

BOROUGH OF WATCHUNG

MINUTES

SEPTEMBER 27, 2012 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Gerald Mobus called the meeting to order at 7:30 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 [P] Black [P] Franklin [P] Pote [P] Nehls [P] Cassidy [P]

Also present were Borough Administrator Tom Atkins, Attorney Albert Cruz, CFO William Hance, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 25 members of the public present.

Mayor Mobus deviated from the Agenda and asked for R1:09/027/12 to be read into the minutes.

Council President Joren introduced **R1: Appointment to Youth Services Commission - Jessica**

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

Mayor Mobus administered the Oath of Office to Christian Logan as his father Timothy held the Bible and his mother Diane was by his side.

Mayor Mobus administered the Oath of Office to Jessica Mobus, his granddaughter, as her father David held the Bible. Mayor Mobus said this makes the 5th generation of "Mobus" to serve the Borough.

Mayor Mobus deviated from the agenda and requested Councilman Nehls introduced **R10: 09/27/12**

Councilman Nehls gave a brief explained that this resolution authorizes the Mayor and Clerk to sign two settlement agreements, one for construction and another for landscaping, concluding this matter. He thanked Mr. Cruz and Engineer Tom Herits for their diligence on this ongoing concern.

Mayor Mobus opened the meeting to the public for any questions or comments on R10.

Ms. Barbara Potashkin, Schmidt Circle spoke on behalf of all Villa Domenico residents in attendance. She expressed their gratitude to the Mayor and Council, Attorney Mr. Cruz, and Engineer Tom Herits for their help. She said they are hoping the 5th building will be constructed in the near future.

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

REPORT OF STANDING COMMITTEES:

1. Administration & Finance- Councilman Franklin reported receipt of the August Revenue Report and stated that each month the revenues are improving. He also mentioned a personnel issue regarding Police recruitment that will be discussed at a later time.

2. Police: Council President Joren reported that the Police Department did a Reverse 911 call regarding the recent increase of stolen cars in the area and home burglaries. The call advised residents to lock their cars even when parked in their driveways. The Police issued another Reverse 911 this evening informing residents of an upcoming Medicine Chest at Police Headquarters October 6th, and explained all expired, or unused medicines can be dropped off at Headquarters between the hours of 10 AM to 2 PM. The police will then dispose of them. There will be curfews for both mischief night, 10 PM, and Halloween night, 9 PM. Both of these nights are weeknights and school nights. She also discussed the accreditation process for the Department and said the council will need to approve the proposed rules and regulations. Council President Joren said the Police Committee, the Police Department staff, Borough Attorney, Borough Administrator, and the Borough's Labor Counsel have all looked at it and once it is reviewed by the Mayor and Council, she would like a resolution on

the next agenda for its approval. This will allow the Department to move forward with the Accreditation process and hopefully, complete it by the end of this year. She announced new Police Officers will be hired to replace the 3 who will be retiring. The Department will also be looking to replace their CAD System and said Chief Wenzel may be at the next Council meeting to discuss a recommendation.

3. Public Works- Councilman Nehls reported Public Works handled 58 service calls and 89 work orders. The Department has been out cutting roadside vegetation and they are in the process of preparing the equipment for the winter. He also reported on the following road projects: Rock Avenue has been milled and paved; blacktop completed on Chelsea, Winter Lane, Johnston Drive, High Tor Drive, Knollwood Drive and Acorn Road. Hill Hollow Road has been milled and paved this week, and the Johnston Drive road project is in progress. Engineer Tom Herits reported that the Hill Hollow project is complete with the exception of striping.

