, 2 witnesses
and officiant will be there 9/1/23 from 6:30 - 7:30 to have
a small wedding ceremony

Dates: 09/01/23 Times: 6:30 - 7:30Rain Date: N/A

BOROUGH OF WATCHUNG**RECREATION COMMISSION****THE FOLLOWING ITEMS MUST BE RECEIVED PRIOR TO AN APPROVAL
OF A FIELD AND FACILITY PERMIT:**

1. Signed Facility/Field Use Policies and Lease Agreement
2. Signed Hold-Harmless Agreement
3. Signed AED and Lightning Detection Form (On Phillip's Field)
4. Insurance Certificate (see checklist for requirements below)
5. Corporate or LLC Acknowledgment (When applicable)
6. A copy of the Rutgers's Certification Card(s) for coaches and assistant coaches.
7. A check made out to the Borough of Watchung when applicable.
8. A complete description of all activities being conducted including the number of participants

The Borough is requesting that all applications are received with **sufficient adequate notice** prior to a Council Meeting for processing. Meetings of the Governing Body are held twice a month. Please check the council meeting calendar online for the schedule. Thank you in advance for your cooperation during this process. Please contact the Clerk's Office or Linda Monetti, Recreation Coordinator (908) 756-0080 Ext. 210 or via lmonetti@watchungnj.gov with any additional questions.

Please Fax To (908) 757-7027 Or Mail To:

Borough of Watchung
Recreation Coordinator
15 Mountain Blvd.
Watchung, NJ 07069

CHECKLIST FOR CERTIFICATE OF INSURANCE

- The "Insured" must read the same on **ALL** forms.
- The Insurance Company must be listed under "Insurer Affording Coverage".
- Type of insurance must be "Commercial or Business Liability". In the event of an individual, a home owner's insurance policy and/or umbrella policy is acceptable.
- The policy number and effective and expiration dates must be listed.
- The event or program must fall within the effective and expiration dates.
- The minimum limit of liability is \$1,000,000 listed next to "Each Occurrence".
- Under "Description of Operations" The Borough of Watchung should be listed as additionally insured with respect to the event or program and the date(s).
- The event or program and dates must also be listed.
- The "Certificate Holder" should show "The Borough of Watchung 15 Mountain Blvd., Watchung, NJ 07069".

BOROUGH OF WATCHUNG**RECREATION COMMISSION****FIELD AND FACILITY PERMIT APPLICATION
USE POLICIES AND LEASE AGREEMENT****General Information**

To rent a facility or field, community organizations are required to complete a rental application and pay the appropriate fee (if applicable). No "Sub-leasing" of any kind from one sports group to another is permitted. All dates, times and fields must be approved by the Borough.

The Borough reserves the right to consider all rental requests and allocate rental time based on the number of requests and overall time requested. The Borough reserves the right to disapprove permits if it is determined that fields are deteriorating because of overuse.

Community members must be 21 years of age to sign a Field Use agreement or rent a field or facility. All applicants are required to provide one adult chaperone for each group of 10 youth in attendance under the age of 21 for all planned activities.

The Borough reserves the right to require the renter to provide police security, porta-johns and other requirements, as the specific situation may dictate.

All fees are to be paid in full two weeks prior to an approval unless other arrangements have been made with the Recreation Coordinator.

The Borough reserves the right to cancel practices/games due to weather conditions and/or field conditions.

Failure to abide by this policy can result in cancellation of your rental agreement.

Renter Responsibilities

Applicants requesting use of Watchung fields or facilities must observe the following guidelines and requirements:

1. The renter must leave the area, facility or equipment in a clean and orderly condition. All trash must be properly disposed.
2. **Prohibited Items:** Beer, wine, alcoholic beverages, firearms, tobacco and illegal drugs.
3. **Liability:** The Watchung Recreation Commission and the Borough of Watchung assume no liability for the renter's use of the equipment, field or facility. The applicant shall hold the Borough harmless from any claim or liability arising out of any activity or conduct of the renter while using the equipment, field or facility in question. Applicants are required to supply general liability insurance that covers the Borough with limits of \$1,000,000.00 combined single limit with an aggregate of \$2,000,000.00. A certificate of insurance, must be filed with the Borough at least 5 (five) days prior to the use of the Boroughs field or facility.
4. **Governmental Boards and Agencies:** Facilities are available at no charge to official government boards and agencies for events in the public interest when not otherwise in conflict with this policy.

