

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: Lawsoft, Inc. 15 Hamburg Turnpike, Suite 2, Bloomingdale, NJ 07403
Item: PD - Evidence Tracking Software
Total Price: \$2,000.00
Charged to: 9-01-190-282

Vendor: Great American Sign Company, 30 Lewis Street, Basling Ridge NJ, 07920
Item: Watchung Signs
Total Price: \$7,000.00
Charged to: C-02-914-Z11

Vendor: MP Overhead Doors, 12 Joe-Ent Road, Flemington, NJ 08822
Item: Bldg & Grounds- Door- Pole Barn
Total Price: \$2,575.00
Charged to: 9-01-155-283

Council

Keith S. Balla, Mayor

Date: November 7, 2019
INDEX: Purchases
C: BH

BOROUGH OF WATCHUNG
COUNTY OF SOMERSET

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Borough of Watchung strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Watchung has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redactions, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our actions(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Watchung received and responded to an exorbitant amount of OPRA requests over the past three years; and

WHEREAS, the Borough of Watchung municipal staff has spend many hours responding to OPRA requests that take away from other duties they need to perform; and

WHEREAS, due to the often-conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA requests, they must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees that ultimately become the responsibility of all of our taxpayers; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions, privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Watchung appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblyman Jon Bramnick, Assemblywoman Nancy Munn, Senator Tom Kean Jr., Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 7, 2019
INDEX: Misc.
C: as listed

RESOLUTION

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle / July, 2020 – June, 2025
Form 1A and Form 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey recognized that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Governing Body of the Borough of Watchung further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Governing Body of the Borough of Watchung has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Somerset.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey hereby recognizes the following:

1. The Governing Body of the Borough of Watchung does hereby authorize submission of a strategic plan for the Watchung Hills (Warren, Watchung, Green Brook) grant for fiscal year 2021 – 2025 in the amount of:

DEDR	\$6,107.59
Cash Match	\$4,026.90
in-kind	\$12,080.69

2. The Mayor and Council acknowledges the terms and conditions for administering the Municipal Alliance grant including the administrative compliance and audit requirements.
3. The Borough Council accepts subsequent award of this grant.

Date: November 7, 2019
Index: Misc., Finance Misc.
C: M. DeRocco

Council

Keith S. Balla, Mayor

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 adopted by the Mayor and Council at a meeting held on November 7, 2019.

Michelle DeRocco, RMC

RESOLUTION

WHEREAS, the Borough of Watchung has solicited sealed competitive bids for "2019 Various Roadway Improvements" and appropriate advertisement for such bids were placed in an official newspaper of the Borough; and,

WHEREAS, said bids were received and opened on November 1, 2019, and the bids received were evaluated by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Borough Engineer and the Borough Attorney have recommended that a contract be awarded to Top Line Construction Corporation, 22 Fifth Street, Somerville, NJ 08876; and

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

Ordinance #'s OR:19/15, OR:15/03, and OR:09/02.


William J. Hance, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Mayor and Municipal Clerk be authorized and directed to execute a contract for the "2019 Various Roadway Improvements" in the amount of \$467,725 with **Top Line Construction Corp.** in accordance with their bid received November 1, 2019.

Council

Keith S. Balla, Mayor

Date: November 7, 2019

INDEX: Bids

C: M. DeRocco

W. Hance

T. Herits

Borough of Watchung

R5:11/07/19

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Watchung has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Watchung intends to utilize the online auction services of GovDeals located at www.govdeals.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung in the County of Somerset, State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.govdeals.com and be it further

RESOLVED, that the terms and conditions of the agreement entered into between GovDeals and Watchung Borough are available at www.govdeals.com and in Borough Clerk's office; and be it further

RESOLVED, that a certified copy of the within Resolution be forwarded by the Borough Clerk to the following:

GovDeals
Watchung Chief Financial Officer

Council

Keith S. Balla, Mayor

Date: November 7, 2019
Index: Finance Misc.
C: W. Hance

Schedule A

2003 Ford F450
2013 Dodge Charger
2013 Dodge Charger
2009 Dodge Durango
15Kw Natural Gas Generators (2)
1998 Toro Groundsmaster Model 345 Serial # 7426320000192 72 inch mower deck
7000 Watt generator
5 Lake fountains for parts
Boom sprayer attachment

