

RESOLUTION

WHEREAS, the number of deer living in the Borough of Watchung have contributed to motor vehicle collisions, damage to the environment and landscaping, and the threat of Lyme disease; and

WHEREAS, the Mayor and Council of the Borough of Watchung, in an effort to determine the severity of the problem in 2006, conducted an aerial survey which determined the presence of an estimated 270 deer within the Borough's boundaries, and in 2017 conducted another aerial survey which determined an estimated 165 deer, a decrease from the previous survey; and

WHEREAS, in an effort to continue to monitor the deer population authorized two studies, one by Raritan Valley Community College's Center for Environmental Studies who utilized a roadside spotlight survey and infrared drone techniques; and a second study by a consulting company recommended by Watchung residents, Steward Green LLC who utilized sUAS Infrared technology, both reports resulting the determination that the current deer density is beyond the threshold of carrying capacity; and

WHEREAS, in an effort to monitor and maintain a balance of the deer population and gain oversight and monitoring of any other wildlife problems, the Mayor and Council of the Borough of Watchung established a Wildlife Management Advisory Committee on September 23, 2004, whose duties were to perform a periodic survey, review and estimate of wildlife populations and among other duties, make recommendations regarding the use of culling within the Borough; and

WHEREAS, the Mayor and Council of the Borough of Watchung have determined it necessary to continue to take prudent steps to minimize the danger and damage caused by the number of deer in the Borough and wish to proceed with a controlled hunt in 2019-2020 working with Warren Blue Ridge Sportsmen, Inc.; and

WHEREAS, the NJ Division of Fish and Wildlife continue to advise that hunting regulations have been expanded sufficiently to allow local governing bodies the latitude necessary to conduct a local management program and continue to discourage submission of an application for a State permit; and

WHEREAS, the Mayor and Council of the Borough of Watchung wish to proceed with a controlled hunt and have prepared a Borough Deer Management Program modeled on the State Division program used over the last fifteen (15) years; and

WHEREAS, the Mayor and Council of the Borough of Watchung have adopted Ordinance OR:10/19 establishing a Borough Deer Management Program which requires adoption by resolution of rules and regulations for deer culling; and

WHEREAS, the Mayor and Council of the Borough of Watchung desire to grant permission to utilize Borough-owned properties and private properties that have authorized their use that fit the required criteria as part of a 2019/2020 Borough Deer Management Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that they do herewith adopt the attached rules and regulations for the culling of deer in the Borough, subject to all rules, regulations and specifics of the New Jersey Division of Fish and Wildlife; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that authorization is hereby granted to utilize Borough-owned property as part of the 2019/2020 Borough Deer Management Plan, which shall be conducted by the Warren Blue Ridge Sportsmen, Inc.

Date: September 19, 2019

INDEX: Misc.

C: J. Damato, Administrator

Council

Keith S. Balla, Mayor

DRAFT

WATCHUNG BOROUGH DEER MANAGEMENT PROGRAM

RULES and REGULATIONS

A contract will be awarded annually to an Agent chosen by the Borough which will require submission of a list providing each hunting participant's name, address, date of birth and specific firearms hunting license information, as well as a certificate of insurance in an amount not less than \$1,000,000., naming the Borough as additional insured. Hunter participant information shall be provided in a sufficient time to permit verification of acceptability upon advisement by the NJ Division of Fish and Wildlife.

Written Permission will be requested from property owners for approval to utilize proposed culling sites, with all signed permission slips maintained in the office of the Borough Administrator or designee. The property owners participating in a management plan shall be notified in writing by the Municipal Clerk of the Borough of Watchung that their participation in the management plan may become a government record subject to disclosure pursuant to the Open Public Records Act.

The Agent will provide, prior to the use of any property in the Borough, a Certificate of Insurance to the Borough of Watchung and each property owner a Certificate of Insurance naming each as an additional insured.

Culling sites will be staffed by one (1) hunter per 450' site who will utilize a temporary tree stand approximately twenty (20') feet above ground level.

Baiting will begin at each of the proposed sites and will continue for a short period of time to allow the deer to become familiar with the site. Culling will be conducted during daylight hours (one-half hour before sunrise to one-half hour after sunset) Monday through Friday and all applicable regulations of the NJ Division of Fish and Wildlife will be adhered to.

Only shotguns with rifled slugs and muzzle loaders will be used. No bow hunting will be permitted.

All shooting will be from temporary tree stands, and over bait. All shooting will be at a downward angle toward the ground. Agents will be required to wear hunter orange, including orange headgear.

