

# BOROUGH OF WATCHUNG

## MINUTES

MAY 10, 2012 - 7:30 P.M.

**MAYOR'S STATEMENT:** Mayor Gerald Mobus called the meeting to order at 7:39 PM and made the following statement: 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 annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

### **SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD**

#### **ROLL CALL**

Joren [ A ] Black [ P ] Franklin [ P ] Pote [ A ] Nehls [ P ] Cassidy [ P ]

Also present was Borough Administrator Tom Atkins, Attorney Albert Cruz, Chief Finance Officer Bill Hance and Clerk Michelle DeRocco. Although not present at Roll Call, Councilman Pote arrived at 7:50 P.M.

There were 6 members of the public present.

#### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance - Councilman Franklin announced the budget will be introduced this evening. Mayor Mobus thanked Councilman Franklin and his committee for this efficient budget, and said all did a good job. He also commended Administrator Atkins and CFO Bill Hance for their diligence.

2. Police - No report was presented.

3. Public Works - Councilman Nehls said the DOT denied the Borough's grant application for Knollwood. He said estimated improvements needed will be about \$775,000., therefore, this will be applied for again next year. He said two projects that will be done this year are milling and paving of Hill Hollow, and water run-off on Glen Eagles, where two old springhouses at Washington Rock Park are overflowing and causing icing problems. Councilman Nehls said a DOT grant for improvements on Johnston is in place, however, the Borough still must bond for it. He explained that the Borough must pay the cost of the project and upon completion, the DOT will reimburse us. He said a public meeting was held on May 8, 2012 for any environmental concerns for Johnston Drive, as required for the NJ EITF loan.

4. Buildings and Grounds; Recreation - Councilwoman Cassidy announced the Borough is offering mulch to residents, at \$50. per truckload. She said this can either be picked up or delivered, and anyone interested in obtaining mulch should call Public Works. She said Bob Burns is feeling better and is back to work. She said the new truck has been delivered. Councilwoman Cassidy said CFO Bill Hance has provided a list of projects for our Sustainable Jersey certification, and that she is hoping to be able to move forward with grants that could assist in the Texier House renovations. She applauded CFO Bill Hance for keeping the Borough efficient. It was also mentioned that Mr. Herits is scheduling a meeting of the energy/green team.

5. Public Affairs

Open Space - Councilman Franklin said the Committee has received hard copies of the Open Space and Recreation plan and intend to review the inventory, as this has not been done since 2003.

Environmental - Councilman Franklin said he is waiting to hear from Councilman Nehls if Public Works can have some manpower available on Saturday, June 16th, to assist with the styrofoam collection. He said he will discuss adding a metal collection with Tom Atkins and Bill Hance.

. Board of Health - No report was presented.

6. Fire - Councilman Black said a radio communications meeting is scheduled for next week. He said the Department will be on hand at the Triathlon. He said the Borough hosted the Green Brook

Flood Control meeting last week and reported the DEP will initiate talks with the Army Corps of Engineers.

7. Laws/Ordinances - Councilman Pote said the Laws & Ordinance meeting scheduled for this morning is being rescheduled until May 23rd. He said the Library Study Committee is meeting with the Foreman Group on Monday, May 14th, to discuss the final rendering and any new environmental work that will be added. He said the Committee will be ready to make a formal presentation to the Governing Body. He explained the next step will be to formulate a position for a non-binding referendum question in November. Councilman Pote said he hopes to have a good amount of public attend the next meeting.

#### **REPORTS - OTHER:**

8. Engineer - No report was presented.

9. Police Chief - No report was presented.

10. Fire Department - No report was presented.

11. Rescue Squad - President Lysandra Plotkin reported the Squad will be in attendance at the Memorial Day Picnic on May 27th, will be participating Warren's Memorial Day Parade, and will be on EMS standby during the Triathlon on May 20th. She thanked Jess Wexler and Denis Kelly of the Echoes for an informational segment that was published to increase awareness of the Squad, and promote the May Fund Drive. She said Adam Wexler has begun discussion with North Plainfield and soon will do with Plainfield, in regard to new policies for mutual aide. Ms. Plotkin announced the Squad will be hosting the 2nd District meeting on Monday, June 25 at the Exempt Hall, and said Mayor Mobus and Council members are invited to attend. She reported on April 14th, members Scott and Denise were returning from Overlook when they came up to a car accident on 78 with multiple patients ejected from their vehicle. Although Warren Rescue was already on scene, Scott and Denise transported one patient to Morristown Trauma Center. Top responder for this month was Logan Taylor.