4. Buildings and Grounds and Recreation: Councilwoman Cassidy reported that the Buildings and Grounds Committee met last Friday, September 21st. Community Service people continue to wash the police vehicles and also completed the cleanup of the bicentennial room and painted the Courtroom hallway. Best Lake aerator lights have been repaired and the Borough is looking at the possibility of a three year maintenance contract hopefully to reduce costs. She said a new compressor has been installed at the Police Department, and a small A/C unit was installed in the finance office at Borough Hall. Recreation Commission member David Mobus will be discussing the Tennis Courts later in the meeting. She said she hopes to be able to go out to bid on the Courts beginning of next year and start the work as soon as possible. The plan would be to utilize public works to rectify the drainage problems, and to transport any materials from Weldon - this would bring our costs down. Also looking at the library with work in the future and trying to minimize the maintenance by Buildings and Grounds, noting they have done a lot of cleaning up on the bottom floor, replaced the rugs and it is in very good order for the Seniors to use. The Committee is also looking at a better way to store equipment and are considering the purchase of a storage unit, or other options, such as the East End Fire House. Lastly, the Committee is reviewing fire hydrant locations, as there may be two or three that should be moved and possibly one or two added. Councilwoman Cassidy said they will leave that to Councilman Black and the Fire Committee to discuss. Mayor Mobus asked CFO Bill Hance what the status is on our 501 C3. Mr. Hance stated the Corporation has been created but we are still waiting for confirmation by the IRS that it has been established. It probably will be available within the next couple of weeks.

5. Public Affairs:

Open Space: Councilman Franklin reported they did not meet in September – they are waiting for the report from Engineer Tom Herits on the Borough's open space inventory.

Environmental: Councilman Franklin reported that the Environmental Commission met this past Monday and discussed the reporting format for tree removals. He explained residents are advised they do need a permit to cut down any tree. There is no fee for removal of a dead or diseased tree but all others require a fee and must have approval before cutting trees down. Sondra Epstein accompanies Assistant Engineer Arlene McCoy when she goes to inspect the site requesting tree removal. The Commission also discussed placing the large blue recycle buckets at Mobus Field. Mayor Mobus reported this was discussed at the Mayors Round Table as a Pilot Plan for certain municipalities (the Borough was not one of them). They would be placing 76 gallon cans with lids in certain towns. The commission also asked the Police Committee to discuss with the Police Chief any developments on the school parking, especially at Valley View School and the idling situation.

Board of Health: Councilman Black said the Board Of Health Commission met on September 19th and reported two items of interest. First was a report that there have been two cases of Rocky Mountain Spotted fever in the area and the second was a case of whooping cough. He just wanted residents to be aware of these. As far as the whooping cough case, it seems many parents are opting not to have their children vaccinated for many of the childhood diseases and this could pose a health problem in the future. A Sewer Ordinance amending the current Board of Health Ordinance to bring it more in line with the State was introduced. This Ordinance addresses the hook-up time frames when a public sewer system is put in place. A public hearing is scheduled for December 12, 2012. Mayor Mobus asked if it is consistent with the Boroughs Ordinance on sewers and Councilman Nehls explained the Borough Ordinance mandates resident hook-up but the Board of Health Ordinance gives some temporary exemptions to the time frame. They also took some exemptions from the States regulations. Any request for a temporary exemption must be brought to the Board of Health Commission for review, it is not a permanent exemption, and the resident must have proof that the septic system is being maintained and is in good working order. Councilman Nehls said it has always been the Borough's goal to have everyone on sanitary sewers. Mayor Mobus questioned whether the residents still have the liability for the assessment and what happens if they were to sell the home? Councilman Nehls stated they do and the residents were not questioning that, they are fine with paying the assessment fees, they were only questioning the requirement for hook-up, and if they were to sell their home they would be required to hook-up immediately with no exceptions. Councilman Black also mentioned that Kevin Sumner reported on the budget for Middle-Brook for the upcoming year and that there is a very minimal increase of about \$4,000 and considering the extent of service Middle-Brook provides to the Borough, that is not a very large increase.

6. Fire – Councilman Black reported the committee met on Friday, September 21st and said everything is looking very good on the narrow band and if all goes accordingly it should be completed in about two weeks. Chief Carlucci has about three estimates he has received, all of which are under \$2000 and they will be in way ahead of schedule. He reported the discovery of two additional frequencies with the police department, but are not sure yet if they would be relinquished to the Rescue Squad and/or Fire Department but at this time they will await to hear from the Chief on that decision. Gary Greves is still working with FEMA and trying to get funds for the October storm. He also mentioned moving and or replacing some fire hydrants, there is an issue on Mountain Boulevard where two new ones will have to be installed. He mentioned Fire Prevention Sunday will be held on October 14th, there will be a memorial service at Wilson Memorial Church at 10 AM and then an Open House at the Firehouse from 12 noon. Poster contest winners will be announced.