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RECREATION COMMISSION

5. **Damages/ Security:** An additional security deposit may be required for certain types of activities for the purpose of additional cleaning, security, and/or other costs of the Borough caused by the use. Any and all damages to the facilities, equipment, and other Borough property, while being used by the renter, will be the responsibility of the renter and payable in full to the Borough of Watchung. Payment will include the costs of all labor, materials, and supplies to repair or replace the damage to facilities. The Recreation Commission reserves the right to decline renting to patrons who have incurred damages to Borough property in previous rentals.
6. **Policy of Non-Discrimination:** The Borough of Watchung facilities are available on a non-discriminatory basis. Appropriate activities need to accommodate individuals regardless of age, sex, race, color, religion, national origin, physical or mental disabilities, or marital status. The Borough of Watchung does not discriminate based on disability in admission, access, treatment or employment in its programs or activities.
7. **ADA Statement:** Although specific programs for persons with disabilities are limited, the Borough of Watchung is committed to providing equal access to programs and facilities for these individuals. Reasonable accommodation and support can be requested to provide access to desired programs and activities. Requests should be made at least 10 (ten) days in advance. In addition, where a need is demonstrated and resources are available every reasonable effort will be made to establish specific programs for persons with disabilities.

The individual signing this lease agreement is responsible for ensuring that all policies included in this agreement are followed. The individual signing this agreement hereby represents that he/she is authorized to sign on behalf of the entity/organization. The representative should notify us immediately if there are any maintenance or safety issues or damage to the fields that need to be addressed. Please sign below to confirm that you have received a copy of the Facility/Field Use Policy and Lease Agreement and agree to abide by these policies.

TORI Butchin

Print Name

08/14/23

Date

Signature

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RECREATION COMMISSION

HOLD-HARMLESS AGREEMENT

1. "I / WE" "ME / MY / OUR" shall mean one of the following:

- a. AN INDIVIDUAL: Name: TORI BUTCHIN OR
b. ORGANIZATION: Name: _____ OR
c. CORPORATION or LLC: Name: _____

2. "YOU/YOUR/YOURSELF" shall mean the municipal corporation known as the **Borough of Watchung** and the **Borough of Watchung Recreation Commission**, its public officials, members, agents, servants, employees, or contractors.

3. **General Information: Per Field and Facility Permit Application Attached**

4. I sign this Hold-Harmless as MY voluntary act and by this act agree to hold YOU harmless and indemnify YOU from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of any organization, corporation, guest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity I will be holding as described in the Field and Facility Permit Application, on the date(s) listed.

5. I state that the activity listed in the Field and Facility Permit Application will not include the consumption of alcoholic beverages, but should any person described in Paragraph 4 consume alcohol or allow or permit others to consume alcohol then I agree to be bound by the terms of paragraph 6 below.

6. I state that the activity listed in the Field and Facility Permit Application will include the consumption of alcoholic beverages, if previously approved by the Borough, and that because of such consumption I have the following additional duties to perform for YOU related to the use of the site listed above:

- a. That I am solely responsible for the dispensing and consuming of alcohol, including the prudent and responsible dispensing and consuming of alcohol by all persons involved in the activity described above, including but not limited to those persons described in paragraph 4 above; (b) to acknowledge by the signing of this Hold-Harmless that you have no authority, control, or participation in the dispensing or consuming of alcohol on the site and date listed above and that I will take no step(s), action(s), or measure(s) to convey the idea that YOU in any way have promoted, assisted, or participated in the dispensing and consuming of alcoholic beverages on the site and date listed above; (c) that I will not allow persons under the age of 21 to dispense or consume alcohol at the site during the activity to be held on your

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property;(d) to comply with all municipal Ordinances relating to the consumption of alcoholic beverages, including but not limited to obtaining any necessary permits.