Media will be utilized to notify the public of the program. The Borough's public education and governmental channel will be utilized by providing a written scroll notifying residents of the program. The Borough's radio station, 1610 AM, will be utilized to alert motorists of the areas where deer culling is occurring. Local newspapers will be notified of the program and requested to write articles about the program. A specific Legal Notice of the program will be placed in area newspapers including the Star Ledger, Courier News, and the Echoes-Sentinel. The Borough's web site will contain information describing the program in advance and during the hunt with dates of the culling and general vicinity. The same information shall be posted on the Watchung Facebook page.

Specific written notice of the program and the scheduled commencement will be delivered to residents adjacent to the proposed baiting and culling sites at least two (2) weeks prior to the program's commencement. All notices will include the Borough's telephone number, which will have a dedicated menu for information regarding the program.

Specific letters will be delivered to the property owner's whose property is utilized as a site at least forty-eight (48) hours prior to the specific site being utilized.

The Borough's Agents will advise the Administrator and the Office of the Chief of Police of the days they will be present in the Borough for culling purposes a minimum of two days prior to their appearance.

Culling will take place at the proposed sites beyond a four hundred and fifty (450') foot boundary from potentially occupied structures. The Borough's Agents will verify the specific distance to a potentially occupied structure prior to establishing the location for the temporary tree stand. When a structure falls within the four hundred and fifty-foot (450') mark, written permission from the property owner will be obtained. Where necessary, access points to these sites will be closed while the culling is taking place. Adjacent property owners will be notified in writing with specific dates and times two (2) weeks prior to the program's commencement.

*Culled deer will be eviscerated off site at a location designated by the Borough Administrator and all waste will be removed from that site and disposed of properly. The Borough's Agents will **transport** each culled deer to a state-approved checking station and mark each deer with Division of Fish and Wildlife tags. A **weekly report** will be filed with the Borough Administrator advising of the number of deer culled, the gender of the deer and fetuses carried. A **final report** will be filed with the Borough Administrator holding a summary of deer culled and the locations where taken, following the close of the program.*

*Culling will take place for a **maximum** period of 12 weeks. The 2019-2020 Borough Deer Management Program will begin on November (), 2019 and end on February (), 2020.*

I hereby agree to follow and conform with all Rules and Regulations set forth by the Watchung Borough Deer Management Program, as authorized and adopted by the Mayor and Council on _____ by Resolution.

Date: _____

Signature of Authorized Agent

Attest:

Borough Clerk

Keith S. Balla, Mayor

RESOLUTION

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: FireFighter One, 34 Wilson Drive, Sparta, NJ 07871

Item: FD- Equipment

Total Price: \$2,399.16

Charged to: 9-01-185-271

Vendor: Communications Specialists, 11c Hart Lane, East Brunswick, NJ 08816

Item: PD – Yearly Radio Contract

Total Price: \$9,844.80

Charged to: 9-01-190-268

Vendor: Finne Building & Investment, 180 Oakwood Road West, Watchung, NJ 07069

Item: Bldg & Grounds – Road Repairs (Fox Chase)

Total Price: \$23,000.00

Charged to: 9-01-205-243

Vendor: Fun Services, 9 Kulick Road, Fairfield, NJ 07004

Item: Rec – Harvest Festival Activities

Total Price: \$6,620.00

Charged to: T-93-100-40

Vendor: John's Painting Contractor, LL, 76 Crest Drive, Basking Ridge, NJ 07920

Item: Painting of Library

Total Price: \$13,400.00

Charged to: 9-01-155-273

Council

Keith S. Balla, Mayor

Date: September 19, 2019

INDEX: Purchases

C: BH

RESOLUTION

WHEREAS, the annual Rescue Squad Tree of Lights Celebration will be held on December 7, 2019 with a rain date of December 8, 2019, and permission has been requested to include a Fireworks Display; and

WHEREAS, the fireworks display will be sponsored by the Watchung Rescue Squad; and

WHEREAS, the Watchung Rescue Squad has asked that the Mayor and Council waive the section of the Borough Code prohibiting the discharge of fireworks for this event, as set forth in Chapter 6-2.11 of the Code of the Borough of Watchung; and

WHEREAS, the Rescue Squad has filed a Firework Permit Application with the Borough Fire Official and upon the fire Official's recommendation the Mayor and Council hereby authorize the waiver of the Firework Permit Fee of \$427.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the prohibition of the discharge of fireworks is hereby waived for the annual Tree of Lights celebration scheduled for December 7, 2019 (rain date December 8, 2019).

