

**CONSENT AGENDA
ORDINANCES
AND
RESOLUTIONS**

R1:10/03/19

RESOLUTION

"Thanking Andrea Meyer for her years of Service"

NOTE:

RESOLUTION IN PROCESS

DRAFT

Council

Keith S. Balla, Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the appointment of **Benjamin Nir** as a probationary Police Officer at an annual salary of \$50,000.00 effective October 15, 2019, be and is hereby confirmed.

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019

INDEX: Appointments, Police

C: J. Cina
B. Hance
E. Horsfall

RESOLUTION

WHEREAS, due to the recent finding of EEE mosquitos (Eastern Equine Encephalitis) in the neighboring town of Berkley Heights, the Borough of Watchung hereby authorizes the Somerset County Mosquito Control to perform aerial applications of pesticides for mosquito control in the Borough of Watchung; and

WHEREAS, the Mayor and Council are first and foremost concerned with the health and safety of our residents and know that this proactive step is necessary to minimize exposure; and

WHEREAS, Somerset County will take the appropriate steps to notify our residents through notices to the Press and also be available to answer questions and concerns from residents

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to sign the attached agreement with Somerset County to allow for the application of Aerial Mosquito Control, as deemed necessary.

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019
C: Police, Public Works, Bd of Health
Index: Misc., Bd. Of Health.

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: Claris, 5201 Patrick Henry Drive, Santa Clara, CA 95054
Item: PD- Filemaker Software Renewal
Total Price: \$2,430.00
Charged to: 9-01-190-273

Vendor: Finne Building & Investment, 180 Oakwood Road West, Watchung, NJ 07069
Item: Bldg & Grounds - Washington Drive Culvert Repairs
Total Price: \$2,500.00
Charged to: 9-01-205-243

Vendor: Grove Lock & Safe Co. 8 Grove Street Plainfield, NJ 07060
Item: PD - Electronic Lock System
Total Price: \$38,694.00
Charged to: C-02-604-A16 - \$23,500.77
C-02-604-A15 - \$4,284.68
C-02-417-A15 - \$10,908.55

Vendor: Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ 08053
Item: Bldg & Grounds - Tractor Repairs
Total Price: \$9,151.08
Charged to: 9-01-205-246

Vendor: All Hands Fire Equipment, LLC, P.O Box 1245, Wall, NJ 07719
Item: FD - Firefighting Gear
Total Price: \$2,092.47
Charged to: 9-01-185-281

Vendor: Witmer Public Safety Group, 104 Independence Way, Coatesville, PA 19320
Item: FD - Hoses, Nozzles, Etc.
Total Price: \$8,980.66
Charged to: C-02-915-A12

Vendor: NJ Fire Equipment Co., 119-131 Route 22 East
Item: FD - Breathing Apparatus
State Contract #17-Fleet 08819
Total Price: \$2,250.00
Charged to: C-02-915-A12

Vendor: First Battalion Firefighting, 495 No. Bridge Street, Bridgewater, NJ 08807
Item: FD – Hoses, Nozzles, Etc.
Total Price: \$6,391.76
Charged to: C-02-915-A12

Vendor: Mid-Atlantic Rescue Systems, 11 Byte Court, Suite A, Frederick, MD 21702
Item: FD- Gear
Total Price: \$2,118.23
Charged to: 9-01-185-231

Vendor: Tilcon New York, Inc. 9 Entin Road, Parsippany, NJ 07054
Item: 2019 Road Improvements
Morris County Co-Op / Contract #6
Total Price: \$985,004.02
Charged to: C-02-915-A11

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019
INDEX: Purchases
C: BH

R E S O L U T I O N

WHEREAS, the Administrator has recommended the issuance of a purchase order to Sparta Discount Tire, Inc., 150 Woodport Road, Sparta, NJ 07871; and

WHEREAS, Chapter 2-25.10 of the Code of the Borough of Watchung provides that "Any purchase order or contract within the purview of the chapter in which any officer or employee of the Borough is financially interested, directly or indirectly, shall be void except that...the Council shall have the authority to waive, by resolution, compliance with this section when it finds such action to be in the best interest of the Borough."; and