7. Laws/Ordinances – Councilman Pote reported the Laws and Ordinance Committee will be meeting next week. They do have several topics for discussion. Also, on the agenda tonight there is to be continued discussion on the proposed mailing from the Library Study Committee regarding information to educate the public on the current state of the Library, and the referendum question on the ballot for the November General Election ballot..

REPORTS - OTHER:

8. Engineer- Tom Herits reported the Hill Hollow Road project is completed. They just have to do the striping. Work on Johnston drive has started and the only thing left will be commencing the work on Glen Eagles. There are resolutions on the agenda tonight for DOT projects which we will be applying for. Regarding the Pump Stations they are hoping for an unbiased opinion on what is going on there and hopefully settling on a contract to get that straightened out. He did not feel the Mountain Boulevard water mains are going as fast as they hoped but it is moving along. Councilman Nehls questioned when the paving on Mountain Boulevard would be started and Mr. Herits thinks it may have gone out to bid but by the time the contract is awarded and depending on the weather he does not feel you would see anything until the Spring. He will try to get more information on the paving from the County.

9. Police Chief- No Report was presented.

10. Fire Department - No Report was presented.

11. Rescue Squad – No Report was presented.

12. Attorney – Mr. Cruz said he had items for discussion in Executive Session.

13. Clerk – Michelle DeRocco said she had no report, however, reminded Council members who have not yet responded to the memo on the upcoming League Conference that she needs to have a response tonight if they are planning to attend.

14. Administrator – Tom Atkins mentioned there is a resolution on the non-consent agenda regarding the Deer Management program. He said he is working with Administrative Assistant Linda Monetti, and said it takes considerable amount of time to get all the information. He will be filing the paper work needed for the municipal sites. As Borough Administrator he can do this. One private site has been cleared based on the 450' policy because there were only a few property owners involved in the area. Many of the other sites have multiple owners involved and that takes a lot of time. He said he will provide another status report in a week or two pending approval of the Resolution tonight. Council President Joren questioned whether it has been decided about getting someone to contact residents – she cited a Resolution from 2003 which stated only the Borough Administrator could take care of that. Mr. Atkins said that the only person reaching out to residents as a Borough agent under our direction is Linda Monetti and he may follow up with a few himself. If he feels it may be more effective to have someone else reach out he will speak with the Mayor or a Council Member. Council President Joren just wants to make sure that no resident contacts other residents to secure permission. Mr. Atkins said the sports club involved is not reaching out to the residents. Mr. Pote stated he believed the intent of the 2003 resolution was that the proper authorization goes through the administrator. He said certainly any resident can discuss this program and anyone they so chose to, however, the final determination and authorization is with the Administrator. Council President Joren disagreed with that and remembers in 2003 there was a lot of discussion that the Borough did not want people calling other people whether to harass them or try to convince them and that is why the Borough came up with the Resolution and that we could have a committee to volunteer, review and identify and recommend potential sites. But to secure written permission from the property owner would exclusively be the responsibility of the Borough Administrator or the vendor contracted to conduct the deer management program. We did this because we did not want residents calling other residents for permission. The committee could look at the map and went back to the survey of people who said they would allow their property to be used. The committee could take those surveys and look at those sites and try to put together the 450' regulation limit. They could identify the sites but could not contact the people. She then asked Mr. Cruz. Mr. Cruz asked to look at the Resolution and said he agreed with the Council President that at the time this was occurring there was a concern of residents being reached by someone other than a Borough official with appropriate authority. He took the time to review the

Resolution then stated he did agree with the Council Presidents' interpretation that the function of the committee appointees was to review, identify and recommend the baiting site but the function of obtaining the permission was the responsibility of the Borough Administrator. Councilman Pote proposed that the Borough have a committee formally put in place with names that will do exactly that. Mr. Cruz said the committee could not supply names but only recommend sites and they could only obtain site information by reviewing maps. Councilman Nehls thought we already had a committee. The Wildlife Committee is already in existence. The members on that committee are Hans Juette as the Chair, Al Carroll, Dick Wellbrock, Paul Michaelis, and Phil Whiting.

