

BOROUGH OF WATCHUNG
MAYOR & COUNCIL AGENDA - REVISED

OCTOBER 21, 2021 | 7:30 P.M.

THIS MEETING WILL BE HELD VIRTUALLY FOR ALL PARTIES. PUBLIC COMMENTS WILL BE ACCEPTED THROUGH ZOOM OR VIA EMAIL TO THE BOROUGH CLERK. BELOW ARE INSTRUCTIONS:

To call into the meeting, dial 1 (646) 558-8656. It will prompt you for a meeting ID. Type 99501390087#. You do not need a participating ID, just press #.

To access the meeting using a smart phone or computer, you can download the **Zoom app** from the app store for free. You have to type in the meeting ID 99501390087 or click on <https://zoom.us/j/99501390087> **Please enter your full name.**

To submit your public comments in writing, please mail them in or send an email before **6:00 P.M.** by the meeting date to the Borough Clerk at publiccomment@watchungnj.gov

MAYOR'S STATEMENT: In order to comply with all NJ Executive Orders and to protect members of the public, this meeting will be held virtually for all parties. Public Comments will be accepted through zoom or by email to the Borough Clerk. For those joining through Zoom, please note that upon arrival you are automatically muted. If you wish to speak during the public portion, you will need to click on the “raise your hand” feature. For those joining us through the conference call line, you will need to press *6 to unmute yourself. Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough’s website.

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

ROLL CALL:

Robinson [] Goodloe [] Eisenberg Knegten [] Jubin [] Martino [] Hayeck []

*A public portion is held prior to Council action **for comments of agenda items only**; another public portion is held at the end of the meeting for general discussion.*

PUBLIC PORTION / AGENDA ITEMS ONLY

*Individuals commenting are limited to 3 minutes per person, and will not be permitted to speak again until everyone has had an opportunity to speak. For those joining us through Zoom, please note that upon arrival you are automatically muted. If you wish to speak during a public portion, you will need to click on the “Raise your hand” feature. For those joining us through the conference call line, you will need to press *6 to unmute yourself. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

DISCUSSION

2021 Best Practices Inventory

New Legacy Books

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL AGENDA - REVISED**

OCTOBER 21, 2021 | 7:30 P.M.

UNFINISHED BUSINESS

Public Hearing of Ordinance **OR 21/10** - *“AN ORDINANCE AMENDING OR:21/02 AMENDING CHAPTER 21, STORMWATER CONTROL, OF THE CODE OF THE BOROUGH OF WATCHUNG, TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROL”*

R1: Adoption of Ordinance **OR: 21/10** – Ordinance Amending OR: 21/02, Amending Chapter 21 Stormwater Control

Public Hearing of Ordinance **OR 21/11** - – **BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY; APPROPRIATING \$198,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$188,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

R2: Adoption of Ordinance **OR: 21/11** – Providing for Various 2021 Capital Acquisitions and Improvements

NEW BUSINESS

REPORTS & CORRESPONDENCE: Matters listed within this section have been referred to members of the Borough Council for reading and study, are considered to be routine and will be enacted by one motion of the Council. If separate discussion is desired, any item may be removed from the Consent Agenda by Council action.

Acknowledging Receipt of the following Borough Reports:

Building Department Monthly Report	September 2021
Fire Prevention Monthly Report	September 2021
Green Team Advisory Board Minutes	September 20, 2021
Municipal Council Meeting Minutes	September 22, 2021
Police Department Monthly Activity Report	September 2021
Tax Collector’s Report	September 2021

Acknowledging Receipt of the following Correspondence:

- #42- Notice from JCP&L re Establishing a New Rate Component – RGGI Recovery Charge for Costs Incurred to Mandated Community Solar Program, Recv’d 10/06/21. cc: M&C, JD
 - #43- Public Notice from Chad and Rebecca Miller (Applicant) to Berkely Heights Board of Adjustment for variance re 111 Hampton Drive, public hearing for Oct. 28, 2021. Recv’d 10/18/21. cc: M&C, JD, Watchung Planning/Zoning Boards
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BOROUGH OF WATCHUNG
MAYOR & COUNCIL AGENDA - REVISED

OCTOBER 21, 2021 | 7:30 P.M.