Council

Keith S. Balla, Mayor

Date: September 19, 2019
INDEX: Misc./Borough Prop.
C: Chief Cina
Fire Inspector Czuba
Rescue Squad

RESOLUTION

WHEREAS, due to a conflict of interest of the Borough Attorney, there is a need to appoint a Special Counsel to represent for the Borough of Watchung regarding a Civil Action Summons filed by RETS Partners, LLC; and

WHEREAS, a proposal (copy attached) dated September 10, 2019 to represent the Borough and the Watchung Board of Adjustment in this matter was submitted to the Borough Administrator by Steven K. Warner from the firm of Ventura, Miesowitz, Keough & Warner; and Borough Administrator recommends the award of a contract to Steven K. Warner from the firm of Ventura, Miesowitz, Keough & Warner; and

WHEREAS, the Chief Financial Officer of the Borough of Watchung has certified that funds are available in the following account:

General Municipal Budget

William J. Hance, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, that the Mayor and Clerk are hereby authorized and directed to execute a contract for professional services to Steven K. Warner, Ventura, Miesowitz, Keough & Warner; 783 Springfield Avenue, Summit, New Jersey 07901, at an hourly rate of \$165.00, total amount not to exceed \$25,000.00, effective immediately.

BE IT FURTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* but has been awarded based on the merit and ability of Steven K. Warner, Esq. to provide the services described herein. As herewith attached, Steven K. Warner, Esq. and Ventura, Miesowitz, Keough & Warner attests that their subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any State, county or municipal committee of a political party; any legislative leadership committee; any continuing political committee; any candidate committee of a candidate for, or holder of, an elective office, when the contract is awarded.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise the award of this contract within ten days from the date hereof in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*).

Council

Keith S. Balla, Mayor

Date: September 19, 2019

Index: Awards - Professional Contracts

C: W. Hance, D. Cronheim, S. Warner

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
SUBURBAN MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Watchung is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2019 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Governing Body of the Borough of Watchung desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Watchung agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof a presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Attest:

Council

Michelle DeRocco, Clerk

Keith S. Balla, Mayor

Date: September 19, 2019

Index: Fin. Misc.

C: C. Kiernan, Executive Director, PERMA Risk Management Services

C. Sutherland, H. Cramer, Risk Management Consultants

I, Michelle DeRocco, Municipal Clerk of the Borough of Watchung, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a correct and true copy of a Resolution unanimously adopted by the Mayor and Council at a meeting held on September 19, 2019.

Michelle DeRocco, RMC

RESOLUTION

WHEREAS, the New Jersey State League of Municipalities will hold its 104th annual League Conference in Atlantic City on November 19th, 20th, and 21st, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough Watchung that the Borough Treasurer be authorized to pay per diem expenses of \$50.00, per diem payment per person not to exceed \$150.00, upon presentation of proof of attendance, to elected and appointed Officials and Department Heads.

DRAFT

Council

Keith S. Balla, Mayor

Date: September 19, 2019
INDEX: Finance Misc.
c: W. Hance

RESOLUTION

R7:09/19/19

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments" and "Recommendations" and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments" and "Recommendations" as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52-27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Watchung, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council

Date: September 19, 2019
Index: Finance Misc.
c: W. Hance

Keith S. Balla, Mayor

I hereby certify the foregoing to be a true copy of a resolution adopted at a meeting of the Governing Body on September 19, 2019.

Michelle DeRocco, RMC

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that the Borough Treasurer be, and is hereby directed to pay bills in the amount of \$5,005,615.90 per the attached bill list. The expenditures can be broken down into the following categories:

Affordable Housing Trust	\$	243.75
Animal Control	\$	7.80
Assessment Trust Fund	\$	-
Capital Fund	\$	31,043.38
Developer's Escrow	\$	49,784.76
Other Escrow	\$	99,817.50
Watchung Board of Education Taxes	\$	-
Watchung Hills Regional High School Taxes	\$	-
Somerset County Taxes	\$	1,497,712.32
Somerset County Library Tax	\$	216,859.27
Somerset County Open Space Tax	\$	138,131.10
Current Fund	\$	2,952,802.59
Grant Fund	\$	11,050.23
Watchung Community Foundation	\$	6,163.20
Total Expenditures:	\$	5,005,615.90

Lindsay Goodloe

Daryl Eisenberg-Knegten

Stephen Black

William F. Nehls

Robert Gibbs

George Sopko

William J. Hance, CFO

Keith Balla, Mayor

James Damato, Administrator

Date: September 19, 2019
Index: Finance
c: Finance

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b)(1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action on the closed session of the Special Meeting held on September 19, 2019.
2. The general nature of the subject matter to be discussed is as follows:

Executive Session: Property Acquisition
Personnel

3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Borough Council may take official action on those items discussed in Executive Session upon completion of the executive session.
5. This resolution shall take effect immediately.

Council

Keith S. Balla, Mayor

Date: September 19, 2019
Index: Misc.