12. Attorney - Mr. Cruz thanked all for their concerns during his recent illness.

13. Clerk - Mrs. DeRocco reminded all that June is "Curb Hunger Month," Tuesday is the Narratives of Courage program at Valley View School, and that Financial Disclosure forms are due in her office.

14. Administrator - Mr. Atkins noted R5 on this evening's agenda and explained this resolution establishes the Borough's sewer fees for the year, noting there is no increase from last year. R18 opposes legislation that will require user fees to be included in the 2% cap, and R19 supports the return of energy taxes to Municipalities. He wished all the moms a happy Mother's Day.

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#### **UNFINISHED BUSINESS**

A Public Hearing on Proposed Ordinance OR:12/05 entitled "**AN ORDINANCE PROVIDING FOR PROFESSIONAL AFFORDABLE HOUSING SERVICES FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$70,000.00 THEREFORE FROM THE CAPITAL SURPLUS FUND.**" was held. Councilman Pote moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye."

With no one else from the public desiring to be heard, Councilman Pote closed the public hearing and moved the following resolution:

R1:05/10/12 Adoption of Ordinance OR:12/05 - Appropriation for Professional Affordable Housing Services

Councilman Nehls seconded the motion and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye."

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#### **NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda items listed below were unanimously accepted, following a motion by Councilman Black, a second by Councilman Franklin and upon roll call as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye".

Approval of the following Council minutes:  
April 26, 2012

Acknowledging Receipt of the following Borough Reports:  
Recreation Commission Minutes - March 14, 2012

Acknowledging Receipt of the following Correspondence:

- #24 - Borough of North Plainfield 4/26/12, Borough of Far Hills 5/1/12 Resolutions supporting the "Hire a
- #25 - New Jersey American Water 5/2/12 Email from Kevin Watsey, Manager of Government Affairs,  
c: M & C, TEA, WH

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda items listed below, with the exception of R2, were unanimously accepted, following a motion by Councilman Black, a second by Councilman Nehls and upon roll call as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye."

Mayor Mobus asked that the following resolution be removed for separate consideration.

Councilwoman Cassidy read R2 into the minutes. (copy attached)  
Councilwoman Cassidy offered the following resolution:

R2:05/10/12 Honoring Dr. MaryLou Malyska on her retirement

Councilman Franklin seconded this motion and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, "aye."

- R3: Authorize the appointment of Alternate Fire Sub-Code Official - Mark Ciarlariello
- R4: Purchases Over \$2,000. - NITV Federal Services, Lawmen Supply Co. of N.J.,  
Martoccia Landscape Services, Community Action Services
- R5: Establish 2012 Sewer Charge
- R6: Authorize Return of Escrow - As listed
- R7: Authorize Clerk to Advertise and Receive Proposals / Borough Property on East Drive
- R8: Authorize Expansion Professional Service Contract - Maser Consulting/ Affordable  
Housing Administration
- R9: Authorize Expansion Professional Service Contract - Maser Consulting/ Surveying and  
Construction Stake-out Services  
Johnston/Valley Drive Sanitary  
Sewer Extension project
- R10: Opposing Senate Bills 1451 and 1452
- R11: Waive Chapter 16-1.15b - Swimming at Watchung Lake / Triathlon
- R12: Appeal to DLGS for Extension of Time - 2012 Municipal Budget Introduction
- R13: Authorize Return of Sewer Permit Fee - Cedar Glen, LLC
- R14: Accept and Authorize the Implementation of the Housing Rehabilitation Manual
- R15: Appointment to "Green Team" - Robert Gibbs
- R16: Authorize Tax Sale Redemption - Certificate 4-2009
- R17: Clarification of Contract Award - L.T. Purcell Associates
- R18: Opposing S-1914 - Requirement of User Fees to be included in 2% Cap
- R19: Supporting the Restoration of Energy Taxes to Municipalities
- R20: Authorize Participation in the Watchung Hills Regional Municipal Alliance  
2012 Grant Application, and Local Match

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

Ordinance OR:12/06 entitled “**AN ORDINANCE TO ESTABLISH A CAP BANK**” was introduced. Councilman Pote moved the ordinance be given its first reading. So ordered. Councilman Pote moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. .

