

RESOLUTION

BE IT RESOLVED that 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." has been adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that the Borough Clerk is hereby authorized to publish notice of adoption, according to law. This ordinance shall become effective after final passage, adoption and publication, according to law.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 25, 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]~~ 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. 46:8-28 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[, and registered[, 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 hereof shall be determined to 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: Black
Published:
Adopted:

RESOLUTION

BE IT RESOLVED that 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" has been adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that the Borough Clerk is hereby authorized to publish notice of adoption, according to law. This ordinance shall become effective after final passage, adoption and publication, according to law.

DRAFT

Council

Keith S. Balla, Mayor

Date: November 25, 2019
Index: Code
C: C. Taylor, T. Snyder

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: Black
Published: November 14, 2019
Adopted:

RESOLUTION

R3: 11/25/19

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: A & M Industrial, Inc., 37 West Cherry Street, PO Box 1044, Rahway, NJ 07065

Item: FD – Infrared Thermal Camera Kit

Total Price: \$5,410.00

Charged to: 9-01-185-246

Vendor: The Rogers Group, LLC PO Box 831, Island Heights, NJ 08732

Item: PD- Police Accreditation Services

Total Price: \$7,803.00

Charged to: 9-01-190-276

Vendor: Turn Out Uniforms, 195 Paterson Avenue, Little Falls, NJ 07424

Item: FD- Uniforms

Total Price: \$2,791.72

Charged to: 9-01-185-239

Vendor: First Battalion Firefighting, 495 No. Bridge Street, Bridgewater, NJ 08807

Item: FD- Infrared Camera Charger

Total Price: \$5,201.15

Charged to: C-02-915-A12

Vendor: Denville Line Painting, 2 Green Pond Road, Rockaway, NJ 07866

Item: B&G- Traffic Stripes

Morris County Co-Op Contract No. 36

Total Price: \$2,443.76

Charged to: C-02-503-A12

Vendor: Lawsoft, Inc. 15 Hamburg Turnpike, Bloomingdale, NJ 07403

Item: PD- 2020 Support & Maintenance Contract

Total Price: \$4,900.00

Charged to: 9-01-190-273

Vendor: The Rodgers Group, P.O. Box 831, Island Heights, NJ 08732

Item: PD- Training Programs

Total Price: \$4,320.00

Charged to: 9-01-190-276

Council

Date: November 25, 2019

INDEX: Purchases

C: BH

Keith S. Balla, Mayor

BOROUGH OF WATCHUNG

R4: 11/25/19

**RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEE
BLOCK 6201, Lot 1 and BLOCK 6101, Lot 5 (CINEMARK AND RETAIL
DEVELOPMENT PROJECTS)**

WHEREAS, Seritage SRC Finance LLC has requested a full release of Bond # SUR0045218 for the Cinemark Project and a 75% release of Bond SUR0045138 for the Retail Development Project, properties identified on the Borough of Watchung Tax Maps as Block 6410, Lot 1 and Block 6101, Lot 5 ("Property"); and

WHEREAS, after review and inspection by the Borough Engineer it is the recommendation of the Engineer to reduce the bonds as follows:

Bond # SUR 0045218, Block 6201, Lot 1
Cinemark – Bond from \$1,806,423.30 to \$325,926.99
Cash / from \$203,713.70 to \$36,214.11

Bond # SUR0045138, Block 6101, Lot 5
Retail Project – Bond from \$1,829,474.64 to \$548,842.39
Cash / from \$203,274.96 to \$60,982.49

; and

WHEREAS the Borough Engineer has provided a "punch list" for the property at Block 6201, Lot 1 to Seritage SRC Finance and advised that the final release of the bonds and cash for both properties will be conditioned upon satisfactory completion of these items (copy attached), summarized as follows:

- 1) Completion of all restaurant pads
- 2) Acceptable completion of all punchlist items
- 3) Posting an acceptable 2-year maintenance bond
- 4) Payment of all outstanding invoices

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Borough Engineer and the Borough Attorney, the Mayor and Council hereby authorize the reduction of the bonds as listed above, and authorize the Clerk to provide a certified copy of this resolution to Seritage SRC Finance LLC.

Council

Date: November 25, 2019

Index: Finance Misc.

C: Finance
Engineering

Keith S. Balla, Mayor

RESOLUTION

WHEREAS, on January 1, 2013 the Borough of Watchung entered into a Shared Services Agreement for Municipal Court Judge and other Municipal Court Personnel; and

WHEREAS, the Mayor and Council believe it is in the best interest of the citizens to continue this Shared Services Agreement with the Borough of North Plainfield and the Township of Green Brook for the positions of Judge, Prosecutor, and Public Defender; and

WHEREAS, the original Agreement has been reviewed by Borough of North Plainfield, Green Brook Township, and Watchung Borough Administrators and has been updated appropriately.

NOW THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign the attached Shared Services Agreement for Municipal Court Judge and other Municipal Court Personnel, between the Borough of Watchung, Borough of North Plainfield, and Township of Green Brook.

BE IT FURTHER RESOLVED that the attached agreement shall commence on January 1, 2020 and remain in effect until December 31, 2024 unless terminated at the end of a calendar year by either party, as detailed in the agreement.

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 25, 2019.