7. I also shall provide you with a Certificate of Insurance and that I shall provide same as soon as practicable and not less than 5 (five) business days before the date of the planned activity. Said Insurance shall be written with a company maintaining a rating of at least "A-" according to A.M. Bests. Said policy shall be in an amount of not less than one million dollars (\$1,000,000) per occurrence (\$3,000,000 per occurrence if liquor is being served or consumed). It is understood YOU will be listed as an additional insured on that policy and Certificate of Insurance. If I, as an Individual, am holding a private, personal event, I shall provide YOU with a copy of My Homeowners or Condo or Renters or Personal Excess Liability policy declarations page with personal liability coverage of not less than one million dollars (\$1,000,000) each occurrence.
8. (Applicable to Corporation/Entities/Organizations Only) I also agree that I am obligated to reimburse YOU for all reasonable attorney's fees incurred by YOU to enforce the terms of this Hold-Harmless or to defend YOURSELF against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by ME or at MY sole cost and expense pursuant to this Hold-harmless.

9. LEGAL SIGNATURES:

Signature on behalf of "I/WE/ME/MY/OUR":

Individual TORI BUCHHEIN Date: 09/14/23
 on behalf of _____
 Organization or Corporation or LLC or other entity

And

(IF REPRESENTING AN ORGANIZATION, CORPORATION, LLC, ETC.)

I hereby certify that I am an Authorized Agent of this Organization and fully qualified to sign this Hold-Harmless Agreement on behalf of said Organization.

Print Name and Title: _____ Date: _____

Signature: _____

BOROUGH OF WATCHUNG RECREATION COMMISSION



PANDEMIC ACKNOWLEDGMENT AND WAIVER OF LIABILITY FIELD AND FACILITY PERMIT APPLICATION

Background and Purpose

The Borough of Watchung and the Borough of Watchung Recreation Commission (hereinafter jointly and separately referred to herein as the "Borough of Watchung") offer use of its fields, parks and facilities to the public for a variety of indoor and outdoor physical, social and educational programs and activities, including competitive and non-competitive sports and sporting events, organized leagues, day camps, games, and instructional/training programs and camps (collectively referred to hereinafter as the "Field and Facility Use"). The Borough of Watchung fields, parks and facilities are public and semi-public places that are accessible to large numbers of people on a daily basis.

Due to the ongoing COVID-19 pandemic, and until further notice, any individual or entity wishing to rent or otherwise utilize the fields, parks and facilities of the Borough of Watchung (the "Applicant") is required to complete, sign and return this PANDEMIC ACKNOWLEDGEMENT AND WAIVER OF LIABILITY. It shall be the sole responsibility of the Applicant for use of the Borough field, park and/or facility for any Field and Facility Use to obtain the required insurance policies as set forth in the Field and Facility Permit Application. Permission to access/rent any Borough of Watchung field, park or facility for a Field and Facility Use is expressly conditioned on such individual or entity completing this Pandemic Acknowledgment and Waiver of Liability. The individual or entity shall not permit any individual's participation or attendance in the Field and Facility Use without being included in this Pandemic Acknowledgement and Waiver of Liability.

Acknowledgement and Waiver

"I / WE" "ME / MY / OUR" shall mean one of the following:

- a. AN INDIVIDUAL: Name: JORI BURKHIN **OR**
- b. ORGANIZATION: Name: _____ **OR**
- c. CORPORATION or LLC: Name: _____

I/WE acknowledge and agree that I/WE have been provided with, read and fully understand: (i) the Center for Disease Control's ("CDC") and the New Jersey Department of Health's ("NJDOH") information and guidelines for preventing/protecting against, and recognizing the signs and symptoms of, infection for SARS-CoV-2 (the virus that causes COVID-19) and the related illnesses and medical conditions called COVID-19 and Multisystem Inflammatory Syndrome in Children ("MIS-C") (collectively the "PANDEMIC ILLNESSES"); and the Borough of Watchung "COVID-19 Operational Plan."