CONSENT AGENDA RESOLUTIONS: The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

- R3: Authorizing Purchase Orders over \$2,000 – PARSA (*Hack FL1500 Logger & Req. Meter Equip*)
Messercola Excavating (*retaining wall demolition*)
Morton Salt, Inc. (*2021 Salt Purchases – Morris Cnty Coop*)
- R4: Authorizing Agreement with Morris County Co-Op Council to Renew Membership through
September 30, 2026
- R5: Authorize Towing License – Superior Towing & Transport, LLC
- R6: Authorizing Volunteer Appointment to Board of Health – Dr. Joel S. Cohen
- R7: Establishing a Municipal Construction Waste Policy for the Borough
- R8: Companion Animal Management Pledge
- R9: Authorizing Bill List

NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to any Committee for further review and discussion.

- R10: Authorizing Amendment of Resolution R20 6/17/21 for Partial Release of Performance Surety Bond #SUR0045138
- R11: Authorizing Appointment of Administrative Assistant
- R12: Awarding 2020 and 2021 Roadway Improvement Project – JA Alexander, Inc.
- R14: Authorizing Additional Extension of Time of the Designation of the Conditional Redevelopers of the Bonnie Burn Road Property

PUBLIC PORTION - GENERAL DISCUSSION

*Individuals commenting virtually or from comments submitted in writing will be limited to 3 minutes per person, and will not be permitted to speak again until everyone has had an opportunity to speak. For those joining us through Zoom, please note that upon arrival you are automatically muted. If you wish to speak during a public portion, you will need to click on the "Raise your hand" feature. For those joining us through the conference call line, you will need to press *6 to unmute yourself. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

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- R13: Authorizing Executive Session: Attorney-Client Privilege Matters,
Personnel Matters, and Contract Negotiations

The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

ADJOURNMENT

The next regular meeting of the Mayor and Council is scheduled to be held on November 4, 2021 at 7:30 P.M.

**BOROUGH OF WATCHUNG
RESOLUTION: R1**

BE IT RESOLVED that Ordinance **OR:21/10** entitled:

“AN ORDINANCE AMENDING OR:21/02 AMENDING CHAPTER 21, STORMWATER CONTROL, OF THE CODE OF THE BOROUGH OF WATCHUNG, TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROL” can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Daryl Eisenberg Kneegen, Council Member



Keith S. Balla, Mayor

ADORTED: OCTOBER 21, 2021
INDEX: CODE, MISC.
C: GENERAL CODE, ENG

**BOROUGH OF WATCHUNG
OR 21/10**

ORDINANCE AMENDING OR 21/10 AMENDING CHAPTER 21, STORMWATER CONTROL, OF THE CODE OF THE BOROUGH OF WATCHUNG, TO ESTABLISH MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND CONTROL

Explanation: This Ordinance is being amended as recommended by the Somerset County Planning Board to ensure conformance with the amended Stormwater Management Rules (N.J.A.C. 7.8) as required by NJ Department of Environmental Protection. Additions are bolded and underlined.

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) recently amended its state-wide Stormwater Management Rules, N.J.A.C. 7:8, *et seq.*; and

WHEREAS, the Borough of Watchung (the “Borough”) has maintained and continues to maintain its municipal stormwater management regulations within its Borough Code located at Chapter 21, entitled “Stormwater Control”; and

WHEREAS, pursuant to the recommendation and instruction of the Borough Engineer, the Borough amended its local stormwater management regulations within Chapter 21 of the Borough Code to be consistent with NJDEP amendments and mandates via OR 21/02 adopted on February 18, 2021 and upon review of the Somerset County Planning Board, further amendments must be made.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, County of Somerset, and State of New Jersey that Chapter 21 entitled “Stormwater Control”, specifically **Sections 21-4 (P)(2) and 21-10(B)(7)(iii)** of the Code of the Borough of Watchung are hereby amended and replaced with the following:

**CHAPTER 21
STORMWATER CONTROL**

§21-4. Stormwater Management Requirements for Major Development
(prior sections unchanged)

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff **and groundwater recharge calculations at 21-5, either:**
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

**BOROUGH OF WATCHUNG
OR 21/10**

§ 21-10. Maintenance and Repair:

- A. Applicability
- B. General Maintenance
(prior sections unchanged)

7. The party responsible for maintenance identified under § 21-10(B)(3) above shall perform all of the following requirements:
- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 21-10 (B)(6) and (B)(7) above.