Michelle DeRocco, RMC

Date: November 25, 2019

C: B. Hance, J. Mack

B. Levine, Esq.

D. Hollod, Borough of North Plainfield

K. Cupit, Green Brook Township

RESOLUTION

WHEREAS, Chapter 20 of the Code of the Borough of Watchung entitled "Noise" sets forth standards and parameters for controlling noise within the Borough; and

WHEREAS, Section 1.6g of Chapter 20 prohibits construction activity between the hours of 9:00 p.m. and 7:00 a.m. the following day; or at any time on weekends, and

WHEREAS, Chapter 20, Section 1.7c allows a waiver from these restrictions by the Noise Control Officer with the approval of the Mayor and Council; and

WHEREAS, all required permits have been applied for and granted by the Borough Construction Official and the Contractor intends to begin this project on Friday, November 29, 2019 and is requesting permission to continue on Saturday, November 30, 2019, if necessary.

NOW, THEREFORE, BE IT RESOLVED, upon a recommendation from the Borough Administrator, the Mayor and Council of the Borough of Watchung considered and is granting approval to a request by ICC Industrial Cooling Corporation, 70 Liberty Street, Metuchen, New Jersey 08840, for a waiver from Section 20-1.6g in order to allow for Saturday construction on November 30, 2019, if necessary, for the completion of the "Replacement of the Rooftop Heating Unit" at Valley View School and continued completed.

Council

Date: November 25, 2019

Index: Misc.

C: R. LaCosta

J. Cina

C. Taylor

Bd. of Education

Keith S. Balla, Mayor

RESOLUTION

WHEREAS, the Borough is in need of the services of a professional IT Consultant; and

WHEREAS, the Borough Administrator explored several options for this service which were not feasible; and

WHEREAS, the Borough issued an RFP (Request for Proposals) and received two (2); and

WHEREAS, it is the recommendation of the Borough Administration to appoint Marmic Associates, 13 Sneider Road, Warren, New Jersey as the Borough's IT Consultant as per their proposal dated November 15, 2019 (copy attached) effective immediately; and

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

Operating Budget

William J. Hance, CFO

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a professional service contract to Marmic Associates, in an amount not to exceed \$25,000.00.

Council

Keith S. Balla, Mayor

Date: November 25, 2019
Index: Appointments
C: W. Hance

RESOLUTION

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Watchung requests the Director of the Division of Local Government Services to approve the insertion of these items of revenue in the budget of the year 2019 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

State of NJ Body Armor Grant	\$ 3,229.96
Alcohol Education, Rehabilitation & Enforcement Grant	\$ 2,009.37
Somerset County Historic Grant	\$ 1,000.00
Clean Communities Grant	\$ 15,829.63

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs

Offset by Revenues:

State of NJ Body Armor Grant	\$ 3,229.96
Alcohol Education, Rehabilitation & Enforcement Grant	\$ 2,009.37
Somerset County Historic Grant	\$ 1,000.00
Clean Communities Grant	\$ 15,829.63

Dated: November 25, 2019

Index: Finance Misc.

Council: _____

Attest: _____
Michelle DeRocco

Date

Adopted: _____
Keith S. Balla, Mayor

RESOLUTION

R9: 11/25/19

WHEREAS, the following individuals, Wendy Robinson and Pietro Martino have been certified by the Somerset County Clerk as having been elected to the respective offices of Councilmembers; and

WHEREAS, that the Council for the purpose of transition ease have invited these individuals, Council Members Elect Robinson and Martino to attend but not participate to become knowledgeable of this pending matter.

BE IT RESOLVED, that these individuals are being allowed to attend with the expressed understanding that all Executive Session matters are confidential and not to be discussed with anyone else.



Council

Keith S. Balla, Mayor

Date: November 25, 2019
INDEX: Misc.

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 December 10, 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 25, 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.

e. Notwithstanding the foregoing, this Chapter shall not prohibit: 1) month-to-month tenancies that have occurred through the expiration of a lease of more than ninety (90) days; or 2) use and occupancy agreements related to a real estate transaction which are less than ninety (90) days.

§ 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 nonprofit 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:

DRAFT

RESOLUTION

WHEREAS, the Administrator has recommended the issuance of two purchase orders to Gray's Florist & Greenhouse, 1590 Route 22 East, Watchung, NJ 07069; 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 purchase orders to Gray's Florist & Greenhouse as follows:

PO # 19-00849 / Amount of \$ 99.00
PO # 19-01060 / Amount of \$200.00

Council
|

Keith S. Balla, Mayor

Date: November 25, 2019
INDEX: Purchasing

C: W. Hance

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 \$8,217,172.74 per the attached bill list. The expenditures can be broken down into the following categories:

Affordable Housing Trust	\$	678.00
Animal Control	\$	201.40
Assessment Trust Fund	\$	-
Capital Fund	\$	91,648.27
Developer's Escrow	\$	41,608.18
Other Escrow	\$	40,255.00
Watchung Board of Education Taxes	\$	984,420.00
Watchung Hills Regional High School Taxes	\$	663,852.00
Somerset County Taxes	\$	37,778.57
Somerset County Library Tax	\$	5,593.93
Somerset County Open Space Tax	\$	3,612.77
Current Fund	\$	6,217,524.62
Grant Fund	\$	130,000.00
Watchung Community Foundation	\$	-
Total Expenditures:	\$	8,217,172.74

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: November 25, 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 November 25, 2019.
2. The general nature of the subject matter to be discussed is as follows:

Executive Session:

Personnel

Litigation - 833 Mountain Blvd / Block 201 Lot 17

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: November 25, 2019

Index: Misc.