R21: Introduction of OR:12/06 - Cap Bank Ordinance

The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, “aye”. Public Hearing to be held on May 24, 2012

Introduction of Proposed “**2012 MUNICIPAL BUDGET**” Councilman Franklin read the resolution of introduction of the proposed 2012 Municipal Budget, and made a motion to adopt this budget.

R22: Introduction of 2012 Municipal Budget

Councilman Nehls seconded the motion and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, “aye.” Public Hearing to be held on June 14, 2012.

#26 - Fibertech Networks LLC, March 7, 2012 Request for consent to use and occupy the public rights of way within the Borough for the purpose of constructing a fiber optic network extension to service a customer c: M & C, TEA, AC, TH

Tim Neithardt, Fibertech, explained to the Governing Body that a resident on Glen Eagles is requesting broad band service and in order to provide that to them, Fibertech is requesting permission to attach their cable to 13 utility poles. Mr. Cruz asked if any trees would have to be removed or trimmed, and if any street opening would be necessary. Mr. Neithardt said he had not personally seen the street but believes only minor tree trimming if any would be needed, and that no street opening permits would be needed as they would enter the ground on the resident’s property. After discussion, it was the consensus of the Governing Body to authorize Councilman Franklin and Engineer Arlene McCoy to accompany Mr. Neithardt on an on-site visit and await their recommendations.

Recreation Committee Discussion - Summer Park Program

Councilwoman Cassidy distributed figures prepared by CFO Bill Hance that outlined the Summer Playground’s expenses and revenues. She explained that at this time only 32 children are signed up for the program, despite the efforts to begin registration earlier this year. Councilman Nehls said every year the enrollment numbers continue to go down, and that he cannot see the logic in subsidizing this program. He said he would rather see the Borough put the money towards the restoration of the tennis courts. Mayor Mobus said he believes one problem may be that this program gets cancelled when it rains and working parents need a place for their children rain or shine. He said another problem is the quality of some of the programs. Councilwoman Cassidy said the Recreation Commission is looking to upgrade the program and hire more experienced counselors, however, it is getting closer to the end of school and parents need to know if this program will be held, so that they have time to seek other options. She said the Borough would look into other towns such as Warren and Long Hill to see how their programs are run. Councilman Black said that after reviewing the numbers he would have to vote to discontinue the program for this year. Councilman Franklin agreed with Councilman Black, and said that the Borough would be using tax payer’s dollars to subsidize the program when it is not the Borough’s obligation. Councilman Pote asked how much the Borough subsidized last year’s program and CFO Bill Hance said \$11,000. Mayor Mobus asked the Council to consider restoring an upgraded program for 2013 and Council agreed to consider that possibility.

Councilwoman Cassidy made a motion to not go forward with the Recreation Commission’s summer park program in 2012. Councilman Franklin seconded the motion and upon roll call the vote was as follows: Black, Franklin, Pote, Nehls, Cassidy, “aye.”

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**PUBLIC PORTION**

Mrs. DiRosa, Washington Rock Road, said she was present tonight to perform her last official duty as a member of the Board of Education, after serving 12 years. She said it is bittersweet, but it is time to go. She thanked Echoes Sentinel reporter Denis Kelly for his beautiful article, and said she is sure she will continue to volunteer in the Borough in other capacities. She thanked the Governing Body for the resolution for Dr. Malyska and said she will love it, and said she hopes all will attend the Narratives of Courage Day. She said she is disappointed to see the summer park program go, but believes it is the right move at this time. Mrs. DiRosa thanked the Governing Body for their service to the resi-

dents. Councilman Franklin thanked Mrs. DiRosa for her service, and Councilwoman Cassidy said she will be missed.

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**ADJOURNMENT**  
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There being no further business to come before the Council, the meeting was adjourned to the Call of the Chair and to the next scheduled Council meeting to be held on Thursday, May 24, 2012 at 7:00 P.M.

Respectfully submitted,

Michelle DeRocco, RMC  
Clerk