DRAFT

RESOLUTION

BE IT RESOLVED that the Ordinance OR:19/17 entitled: **"AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW CHAPTER XXVII(A) TITLED "SHORT-TERM RENTAL PROPERTY."** having been adopted on first reading.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Borough Clerk is hereby directed to publish notice of said ordinance, along with notice of Public Hearing to be held on November 25, 2019 at a meeting beginning at 7:30 P.M. in the Municipal Building, 15 Mountain Boulevard, Watchung, New Jersey.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 7, 2019
Index: Code, Bd of Adjustment

C: D. Cronheim, T. Snyder, C. Taylor

(Revised October 1, 2019)

BOROUGH OF WATCHUNG

ORDINANCE NO. OR: 19/17

AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW CHAPTER XXVII(A) TITLED "SHORT-TERM RENTAL PROPERTY."

WHEREAS, the renting of residential properties for short periods ("Short Term Rentals") is an increasingly common occurrence in the Borough of Watchung; and

WHEREAS, the presence of Short Term Rentals in established residential neighborhoods can create negative compatibility impacts and nuisance violations, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, the Borough has experienced a number of such negative experiences through the existence of Short Term Rentals within the Borough; and

WHEREAS, New Jersey municipalities are empowered to adopt ordinances regulating Short Term Rentals pursuant to N.J.S.A. 40:48-2.12a which provides that the "governing body of any municipality may make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality."

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

Section 1. The Revised General Ordinances of the Borough of Watchung are amended to add a new Chapter XXVII(A) "Short-Term Rental Property" as follows:

§ 27(A)-1 Findings.

The presence of Short Term Rentals in the Borough has negatively impacted the Borough of Watchung. These negative impacts include, but are not limited to, excessive noise, on-street parking, accumulation of trash and diminished public safety. Consequently, the Borough has decided to regulate short term rentals pursuant to its statutory authority under N.J.S.A. 40:48-2.12a.

§ 27(A)-2 Rental for ninety (90) days or less prohibited.

a. Notwithstanding anything to the contrary contained in the Revised General Ordinances of the Borough of Watchung, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of ninety (90) days or less.

b. Nothing in this Chapter will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of ninety-one (91) days or more.

c. The restrictions set forth in this Chapter do not amend, change or modify any application registration requirements set forth in Chapter XXVII of the Revised General Ordinances of the Borough of Watchung.

d. This Chapter does not permit any use which is otherwise prohibited or otherwise not permitted pursuant to Chapter XXVIII of the Revised General Ordinances of the Borough of Watchung.

§ 27(A)-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Chapter, as same may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet

websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this Chapter.

CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any form of consideration, including a promise or benefit, rent, fees, other form of payment, including home exchanges, or thing of value.

DWELLING UNIT

A room or series of connected rooms designed for permanent residence and containing living, cooking, sleeping and sanitary facilities for one (1) housekeeping unit. A dwelling shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or any other indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

HOUSEKEEPING UNIT

One (1) or more persons living together in one (1) unit on a non-seasonal basis sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination thereof.

RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

§ 27(A)-4 Permitted rentals.

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of ninety (90) days or less by any person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§ 27(A)-5 Non-permitted rentals.

Nothing in this Chapter shall be construed to allow a dwelling unit to be rented for the purposes of allowing events where members of the public will be permitted to enter for a fee or a cover charge and where live music or a disc jockey (DJ) are present, including but not limited to the sale of alcohol or the use of a swimming pool.

§ 27(A)-6 Advertising prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Chapter.

§ 27(A)-7 Enforcement: violations and penalties.

a. The provisions of this Chapter shall be enforced by the Police Department, Building Code Official, Fire Official, Health Department, Zoning Officer and other Subcode Official, as their jurisdiction may arise, including other persons designated by the Borough Council to issue Municipal Court Summons to alleged violators of this Chapter to appear in Municipal Court.

b. A violation of this Chapter is hereby declared to be a public nuisance, and is hereby further found and declared to be offensive to the public health, safety and welfare.

c. Any person violating any provision of this Chapter, shall, upon conviction thereof, be subject to a penalty as stated in Chapter I, Section 1-5, General Penalty.

§ 27(A)-8 Effect on other provisions.

This Chapter shall supersede and replace any other provisions of the Revised General Ordinances of the Borough of Watchung, now or later enacted, which have or may be construed to have differing or contrary terms or conditions relating to the subject of this Chapter. This Chapter is not intended to alter the current or later enacted amendments to the Borough's Land Development Ordinance.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date. This Ordinance shall take effect upon final adoption and publication according to law.