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 by the Mayor and Council of the Borough of Watchung, that it finds it in the best interest of the Borough to waive compliance with Section 2-25.10 and authorizes the Purchasing Agent to issue the following:

<u>PO#</u>	<u>Vendor</u>	<u>Amount</u>
PO# 19-00033	Sparta Discount Tire, Inc.	\$3,031.60

Council

Keith S. Balla, Mayor

Date: October 3, 2019

INDEX: Purchasing

c: W. Hance
Chief Cina

RESOLUTION

WHEREAS, it is necessary to retain the services of the Professional listed below for the year 2019; and

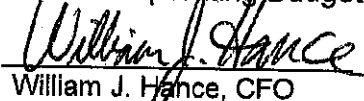
WHEREAS, N.J.S.A. 19:44A-20.4 et seq. provides for the Borough to solicit proposals through the fair and open process; and

WHEREAS, the Borough received solicited proposals on December 6, 2018 and said proposals were reviewed by the Administrative and Finance Committee and recommended for award; and

WHEREAS, the Chief Finance Officer has determined that the value of the contracts may exceed \$17,500.00; and

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

General Operating Budget


William J. Hance, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Mayor and Borough Clerk are hereby authorized and directed to execute individual contracts for the services of the following Professionals in their area(s) of expertise, in accordance with the proposals submitted:

Award to: Maser Consulting, Borough Engineer
Amount: Not to exceed \$450,000.

BE IT FURTHER RESOLVED that these contracts have been awarded upon recommendation by the Administrative and Finance Committee, after review and based on the merits and abilities of these professionals to provide the goods or services as described herein. These contracts are being awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq.

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

Date: October 3, 2019
Index: Awards - Professional Contracts
C: W. Hance

Council

Keith S. Balla, Mayor

RESOLUTION

WHEREAS, at the request of many residents, parents, and the Watchung Police Department, the Police Committee considered the implementation of a curfew for October 30, 2019, also known as "mischief night, in addition to a consideration to limit "trick or treating" on Halloween night, October 31, 2019; and

WHEREAS, after discussion it was the consensus of the Committee and the Chief of Police to recommend to the Governing Body the implementation of both a curfew and limit on "trick or treating" hours.

THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize and direct the Watchung Police Department to implement a Borough-wide curfew on October 30, 2019 and require all juveniles to be off the Borough's streets by 9:00 PM, unless accompanied by an adult; and

BE IT FURTHER RESOLVED, that on Halloween, October 31, 2019 Borough-wide "trick or treating" will be allowed up until 9:00 PM.

Date: 10/3/19
Index: Misc., Police
c: J. Cina

Council

Keith S. Balla, Mayor

RESOLUTION

WHEREAS, at a regular meeting of the Mayor and Council of the Borough of Watchung held on September 19, 2019, the Governing Body discussed a request from the Watchung Volunteer Fire Department to use a store-purchased fire pit at the scheduled pig roast to be held at the Firemen's Exempt Hall on October 26, 2019 for the purpose of roasting s'mores; and

BE IT RESOLVED that the fire shall be extinguished at the conclusion of the cooking; and

BE IT FURTHER RESOLVED, after discussion it was the consensus of the Council to approve this request, pending the Fire Official's approval of a Borough Fire Permit and the Fire Official's review and approval of a Recreational Fire Permit as required by the New Jersey Department of Environmental Protection's Forest Fire Service.

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019

Index: Fire Co.

C: J. Cina, Police Chief

C. Pivnichney, Fire Chief

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough Watchung
that the Borough Clerk is hereby authorized to advertise for bids for
"Road and Drainage Improvements – Glen Eagles Drive, Wildwood Terrace,
and the north portion of Carrar Drive (2019 New Jersey DOT Grant)"

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019

INDEX: Finance Misc.
Bids
Roads

c: M. DeRocco
W. Hance
T. Herits

RESOLUTION

WHEREAS, TEXIMA LLC has made application to the Borough of Watchung, Somerset County for a Charitable Bin Permit as required in Section 11-8 of the Code of the Borough; and

