WHEREAS, the total levy for the 2023-2024 school year for the Watchung Board of Education has been certified at \$13,343,318.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, in the County of Somerset, that the 2023-2024 school tax levy be paid as follows:

July 2023	\$ 767,209.00
August 2023	\$ 895,079.00
September 2023	\$1,252,343.00
October 2023	\$1,252,343.00
November 2023	\$1,252,343.00
December 2023	\$1,252,343.00
January 2024	\$1,111,943.00
February 2024	\$1,111,943.00
March 2024	\$1,111,943.00
April 2024	\$1,111,943.00
May 2024	\$1,111,943.00
June 2024	\$1,111,943.00

Christine B. Ead, Council President

Ronald Jubin, Ph. D., Mayor

ADOPTED: JUNE 1, 2023 INDEX: FINANCE C: B. HANCE,

WHEREAS, the total levy for the 2023-2024 school year for the Watchung Hills Regional High School Board of Education has been certified at \$7,938,394.00 and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the 2023-2024 school tax levy be paid as follows:

July 2023	\$742,027
August 2023	\$500,000
September 2023	\$703,580
October 2023	\$703,580
November 2023	\$703,580
December 2023	\$703,581
January 2024	\$894,524
February 2024	\$597,505
March 2024	\$597,505
April 2024	\$597,505
May 2024	\$597,505
June 2024	\$597,502

Christine B. Ead, Council President

Ronald Jubin, Ph. D., Mayor

ADOPTED: JUNE 1, 2023 INDEX: FINANCE C: B. HANCE,

WHEREAS, the property owner of 637 Valley Road, also known as Block 7100 Lot 2.01, received a 100% tax exemption; and

WHEREAS, this exemption created an overpayment of taxes in the amount of \$9,398.17 for the period of December 1, 2022 – May 31, 2023.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that the refund of said payment be made per the details listed below:

Block 7100 Lot 2.01

Joseph Tomas

637 Valley Road, Watchung, New Jersey 07069

Amount: \$9,398.17

Christine B. Ead, Council President

Ronald Jubin, Ph. D., Mayor

ADOPTED: JUNE 1, 2023 INDEX: FINANCE C: B. HANCE,

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than the authorized bid threshold 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: Axon

Item:

Axon Enterprise, Inc., 17800 N 85th Street, Scottsdale, AZ 85255 PD - Body Worn Cameras, state contract #T0106/17-fleet-00738

Total Price: \$43,822.28

Charged to: 3-01-610-207, 3-01-190-271, 2-01-610-206, G-03-585-202

Vendor: Northeast Cabling Group, PO Box 3489, Hamilton, NJ 08619
Item: Phillips Field Security Camera (11 cameras/ cables + installation)

Total Price: \$13, 539.00 Charged to: C-02-915-A14

Vendor: Northeast Cabling Group, PO Box 3489, Hamilton, NJ 08619
Item: Mobus Field Security Cameras (17 cameras/cables + installation)

Total Price: \$21, 337.00 Charged to: C-02-915-A14

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED:

JUNE 1, 2023 PURCHASING

INDEX: C:

B. HANCE

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 Abigail Ann Marsh as Part-Time Summer Assistant to the Building/Construction Department, under the direction of Technical Assistant to the Construction Official at an hourly rate of \$20.00 is hereby confirmed.

BE IT FURTHER RESOLVED, that this resolution is hereby ratified to May 26, 2023 and is hereby confirmed.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED:

JUNE 1, 2023

INDEX:

APPOINTMENTS

C:

B. HANCE, E. HORSFALL

BE IT RESOLVED that Ordinance OR:23/06 entitled:

AN ORDINANCE AMENDING APPENDIX A OF THE BOROUGH CODE TO UPDATE AND AMEND THE RULES OF THE COUNCIL, INCLUDING THE PROCEDURES FOR THE ADOPTION OF ORDINANCES AND RESOLUTIONS