ATTEST:

BOROUGH OF WATCHUNG

Michelle DeRocco, Clerk

Keith S. Balla, Mayor

Introduced by:

Published:

Adopted:

RESOLUTION

BE IT RESOLVED that the Ordinance OR:19/18 entitled: **"AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVII TITLED "RESIDENTIAL RENTAL PROPERTY REGISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG."** having been adopted on first reading.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Borough Clerk is hereby directed to publish notice of said ordinance, along with notice of Public Hearing to be held on November 25, 2019 at a meeting beginning at 7:30 P.M. in the Municipal Building, 15 Mountain Boulevard, Watchung, New Jersey.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 7, 2019
Index: Code

C: C. Taylor, T. Snyder

BOROUGH OF WATCHUNG

ORDINANCE NO. OR:19/18

AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVII TITLED "RESIDENTIAL RENTAL PROPERTY REGISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.

WHEREAS, in Cona v. Township of Washington, Docket No. A5067-15T3 (App. Div. 2018), the Appellate Division affirmed the authority of New Jersey municipalities to register and inspect long term residential rental properties; and

WHEREAS, the Cona decision clarified Timber Glen Phase III, LLC, 441 N.J. Super. 514 (App. Div. 2015), by holding that while municipalities can "register" and "regulate" long term rentals, they cannot "license" same; and

WHEREAS, the Borough of Watchung ("Borough") wishes to revise Chapter XXVII, titled "Residential Rental Property Registration" of the Revised General Ordinances of the Borough of Watchung to conform to Cona and Timber Glen Phase III.

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

Section 1. Chapter XXVII, titled "Residential Rental Property Registration", of the Revised General Ordinances of the Borough of Watchung is amended as follows¹:

...

27-2 DEFINITIONS.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this Chapter shall have the following meaning:

Agent shall mean the individual or individuals designated by the owner of a rental unit as the person authorized by the

¹Editor's Note: The portions to be deleted are shown with a strike through in brackets and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

owner to perform any duty imposed upon the owner by this Chapter. The term agent does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as that term is defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if the person designated by the owner as his agent is so licensed.

Apartment complex shall mean two (2) or more buildings, each containing two (2) or more apartments, which are located within close proximity of each other and are owned by the same owner.

Apartment or dwelling shall mean any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit consisting of one (1) or more rooms occupying all or part of a floor or floors in a building, whether or not designed with cooking and/or plumbing facilities.

Certificate of Registration [License] shall mean the certificate [license] issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this chapter.

~~[Licensee shall mean the person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent" where applicable.]~~

Owner shall mean any person or group of persons, firm, corporation, or officer thereof, partnership association, or trust that owns, operates or exercises control over or is in charge of a rental facility.

Person shall mean an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

Rental facility shall mean every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one (1) or more individuals and is meant to include apartments and apartment complexes.

Rental unit shall mean a dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.

27-4 **REGISTRATION [AND LICENSING] TERM; INITIAL REGISTRATION PROVISIONS.**

a. Each rental unit shall be registered with the Borough Clerk prior to each change in occupancy.

b. The registration~~[license]~~ term shall commence on January 1st and shall be valid until December 31st of the second year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within forty-five (45) days following the adoption of this Chapter. Any lease agreement which has been executed prior to the adoption of this Chapter shall not be affected but the rental unit must nevertheless be registered~~[and inspected]~~ ~~[and licensed]~~ in accordance with this Chapter. No rental unit shall hereafter be rented unless the rental unit is registered ~~[and licensed]~~ in accordance with this Chapter.

27-5 **REGISTRATION FORMS; FILING, CONTENTS.**

Without in any way intending to infringe upon the requirements of N.J.S.A. 17:28 et seq., all rental units shall also be registered~~[and licensed]~~ as provided in this Chapter. Every owner shall file with the Borough Clerk or designee or such other person as designated by the Borough Council a registration form for each unit contained within a building or structure which shall include the following information:

27-8 **PERIODIC INSPECTIONS; UNSATISFACTORY INSPECTIONS.**

d. *Unsatisfactory Inspection.* In the event that the inspection of a rental unit does not result in a satisfactory inspection~~[, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property, or agent, shall not lease or rent such property; nor shall any]~~ no tenant shall occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable law and the property is

thereafter subsequently inspected[~~7~~] and registered[~~7~~ and licensed]. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within sixty (60) days, and if not made within that period, the owner shall be deemed in violation of this Chapter and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of Section 27-17~~8~~ of this Chapter.