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NEW BUSINESS

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

Approval of the following Council minutes:
September 13, 2012

Acknowledging Receipt of the following Borough Reports:
Tax Collector's Report – August 2012
Finance Department Revenue Report – July, August, 2012

Acknowledging Receipt of the following Correspondence:

- #46 - Terrence O'Connor 9/17/12 Letter of gratitude to Mayor and Council on behalf of his family and neighbors for successfully convincing the NJ DOT that the sign on Bonnie Burn Road directing traffic intended for Newark down to Prospect Street was incorrectly placed and finally relocating it c: M & C, TEA, TH
- #47 - Anthony Attanasio, Asst. Commissioner NJ DOT 9/24/12 Letter concurring with the Governing Body's request to relocate the sign on Bonnie Burn Road and Prospect Street, and advising relocation was to take place on September 14, 2012 c: M & C, TEA, TH
- #48- Somerset County Planning Board 9/19/12 Resolution transmitting Somerset County Planning Board's Comprehensive Economic Development Strategy (CEDs) project, program and activity recommendations to the Business Partnership c: M & C, TEA, DS, TH
- #49 - Lynda Goldschein 9/20/12 Commenting on the Borough's volunteer process c: M & C
- #50 - Ray Miller 9/24/12 Urging the Mayor and Council not to consider the use of bow and arrow as a means of culling the deer c: M & C, TEA
- #51 - Marie Murphy/Watchung Seniors 9/21/12 Letter of gratitude on behalf of the Watchung Seniors for their annual stipend c: M & C, TEA

Councilman Nehls just wished to thank Mr. Atkins, the Mayor, Council President and Councilman Black for finally getting the sign moved (#46). The Mayor said Mr. Black made some of the most important calls along with a letter from the Mayor to the DOT Commissioner to get this completed.

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

- R1:09/27/12 Appointment to Youth Services Commission - Jessica Mobus, Christian Logan
- R2: Authorize Clerk to Issue Raffle License - Watchung Educational Foundation
- R3: Purchases Over \$2,000. - Winner Ford, Fail Safe Fire Hose, Migcon Drilling
- R4: Authorize Grant Application - NJ DOT / Improvements to Knollwood Drive
- R5: Authorize Grant Application - NJ DOT / Bayberry Lane Pedestrian Crosswalk
Lighting
Improvements
- R6: Authorize Return of Escrow - As listed
- R7: Appointment of Fire Department Junior Member - Christopher Cottrill
- R8: Authorize Clerk to Advertise for Bids - 8 Yard Dump Truck / Public Works

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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.

Introduction of Proposed Ordinance OR:12/12 entitled **“AN ORDINANCE GRANTING EASEMENTS FROM THE BOROUGH TO THE COUNTY OF SOMERSET FOR THE MOUNTAIN BOULEVARD PROJECT.”** 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.

Council President Joren questioned if there was any information on when the project would begin and Mr. Herits reported he believes it has gone out to bid but he does not think anything will be done until the Spring of 2013.

R9:09/27/12 Introduction of Ordinance OR:12/12 - Granting Drainage, Construction Easements to County of Somerset - Mountain Boulevard

The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, “aye”. Public Hearing to be held on October 11, 2012.

R10: Authorize Settlement Agreement - Villa Domenico

(This Resolution was addressed at the beginning of the meeting)

R11: Authorize 2012/2013 Deer Management Program - Blue Ridge Sportsmen, Inc.

Councilman Franklin moved R11, a second was made by Councilman Black and upon roll call as follows: Black, Franklin, Pote, Nehls, Cassidy, “aye”, Joren, “nay”.

R12: Payment of Bills

Councilman Franklin moved R12, a second was made by Councilman Black and upon roll call as follows: Joren, Black, Franklin, Pote, Nehls, Cassidy, “aye”.

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Proclamation: Center for Great Expectations Day/October 26, 2012 (copy attached)

The Mayor spoke about the Somerset County Leadership Program and that our Clerk, Michelle DeRocco is a member of this years’ class. He also mentioned that prior to the meeting tonight they found out that Councilwoman Cassidy is a Board Member of the Center for Great Expectations. He then asked Councilwoman Cassidy to do the honors and read the Proclamation.

Clerk Michelle DeRocco thanked the Mayor and Council for adopting this Proclamation. This was part of her Leadership Programs’ community service project, and said that one of the things the Center for Great Expectations asked them was for their help in making the public more aware of what they do. She also thanked the Mayor and Council for giving her the opportunity to attend the Leadership Program.