Public Hearing June 15, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of June, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Freddie Hayeck, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: INDEX:

JUNE 1, 2023 MISC, CODE

BE IT RESOLVED that Ordinance OR:23/07 entitled:

"ORDINANCE AMENDING SECTIONS OF CHAPTER 12, FIRE PREVENTION, OF THE CODE OF THE BOROUGH OF WATCHUNG"

Public Hearing June 15, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of June, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Freddie Hayeck, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED:

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JUNE 1, 2023 CODE, FIRE

BE IT RESOLVED that Ordinance OR:23/09 entitled:

ORDINANCE AMENDING THE BOROUGH'S ZONING REGULATIONS, CHAPTER 28, LAND DEVELOPMENT, TO REVISE ARTICLE 28-500 REGULATING FENCES AND WALLS

Public Hearing July 13, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 13th day of July, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Freddie Hayeck, Council Member

Ronald Jubin, Ph.D. Mayor

ADOPTED:

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JUNE 1, 2023 MISC, CODE

ORDINANCE AMENDING THE BOROUGH'S ZONING REGULATIONS, CHAPTER 28, LAND DEVELOPMENT, TO REVISE ARTICLE 28-500 REGULATING FENCES AND WALLS

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

Section 1. Section 28-502 entitled "Fences and Walls" of Article 28-500 entitled "Conditional Uses, Fences & Walls, Signs, Parking and Special Zoning Provisions" of Chapter 28 entitled "Land Development" of the Code of the Borough of Watchung is hereby supplemented and amended to read as follows: [New language **bold and underlined** and deleted language **double strikethrough**.]

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:
 - (a) Fences shall <u>not be more than</u> be no more than fifty (50%) percent solid;
 - (b) An estate fence may be erected to 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, and shall not have spikes or points. Estate fences may be permitted around the entire border of the property, including the front yard.
 - (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 of the lot 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 ½) feet above ground. Fences erected pursuant to the within subsection are not required to comply with subsection (a) above.

- (d) Fences surrounding swimming pools, in compliance with the conditions set forth in Section 28-502(L)(2) may be erected to a maximum 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.
- (e) For the purposes of this Section 28-502 only, the front yard for residential corner lots or irregularly shaped lots shall be on the street which the front door faces or is designed to face, with the other being treated as a side yard. Where this cannot be determined, such as due to a diagonal or rear facing dwelling, the Zoning Officer shall determine which street frontage shall be considered the front yard.
- 2. Along boundaries of residential and nonresidential 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 abutting residences. Fences in this instance may exceed the restrictions contained in §28-502A.
- 3. Except where specifically prohibited under the terms of any other applicable ordinance or regulation of the Borough, nothing herein shall be construed to prohibit the use of hedges, trees or other planting anywhere on a lot.
- 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.
- 5. For purposes of measuring the height of a fence for this Section, the height of the fence shall be measured from the lowest surface of the ground to the highest point of the fence throughout its entire length, with each supporting post(s) to the measure from the finished grade at the base where embedded at ground level to the height point of the post.
- B. Construction within Road Right-of-Way Prohibited. No private fence, wall or structure shall be erected within a public right-of-way.
- C. Construction Appearance and Materials. All fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. All fences shall be uniform and symmetrical in appearance, shall have posts or columns separated by identical distances, except for deviations required by construction factors, and shall consist of materials conforming to a definite pattern unless waived in whole or in part by the Construction Official. No fence shall be erected of barbed wire, razor wire, topped with metal spikes or other sharp objects, nor constructed of any material or in any manner which may be dangerous to persons or animals, except barbed wire shall be permitted for qualified (under the State Farmland Assessment Act) farms.