I/WE further acknowledge that the Pandemic Illnesses: (1) are highly contagious and may cause serious permanent bodily injury, including death, of healthy persons of all ages; (2) are subject to changing recommendations on limiting risk of exposure and spread; (3) remain prevalent throughout New Jersey; (4) are highly likely to spread to persons

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in direct contact with or in close proximity to (within about 6 feet) an infected person; (5) believed by the CDC/NJDOH to spread by droplets produced into the air when an infected person coughs, sneezes, talks or otherwise moves air out through their nose and mouth, and from touching surfaces on which droplets containing the virus exist.

I/WE further acknowledge that attending or participating in any Facility and Field Use on a Borough field, park or facility poses an inherent and heightened risk of exposure, infection and bodily injury from the PANDEMIC ILLNESSES regardless of preventative measures taken by the Borough of Watchung.

I/WE acknowledge and agree to voluntarily assume all risks that I/WE, and our participant(s) may be exposed to or infected by these PANDEMIC ILLNESSES by attending or participating in any Facility and Field Use; and that such exposure or infection may result in personal injury, illness, permanent disability, and death. I/WE understand that the risk of becoming exposed to or infected by these PANDEMIC ILLNESSES at a Borough of Watchung field, park or facility may result from the actions, omissions or negligence of myself and others, including, but not limited to the Borough of Watchung's officials, officers, employees, and volunteers; and other participants/attendees of the Facility and Field Use.

I/WE, on behalf of ourselves, and our participant(s) the Facility and Field Use, voluntarily agree to assume all of the foregoing risks, and do accept sole and complete responsibility for any and all injuries, damage(s) and other losses, including for all bodily injuries, disabilities, permanent disabilities, deaths, illnesses, damages, losses, claims, demands, liabilities, medical treatment and expenses, attorney fees, costs of suit and/or expenses of any kind that is incurred in connection with attending or participating in any Facility and Field Use at a Borough of Watchung field, park or facility.

I/WE, on behalf of myself/ourselves, and the Facility and Field Use participant(s), HEREBY RELEASE, COVENANT NOT TO SUE, DISCHARGE, WAIVE AND HOLD HARMLESS THE BOROUGH OF WATCHUNG, THE BOROUGH OF WATCHUNG RECREATION COMMISSION, AND EACH OF THE BOROUGH OF WATCHUNG'S OFFICIALS, OFFICERS, EMPLOYEES AGENTS, VOLUNTEERS AND REPRESENTATIVES FOR AND FROM ANY AND ALL CLAIMS, DAMAGES, DEMANDS, LOSSES, LIABILITIES, ACTIONS, COSTS AND EXPENSES OF ANY KIND ARISING OUT OF OR IN ANY WAY RELATING TO THE ACCIDENTAL AND/OR NEGLIGENT EXPOSURE TO THESE PANDEMIC ILLNESSES FROM ATTENDING OR PARTICIPATING IN ANY FACILITY AND FIELD USE AT A BOROUGH OF WATCHUNG FIELD, PARK OR FACILITY.

By signing this agreement, I/WE further acknowledge that I/WE have read and discussed with the FACILITY AND FIELD USE PARTICIPANT(S) the provisions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY and the dangers and risks associated with attending and/or participating in any Facility and Field Use at a Borough of Watchung field, park or facility; the PARTICIPANT(S) fully understand(s) and appreciate(s) these dangers and risks;

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and the PARTICIPANT(S) voluntarily wishes to participate and otherwise attend the Facility and Field Use at a Borough of Watchung field, park or facility.

This ACKNOWLEDGMENT AND WAIVER OF LIABILITY does not supersede, circumvent, or cancel Borough of Watchung Recreation Department's Main Participation Agreement or Rules and Regulations.

If any part of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY is found by a court of competent jurisdiction to be invalid, the remainder of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY shall nevertheless remain in full force and effect and the offending provision or provisions severed here from.

I/WE, have read and accept the terms and conditions of this ACKNOWLEDGMENT AND WAIVER OF LIABILITY, and acknowledge and agree that it shall, to the fullest extent allowed by law, be effective upon me and the PARTICIPANT(S) of the Facility and Field Use at a Borough of Watchung field, park or facility.

Authorized Signature

08/14/23

Date

Name of Organization, Corporation or other Entity

DRAFT