WHEREAS, the Borough Clerk has certified that all requirements set forth in Borough Ordinance OR:09/04 have been met and all fees have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Clerk be instructed to issue Charitable Bin Permits as follows:

NAME & ADDRESS OF ORGANIZATION

Texima LLC
5 Triangle Boulevard,
Carlstadt, NJ 07072

LOCATION OF BINS

4 Bins – Blue Star Shopping Center
(parking lot)

2 Bins – BJ's parking lot

Council

Mayor

Date: October 3, 2019

INDEX: Licenses

C: MAH

A RESOLUTION OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MEMORIALIZING APPROVAL FOR THE MOMS CLUB OF WARREN, WATCHUNG & GREEN BROOK TO INSTALL A LITTLE FREE LIBRARY AT MOBUS FIELD

WHEREAS, on September 19, 2019, the MOMS Club of Warren, Watchung & Green Brook appeared before the Borough of Watchung Council seeking approval to install a Little Free Library at Mobus Field as described in the attached letter authored by Lindsay Bateman, dated September 16, 2019; and

WHEREAS, MOMS Club is an acronym for Moms Offering Moms Support and has national and international chapters; and

WHEREAS, MOMS Club of Warren, Watchung & Green Brook performs at least one service project each year and selected the Borough for the Little Free Library as the 2019 service project; and

WHEREAS, on September 19, 2019, the Borough Mayor and Council approved placing the Little Free Library at Mobus Field at a location to be selected by MOMS and approved by the Borough Engineer and certain other conditions; namely, (1) that after installation at Mobus Field, that MOMS would continue to own the Little Free Library box and post; (2) that MOMS would continue to stock, maintain and repair the box; (3) that MOMS would provide liability insurance for the box and annually provide the Borough with a Certificate of Liability Insurance identifying the box as insured and the Borough of Watchung as an added insured; (4) that the location of the box would be approved by the Borough Engineer and (5) that MOMS would obtain any permit that may be required to install the box.

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

1. That the request of the MOMS Club of Warren, Watchung & Green Brook granted on September 19, 2019 is hereby ratified and confirmed.
2. That the MOMS Club of Warren, Watchung & Green Brook by installing the Little Free Library at Mobus Field agrees to the conditions contained in this Resolution as described in the fourth WHEREAS clause above.
3. That the Little Free Library box to be installed will be the one described in the MOMS Club of Warren, Watchung & Green Brook letter, dated September 16, 2019.
4. That a copy of this Resolution be mailed to Lindsay Bateman, c/o MOMS Club, P.O. Box 4541, Warren, New Jersey 07059.
5. That this Resolution shall take effect immediately.

Date: October 3, 2019
 Index: Borough Properties, Misc.
 C: Public Works
 Mom's Club

 Council

 Keith S. Balla, Mayor

**NON- CONSENT AGENDA
ORDINANCES
AND
RESOLUTIONS**

RESOLUTION

WHEREAS, the Administrator has recommended the issuance of a purchase order to Gray's Florist & Greenhouse, 1590 Route 22 East, Watchung, NJ; and

WHEREAS, Chapter 2-25.10 of the Code of the Borough of Watchung provides that "Any purchase order or contract within the purview of the chapter in which any officer or employee of the Borough is financially interested, directly or indirectly, shall be void except that...the Council shall have the authority to waive, by resolution, compliance with this section when it finds such action to be in the best interest of the Borough."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, that it finds it in the best interest of the Borough to waive compliance with Chapter 2-25.10 and authorizes the Purchasing Agent to issue a purchase order to Gray's Florist & Greenhouse as follows:

PO # 19-00849 / Amount of \$200.00

DRAFT

Council

Keith S. Balla, Mayor

Date: October 3, 2019
INDEX: Purchasing
C: W. Hance

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: October 3, 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 15 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, as allowed by the New Jersey Department of Environmental Protection / Division of Fish and Wildlife. The 2019-2020 Borough Deer Management Program will begin on November 25, 2019 and end on February 8, 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 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 October 3, 2019.
2. The general nature of the subject matter to be discussed is as follows:

Executive Session: Property Acquisition

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: October 3, 2019

Index: Misc.