27-9 ACCESS FOR INSPECTION; REPAIRS; COMPLAINTS.

c. *Complaints.* Within ten (10) business days of receipt of a complaint alleging a reported violation of this Chapter, an inspecting officer may, upon written request to the owner, conduct an inspection as provided by this Chapter. In the event that the owner fails to respond to the written request or authorize the inspection, the owner may be issued a summons for a violation of this Chapter. ~~[Alternatively, the Borough may seek to have the license revoked.]~~

27-10 PROHIBITIONS ON OCCUPANCY.

No person shall occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough which is not registered ~~[and licensed]~~ in accordance with this Chapter.

27-11 ISSUANCE OF CERTIFICATE OF REGISTRATION[LICENSE].

Upon the filing of a completed registration form, and payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a ~~[license]~~ Certificate of Registration commencing on the date of issuance and expiring on the same date of the second calendar year. A registration form shall be required for each rental unit, and Certificate of Registration~~[license]~~ shall issue to the owner for each rental unit, even if more than one (1) rental unit is contained in the property.

27-12 FEES.

At the time of the filing of the registration form, and prior to the issuance of a Certificate of Registration~~[license]~~, the owner or agent of the owner must pay a fee in accordance with the following:

a. A biennial (every other year) registration fee of fifty (\$50.00) dollars per unit;

b. An inspection fee because of a change in tenant occupancy of fifty (\$50.00) dollars per unit;

c. A reinspection fee of fifteen (\$15.00) dollars per unit;

d. If the owner of the property is a senior citizen, a person sixty-five (65) years or older, who resides in a unit of the property and rents out the remaining unit or units and would otherwise qualify for a property tax deduction pursuant to N.J.S.A. 54:4-8.41, there shall be no fee for all of the units;

e. If any fee is not paid within thirty (30) days of its due date, a late fee surcharge of thirty (\$30.00) dollars will be assessed.

...
27-14 TAXES AND OTHER MUNICIPAL CHARGES PAYMENT PRECONDITION FOR REGISTRATION[AND LICENSE].

No rental unit may be registered and no [license] Certificate of Registration shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

...
~~[27-17 REVOCATION OF A LICENSE; PROCEDURE.~~

~~a. Grounds. In addition to any other penalty prescribed herein, an owner or landlord may be subject to the revocation or suspension of the license issued hereunder upon the happening of one (1) or more of the following:~~

~~1. Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.~~

~~2. Determination of a violation of this chapter at a hearing held pursuant to subsection 27-17b of this section.~~

~~3. Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.~~

~~4. Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.~~

~~b. Procedure; Written Complaint; Notice; Hearing.~~

~~1. A written complaint seeking the revocation or suspension of a license may be filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense.~~

~~2. Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Borough Council and a date for a hearing shall be scheduled which shall not be sooner than ten (10) nor more than thirty (30) days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.~~

~~3. The hearing required by this section shall be held before the Borough Council. The Borough Council shall render a decision within thirty (30) days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one (1) or more subsequent license years.~~

~~4. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be those which generally control administrative hearings.~~

~~5. The Borough Attorney or designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.~~

~~c. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner or~~

~~landlord has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding including but not limited to the institution of legal action against the tenant, occupant or guests for recovery of the premises; eviction of the tenant or otherwise.]~~

27-17[8] VIOLATIONS; PENALTIES.

Any person who violates any provision of this Chapter shall, upon conviction in the Municipal Court of the Borough or such other court having jurisdiction, be liable to the penalty stated in Chapter I, Section 1-5, General Penalty.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3 In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions of this Ordinance shall govern.

Section 4. This Ordinance shall take effect upon adoption and publication according to law.

ATTEST:

BOROUGH OF WATCHUNG

Michelle DeRocco, Clerk

Keith S. Balla, Mayor

Introduced by:

Published:

Adopted:

RESOLUTION

BE IT RESOLVED that the Ordinance OR:19/19 entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVIII, TITLED "LAND DEVELOPMENT", SECTION 28-502, TITLED "FENCES AND WALLS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG" having been adopted on first reading.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Borough Clerk is hereby directed to publish notice of said ordinance, along with notice of Public Hearing to be held on November 25, 2019 at a meeting beginning at 7:30 P.M. in the Municipal Building, 15 Mountain Boulevard, Watchung, New Jersey.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 7, 2019
Index: Code, Bd. of Adjustment

C: T. Snyder, C. Taylor

BOROUGH OF WATCHUNG

ORDINANCE NO. OR:19/19

AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVIII, TITLED "LAND DEVELOPMENT", SECTION 28-502, TITLED "FENCES AND WALLS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG

WHEREAS, the Borough of Watchung desires to amend Chapter XXVIII, titled "Land Development", Section 28-502, titled "Fences and Walls" to provide for a six (6) foot fence above the ground to enclose the rear and side yards and delete walls from this Section.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Watchung, County of Somerset, State of New Jersey, that Chapter XXVIII, titled "Land Development", Section 28-502 is amended.