§ 21-11. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalty stated in Chapter 1, Section 1-5, General Penalty.

§ 21-12. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§ 21-13. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

INTRODUCED:	EISENBERG KNEG TEN
PASSED:	OCTOBER 7, 2021
PUBLISHED:	OCTOBER 14, 2021
ADOPTED:	

ATTEST:

APPROVED:

Edith G. Gil, Borough Clerk

Keith S. Balla, Mayor

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

BE IT RESOLVED that Ordinance **OR:21/11** entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY AND IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY; APPROPRIATING \$198,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$188,400 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.

Ronald Jubin, Council Member

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: MISC., FINANCE-BUDGET
C: FIN, ENG, GEN. CODE,

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2021
CAPITAL ACQUISITIONS AND IMPROVEMENTS, BY
AND IN THE BOROUGH OF WATCHUNG, IN THE
COUNTY OF SOMERSET, STATE OF NEW JERSEY;
APPROPRIATING \$198,400 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$188,400 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY** (not less
than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Watchung, in the County of Somerset, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$198,400, said sum being inclusive of the sum of \$10,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$198,400 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$188,400 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$188,400 are

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, including, but not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Purchase of non-passenger sport utility vehicle, mobile video recorder, computers and radar units for the Police Department; and	\$74,200	\$70,400	\$3,800	5 years
(ii) Purchase of hoses, boots, coats, pants, helmets and self-contained breathing apparatus for the Fire Department;	124,200	118,000	6,200	10 years
TOTALS	\$198,400	\$188,400	\$10,000	

(b) The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, appurtenances, equipment, labor, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$188,400.

(d) The aggregate estimated cost of said improvements or purposes is \$198,400, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$188,400, is the aggregate down payments for said purposes in the amount of \$10,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Somerset make a contribution or grant in aid to the Borough for the

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Somerset. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Somerset shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest

BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11

rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.13 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

provided for in this bond ordinance by \$188,400 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-(1)(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$188,400. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: October 7, 2021

**BOROUGH OF WATCHUNG
ORDINANCE NO: 21/11**

ADOPTED ON FIRST READING
DATED: October 7, 2021

EDITH G. GIL,
Clerk of the Borough of Watchung

ADOPTED ON SECOND READING
DATED: _____, 2021

EDITH G. GIL,
Clerk of the Borough of Watchung

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021

KEITH S. BALLA,
Mayor

SPONSOR: JUBIN
INTRODUCED: OCTOBER 7, 2021
PUBLISHED: OCTOBER 14, 2021
ADOPTED:
INDEX:
C:

**BOROUGH OF WATCHUNG
RESOLUTION: R3**

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, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: PARSA, 200 Clay Avenue, Middlesex, NJ 08846
Item: Hack FL1500 Logger & Required Equipment (new meter)
Total Price: \$6,912.04
Charged to: 1-01-225-271

Vendor: Messercola Excavating, 549 E. 3rd Street, Plainfield, NJ 07060
Item: Retaining Wall Demolition
Total Price: \$12,000.00
Charged to: 1-01-155-266

Vendor: Morton Salt, Inc., Dept. Ch 19973, Palatine, IL 60055-9973
Item: 2021 Salt Purchases (Morris County Cooperative Pricing Council)
Total Price: \$50,176.00
Charged to: 1-01-205-241

DRAFT

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: PURCHASING
C: B. HANCE

**BOROUGH OF WATCHUNG
RESOLUTION: R 4**

***AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE
PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026***

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Watchung desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Mayor and Council of the Borough of Watchung hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Borough of Watchung Clerk is hereby directed to submit a copy of this adopted Resolution to Randolph Township as Lead Agency of the MCCPC.

Morris County Cooperative Pricing Council 502 Millbrook Avenue, Randolph, NJ 07869-3799 Tel: (973) 989.7059 • Fax: (973) 989.7076
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3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Watchung officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: PURCHASING, AWARDS
C: B. HANCE

CERTIFICATION

I, Edith G. Gil, Clerk of the Borough of Watchung, hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council at a duly convened meeting held on October 21, 2021.

(Clerk)

**BOROUGH OF WATCHUNG
RESOLUTION: R5**

WHEREAS, pursuant to Chapter VIII of the Code of the Borough of Watchung entitled "*Towing*", the Watchung Police Department received and reviewed applications from licensed wreckers desiring to engage in business as a wrecker in the Borough at the request of the Police Department; and

WHEREAS, the following applications have been submitted and after review, have been found to meet the requirements and has been recommended to be placed on the towing list for standard and heavy duty towing:

Superior Towing and Transport LLC
1239 US Highway 22 East
Lebanon, New Jersey

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby authorized to execute a three (3) year license for Towing services with the firms listed above, upon receipt of the completed agreement and the required \$750.00 licensing fee.

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: POLICE, PERMITS - SPECIAL
C: B. HANCE, R. ANGELO, S. ANDERLE

**BOROUGH OF WATCHUNG
RESOLUTION: R6**

WHEREAS, Mayor Balla has recommended the appointment of certain individuals for various terms as listed below

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the following appointments, with attendant expiration dates where applicable, be confirmed:

BOARD OF HEALTH

Joel S. Cohen, M.D.

TERM

Ending on December 31, 2021
(Filling unexpired vacancy)

Wendy Robinson, Council President

Keith S. Balla, Mayor

DATE: OCTOBER 21, 2021
INDEX: APPOINTMENTS
C:

DRAFT

**BOROUGH OF WATCHUNG
RESOLUTION: R7**

ESTABLISHING A MUNICIPAL CONSTRUCTION WASTE POLICY

WHEREAS the Borough of Watchung supports sustainability efforts in the region through recovery of marketable salvaged building materials; and

WHEREAS marketable building materials may include items such as wood framing, metal beams or framing, wood flooring, windows, doors, light fixtures, plumbing fixtures, cabinetry, appliances, hardware, furniture, ductwork, concrete, electrical wiring, and insulation; and

WHEREAS deconstruction service and used building material salvage opportunities do currently exist in the region;

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

1. Where practicable, the Borough of Watchung requires that a qualified salvage or deconstruction service provider be consulted prior to the start of any building, remodeling or demolition project conducted by the Council to determine the suitability and value of all possible salvageable building materials present; and
2. Where the quantity or quality of recoverable materials is insufficient to justify their retrieval, salvage and deconstruction efforts may be disregarded; and
3. Where salvage and/or deconstruction are feasible, they should be pursued as a waste reduction option prior to the demolition of unusable materials and a report of recovered materials should be submitted to the Borough for municipal records; and
4. Whenever the Borough of Watchung develops a request for proposals with regard to any municipal building, remodeling or demolition project, the option to salvage materials through salvage and deconstruction shall, where practicable, be included in the bid specifications.

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: MISC., PURCHASING,
C: FINANCE, ENGINEERING,

BOROUGH OF WATCHUNG
RESOLUTION: R8

WHEREAS, the Borough of Watchung recognizes that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets; and

WHEREAS, understanding that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners; and

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey; and

WHEREAS New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries; and

WHEREAS State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services; and

WHEREAS The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws; and

WHEREAS New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators; and

WHEREAS approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month; and

WHEREAS free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces; and

WHEREAS stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

WHEREAS it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

WHEREAS all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities, like Watchung, also require licensure of cats; and

WHEREAS all municipalities are required to canvass their residents to locate unlicensed dogs;

BOROUGH OF WATCHUNG
RESOLUTION: R8

NOW THEREFORE BE IT RESOLVED BY the Governing Body of the Borough of Watchung that it shall take the following steps with regard to its municipal responsibilities with the intent of making Watchung a truly sustainable community. It is the Governing Body's intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows.

1. Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.
2. Work to improve the enforcement of animal cruelty statutes.
3. Educate our community, about their responsibilities towards the pet animals they chose to keep.
4. Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
5. Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
6. Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
7. Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: MISC.,
C: BOH,

RESOLUTION : R9

BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung,
that the Borough Treasurer be, and is hereby directed to pay bills in the amount of
\$5,333,244.06 per the attached bill list. The expenditures can be broken down into
the following categories:

Affordable Housing Trust	\$	3,007.50
Animal Control	\$	2.40
Developer Escrow	\$	9,558.00
Other Escrow	\$	410,695.75
Somerset County Taxes	\$	1,842,389.56
Capital Fund	\$	21,204.75
Watchung Community Foundation	\$	226.00
Watchung Borough Board of Education	\$	1,152,095.00
Watchung Hills Regional High School	\$	669,794.00
Current Fund	\$	1,224,271.10
Total:	\$	5,333,244.06