- D. Location within Sight Triangle. No fence, hedges, trees or other plantings shall be located within a required clear sight triangle.
- E. Electrically Charged Fences Permitted. Electrically charged fences are permitted provided that the fence does not exceed six (6) feet in height, is attached to poles that do not exceed six and one-half (6 1/2) feet in height and is charged with a voltage that does not exceed one thousand (1,000) volts. Said fences are to be stained or painted dark brown, dark green or black to blend with landscaping. Poles, insulators and any attachments shall be painted the same color. Wires are not included in the painting requirement. No fence shall be erected on the front of the property, nor shall the fence encompass the entire property.
- F. Mesh Deer Fences Permitted. Deer fences which are nonmetallic in appearance are permitted provided they do not exceed eight (8) feet in height above the ground, except that the supporting post may extend to a height of eight and one-half (8 1/2) feet above the ground. Deer fences and poles are to be dark brown, dark green or black to blend with the landscaping.
 - Deer fences shall be erected from the front edge of the house and may extend around the house to encompass the backyard. No deer fence shall be erected in the front of the property, nor shall the deer fence encompass the entire property, unless the deer fence is shielded from view from adjoining properties and the street by trees, shrubs and other natural conditions. In the case of a corner lot, this restriction only applies to that yard which the property owner designates as the primary front yard.
- G. Temporary/Construction Fences. A temporary/construction fence may be erected for the duration of a construction project if required by the Borough or owner for safety reasons. The property owner must obtain a permit for the erection of a temporary construction fence and the temporary construction fence shall be removed upon completion of the construction.
- H. Construction within Property Boundary Lines. All fences shall be constructed within property boundary lines.
- I. Construction Enclosing and/or Crossing an Easement Prohibited. No fence or wall shall be constructed so as to enclose or cross a Borough easement or an easement in which there are public rights. Fences shall not be built within three (3) feet of any such easement.
- J. Maintenance. All fences shall be maintained in a safe, sound and upright condition.
- K. Existing Fences. The provisions of this Article shall apply to all fences hereafter constructed. Fences currently existing which violate any provision set forth herein shall not be reconstructed, repaired or replaced to an extent exceeding twenty percent (20%) thereof without the total fence being brought into conformity with the provisions hereof.
- L. Swimming Pools.

- 1. Fences that meet the requirements of §28-502 and the minimum requirements for swimming pool fences under the Building Official and Code Administrators ("BOCA") International, Inc., as amended by the State of New Jersey Uniform Construction Code ("UCC") may be used.
- 2. Additionally, Pursuant to Section 28-502(A)(1)(d), fences around a swimming pool are allowed to a maximum height of six (6) feet provided that the following conditions are met:
 - a. Fences around a swimming pool shall only be permitted in the rear yards and side yards of a lot, subject to compliance with the setback limitations applicable to principal structures.
 - b. The rear of the principal permitted structure may serve as part of the fence around a swimming pool.
 - c. Fences around a swimming pool must not be more than twenty-five (25) feet from the water's edge.
 - d. Fences around a swimming pool shall not be more than fifty percent (50%) solid.
- M. Buffer Zones, Conservation Easement Areas and Conservation Areas. No fence shall be permitted in any area designated as a buffer zone, conservation easement or conservation area by any other part of the Code of the Borough of Watchung including, but not limited to, §§28-413E1 and 28-414E1.
- 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.
- O. A chain-link fence up to a height of ten (10) feet from the ground may be erected around a sports court.
- P. Driveway Entrance/Gates. Driveway gates shall be permitted within the Borough subject to the following terms and conditions:
 - 1. Purpose. The purpose of this Section is to ensure vehicular access by emergency vehicles, including police vehicles, ambulances and fire trucks, to properties within the Borough of Watchung; and to avoid situations

where driveway entrance posts have either been too narrow to allow safe passage of fire apparatus, or where the driveway gates would not open or had to be forced open to allow passage.