Section 1. Section 28-502 is amended as follows¹:

Section 28-502 ~~FENCES AND WALLS~~

~~Fences and walls~~ may be erected on a lot, subject to the following provisions:

A. General Requirements.

1. In a residential district, a fence ~~or wall~~ may be erected to a total height of four (4) feet above the ground, except that the supporting post may extend to a height of four and one-half (4-1/2) feet above the ground. However:

* * *

- (c) Fences may be erected from the front edge of a residence and may extend into the side and rear yards to enclose an area ending at an edge perpendicular to the front of the residence at a height of six (6) feet above the ground, except that the supporting post may extend to a height of six and one-half (6-1/2) feet above the ground.

2. Along boundaries of residential and non-residential districts, a fence ~~or wall~~ may be erected to a height of six and one-half (6-1/2) feet above the ground, except that the supporting post may extend to a height of seven (7) feet above the ground, to screen nonresidential activities from the view of

¹ Editor's Note: The portions to be deleted are shown with strike-throughs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

abutting residences. Fences in this instance may exceed the restrictions contained in Section 28-502A.

* * *

4. Restrictions herein contained shall not be applied so as to prohibit the erection of a wall for the purpose of retaining earth or otherwise contouring or terracing the property as provided by Section 28-602E.

* * *

N. Permits. In order to ensure compliance with the provisions of this Article, before any fence ~~or wall~~ is erected, a zoning permit and building permit, if required, must be obtained from the Building Construction Official and Zoning Official of the Borough. The request for permits shall be accompanied by a survey or plan, to show height and location of the proposed fence ~~or wall~~ in relation to all other structures or buildings and in relation to all streets, lot property lines and yards, and showing type and design of fencing materials. Any plan that includes construction within an easement shall be approved by the Borough Engineer prior to the issuance of the required permit. The zoning permit or building permit, if required, is conditioned upon the as-built conditions meeting the terms and conditions of the permit and this Article.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon adoption and publication according to law.

ATTEST:

BOROUGH OF WATCHUNG

Michelle DeRocco, Clerk

Keith S. Balla, Mayor

Introduced by:

Published:

Adopted:

(Revised October 17, 2019)

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 the Mayor and Council authorized two studies, one by Raritan Valley Community College's Center for Environmental Studies which 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 Borough's threshold of carrying capacity; and

WHEREAS, in an effort to monitor and maintain 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 continues 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 large private parcels of land that have authorized their use fitting 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 hereby 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.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Watchung that this authorization is conditioned upon the following:

1. That the deer cull within the Borough of Watchung is limited to Borough owned properties and large private parcels of land, omitting residential lots on which an occupied structure is located.
2. That deer culling stands within the Borough on Borough owned properties or large private parcels of land be located at least 550 feet from any occupied structure.
3. That notices be placed along the property line of the deer culling sites warning that deer culling is occurring on the property. The location of these signs to be selected by the Borough Administrator.
4. That the Borough Clerk issue a general public notice two (2) weeks prior to when the deer cull is to occur identifying the cull sites, the dates of the deer culling within the Borough along with contact information at the Borough Police Department for more information. The Borough Clerk shall post this notice on the Borough website and other social media and designated notice bulletin boards.
5. That the Borough Clerk send a copy of the notice described in Paragraph 4 above by regular mail to those property owners within a radius of 1/4 mile of the property line of each cull site.
6. That the Borough retain experts, whether paid or volunteer, to review the Borough's Deer Management Plan and make recommendations to the Borough regarding that program.

Date: November 7, 2019
INDEX: Misc.
C: J. Damato, Administrator

Council

Keith S. Balla, Mayor

(Revised October 17, 2019)

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 5450' 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 followed.

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 as provided in the authorizing Resolution 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 forty-eight (48) hours ~~two days~~ prior to their appearance.

Culling will take place at the proposed sites beyond a fivefour hundred and fifty (5450) 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 fivefour hundred and fifty-foot (5450) foot 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