Wendy Robinson

Daryl Eisenberg Knechten

Lindsay Goodloe

Ronald Jubin

Pietro Martino


William J. Hance, CFO

Freddie Hayeck

Keith Balla, Mayor

James Damato, Administrator

Date: October 21, 2021

Index: Finance

**BOROUGH OF WATCHUNG
RESOLUTION: R10**

***AUTHORIZING PARTIAL RELEASE OF PERFORMANCE SURETY BOND
#SUR0045138 AND SETTING OF LOWER PERFORMANCE BOND***

WHEREAS, the Governing Body of the Borough of Watchung previously adopted resolution R20 on June 17, 2021 authorizing the partial release of performance bond #SUR0045138 subject to receiving a lower “maintenance bond” instead of a “performance bond” and wishes to correct this administrative error.

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

- 1) The Borough of Watchung has accepted the municipal site improvements thus far and the recommendation of the Borough Engineer with respect to the partial release of performance surety bond #SUR0045138 as formerly authorized under resolution R20 adopted on June 17, 2021.
- 2) The Performance Surety Bond previously posted shall be returned to Seritage Growth Properties, 500 Fifth Avenue, Suite 1530, New York, NY 10110 upon the posting of a **Performance Bond** to be approved by the Borough Attorney in the amount of \$609,824.88, such maintenance bond to be valid for two (2) years from the date of adoption of this resolution.
- 3) The Construction Code Official shall not issue a Final Certificate of Occupancy until the required maintenance bonds hereinbefore referenced have been posted.

BE IT FURTHER RESOLVED that a true copy of this resolution shall be forwarded to Argonaut Insurance Company, the Borough Attorney, Borough Engineer and Seritage Growth Properties.

Ronald Jubin, Council Member

Keith S. Balla, Mayor

ADOPTED: AUGUST 21, 2021
INDEX: BONDS-MAINT., FINANCE-MISC.
C: ENGINEERING, FINANCE, CONSTRUCTION

**BOROUGH OF WATCHUNG
RESOLUTION: R11**

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the appointment of **Damaris Quiñones-Gray** as **Administrative Assistant** at a salary of \$45,000 per year, subject to a clear background check, is hereby confirmed effective November 1, 2021.

Ronald Jubin, Council Member

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: APPOINTMENTS
C: B. HANCE, E. HORSFALL

**BOROUGH OF WATCHUNG
RESOLUTION: R12**

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO J.A. ALEXANDER INC. FOR THE 2020 AND 2021 ROADWAY IMPROVEMENTS PROJECT

WHEREAS, on October 14, 2021, sealed bids were opened on behalf of the Borough of Watchung for the 2020 Roadway Improvements (Nottingham Drive and Hill Hollow Road) and 2021 Roadway Improvements (Elsinore Drive, Friar Lane, Johnston Drive, and Sherwood Drive); and

WHEREAS, the Borough opened six (6) bids on October 14, 2021 in the following amounts:

Bidder	2020 Roadway Improvements	2021 Roadway Improvements	Total Bid Amount
J.A. Alexander, Inc.	\$318,210.39	\$275,035.66	\$593,246.05
Top Line Construction Corp.	\$336,683.44	\$298,290.06	\$634,973.50
P & A Construction Inc.	\$359,021.22	\$313,384.64	\$672,405.86
Reivax Contracting Corp.	\$371,499.55	\$317,253.25	\$688,752.80
Black Rock Enterprises, LLC	\$416,200.60	\$366,586.80	\$782,787.40
Shifano Construction Corp.	\$401,795.65	\$347,810.15	\$749,605.80

; and

WHEREAS, CME Associates, the Borough's consulting engineer, reviewed all of the bid proposals and found that the lowest numerical bid submitted by J.A. Alexander, Inc. contained a mathematical error in Line 13A of its proposal for the 2020 Roadway Improvements that contained a Unit Price of \$2.75 per square yard, with an estimated quantity of 21,945 square yards, which extended amount should have been \$60,348.75, not \$68,598.75 as was contained on its proposal sheet; and

WHEREAS, after further review and correct calculations, J.A. Alexander bid for the 2020 Roadway Improvements was \$309,960.39 and \$275,035.66 for the 2021 Roadway Improvements for a total bid amount of \$584,996.05 which was recommended for award by CME Associates; and

WHEREAS, the appropriate Borough Official has certified the sufficiency of funds for the award of contract for the 2020 and 2021 Roadway Improvements Project, subject to the approval of the New Jersey Department of Transportation; and

WHEREAS, Council of the Borough of Watchung has determined pursuant to *N.J.S.A. 40A:11-1, et seq.*, J.A. Alexander, Inc. is the lowest responsive responsible bidder for the 2020 and 2021 Roadway Improvements Project with a total bid in the amount of \$584,996.05, subject to the approval of the New Jersey Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Watchung, County of Somerset, State of New Jersey that pursuant to *N.J.S.A. 40A:11-1, et seq.*, J.A. Alexander, Inc. is the lowest responsive responsible bidder for the 2020 and 2021 Roadway Improvements Project with a total bid in the amount of \$584,996.05; and

**BOROUGH OF WATCHUNG
RESOLUTION: R12**

BE IT FURTHER RESOLVED by the Council that it hereby awards a contract for the 2020 and 2021 Roadway Improvements Project to J.A. Alexander, Inc., 130 Jon F. Kennedy Drive, Bloomfield NJ 07003 in a total amount not to exceed \$584,996.05 subject to the approval of the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the Mayor and all Borough Officials and employees, to take all necessary action to effectuate the within Resolution, including but not limited to the Mayor and Borough Clerk's execution of the contract awarded herein and the implementation thereof consistent with the terms of this Resolution and executed contract; and

BE IT FURTHER RESOLVED, that upon receipt of a fully executed contract, the Borough Clerk is hereby authorized and directed to return the bid bonds of all unsuccessful bidders.

Daryl Eisenberg Knegten, Council Member

Keith S. Balla, Mayor

**BOROUGH OF WATCHUNG
RESOLUTION: R13**

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 Governing Body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of the closed session of October 21, 2021.

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

Attorney-Client Privilege Matters, Personnel Matters, and
Contract Negotiations

3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

Wendy Robinson, Council President

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021

INDEX: MISC.

C:

**BOROUGH OF WATCHUNG
RESOLUTION: R14**

**RESOLUTION AUTHORIZING ADDITIONAL EXTENSION OF TIME OF THE
DESIGNATION OF THE CONDITIONAL REDEVELOPERS OF THE BONNIE BURN
ROAD PROPERTY**

WHEREAS, on May 20, 2021 the Borough Council adopted a resolution to conditionally designate Sterling Watchung, LLC as redeveloper of the Property known as 291 Bonnie Burn Road, Watchung, New Jersey, and identified as Block 7403 Lots 5 and 10 and Block 7402 Lots 19.01 and 19.02 on the tax maps of the Borough of Watchung (“Conditional Designation Resolution”); and

WHEREAS, pursuant to the terms of Resolution the designation was conditioned upon, among other things, the parties negotiating and entering into a Redevelopment Agreement and Financial Agreement acceptable to both parties within ninety (90) days of the adoption of the Conditional Designation Resolution; and

WHEREAS, by way of correspondence dated July 9, 2021, legal counsel for the Bonnie Burn Redevelopers Urban Renewal, LLC (formerly Sterling Watchung, LLC) advised that approval was obtained from the Department of Community of Affairs on May 25, 2021 for Sterling Watchung, LLC to convert to the urban renewal entity Bonnie Burn Redevelopers Urban Renewal, LLC and requested the Borough extend the ninety (90) day timeframe contained in the Conditional Designation Resolution for an additional thirty (30) days in order to allow the parties sufficient time to negotiate a Redevelopment Agreement and Financial Agreement that is acceptable to both parties; and

WHEREAS, the Mayor and Council of the Borough of Watchung determined that it was in the best interest of the Borough to extend the designation as Conditional Redevelopers of the Bonnie Burn Road Redevelopment Area and did so most recently by authorizing Resolution R5 on September 9, 2021 and wish to further extend this designation until November 23, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that it hereby extends the timeframes extended via R5 on September 9, 2021 until November 23, 2021.

Daryl Eisenberg Knegten, Council Member

Keith S. Balla, Mayor

ADOPTED: OCTOBER 21, 2021
INDEX: PLANNING BD, MISC.
C: T. SNYDER,