- 2. The minimum distance between driveway entrance pillars, columns or fence posts shall be twelve (12) feet, measured at a right angle across the driveway.
- 3. Up to thirty (30') feet of driveway before and after the opening between entry pillars or posts shall be as straight as possible. The calculation for the first thirty (30') feet of the entry driveway may include the public right-of-way. If the thirty (30') feet of driveway before or after the entry pillars or posts curves more than four (4') feet off the center line between the posts, then the opening between the posts shall be increased to fourteen (14') feet.
- 4. The minimum setback between the driveway entrance/gates and the curbline of the roadway (public or private) shall be fifteen (15') feet.
- 5. There shall be no archway or other structure spanning the driveway above the entry pillars or posts.
- 6. Any gate within the driveway entrance, the posts of which shall meet the requirements of Sections 28-502(P)(2), (3) & (4) above.
- 7. For electrified mechanical or hydraulic driveway gates of any type which open automatically when a vehicle approaches or when a button is pushed or a code is pressed into a keypad or by any other method, a release lever that allows the gate(s) to be opened by hand shall be installed in a prominent place that is accessible from outside the gate.
- 8. Driveway security gates of any type that open by hand or with electric or hydraulic power which can be locked shall have an access key placed in a lock box approved by the Township Fire Official. The lock box and the lock to open the gate shall be accessible from outside the security fencing and gate. Keys to all lock boxes will be carried by Township police officers. Key pads and combination locks shall not be used on security gates. If the driveway entry has a gate and also a gate house that is manned 24 hours a day by a full-time security guard, a lock box shall not be required.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be

affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that 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, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED that the Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required); and

BE IT FURTHER ORDAINED that after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Far Hills for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this

Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED BY: PASSED: PUBLISHED: ADOPTED:	HAYECK JUNE 1, 2023 JUNE 8, 2023	
INDEX: C:		
ATTEST:		BOROUGH OF WATCHUNG By:
Edith G. Gil, Bord	ough Clerk	Ronald Jubin, Ph.D., Mayor

BE IT RESOLVED that Ordinance OR:23/09 entitled:

ORDINANCE AMENDING THE BOROUGH'S ZONING REGULATIONS, CHAPTER 28, LAND DEVELOPMENT, TO REVISE ARTICLE 28-500 REGULATING FENCES AND WALLS

Public Hearing July 13, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 13th day of July, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Freddie Hayeck, Council Member

Ronald Jubin, Ph.D. Mayor

ADOPTED:

INDEX:

JUNE 1, 2023 MISC, CODE

BE IT RESOLVED that Ordinance OR:23/10 entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CH. 5-12.76 ET SEQ. THEREOF, AND TO, FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES

Public Hearing June 15, 2023

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of June, 2023 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Paul Fischer, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED:

JUNE 1, 2023

INDEX:

MISC, CODE

WHEREAS, the Certified Municipal Finance Officer Law, N.J.S.A. 40A:9-133.1 et. seq. requires municipalities to appoint a Municipal Clerk; and

WHEREAS, Edith G. Gil was previously appointed Municipal Clerk for a three-year term which commenced on June 8, 2020 and is set to expire on June 7, 2023; and

WHEREAS, the Governing Body wishes to re-appoint Edith G. Gil, a holder of the required Municipal Clerk certification issued by the State of New Jersey Division of Local Government Services, thereby granting her tenure of office in that position pursuant to N.J.S.A. 40A:9-133.7.

NOW, THEREFORE, BE IT RESOLVED that Edith G. Gil, be and is hereby is reappointed and designated Borough Clerk for the Borough of Watchung, pursuant to N.J.S.A. 40A:9-133.6 to hold this office and granted tenure at a 2023 salary of \$97,375.00 effective June 1, 2023.

BE IT FURTHER RESOLVED that Edith G. Gil is required to maintain all Certificates and qualifications as outlined for a Municipal Clerk.

Paul Fischer, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: INDEX:

JUNE 1, 2023 APPOINTMENTS

C:

B. HANCE,

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 June 1, 2023.
- 2. The general nature of the subject matters to be discussed are:
 - a. Contract Negotiations with Ferrera Construction
- 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.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: JUNE 1, 2023

INDEX: MISC.