PSE&G, Richard Dwyer, Public Affairs Manager/Continued Discussion on Authorization to work on Saturdays.

Councilman Nehls reported a resident complained that work was being done on Saturday, noting the Borough did authorize work on Saturdays, but not to begin before November 11th. H asked for assurance from Mr. Dwyer that Public Service will not start Saturday work until that date. Mr. Dwyer said absolutely no work is being done on a Saturday and will not start until that date.

Mr. Cruz contacted Mr. Dwyer on this issue and also spoke with Mr. Kafka on a one to one basis. Mr. Dwyer has been very responsive. Mr. Cruz stated he told Mr. Kafka that he should attend this Council meeting but said he is not in attendance. Councilman Black questioned whether the drainage on the westerly side has been completed yet? Mr. Herits will be meeting with Mr. Dwyer who said they will be scheduling a field meeting.

Discussion – Proposed Library Questions and Answers Packet
Mayor Mobus said he is referring the draft packet to a Committee for review, and that Committee is Councilman Pote, Councilwoman Joren, Administrator Atkins, and Attorney Cruz.

Mayor Mobus reported he attended the Mayors Round Table Meeting and said there was a speaker there from JCP&L who discussed planned improvements to their communication radio bands. They are hoping to install GIS Systems in all of their service trucks. This is a partial result from the problems during last years October storm. He also stated that PSE&G was good during that storm. Also the County again will be sponsoring "adopt a family" for Thanksgiving. He has flyers and Clerk DeRocco will be printing more out. For a \$40.00 donation a whole family can be fed. He is glad to see the Boroughs' volunteer list is now growing and wanted to make sure letters go out to all those who sent one in. He received a memo from Kelly Cupit from Green Brook that on the 13th of October they will be celebrating the 100th anniversary of Washington Rock State Park. There will be a lot of the staging down at the Green Brook Middle School and there will be some street closings.

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PUBLIC PORTION

Skip Bell, Chairman of the 9/11 Committee, Sue Forton, and Seth Alexander came forward with a draft proposal of the new 911 monument and said they would like to present it to the Buildings and Grounds Committee, and then to the Mayor and Council, for final approval. This is the final report and they are ready to move forward. Hopefully, once the Borough gets the tax exempt status they will begin collecting donations. Councilwoman Cassidy said the whole committee did a wonderful job. Council President Joren stated that Linda Monetti sent the final report to the Mayor and all Councilmembers. Councilman Franklin said the rendering is "awesome" and wished to know if the committee would consider incorporating the existing plaque into the final project and Skip Bell said it will definitely be incorporated in this monument. Mayor Mobus said this committee needs a few new members to replace those who resigned and he recommended that Mr. Seth Alexander be appointed to the committee as a member and all were in favor.

Dave Mobus, Recreation Commission member, said he has researched the costs and determined it would be \$120,000 to complete the new tennis courts. They would like to start their fund raising as soon as possible. Councilwoman Cassidy explained the time frame for the tennis courts, with the actual work to go to bid in February, then to the Council for formal approval. Work could start in the Spring of 2013. Any funds raised would go to CFO William Hance to deposit under the 501 C-3 account (this is a tax exempt account). Councilman Nehls has always felt this project should move forward, many residents have questioned when the courts would be open again. CFO Hance and Attorney Cruz said the Borough can't do any collections until the approval is received for the tax exempt status. Councilman Pote supports having the courts done but wanted to make sure the Borough understands what is expected of the public in the way of donations. He wanted to know if the contributions would be paid back to the residents if the project could not be completed. Councilwoman Cassidy stated they would know more by January or February. Mr. Cruz questioned whether funds are going to be solicited before the State ruling on the tax exempt status and Councilwoman Cassidy said definitely not. She then thanked Dave for all his work and said they will now organize a committee.

Council President Joren moved the following resolution:

- R13: Executive Session: Contract Negotiations – County of Somerset Grant Terms and Conditions
Attorney-Client Privilege – Council of Affordable Housing Update
Contract Negotiations – Shared Services: Borough of North Plainfield
Township of Green Brook

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

Upon return to regular session, all Council members previously in attendance were again present.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:32 P.M. to the Call of the Chair and to the next meeting scheduled for October 11, 2012 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk