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KEEP A LIBRARY IN WATCHUNG and RICHARD STEINFELD

KEEP A LIBRARY IN WATCHUNG, an
unincorporated association of citizens of the
Borough of Watchung, and RICHARD
STEINFELD,

Plaintiffs,

v.

BOROUGH OF WATCHUNG, a municipal
corporation of the State of New Jersey,
COUNCIL, BOROUGH OF WATCHUNG,
and ADMINISTRATOR, BOROUGH OF
WATCHUNG,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

CIVIL ACTION

Docket No.: SOM-L-000710-18

**SECOND AMENDED COMPLAINT IN
LIEU OF PREROGATIVE WRITS AND
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Keep a Library in Watchung, an unincorporated association of concerned citizens of the Borough of Watchung, and Richard Steinfeld, by way of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief against the Borough of Watchung, the Council of the Borough of Watchung, and the Administrator of the Borough of Watchung, state as follows:

NATURE OF ACTION

1. This is an action in lieu of prerogative writs challenging certain actions that were taken by the Governing Body of the Borough of Watchung on April 19, 2018. More specifically, it challenges the passage of two resolutions, passed by the Council of the Borough of Watchung, which called for the dissolution of the Watchung Borough Public Library, the procurement of alternative shared-library service agreements, and the investigation of the property upon which the Watchung Borough Public Library is situated for commercial redevelopment.

2. This action also seeks declaratory relief to invalidate the aforementioned two resolutions and injunctive relief to prohibit their enforcement pursuant to the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq., the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq., N.J.S.A. 40:54-7.1, the Revised General Ordinances of the Borough of Watchung, and common law.

THE PARTIES

3. The Borough of Watchung is a municipal corporation of the State of New Jersey, which was organized on April 20, 1926, and is situated in the County of Somerset.

4. The Governing Body of the Borough of Watchung consists of the Mayor of the Borough of Watchung and six councilmembers who are elected at large, the six of whom collectively comprise the Council of the Borough of Watchung, organized pursuant to Subsection 1 of Section 1 of Article I of Chapter II of the Revised General Ordinances of the Borough of Watchung.

5. On April 19, 2018, the date on which the challenged actions of the Governing Body of the Borough of Watchung were taken, Stephen K. Pote served as the Mayor of the Borough of Watchung.

6. On April 19, 2018, the date on which the challenged actions of the Governing Body of the Borough of Watchung were taken, the following six individuals served as the elected

councilmembers of the Borough of Watchung: Robert Gibbs, Stephen Black, William Nehls, David M. Mobus, George J. Sopko, and Maria Alberto.

7. The Administrator of the Borough of Watchung is the chief administrative officer appointed by the Mayor of the Borough of Watchung in accordance with N.J.S.A. 40A:9-136 and Section 7 of Article II of Chapter II of the Revised General Ordinances of the Borough of Watchung.

8. The Administrator of the Borough of Watchung is under the supervision of and responsible to the Governing Body of the Borough of Watchung.

9. On April 19, 2018, the date on which the challenged actions of the Governing Body of the Borough of Watchung were taken, Tom Atkins served as the appointed Administrator of the Borough of Watchung.

10. Keep a Library in Watchung is an unincorporated association organized in accordance with N.J.S.A. 2A:64-1 and Crescent Park Tenants Asso. v. Realty Equities Corp., 58 N.J. 98 (1971), which presently consists of no less than seven citizens, all of whom reside in the Borough of Watchung.

11. Keep a Library in Watchung has standing to bring this civil action with the same force and effect as if the underlying action were prosecuted by all of its individual members in accordance with N.J.S.A. 2A:64-1 and Crescent Park Tenants Asso. v. Realty Equities Corp., 58 N.J. 98 (1971).

12. Richard Steinfeld is an individual and a resident of the Borough of Watchung.

JURISDICTION AND VENUE

13. Jurisdiction is proper in the Law Division as this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief concerns the actions that were undertaken by a governing body of a municipality in contravention of the statutes of the State of New Jersey, the local ordinances of the Borough of Watchung, and common law.

14. Venue is proper in Superior Court of New Jersey of Somerset County because the Borough of Watchung is located in Somerset County and all of the challenged actions undertaken by the Borough of Watchung, the Council of the Borough of Watchung, and the Administrator of the Borough of Watchung occurred in Somerset County.

FACTUAL ALLEGATIONS

- PUBLIC LIBRARIES IN NEW JERSEY -

15. According to the New Jersey State Library, an affiliate of Thomas Edison State University, over ninety-nine percent of the citizens of New Jersey are served by public libraries, ninety-eight percent are served by libraries that are run by local governmental units and one percent are served by libraries run by non-profit organizations.

16. There are four categories of public libraries in the State of New Jersey: association libraries, county libraries, joint libraries, which are not germane to the issues at hand, and free municipal public libraries.

- ASSOCIATION LIBRARIES -

17. Association libraries are established by the filing of a certificate of incorporation and an application to reserve their corporate name with the Secretary of State.

18. Upon their incorporation, association libraries must annually thereafter file a report with the Secretary of State.

19. Association libraries are run by a chosen board of trustees, which meet, adopt bylaws, elect officers, and transact any other relevant business of the association library.

20. Association libraries may receive funding from any municipalities that they serve and may also receive services paid for through the county library dedicated tax.

- COUNTY LIBRARIES -

21. County libraries are created by a referendum submitted by the board of chosen freeholders and are run by a county library commission appointed by the board of chosen freeholders.

22. County libraries are funded through the apportionment of the budget sum among the member municipalities, which is raised by taxation and must be no less than 1/15 of a mill per dollar on the assessable property valuation of the municipalities in the county library system. N.J.S.A. 40:33-9.

23. County libraries may also enter into shared services agreements with other library boards.

24. The Somerset County Library serves all of the residents of the county that are not served by a free municipal public library.

- FREE MUNICIPAL PUBLIC LIBRARIES -

25. The establishment of a free municipal public library requires the municipality's governing body to propose a referendum to be voted on during a general or special election, subject to a majority vote.

26. Alternatively, a free municipal public library may also be established under general law.

27. Pursuant to N.J.S.A. 40:54-9, free municipal public libraries are governed by a library board of trustees composed of the mayor or the mayor's alternate, the superintendent of schools or the superintendent's alternate, and five to seven citizens appointed by the mayor.

28. Free municipal public libraries are supported by local property taxes, which must be no less than 1/3 of a mill on each dollar of assessable property within the municipality based on the equalized valuation as certified by the Director of the Division of Taxation. N.J.S.A. 40:54-8.

29. In addition, municipalities may raise, borrow, and appropriate funds for capital improvements according to the Local Budget Law, N.J.S.A. 40A:4-1 et seq., and Local Bond Law, N.J.S.A. 40A:2-1 et seq.

30. Free municipal public libraries can also partner with a county library commission to become a branch thereof and may also enter into shared services agreements with other library boards.

31. Pursuant to N.J.S.A. 40:33-13, if a municipality with a free municipal public library joins a county library system, the municipality must continue to operate its free municipal public library under its own governing board or body and shall be entitled to receive municipal appropriations notwithstanding its inclusion in the county library system and shall be entitled to receive from the county library system the same book loan, advisory, and other services as are received by the other municipalities within said system

- ESTABLISHMENT OF THE WATCHUNG BOROUGH PUBLIC LIBRARY -

32. A public library has existed in the Borough of Watchung ever since the municipality was organized on April 20, 1926.

33. Originally, the library was housed in a schoolhouse and was run by a group known as the Watchung League of Women Voters, which was legally organized in an effort to improve the library services that were offered to the residents of the Borough of Watchung.

34. The library was run as an association library.

35. According to James W. Hurley, Esq., the attorney for the Borough of Watchung in 1965, the Watchung League of Women Voters was “merely a group of volunteers who ha[d] no municipal status” and, as such, the Governing Body of the Borough of Watchung was “not obligated to give” the library “any” financial assistance.

36. In 1965, however, the Governing Body of the Borough of Watchung proposed to create a library board of trustees “under state statutes,” to be “approved by a referendum,” to ensure

that the library would receive financial support from the Borough of Watchung by converting the association library into a free municipal public library.

37. The creation of the library board of trustees was intended to allow the municipality to “float bond issues for the commission and build a [new] library,” which according to James W. Hurley, Esq. could not be constructed, if the library’s status, as an association library, was retained.

38. On November 7, 1967, the residents of the Borough of Watchung defeated the local library referendum proposed, which would have established the “free municipal public library” by a vote of 1,014 to 283 after anonymous communications were sent to the voters of the Borough of Watchung in possible violation of New Jersey’s election laws.

39. Two years later, however, in spite of the defeat of the local library referendum, the Governing Body of the Borough of Watchung established a plan to allow the Borough of Watchung to overtake the operational control of the association library and establish a free municipal public library.

40. In or around 1970, the Borough of Watchung overtook the operational control of the library from the Watchung League of Women Voters and established the Library Board of Trustees of the Borough of Watchung.

41. In or around 1970, the library in the Borough of Watchung ceased to be run or organized as an association library.

42. On or after 1970, the Watchung League of Women Voters relinquished its operational control over the library in the Borough of Watchung.

43. On or after 1970, the Watchung League of Women Voters ceased filing the necessary annual filings with the Secretary of State to continue their operation of the library in the Borough of Watchung.

44. On or after 1970, the Watchung League of Women Voters ceased to meet, adopt bylaws, elect officers, and transact any other relevant business concerning the library in the Borough of Watchung.

45. On or after 1970 and annually thereafter, the Governing Body of the Borough of Watchung levied taxes upon the citizens of the Borough of Watchung, through general appropriations, in order to operate the Watchung Borough Public Library as a free municipal public library.

46. The Borough of Watchung continues to operate as a free municipal public library as evidence by Sheet 15C of the Municipal Budget of Defendant Borough of Watchung for the 2018 fiscal year, includes a general appropriation of \$42,000.00 for the maintenance of the Watchung Borough Public Library as a “free public library.”

47. The Watchung League of Women Voters is no longer in existence.

48. In 1973, the Borough of Watchung purchased a parcel of property, consisting of approximately one and a half acres of land, presently identifiable on the tax maps of the Borough of Watchung as Lot 7 of Block 4401, from Harlan B. Pratt and Lois C. Pratt for a total of \$97,500.00, and the deed was recorded in the Clerk’s Office of Somerset County on page 555 of deed book 1284.

49. Around the same time, the Library Board of Trustees of the Borough of Watchung hired an architect to assess whether Lot 7 of Block 4401 would be a suitable location for the library in the Borough of Watchung.

50. In or around 1975, the Borough of Watchung renovated the structure located on Lot 7 of Block 4401 to establish the Watchung Borough Public Library.

51. The construction of the Watchung Borough Public Library was financed by the taxpayers of the Borough of Watchung after Governing Body of the Borough of Watchung unanimously passed a \$400,000.00 bond issue.

52. The Watchung Borough Public Library, which is now located on Lot 7 of Block 4401, opened on June 1, 1976.

53. The Watchung Borough Public Library, which is housed in a building that is approximately 8,400 square feet, was and is operated as a free municipal public library in Borough of Watchung.

54. The establishment of the Watchung Borough Public Library as a free municipal public library in the 1970s, despite the fact that the same was accomplished without a referendum, has never been questioned or overturned by an action in lieu of prerogative writs or subject to any other lawful challenge.

55. As such, the governance of the Watchung Borough Public Library is controlled by the provisions of Article 1 of Chapter 54 of Subtitle 3 of Title 40 of the New Jersey Statutes Annotated, which relate to the governance of free municipal public libraries established under general law.

- EXECUTION OF THE BRANCH LIBRARY AGREEMENT -

56. On December 2, 1980, pursuant to N.J.S.A. 40:33-13 and consistent with N.J.S.A. 52:27BBB-35, both of which allow a free municipal public library to enter into agreements with a county library commission, the Borough of Watchung entered into a Branch Library Agreement with the Somerset County Library Commission and the Somerset County Board of Chosen Freeholders.

57. The Branch Library Agreement provided for the inclusion of the Watchung Borough Public Library as a branch of the Somerset County Library System.

58. Prior to the entrance into this agreement, the Watchung Borough Public Library was a member but not a branch of the Somerset County Library.

59. The first “WHEREAS” statement in the Branch Library Agreement acknowledged that the Borough of Watchung was “desirous of having established within its municipal boundaries a branch of the Somerset County Library.”

60. Prior to the entrance of the Branch Library Agreement, the Watchung Borough Public Library was necessarily operated as a free municipal public library.

61. The Branch Library Agreement was entered into by the Borough of Watchung, not the Watchung League of Women Voters or any other nonprofit board of trustees.

62. The Branch Library Agreement was terminable only by the Borough of Watchung, not the Watchung League of Women Voters or any other nonprofit board of trustees.

63. The Branch Library Agreement provided that all financial support for the premises was to be borne by the Borough of Watchung, not the Watchung League of Women Voters or any other nonprofit board of trustees.

64. Paragraph 1 of the Branch Library Agreement established the Watchung Borough Public Library as a branch of the Somerset County Library.

65. Paragraph 2 of the Branch Library Agreement provided that the agreement would continue for a period of one year and be renewed thereafter automatically.

66. In Paragraph 3 of the Branch Library Agreement, the Borough of Watchung agreed to maintain its ownership of Lot 7 of Block 4401, the property on which the Watchung Borough Public Library was and is situated, and obligated the Borough of Watchung to repair and maintain the structure housing the Watchung Borough Public Library.

67. Paragraph 8 of the Branch Library Agreement acknowledged that the Borough of Watchung owned all but 17,225 of the books in the Watchung Borough Public Library.

68. Pursuant to Paragraph 12 of the Branch Library Agreement, the Borough of Watchung agreed to refrain from using “the library facility” in any manner which would “interfere with the

operation” of the Watchung Borough Public Library, as a branch of the Somerset County Library System.

69. In Paragraph 12 of the Branch Library Agreement, the Borough of Watchung contractually agreed to limit the “jurisdiction and control” of the Governing Body of the Borough of Watchung to the extent necessary to prohibit the Governing Body of the Borough of Watchung from “unduly interfer[ing] with the operations and functions” of the Watchung Borough Public Library.

70. Each and every year after 1980, the Borough of Watchung, the Somerset County Library Commission, and the Somerset County Board of Chosen Freeholders elected to allow the Branch Library Agreement to automatically renew.

71. The Branch Library Agreement was effective and binding upon the Borough of Watchung on April 19, 2018.

72. Pursuant to Subparagraph (8) of Paragraph (b) of Subsection 4 of Section 7 of Article II of Chapter II of the Revised General Ordinances of the Borough of Watchung, the Administrator of the Borough of Watchung is required to ensure “that all terms and conditions imposed in favor of the [Borough of Watchung] or its inhabitants in any statute, ordinance[,] or contract are faithfully kept and performed.”

73. The requirement in Subparagraph (8) of Paragraph (b) of Subsection 4 of Section 7 of Article II of Chapter II of the Revised General Ordinances of the Borough of Watchung includes the Branch Library Agreement.

74. On or after 1980 and annually thereafter, in accordance with N.J.S.A. 40:33-9, the Borough of Watchung assessed, levied, and collected sums to support the Somerset County Library System.

75. Pursuant to N.J.S.A. 40:33-13, the Borough of Watchung was entitled to “receive municipal appropriations notwithstanding its inclusion” in the Somerset County Library System to support the continued operation of the Watchung Borough Public Library.

76. Ever since 1980, the Borough of Watchung has never assessed, levied, or collected any of the necessary sums, in accordance with N.J.S.A. 40:54-8, which pertains to the minimum sums to be raised by taxation for the proper maintenance and support of a free municipal public library.

- ESTABLISHMENT OF THE LIBRARY ADVISORY COMMITTEE -

77. Subsection 2 of Section 42 of Article V of Chapter II of the Revised General Ordinances of the Borough of Watchung established the Library Advisory Committee to serve as the “board of trustees” required under N.J.S.A. 40:54-9.

78. Consistent with N.J.S.A. 40:54-9, the Library Advisory Committee consists of the Mayor of the Borough of Watchung or the designee of the Mayor of the Borough of Watchung, the Superintendent of Schools of the Borough of Watchung or its designee, a member of the Council of the Borough of Watchung, and six citizens appointed by the Mayor of the Borough of Watchung.

79. On April 19, 2018, the following individuals served on the Library Advisory Committee: Amy Fiorilla, Eileen Dicken, Margaret Ellis, Maureen Greenbaum, Michael Vignola, Hannah Kerwin, Tamara Benc, Mayor Stephen Pote, Councilmember Stephen Black, and Annette Von Brandis.

80. Subsection 2 of Section 42 of Article V of Chapter II of the Revised General Ordinances of the Borough of Watchung requires the Library Advisory Committee “to act as a liaison between the Borough of Watchung and the Somerset County Library Commission and to perform such other functions as shall be appropriate for the continuation of a public library” within the Borough of Watchung.

- MEETING HELD ON APRIL 19, 2018 -

81. On April 19, 2018, the Governing Body of the Borough of Watchung conducted a public meeting.

82. During the April 19, 2018, Councilmember William Nehls introduced two resolutions for the consideration of the Governing Body of the Borough of Watchung that concerned the Watchung Borough Public Library and the continued use of Lot 7 of Block 4401 in the Borough of Watchung.

83. The first resolution provided that “the Borough of Watchung” would “seek alternative shared service agreements to provide library services to [its] residents and not pursue renovating [the Watchung Borough Public Library] or the building of a new [library]” and was passed with five votes in favor of and one vote in opposition to the resolution.

84. The second resolution, which was unanimously passed, provided that the Borough of Watchung would “no longer [use] the library property” after “alternative library services” were secured and further provided that the Borough of Watchung would “investigate the property and [the] surrounding properties for commercial redevelopment possibilities to benefit the residents of [the Borough of Watchung].”

85. On May 14, 2018, the Borough of Watchung received three requests under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., which sought to obtain the information necessary to verify that adequate notice was provided for the meeting held on April 19, 2018.

- EXHIBITS -

86. A true and correct copy of the deed, made on July 25, 1973, by and between Harlan B. Pratt and Lois C. Pratt and the Borough of Watchung is attached hereto as **Exhibit A**.

87. A true and correct copy of the Branch Library Agreement, made on December 2, 1980, is attached hereto as **Exhibit B**.

88. A true and correct copy of the Municipal Budget of Defendant Borough of Watchung for the 2018 fiscal year is attached hereto as **Exhibit C**.

89. A true and correct copy of the agenda for the meeting of the Governing Body of the Borough of Watchung held on April 19, 2018, is attached hereto as **Exhibit D**.

90. A true and correct copy of the minutes of the meeting of the Governing Body of the Borough of Watchung held on April 19, 2018, are attached hereto as **Exhibit E**.

91. A true and correct copy three requests that made under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and were transmitted to the Borough of Watchung on May 14, 2018, are separately attached hereto as **Exhibit F**, **Exhibit G**, and **Exhibit H**.

92. A true and correct copy of the singular response of the Borough of Watchung to all three of the requests made under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., that were transmitted to the Borough of Watchung on May 14, 2018, is attached hereto as **Exhibit I**.

93. A true copy of Mayor Stephen K. Pote's letter to editor of the Echoes Sentinel, which was published on May 2, 2018, is attached hereto as **Exhibit J**.

94. A true and correct copy of a 2014 report prepared by the New Jersey State Library concerning the organization and funding of New Jersey Public Libraries hereto as **Exhibit K**.

95. A true copy of an article that was published in the Echoes Sentinel on December 5, 1963, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit L**.

96. A true copy of an article that was published in the Courier News on January 15, 1965, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit M**.

97. A true copy of an article that was published in the Courier News on November 10, 1967, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit N**.

98. A true copy of an article that was published in the Courier News on November 14, 1969, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit O**.

99. A true copy of an article that was published in the Echoes Sentinel on July 12, 1973, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit P**.

100. A true copy of an article that was published in the Echoes Sentinel on October 4, 1973, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit Q**.

101. A true copy of an article that was published in the Echoes Sentinel on October 9, 1975, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit R**.

102. A true copy of an article that was published in the Echoes Sentinel on April 22, 1976, related to the history of the Watchung Borough Public Library, is attached hereto as **Exhibit S**.

COUNT ONE

THE COUNCIL OF THE BOROUGH OF WATCHUNG FAILED TO PROVIDE ADEQUATE NOTICE OF THE TIME AND DATE OF THE MEETING HELD ON APRIL 19, 2018, IN VIOLATION OF THE SENATOR BYRON M. BAER OPEN PUBLIC MEETINGS ACT

103. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 102 of this Second Amended Complaint in Lieu of

Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

104. The Council of the Borough of Watchung is statutorily defined as a “public body” pursuant to N.J.S.A. 10:4-8(a) and is subject to the statutory provisions of the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

105. Section 2 of Article I of Chapter II of the Revised General Ordinances of the Borough of Watchung requires that all of the meetings of the Governing Body of the Borough of Watchung must “be held in compliance with the provisions” of the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

106. On January 6, 2018, the Governing Body of the Borough of Watchung held a special emergency reorganization meeting because inclement weather had prevented the Governing Body of the Borough of Watchung from meeting on January 4, 2018, the original date on which the reorganization meeting was scheduled.

107. During the special emergency reorganization meeting held on January 6, 2018, the Council of the Borough of Watchung adopted a resolution that designated the Star Ledger, the Echoes Sentinel, and the Courier News as the three newspapers selected to receive the notices required under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., for the 2018 calendar year.

108. During the special emergency reorganization meeting, held on January 6, 2018, the Council of the Borough of Watchung also adopted a resolution that established the time and dates of the regular meetings to be held by the Governing Body of the Borough of Watchung for the 2018 calendar year, which included the 19th of April as a regular meeting date.

109. Collectively, N.J.S.A. 10:4-8(d) and N.J.S.A. 10:4-18 require public bodies, “within 7 days following the annual organization or reorganization meeting of a public body,” to mail

“a schedule of the regular meetings of the public body to be held during the succeeding year” to “at least two newspapers” that are designated by the public body to receive such notices under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

110. N.J.S.A. 10:4-8(d) and N.J.S.A. 10:4-18 require such notices be given to newspapers because newspapers “have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings.”

111. The adopted schedule of the regular meetings to be held by the Governing Body of the Borough of Watchung for the 2018 calendar year, which included the 19th of April as a regular meeting date, was not faxed to the Echoes Sentinel within 7 days following the special emergency reorganization meeting of the Governing Body of the Borough of Watchung, i.e., it was not faxed to the Echoes Sentinel after January 6, 2018 and prior to January 14, 2018.

112. A response to three requests made under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., revealed that prior to the special emergency reorganization meeting, on December 12, 2017, twenty-five days prior to the adoption of the resolution that established the time and dates of the regular meetings to be held by the Governing Body of the Borough of Watchung for the 2018 calendar year, the Borough of Watchung faxed an unadopted schedule of meetings for the Governing Body of the Borough of Watchung to a singular newspaper, the Echoes Sentinel.

113. On the date that this fax was transmitted, i.e., on December 12, 2017, the 19th of April had not been lawfully designated as a regular meeting date for the Governing Body of the Borough of Watchung for the 2018 calendar year.

114. The schedule of meetings of the Governing Body of the Borough of Watchung that was faxed to the Echoes Sentinel was transmitted to the Echoes Sentinel prior to adoption of the resolution that designated the Echoes Sentinel as one of the newspapers designated to receive the

notices required under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., for the 2018 calendar year.

115. On the date that this fax was transmitted, i.e., on December 12, 2017, the Echoes Sentinel had not been lawfully designated as one of the newspapers designated to receive the notices required under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., for the 2018 calendar year.

116. The Borough of Watchung did not deliver a schedule of the regular meetings of the Governing Body of the Borough of Watchung to either the Star Ledger or the Courier News in violation of N.J.S.A. 10:4-8(d) or N.J.S.A. 10:4-18.

117. The schedule of the regular meetings of the Governing Body of the Borough of Watchung was never published by the Star Ledger, the Echoes Sentinel, or the Courier News.

118. It would have been unreasonable to anticipate that the Echoes Sentinel would publish an unadopted “schedule,” such as the one faxed to it on December 12, 2017, because it lacked the force of law.

119. The Supreme Court of New Jersey has recognized that the prescribed provisions of the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., require strict and literal compliance and may not be satisfied by substantial compliance.

120. The Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., was enacted to create transparency in the government and avoid secrecy.

121. Adequate notice of the meeting to held on April 19, 2018, was not provided to the public in accordance with either N.J.S.A. 10:4-8(d) or N.J.S.A. 10:4-18 in contravention of N.J.S.A. 10:4-9(a), which provides that “no public body shall hold a meeting unless adequate notice thereof has been provided to the public.”

122. In April 19, 2018, the Mayor and Council of the Borough of Watchung held a meeting with the intent to discuss and act, as a public body, the business of the Governing Body of the Borough of Watchung.

123. The aforesaid actions violate the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and the resolutions that were passed, which were referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, are, therefore, voidable pursuant to N.J.S.A. 10:4-15(a), which provides that “[a]ny action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court.”

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief: (1) declaratory relief, pursuant to N.J.S.A. 10:4-15, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, (2) injunctive relief pursuant to N.J.S.A. 10:4-16, and (3) any other remedy as the Superior Court of New Jersey may deem appropriate pursuant to N.J.S.A. 10:4-16 to insure compliance with the provisions of the Senator Byron M. Baer Open Public Meetings Act.

COUNT TWO

THE AGENDA FOR THE MEETING HELD ON APRIL 19, 2018, INTENTIONALLY MISLED THE PUBLIC IN VIOLATION OF THE SENATOR BYRON M. BAER OPEN PUBLIC MEETINGS ACT

124. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 123 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

125. Prior to the meeting held on April 19, 2018, the public was not notified that the Governing Body of the Borough of Watchung would be voting to dissolve the Watchung Borough Public Library by resolution.

126. On April 19, 2018, Councilmember William Nehls introduced a resolution, by verbal motion, to the Governing Body of the Borough of Watchung that called for the Borough of Watchung to seek alternative shared-service agreements to provide library services to its residents, to not pursue the renovation of the Watchung Borough Public Library or the building of a new one, and to investigate the Watchung Borough Public Library property and the surrounding properties for commercial redevelopment possibilities.

127. The resolution introduced by Councilmember William Nehls, which was split into two separate resolutions during the meeting, did not appear in the public agenda for the meeting that was held on April 19, 2018.

128. Prior to April 19, 2018, Councilmember William Nehls was provided with and had an opportunity to include the resolution that he sought to introduce as an agenda item for the meeting held on April 19, 2018.

129. Councilmember William Nehls refused to include the resolution that he intended to introduce at the meeting held on April 19, 2018, in the agenda for the meeting.

130. At most, prior to April 19, 2018, Councilmember William Nehls disclosed only that he intended to read a “statement” from the dais.

131. Because statements are not resolutions or action items, the agenda for the meeting held on April 19, 2018, did not indicate that the Governing Body of the Borough of Watchung would be voting to dissolve the Watchung Borough Public Library.

132. No opportunity was given to allow for the inclusion of the resolution proposed onto the agenda for the meeting held on April 19, 2018, in advance of its release to the public.

133. On May 2, 2018, the Echoes Sentinel published a letter to the editor written by Mayor Stephen K. Pote, which included the following statement: “Councilman Nehls initially misrepresented his resolution as a ‘statement’ an important distinction, because by doing so, he did not permit the

decency of public transparency – no opportunity was given to me or Watchung Borough Clerk Michelle DeRocco to add the resolution on to the agenda in advance of its release to the public. The offer was made to Councilman Nehls earlier in the week to have a resolution placed on the agenda. Councilman Nehls refused, indicating that he would read a “statement” from the dais. My personal attempt to confirm his intentions was ignored.”

134. The omission of the resolution introduced by Councilmember William Nehls in the agenda for the meeting held on April 19, 2018, was intentional and was designed to deceive the public.

135. The omission of the resolution introduced by Councilmember William Nehls in the agenda for the meeting held on April 19, 2018, deceived the public.

136. The Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., was enacted to ensure “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies” and because “secrecy in public affairs undermines the faith of the public in government and the public’s effectiveness in fulfilling its role in a democratic society.” N.J.S.A. 10:4-7.

137. In Crifasi v. Governing Body of Oakland, 156 N.J. Super. 182 (App. Div. 1978), the Appellate Division of the Superior Court of New Jersey recognized that “if it can be shown that the omission in an agenda for a regular meeting was intentional and was designed to deceive the public, a statutory violation thereby arises” under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and held that where a “governing body publishe[s] an agenda calculated to mislead the public or otherwise intentionally omit[s] items from the agenda which it knew would be acted upon . . . the action [must] be voided.”

138. Adequate notice of the introduction of a resolution calling for the termination of the Watchung Borough Public Library as an agenda item for the meeting held on April 19, 2018, was not provided to the public in contravention of the Senator Byron M. Baer Open Public Meetings Act,

N.J.S.A. 10:4-6 et seq., as construed by Crifasi v. Governing Body of Oakland, 156 N.J. Super. 182 (App. Div. 1978).

139. The aforesaid actions violate the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and the resolutions that were passed, referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, are voidable pursuant to N.J.S.A. 10:4-15(a), which provides that “[a]ny action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court.”

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief: (1) declaratory relief, pursuant to N.J.S.A. 10:4-15, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, (2) injunctive relief pursuant to N.J.S.A. 10:4-16, and (3) any other remedy as the Superior Court of New Jersey may deem appropriate pursuant to N.J.S.A. 10:4-16 to insure compliance with the provisions of the Senator Byron M. Baer Open Public Meetings Act.

COUNT THREE

THE COUNCIL OF THE BOROUGH OF WATCHUNG AND THE ADMINISTRATOR OF THE BOROUGH OF WATCHUNG PLACED UNREASONABLE RESTRAINTS ON THE PUBLIC COMMENT FOR THE MEETING HELD ON APRIL 19, 2018, IN VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT

140. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 139 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

141. The residents of the Borough of Watchung had a constitutional right, secured by the New Jersey State Constitution of 1947 and the Constitution of the United States of America, to freely speak at the meeting held on April 19, 2018, and to have their opinions made known to the

Council of the Borough of Watchung and to petition the Council of the Borough of Watchung for the redress of their grievances.

142. The First Amendment to the United States Constitution prohibits the Borough of Watchung from abridging “freedom of speech” or “the right of the people ... to petition the Government for a redress of grievances.”

143. The First Amendment gives residents of the Borough of Watchung the right to express disagreement with government policy, whether on the national, state, or local level.

144. Heightened protection is given to speech in public forums which includes areas in which the government has opened for use by the public as a place for expressive activity.

145. At such public forums, a governmental entity, such as the Council of the Borough of Watchung, may impose reasonable time, place, and manner restrictions on speech in a public forum so long as the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

146. The Council of the Borough of Watchung has the burden of showing that its restriction of speech in a public forum was done for a constitutionally-permissible purpose.

147. During the April 19, 2018, meeting of the Council of the Borough of Watchung, the Governing Body of Borough of Watchung opened the meeting to the public and public comment was solicited.

148. The public comment period of the meeting of the Council of the Borough of Watchung held on April 19, 2018, was a public forum to which heightened protection is afforded under both the New Jersey State Constitution of 1947 and the Constitution of the United States of America.

149. Prior to public comment period, the Administrator for the Borough of Watchung advised the members of the public that their right to freely speak would be timed and that each member of the public would be given only “three minutes” to speak.

150. Following this instruction, the President of the Council of the Borough of Watchung, advised the public that the Governing Body of the Borough of Watchung had already “heard or read” everything that the public was “about to say” and that the public would not be given “another three minutes and then another.”

151. The President of the Council of the Borough of Watchung specifically instructed the members of the public to limit their comments to an “elevator speech.”

152. On April 19, 2018, the Governing Body of Borough of Watchung and the Administrator of the Borough of Watchung abridged the constitutionally-guaranteed rights of the residents of the Borough of Watchung by unlawfully limiting the public comment period.

153. On April 19, 2018, the Governing Body of Borough of Watchung and the Administrator of the Borough of Watchung unconstitutionally abridged the freedom of speech and the right of the citizens of the Borough of Watchung to petition the Governing Body of Borough of Watchung for a redress of their grievances.

154. The Borough of Watchung, the Council of the Borough of Watchung, and the Administrator of the Borough of Watchung, deprived, interfered with, or attempted to interfere with the privileges afforded to the residents of the Borough of Watchung under the New Jersey State Constitution of 1947 and the Constitution of the United States of America.

155. The Council of the Borough of Watchung purposely limited the public comment that was held during the meeting that was conducted on April 19, 2018, in order to restrict the public from fully expressing their opinions.

156. The discretion afforded to the Governing Body of Borough of Watchung, pursuant to N.J.S.A. 10:4-12, to limit and regulate “the active participation of the public at any meeting” does not eliminate the rights afforded to the public under the New Jersey State Constitution of 1947 and the Constitution of the United States of America.

157. The three-minute restriction undermined the public confidence in the Governing Body of Borough of Watchung to run the affairs of the public in contravention of the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

158. The three-minute restriction unlawfully restricted the public from discussing a significant policy issue.

159. The aforesaid actions violate the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. and the resolutions that were passed are voidable pursuant to N.J.S.A. 10:6-2(c).

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief: (1) declaratory relief, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, which were passed on April 19, 2018, (2) injunctive relief, pursuant to N.J.S.A. 10:6-2(c), and (3) an award or any other remedy as the Superior Court of New Jersey may deem appropriate pursuant to pursuant to N.J.S.A. 10:6-2(f).

COUNT FOUR

THE COUNCIL OF THE BOROUGH OF WATCHUNG UNLAWFULLY DISSOLVED THE WATCHUNG BOROUGH PUBLIC LIBRARY IN VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT

160. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 159 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

161. In or around 1970 and thereafter, the Watchung Borough Public Library was operated, organized, and administered by the Borough of Watchung through its Library Board of Trustees as a free municipal public library.

162. As a free municipal public library, by law, pursuant to N.J.S.A. 40:54-7.1, the Watchung Borough Public Library could only be dissolved if “the dissolution [was] approved by a majority of the legal voters of the [Borough of Watchung], at a general election at which the question of the [Watchung Borough Public Library]’s dissolution” must “be submitted to a vote by direction of an ordinance adopted for that purpose” by the Governing Body of Borough of Watchung.

163. The execution of the Branch Library Agreement did not constitute a valid dissolution of the Watchung Borough Public Library in accordance with N.J.S.A. 40:54-7.1.

164. The Branch Library Agreement, made on December 2, 1980, was executed solely to allow the Somerset County Library Commission to take over the Library Board of Trustees’ responsibilities regarding the administration and operation of the Watchung Borough Public Library, which, as a result, established the Watchung Borough Public Library as a “branch” of the Somerset County Library System.

165. By the Branch Library Agreement, for so long it remained in full force and effect, the Borough of Watchung was not contractually required to administer or operate the Watchung Borough Public Library; the Borough of Watchung was only required to maintain the Watchung Borough Public Library structure and its continued use as a library.

166. The status of the Watchung Borough Public Library, as a “branch” of the Somerset County Library System, was and is necessarily temporal because, pursuant to the Branch Library Agreement’s terms, the Governing Body of the Borough of Watchung could, in any given year, relinquish the Somerset County Library Commission’s right to administer and operate the Watchung Borough Public Library as a branch of the Somerset County Library System.

167. Upon the termination of the Branch Library Agreement, the Borough of Watchung through its Library Board of Trustees' must reassume their statutory responsibilities regarding the administration and operation of the Watchung Borough Public Library, as a free municipal public library, because it was never lawfully dissolved by referendum.

168. Because a majority of the legal voters of the Borough of Watchung never approved the dissolution of the Watchung Borough Public Library, at a general election prior to the execution of the Branch Library Agreement, which would have effectively terminated its status as a free municipal library and created, in its place, through the Branch Library Agreement, an independent branch of the Somerset County Library, the Watchung Borough Public Library's status as a branch library did not terminate the statutorily-guaranteed right of the residents of the Borough of Watchung to have a referendum on the question of the Watchung Borough Public Library's continued existence.

169. If the resolutions passed by the Governing Body of the Borough of Watchung are to be judicially sanctioned, any municipality with a free municipal public library could circumvent the referendum requirement of N.J.S.A. 40:54-7.1 by simply entering into an agreement with a county library system, terminating that agreement, and closing the library.

170. Fundamentally, the Watchung Borough Public Library is an institution for the benefit of the residents of the Borough of Watchung, and the Borough of Watchung serves as the trustee thereof.

171. The Borough of Watchung may lawfully bolster this institution by contracting with another library board, such as the Somerset County Library System, as it did with through the Branch Library Agreement, but the Borough of Watchung cannot eliminate the beneficiaries' entitlement to this institution absent a referendum in conformance with N.J.S.A. 40:54-7.1.

172. Paragraph 9 of the Branch Library Agreement is consistent with this duty because it provides that if the Borough of Watchung elects to both terminate the Branch Library Agreement

while continuing “to remain a member of the County Library System,” then “all library materials furnished” to the Borough of Watchung will “remain situated at the Watchung Borough Library subject . . . to the right of the Commission to rotate materials among the various members and branch libraries.”

173. The Branch Library Agreement was clearly and plainly entered into with the intent that the Watchung Borough Public Library would continue to be a library, regardless of whether or not it ever ceased to be a “branch” of the Somerset County Library System.

174. The Watchung Borough Public Library can only be lawfully dissolved if its dissolution is approved by a majority of the legal voters of the Borough of Watchung, at a general election.

175. On April 19, 2018, however, the Council of the Borough of Watchung passed a resolution to abolish the Watchung Borough Public Library.

176. Prior to April 19, 2018, when the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief were passed, the Governing Body of the Borough of Watchung did not adopt an ordinance to submit the question of the Watchung Borough Public Library’s dissolution to a vote at a general election.

177. Prior to April 19, 2018, the question of the Watchung Borough Public Library’s dissolution was never submitted to a vote or approved by a majority of the legal voters of the Borough of Watchung.

178. The aforesaid actions that were undertaken by the Governing Body of the Borough of Watchung as hereinabove described contravene N.J.S.A. 40:54-7.1.

179. The actions of the Council of the Borough of Watchung, as detailed herein, which were taken on April 19, 2018, were ultra vires and not authorized under N.J.S.A. 40:54-7.1, and are, therefore, voidable.

180. On April 19, 2018, the Governing Body of Borough of Watchung and the Administrator of the Borough of Watchung deprived the residents of the Borough of Watchung from realizing their statutorily-guaranteed right to have a referendum on the question of the Watchung Borough Public Library's continued existence by dissolving the Watchung Borough Public Library by resolution.

181. The aforesaid conduct implicates the residents of the Borough of Watchung's right to enfranchisement, self-government, and the right to vote on matters of importance to their community.

182. The Borough of Watchung, the Council of the Borough of Watchung, and the Administrator of the Borough of Watchung, deprived, interfered with, or attempted to interfere with the substantive due process rights of the residents of the Borough of Watchung.

183. The Borough of Watchung, the Council of the Borough of Watchung, and the Administrator of the Borough of Watchung, deprived, interfered with, or attempted to interfere with the privileges afforded to the residents of the Borough of Watchung under the New Jersey State Constitution of 1947 and the Constitution of the United States.

184. The aforesaid actions violate N.J.S.A. 40:54-7.1 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. and the resolutions that were passed are voidable pursuant to N.J.S.A. 10:6-2(c), which provides that "[a]ny person who has been deprived of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief."

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief: (1) declaratory relief, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, which were passed on April 19, 2018, (2) injunctive relief, pursuant to N.J.S.A. 10:6-2(c), and (3) an award or any other remedy as the Superior Court of New Jersey may deem appropriate pursuant to pursuant to N.J.S.A. 10:6-2(f).

COUNT FIVE

THE COUNCIL OF THE BOROUGH OF WATCHUNG VIOLATED THE BRANCH LIBRARY AGREEMENT AND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG

185. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 184 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

186. On December 2, 1980, Kenneth D. Schmidt served as the Mayor of the Borough of Watchung.

187. On December 2, 1980, the Mayor of the Borough of Watchung, through the execution of the Branch Library Agreement, contractually bound the Governing Body of the Borough of Watchung to refrain from exercising its “jurisdiction and control” in a “manner as might unduly interfere with the operations and functions of [the Watchung Borough Public Library].”

188. Upon information and belief, in or around 1980, the duly elected councilmembers of the Borough of Watchung consented to contractually bind the Governing Body of the Borough of Watchung to refrain from exercising its jurisdiction and control in a “manner as might unduly interfere with the operations and functions of [the Watchung Borough Public Library].”

189. The Branch Library Agreement was automatically renewed on or around January 1, 2018.

190. The Branch Library Agreement was in full force and effect on April 19, 2018.

191. Paragraph 12 of the renewed Branch Library Agreement is authorized by N.J.S.A. 40:33-13 and N.J.S.A. 52:27BBB-35, both of which allow a municipality with a free municipal public library to relinquish the administrative and operational control of its free municipal public library to a county library system.

192. Paragraph 12 of the renewed Branch Library Agreement, constitutes a lawful limitation upon the power of the Governing Body of the Borough of Watchung, as recognized by Robinhood Plaza, Inc. v. City Council of Jersey City, Docket No. A-1070-15 (App. Div. June 9, 2017).

193. Where authorized by statute, a municipality can undertake obligations or limit its powers.

194. The residents of the Borough of Watchung were and are the intended beneficiaries under the Branch Library Agreement made on December 2, 1980.

195. The resolutions that were passed on April 19, 2018, violate the Branch Library Agreement made on December 2, 1980, because they unduly interfere with the operations and functions of the Watchung Borough Public Library, as such.

196. The abolishment of the Watchung Borough Public Library contravenes the interests of justice, morality, and common fairness.

197. The conduct taken by the Council of the Borough of Watchung on April 19, 2018, violated the spirit and intent and letter of the Branch Library Agreement.

198. Subsection 2 of Section 42 of Article V of Chapter II of the Revised General Ordinances of the Borough of Watchung requires the Library Advisory Committee “to act as a liaison between the Borough of Watchung and the Somerset County Library Commission and to perform such other functions as shall be appropriate for the continuation of a public library” within the Borough of Watchung.

199. The resolutions that were passed on April 19, 2018, unlawfully amended, modified, or repealed Section 42 of Article V of Chapter II of the Revised General Ordinances of the Borough of Watchung because said ordinance requires the continuation of a public library within the Borough of Watchung.

200. The resolutions adopted by the Council of the Borough of Watchung are legally insufficient to amend or abolish Section 42 of Article V of Chapter II of the Revised General Ordinances of the Borough of Watchung.

201. The actions of the Council of the Borough of Watchung, as detailed herein, which were taken on April 19, 2018, were ultra vires because they were not authorized under Branch Library Agreement and violated the Revised General Ordinances of the Borough of Watchung, both of which require the continued operation of the Watchung Borough Public Library absent their repeal or termination and are, therefore, voidable.

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief:

(1) declaratory relief, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, which were passed on April 19, 2018, (2) injunctive relief, and (3) any other remedy as the Superior Court of New Jersey may deem appropriate.

COUNT SIX

THE COUNCIL OF THE BOROUGH OF WATCHUNG VIOLATED NEW JERSEY'S LOCAL HOUSING AND REDEVELOPMENT LAW BY CLOSING THE WATCHUNG BOROUGH PUBLIC LIBRARY IN AN EFFORT TO REDEVELOP THE PROPERTY

202. Keep a Library in Watchung and Richard Steinfeld repeat all of the factual statements and allegations contained in paragraphs 1 through 201 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief as if the same were fully set forth at length herein.

203. On April 19, 2018, the Borough of Watchung passed a resolution to “investigate” Lot 7 of Block 4401 “and [the] surrounding properties for commercial redevelopment possibilities.”

204. Prior to having undertaken this action, the governing body of the Borough of Watchung did not pass a resolution authorizing the Planning Board to undertake a “preliminary investigation” to determine whether Lot 7 of Block 4401 and the surrounding properties were an “area in need of redevelopment” as is required by N.J.S.A. 40A:12A-6(a).

205. In doing so, the governing body of the Borough of Watchung impermissibly sought to redevelop Lot 7 of Block 4401.

206. The aforesaid actions by the governing body of the Borough of Watchung violated the statutory procedures mandated by New Jersey’s Local Housing and Redevelopment Act, specifically N.J.S.A. 40A:12A-6(a).

207. The actions of the Council of the Borough of Watchung, as detailed herein, which were taken on April 19, 2018, were ultra vires and not authorized under N.J.S.A. 40A:12A-6(a), and are, therefore, voidable.

WHEREFORE, Keep a Library in Watchung and Richard Steinfeld seek the following relief: (1) declaratory relief, voiding the two resolutions referred to in paragraphs 83 and 84 of this Second Amended Complaint in Lieu of Prerogative Writs and for Declaratory and Injunctive Relief, which were passed on April 19, 2018, (2) injunctive relief, and (3) any other remedy as the Superior Court of New Jersey may deem appropriate.

The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
Attorneys for Keep a Library in Watchung and Richard Steinfeld

Dated: June 7, 2018

By:  _____
Wolfgang G. Robinson, Esq.

CERTIFICATION PURSUANT TO RULE 4:5-1

The undersigned, attorney for the Keep a Library in Watchung and Richard Steinfeld, hereby certifies as follows:

1. The above-captioned action is not the subject of any action pending in any Court or a pending arbitration proceeding.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties known to me who should be joined in this action.
4. The statements contained herein are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
Attorneys for Keep a Library in Watchung and Richard Steinfeld

Dated: June 7, 2018

By:  _____
Wolfgang G. Robinson, Esq.

CERTIFICATION PURSUANT TO RULE 1:38-7

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
Attorneys for Keep a Library in Watchung and Richard Steinfeld

Dated: June 7, 2018

By:  _____
Wolfgang G. Robinson, Esq.

CERTIFICATION PURSUANT TO RULE 4:69-4

I certify that all necessary transcripts of local agency proceedings in the cause have been ordered.

The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
Attorneys for Keep a Library in Watchung and Richard Steinfeld

Dated: June 7, 2018

By:  Wolfgang G. Robinson, Esq.

Exhibit A

This Deed, made the 25th day of July, 1973

Between HARLAN B. PRATT and LOIS C. PRATT, his wife,

residing at 30 Valley Road,
in the Borough of Watchung, in the County of
Somerset and State of New Jersey, herein designated as the Grantors,

And

• THE BOROUGH OF WATCHUNG, a municipal corporation of the
State of New Jersey,

residing or located at Mountain Boulevard,
in the Borough of Watchung, in the County of
Somerset and State of New Jersey, herein designated as the Grantees;

Witnesseth, that the Grantors, for and in consideration of Ninety-Seven Thousand Five
Hundred Dollars (\$97,500.00),

lawful money of the United States of America, to the Grantors in hand well and truly paid by the
Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknow-
ledged, and the Grantors being therewith fully satisfied, do by these presents grant, bargain, sell and
convey unto the Grantees forever,

All that tract or parcel of land and premises, situate, lying and being in the
Borough of Watchung, in the
County of Somerset and State of New Jersey, more particularly described as follows:

BEGINNING at a point in the dividing line between property owned by party of
the first part and property conveyed by James L. Spencer to the Green Valley
District for a School Lot, said beginning point being distant 217.23 feet along
said dividing line on a course of North 85°-57' East from its intersection with
the present easterly side line of Stirling Road (50.00 feet in width) as established
by the Somerset County Engineer. Thence (1) running North 3°-22' East a dis-
tance of 340.00 feet more or less to a point and corner in the old deed line des-
cribed in the second course of deed of property conveyed by Carrie Spencer,
single, et als to Albert Perret Gentil, said deed dated September 28, 1911 and
recorded in Book Z-12 of Deeds for Somerset County, page 120. Thence (2)
running along said deed line North 49°-39' East a distance of 215.00 feet more
or less to a point and corner in the westerly line of property now or formerly
owned by the Estate of Janette Wilson. Thence (3) running along said line South
4°-20' West a distance of 468.71 feet to a point and corner in the aforesaid divid-
ing line between said property owned by party of the first part and said Green
Valley District School lot. Thence (4) running along said dividing line South 85°-
57' West a distance of 154.00 feet more or less to the point and place of BE-
GINNING.

Including whatever rights to the land lying between the northwesterly line of the
premises described and the center line of Valley Road.

Being the same premises conveyed to Harlan B. Pratt by deed of The Valley
Furniture Shop, Inc. and Jane Atwater Pratt, dated December 29, 1960 and re-
corded in Book 1026 of Deeds for Somerset County, at page 127.

This conveyance is made subject to restrictions and easements of record, if any,
to municipal and statutory regulations limiting or governing the use of the prem-
ises and to such facts as an accurate survey and inspection of the premises shall
disclose.

COUNTY OF SOMERSET
CONSIDERATION \$97,500.00
REALTY TRANSFER FEE \$500.00
DATE 7-27-73 BY [Signature]

Together with all and singular the buildings, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; And also all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, of the Grantors both in law and in equity, of, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. To Have and to Hold all and singular, the premises herein described, together with the appurtenances, unto the Grantees and to Grantees' proper use and benefit forever.

And the Grantors covenant that they have not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the premises conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

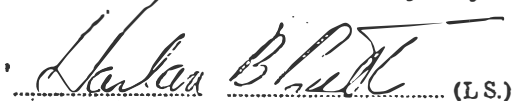
In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

In Witness Whereof, the Grantors have herunto set their hands and seals the day and year first above written.

Signed, Sealed and Delibered
in the presence of


Ralph J. Smalley, Jr.


Harlan B. Pratt (L.S.)


Lois C. Pratt (L.S.)

RECORDED

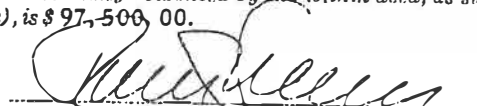
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SOMERSET COUNTY
L. R. OLSON, CLERK

State of New Jersey, County of Somerset,) ss.: Be it Remembered,
that on July 25, 1973, before me, the subscriber, an Attorney at
Law of the State of New Jersey,
personally appeared Harlan B. Pratt and Lois C. Pratt, his wife,

who, I am satisfied, are the persons named in and who executed the within Instrument, and thereupon they acknowledged that they signed, sealed and delivered the same as their act and deed, for the uses and purposes therein expressed, and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1 (c), is \$97,500.00.

Prepared by:
Ralph J. Smalley, Jr.


Ralph J. Smalley, Jr.

An Attorney at Law of the State of New
Jersey
END OF DOCUMENT

BOOK 1284 PAGE 556

Exhibit B

BRANCH LIBRARY AGREEMENT

THIS AGREEMENT, made this *9th* day of *December* 1980, by and between the BOROUGH OF WATCHUNG, a Municipal Corporation of the State of New Jersey, hereinafter referred to as "The Borough"; THE SOMERSET COUNTY LIBRARY COMMISSION and SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS, hereinafter collectively referred to as "The Commission".

WITNESSETH:

WHEREAS, the Borough is desirous of having established within its municipal boundaries a branch of the Somerset County Library; and

WHEREAS, the Commission is desirous of maintaining a branch library at the present location of the Watchung Borough Public Library; and

Handwritten initials/signature

WHEREAS, there presently exists at the Watchung Borough Public Library approximately *17,225* volumes loaned to it and owned by Somerset County Library; and

WHEREAS, the parties hereto are desirous of setting forth the various responsibilities, obligations and duties concerning the maintenance and operation of the Watchung Borough branch of the Somerset County Library.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties it is hereby covenanted and agreed as follows:

1. The Commission shall establish a branch of the Somerset County Library at the present location of the Watchung Borough Library which branch shall be known as the Watchung Borough Public Library, a branch of the Somerset County Library.

2. The original term of this agreement shall be from January 1, 1981 through December 31, 1981. Thereafter, this agreement shall be automatically renewed by the parties on a calendar year basis. The agreement may be terminated on

written notice of intention to withdraw by either party to be served not less than ninety (90) days prior to the expiration date of the then existing term, provided, however, that if the notice of intention to withdraw served by the Borough of Watchung indicates its intent to establish a municipal library, then pending the outcome of the referendum election, it reserves the right, in the event of a negative vote on the referendum question, to withdraw the notice of intention and remain a branch of the Somerset County Library system.

3. The premises of the Watchung Borough branch of the Somerset County Library are owned by the Borough of Watchung. The Borough shall maintain the premises under its sole jurisdiction and control except as provided in this agreement. All expenses involved in the operation and maintenance of said facility such as but not limited to heat, light, water and janitorial services, repairs, replacement and insurance shall be borne by the Borough.

4. The Borough shall furnish all necessary and proper furniture, fixtures and equipment necessary and proper for the operation of the Library. The Commission shall supply all materials and supplies and such additional furniture and equipment to the Branch Library as the Commission in its sole discretion deems reasonable and necessary for the proper operation of the Watchung Borough Branch Library.

5. In addition to the foregoing, the Commission shall supply all library materials, including books, records, periodicals, film strips, films, microfilms, and other material which the Commission in its sole discretion deems reasonable for the efficient and proper operation of the Branch Library. All selections of materials shall be made by the Commission.

6. The library activity or function to be carried on within the structure shall be administered and operated by the Somerset County Library Commission, which shall set policy,

select, purchase and process books, and carry on all other functions or activities necessary for or incidental to the operation of a free public library. Said determination of policy, selection, purchase and processing of books, shall be done in consultation with and recommendations by the Borough governing body, however, all decisions of the Commission after consultation and consideration or recommendations shall be final and binding upon the parties hereto. The Borough governing body shall in addition to its advisory function, work with the Commission to build community support for good library service. The Borough and the Commission shall make every effort to insure that operation of the Branch Library will meet the minimum standard for state aid for the Borough of Watchung.

7. The Commission shall supply all personnel to maintain the operation of the Branch Library. The commission may reduce its normal hours of operation during the months of July and August. The number of full time and part time personnel shall be determined by the Commission in accordance with the population served. The Library shall serve Watchung Borough and shall also be available free of charge to all residents of Somerset County Library member areas. It is the Commission's present intention to maintain all of the present library personnel in the positions which they now hold, however the Commission reserves the right, after consultation with the Watchung Advisory Board, to transfer, hire, dismiss and otherwise supervise all Watchung Borough Branch Library personnel, it being understood that all such employees shall become employees of Somerset County Library upon such terms as the Commission shall determine.

8. All furniture, fixtures, equipment, books and periodicals presently situate at the Watchung Borough Library and owned by the Borough will remain on the premises, but will continue to remain the property of the Borough of Watchung. All library materials previously furnished or to be furnished to the Watchung Borough Library by the Commission will remain the property of the Commission.

9. Should either party fail to renew this branch contract in future years and in the event the Borough nevertheless continues to remain a member of the County Library System, all library materials furnished to Watchung Borough shall remain situated at Watchung Borough Library subject, however, to the right of the Commission to rotate materials among the various members and branch libraries. In the event that the Borough ceases to be a branch library and withdraws from the Somerset County Library System, the parties agree to negotiate the purchase of Somerset County Library materials at that time physically located in the Watchung Borough Library. The Borough shall have the right to purchase such materials as it desires provided it furnishes a complete list of materials to the Commission within thirty (30) days of notification of withdrawal from the Somerset County Library System. The parties shall attempt in good faith to reach agreement upon the reasonable purchase price for said materials. In the event that they fail to reach agreement after a negotiating period of ninety (90) days from notification of withdrawal, the parties agree to submit the question of value to arbitration. The date of notification of withdrawal shall be the election day on which the voters of Watchung Borough approve a referendum establishing a municipal library.

10. In the event that the question of value is required to be submitted to arbitration in accordance with Paragraph 9, three arbitrators shall compromise the arbitration panel. The Borough shall select one arbitrator, the Commission

shall select an arbitrator and the two arbitrators shall mutually agree upon a third arbitrator. The selection of arbitrators shall be accomplished within thirty (30) days of the termination of the negotiating period. If the two arbitrators cannot agree upon a third arbitrator either party may apply to a Judge of the Superior Court in Somerset County for appointment of the third arbitrator. The arbitration hearings shall be held and a decision rendered within sixty (60) days of appointment of the full arbitration panel. Except as herein provided, the arbitration proceedings shall be conducted according to the rules of the American Arbitration Association. Arbitration as provided herein shall only be available for determination of the value of library materials in the event of withdrawal of Watchung Borough from the Somerset County Library System and in the event of failure of negotiations.

11. All furniture, fixtures, equipment, books, periodicals and library materials of any kind provided by the Commission to the Branch Library shall be insured under the County's insurance policy. All furniture, fixtures, equipment, books, periodicals and library materials of any kind owned by the Borough shall be insured by the Borough. Each party shall bear the risk of loss of its own property.

12. It is understood and agreed that the Borough may use the library facility for such purpose as the governing body of the Borough shall determine provided said purposes and activities do not interfere with the operation of the Branch Library. Further, it is understood that the jurisdiction and control of the Borough with respect to the use of the facility shall not be exercised in such manner as might unduly interfere with the operations and functions of the library.

13. This agreement shall be effective as of January 1, 1981.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be hereto affixed, the day and year first above written.

ATTEST:

THE BOROUGH OF WATCHUNG

Gladys J. Bartholomew, Clerk
Gladys J. Bartholomew, Clerk

Kenneth D. Schmidt, Mayor
Kenneth D. Schmidt, Mayor

ATTEST:

THE SOMERSET COUNTY LIBRARY COMMISSION

Juni B Adams

BY William T. Hall
CHAIRMAN

ATTEST:

SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS

Margaret G. Paccini

BY Dawn Green

Exhibit C

2018 MUNICIPAL DATA SHEET

(FIRST ACCOUNTANT 2018 BUDGET)

MUNICIPALITY: BOROUGH OF WATCHUNG COUNTY : SOMERSET

CAP

STEPHEN POTE	12/31/18
Mayor's Name	Term Expires

Municipal Officials	
MICHELLE DEROGCO	6/1/2011
Municipal Clerk	Date of Orig. Appt.
	C-1431
	Cert No.
RAYMOND S. MURRAY	T-1563
Tax Collector	Cert No.
WILLIAM J. HANCE	N-0431
Chief Financial Officer	Cert No.
ROBERT W. SWISHER	439
Registered Municipal Accountant	Lic No.
Albert Cruz - DiFrancesco, Coley, et al.	
Municipal Attorney	

Official Mailing Address of Municipality
MUNICIPAL BUILDING
16 MOUNTAIN BOULEVARD
WATCHUNG, NEW JERSEY 07069

Fax #: 908-757-7027

Governing Body Members	
Name	Term Expires
ROBERT GIBBS	12/31/2020
STEPHEN BLACK	12/31/2020
WILLIAM F. NEHLIS	12/31/2019
DAVID MOBUS	12/31/2018
GEORGE SOPKO	12/31/2019
MARIA ALBERTO	12/31/2018

Please attach this to your 2018 Budget and Mail to:

Director
 Division of Local Government Services
 Department of Community Affairs
 Post Office Box 803
 Trenton, New Jersey 08626

Division Use Only
Municode:
Public Hearing Date:

**2018
MUNICIPAL BUDGET
of the Borough of Watchung, County of Somerset, for the Fiscal Year 2018.**

It is hereby certified that the Budget and Capital Budget annexed hereto and hereby made a part hereof is a true copy of the Budget and Capital Budget approved by resolution of the Governing Body on the 15th day of March, 2018 and that public advertisement will be made in accordance with the provisions of N.J.S. 40A:4-6 and N.J.A.C. 5:30-4.4(a).

Certified by me, this 15th day of March, 2018

Michelle DeRocco
Clerk
15 MOUNTAIN BOUL LEVARD
Address
WATCHUNG, NEW JERSEY
Address
908-758-0030
Phone Number

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of the appropriations

Certified by me, this 15th day of March, 2018

John W. Sullivan
Registered Municipal Accountant
SUPLEE, CLOONEY & COMPANY
308 EAST BROAD STREET
WESTFIELD, NEW JERSEY 07090

908-789-8300
Phone Number

DO NOT USE THESE SPACES

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of the appropriations and the budget is in full compliance with the Local Budget Law, N.J.S. 40:4-1 et seq.

Certified by me, this 15th day of March, 2018

William J. Spence
Chief Financial Officer

CERTIFICATION OF ADOPTED BUDGET

(Do not advertise this certification form)

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the amount to be raised by taxation for local purposes has been compared with the approved Budget previously certified by me and any changes required as a condition to such approval have been made. The adopted budget is certified with respect to the foregoing only.

STATE OF NEW JERSEY
Department of Community Affairs
Director of the Division of Local Government Services
Date: 2018 By: _____

It is hereby certified that the Approved Budget made part hereof complies with the requirements of law and approval is given pursuant to N.J.S. 40A:4-7B.

STATE OF NEW JERSEY
Department of Community Affairs
Director of the Division of Local Government Services
Date: 2018 By: _____

MUNICIPAL BUDGET NOTICE

R6:04/19/18

SECTION 1.

Municipal Budget of the Borough Of Watchung, County Of Somerset for the Fiscal Year 2018

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2018;

Be It Further Resolved, that said Budget be published in the

ECHOES - SENTINEL

in the issue of March 22, 2018

The Governing Body of the Borough of Watchung does hereby approve the following as the Budget for the year 2018:

RECORDED VOTE

(insert last name)	{	Glbbs	{	ABSTAINED	{
	{	Black	{		
	{	Mehls	{		
		Mobus			
		Sopko			
		Alberco			
	{		{	ABSENT	{
	{		{		

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough Of Watchung, County Of Somerset, on

March 15, 2018

A Hearing on the Budget and Tax Resolution will be held at

the Municipal Building

, on April 19th, 2018 at 7:30 p.m. at which time and place

objections to said Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT - (CONTINUED)
SUMMARY OF 2017 APPROPRIATIONS EXPENDED AND CANCELED

	GENERAL BUDGET	WATER UTILITY	UTILITY	UTILITY
BUDGET APPROPRIATIONS - ADOPTED BUDGET	14,535,000.00			
BUDGET APPROPRIATIONS ADDED BY N.J.S. 40A:4-97	134,507.08			
EMERGENCY APPROPRIATIONS	0.00			
TOTAL APPROPRIATIONS	14,669,507.08			
EXPENDITURES:				
PAID OF CHARGED (INCLUDING RESERVE FOR UNCOLLECTED TAXES)	14,054,959.48			
RESERVED	607,203.21			
UNEXPENDED BALANCES CANCELED	7,344.39			
TOTAL EXPENDITURES AND UNEXPENDED BALANCES CANCELED	14,669,507.08			
OVEREXPENDITURES*	0.00			

* SEE BUDGET APPROPRIATION ITEMS SO MARKED TO THE RIGHT OF COLUMN "EXPENDED 2017 RESERVED."

EXPLANATIONS OF APPROPRIATIONS FOR "OTHER EXPENSES"

The amounts appropriated under the title of "Other Expenses" are for operating costs other than "Salaries & Wages".

Some of the items included in "Other Expenses" are:

Materials, supplies and non-bondable equipment;

Repairs and maintenance of buildings, equipment, roads, etc.

Contracted services for garbage and trash removal, fire hydrant services, aid to volunteer fire companies, etc.

Printing and advertising, utility services, insurance and many other items essential to the services rendered by municipal government.

**EXPLANATORY STATEMENT - (CONTINUED)
BUDGET MESSAGE**

Under the terms of the Borough's various labor contracts certain employees are required to make contributions towards their Health Benefits. The following schedule discloses the impact of these contributions on the 2018 budget:

Projected Group Health Insurance Costs - 2018	2,144,000.00
Projected Employee Contributions - 2018	264,000.00
Group Health Insurance Budget Appropriation - 2018	1,880,000.00

"CAPS" CALCULATIONS

N.J.S.A.9A:4 - 46.1 et. seq. "The Local Government Cap Law" places limits on municipal expenditures. Commonly referred to as the "CAPS" it is actually calculated by a method established by the law.

In general the actual calculation works as follows. Starting with the figure in the 2017 budget for Total General Appropriations certain 2017 budget figures are subtracted; including the reserve for uncollected taxes, debt service, State and Federal aid, etc. Take the resulting figure and multiply it by 2.5% and this gives you the basic "CAP" or the amount of appropriations increase allowed over the 2017 Total General Appropriations. The Total General Appropriations may also be increased by 3.5%, if prior, to the introduction of the 2018 budget an Index rate ordinance is approved by the governing body.

In addition to the increase allowed above, any increase funded by increase valuations from new construction or improvements is also allowed.

Also, the "CAPS" may be exceeded if approved by referendum. The actual "CAPS" for this municipality will be reviewed and approved by the Division of Local Government Services in the

State Department of Community Affairs, but the calculations upon which this budget was prepared are as follows:

EXPLANATORY STATEMENT - (CONTINUED)
BOROUGH OF WATCHUNG
"CAPS" CALCULATIONS

Total General Appropriations for 2017		14,535,000.00
Add: Cap Base Adjustment -		
Adjusted Total General Appropriations for 2017		<u>14,535,000.00</u>
Less Exceptions:		
Total Other Operations	1,500.00	
Interlocal Services Agreements	772,756.00	
Total Public & Private Programs	180,000.00	
Total Capital Improvement	175,000.00	
Total Municipal Debt Service	1,965,921.00	
Total Deferred Charges	45,256.00	
Reserve for Uncollected Taxes	<u>515,000.00</u>	
Total Exceptions		<u>3,685,433.00</u>
Amount on Which 3.5% is Applied		10,869,567.00
3.5% "CAP"		<u>380,434.85</u>
Allowable Operating Appropriations before Additional Exceptions per (N.J.S.A. 40a: 4 - 45.3)		11,250,001.85
Add:		
Increase in Ratables from New Construction & Improvements		44,204.32
Cap Bank		676,116.52
Maximum Allowable Appropriations After Modifications		<u><u>11,970,322.69</u></u>

EXPLANATORY STATEMENT - (CONTINUED)
 BOROUGH OF WATCHUNG
 SUMMARY 2018 TAX LEVY "CAPS" CALCULATION

LEVY GAP CALCULATION		
PRIOR YEAR AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		\$10,297,029.00
CAP BASE ADJUSTMENT		
LESS: PRIOR YEAR DEFERRED CHARGES TO FUTURE TAXATION UNFUNDED		148,862.00
LESS: PRIOR YEAR DEFERRED CHARGES: EMERGENCIES		
LESS: PRIOR YEAR RECYCLING TAX		
LESS: CHANGES IN SERVICE PROVIDER: TRANSFER OF SERVICE/FUNCTION		10,148,377.00
NET PRIOR YEAR TAX LEVY FOR MUNICIPAL PURPOSES FOR GAP CALCULATION		202,888.00
PLUS 2% CAP INCREASE		10,351,345.00
ADJUSTED TAX LEVY PRIOR TO EXCLUSIONS		
EXCLUSIONS:		
ALLOWABLE SHARED SERVICE AGREEMENTS INCREASE	45,230.00	
ALLOWABLE HEALTH INSURANCE COST INCREASE		
ALLOWABLE PENSION OBLIGATIONS INCREASE		
ALLOWABLE LOSAP INCREASE		
ALLOWABLE CAPITAL IMPROVEMENTS INCREASE	78,062.00	
ALLOWABLE DEBT SERVICE AND CAPITAL LEASES INCREASE		
RECYCLING TAX APPROPRIATION		
DEFERRED CHARGES TO FUTURE TAXATION UNFUNDED		
CURRENT YEAR DEFERRED CHARGES: EMERGENCIES		
ADD TOTAL EXCLUSIONS	55,818.00	179,100.00
LESS CANCELLED OR UNEXPENDED EXCLUSIONS		7,264.00
ADJUSTED TAX LEVY		10,523,191.00
ADDITIONS:		
NEW RATABLES:		
INCREASE IN VALUATIONS (NEW CONSTRUCTION AND ADDITIONS)	\$7,543,400.00	
PRIOR YEAR'S LOCAL MUNICIPAL PURPOSE TAX RATE (PER \$100)	0.586	
NEW RATABLE ADJUSTMENT TO LEVY		44,204.32
2015 CAP BANK UTILIZED IN 2018		53,513.00
2016 CAP BANK UTILIZED IN 2018		
2017 CAP BANK UTILIZED IN 2018		
AMOUNTS APPROVED BY REFERENDUM		
MAXIMUM ALLOWABLE AMOUNT TO BE RAISED BY TAXATION		\$10,620,908.32
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		\$10,620,908.00

CURRENT FUND - ANTICIPATED REVENUES - (CONTINUED)
GENERAL REVENUES

SUMMARY OF REVENUES	"FCOA"	ANTICIPATED		REALIZED IN CASH IN 2017
		2018	2017	
1. SURPLUS ANTICIPATED (SHEET 4, #1)				
	08-101	925,000.00	825,000.00	825,000.00
2. SURPLUS ANTICIPATED WITH PRIOR WRITTEN CONSENT OF DIRECTOR OF LOCAL GOVERNMENT SERVICES (SHEET 4, #2)	08-102			
3. MISCELLANEOUS REVENUES:	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
TOTAL SECTION A: LOCAL REVENUES	08-001	1,780,000.00	1,757,500.00	1,828,050.76
TOTAL SECTION B: STATE AID WITHOUT OFFSETTING APPROPRIATIONS	09-001	700,092.00	700,092.00	700,092.00
TOTAL SECTION C: DEDICATED UNIFORM CONSTRUCTION CODE FEES OFFSET WITH APPROPRIATIONS	08-002	200,000.00	180,000.00	216,067.00
TOTAL SECTION D: DIRECTOR OF LOCAL GOVERNMENT SERVICES - INTERLOCAL MUNICIPAL SERVICE AGREEMENTS	11-001			
TOTAL SECTION E: DIRECTOR OF LOCAL GOVERNMENT SERVICES - ADDITIONAL REVENUES	08-003			
TOTAL SECTION F: DIRECTOR OF LOCAL GOVERNMENT SERVICES - PUBLIC & PRIVATE REVENUES	10-001	60,000.00	194,507.08	194,507.08
TOTAL SECTION G: DIRECTOR OF LOCAL GOVERNMENT SERVICES - OTHER SPECIAL ITEMS	08-004	448,000.00	555,378.73	526,724.38
TOTAL MISCELLANEOUS REVENUES	13-098	3,189,092.00	3,387,477.81	3,465,441.22
4. RECEIPTS FROM DELINQUENT TAXES	15-499	160,000.00	160,000.00	179,028.47
5. SUBTOTAL GENERAL REVENUES (ITEMS 1,2,3 AND 4)	13-199	4,274,092.00	4,372,477.81	4,469,469.69
6. AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET:				
A) LOCAL TAX FOR MUNICIPAL PURPOSES INCLUDING RESERVE FOR UNCOLLECTED TAXES	07-190	10,620,908.00	10,297,029.27	XXXXXXXXXXXX
B) ADDITION TO LOCAL DISTRICT SCHOOL TAX	07-191			XXXXXXXXXXXX
TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	07-199	10,620,908.00	10,297,029.27	10,620,336.78
7. TOTAL GENERAL REVENUES	13-298	14,895,000.00	14,689,507.08	15,092,806.47

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS"	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
ADMINISTRATIVE & EXECUTIVE							
Salaries & Wages	20-100- 1	227,000.00	200,000.00		200,000.00	188,228.92	11,770.08
Other Expenses	20-100- 2	25,000.00	24,800.00		24,800.00	24,272.23	527.77
MAYOR AND COUNCIL							
Salaries & Wages	20-110- 1	24,000.00	24,000.00		24,000.00	24,000.00	
Other Expenses	20-110- 2	59,850.00	59,850.00		59,850.00	45,311.80	14,538.10
MUNICIPAL CLERK							
Salaries & Wages	20-120- 1	96,000.00	92,000.00		92,000.00	91,725.25	274.75
Other Expenses	20-120- 2	27,200.00	27,200.00		27,200.00	25,452.75	1,747.25
ELECTIONS							
Other Expenses	20-110- 2	2,956.00	2,956.00		2,956.00	2,081.02	894.98
FINANCIAL ADMINISTRATION							
Salaries & Wages	20-130- 1	187,000.00	167,000.00		167,000.00	154,766.88	12,233.11
Other Expenses	20-130- 2	28,100.00	28,100.00		28,100.00	27,582.80	517.10
Audit Services	20-136- 2	39,000.00	39,000.00		39,000.00	39,000.00	

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS <small>(A) OPERATIONS WITHIN "CARS" (CONTINUED)</small>	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2016	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
PUBLIC BUILDINGS AND GROUNDS							
Salaries & Wages	26-310- 1	64,000.00	48,000.00		48,000.00	48,000.00	
Other Expenses	26-310- 2	210,500.00	141,250.00		141,250.00	136,136.26	5,113.74
Bulk Clean Up	26-305- 2	10,000.00	12,000.00		12,000.00	6,939.58	5,060.42
MUNICIPAL LAND USE LAW (NJS40-56D-1):							
PLANNING BOARD:							
Salaries & Wages	21-180- 1	6,000.00	3,250.00		3,250.00	3,019.42	230.58
Other Expenses	21-180- 2	29,500.00	29,180.00		29,180.00	27,433.77	1,726.23
BOARD OF ADJUSTMENTS:							
Salaries & Wages	21-185- 1	6,000.00	3,250.00		3,250.00		3,250.00
Other Expenses	21-185- 2	19,000.00	18,620.00		18,620.00	16,759.07	1,860.93
FIRE:							
Other Expenses	25-265- 2	123,000.00	115,600.00		115,600.00	56,207.61	59,392.39

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS"-(CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2016	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
UNIFORM SAFETY ACT (P.L. 1983, C.383)							
FIRE OFFICIAL:							
Salaries & Wages	26-265- 1	40,700.00	40,000.00		40,000.00	39,653.31	348.69
Other Expenses	26-266- 2	2,850.00	2,850.00		2,850.00	1,972.76	877.24
POLICE:							
Salaries & Wages	26-240- 1	3,800,000.00	3,525,000.00		3,525,000.00	3,459,822.63	66,177.47
Other Expenses	26-240- 2	312,153.00	276,153.00		276,153.00	286,621.11	9,531.89
FIRST AID ORGANIZATION: CONTRIBUTION	26-280- 2	27,148.00	31,000.00		31,000.00	31,000.00	
EMERGENCY MANAGEMENT SERVICES:							
Salaries & Wages	26-252- 1	5,800.00	5,700.00		5,700.00	5,657.96	42.04
Other Expenses	26-252- 2	8,300.00	8,300.00		8,300.00	1,534.98	6,765.04
PUBLIC DEFENDER							
Salaries & Wages	43-495- 1	100.00	100.00		100.00		100.00

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS"-(CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
MUNICIPAL COURT:							
Salaries & Wages	43-490- 1	68,000.00	70,000.00		70,000.00	64,999.92	5,000.08
Other Expenses	43-490- 2	56,000.00	75,000.00		75,000.00	41,763.51	33,236.49
Audit Services	20-135- 2	5,000.00	5,000.00		5,000.00	5,000.00	
STREETS AND ROADS:							
Salaries & Wages	28-290- 1	300,000.00	285,000.00		285,000.00	284,286.11	713.89
Other Expenses	28-290- 2	255,200.00	221,400.00		221,400.00	206,623.67	14,776.33
HEALTH AND WELFARE:							
BOARD OF HEALTH:							
Salaries & Wages	27-330- 1	4,000.00	3,250.00		3,250.00		3,250.00
DOG REGULATION:							
Other Expenses	27-340- 2	15,191.00	18,800.00		18,800.00	18,473.00	427.00

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CARS"-(CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
SEWER SYSTEM:							
Salaries & Wages	28-306- 1	72,000.00	72,000.00		72,000.00	71,425.42	574.58
Other Expenses	28-306- 2	56,000.00	56,000.00		56,000.00	37,351.04	18,648.96
CONDO ACT REIMBURSEMENT:							
Other Expenses	30-426- 2	11,000.00	9,000.00		9,000.00	8,676.61	323.39
RECREATION AND EDUCATION:							
RECREATION:							
Salaries & Wages	28-370- 1	34,000.00	6,500.00		26,500.00	24,117.32	2,382.68
Other Expenses	28-370- 2	46,810.00	113,010.00		93,010.00	55,692.44	37,327.56
TRAFFIC & BEAUTIFICATION:							
Other Expenses	26-300- 2	2,000.00	2,000.00		2,000.00	1,117.61	882.39

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS"-(CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
ENVIRONMENTAL COMMISSION:							
Other Expenses	27-325- 2	1,050.00	1,050.00		1,050.00	847.00	203.00
HISTORICAL PRESERVATION:							
Other Expenses	20-175- 2	12,400.00	9,425.00		9,425.00	7,213.52	2,211.48
INSURANCE:							
Group Insurance for Employees	23-220- 2	1,880,000.00	1,880,000.00		1,874,200.00	1,732,463.98	141,736.02
Workers Compensation	23-215- 2	159,000.00	159,000.00		159,000.00	157,995.50	4.50
Other Insurance Premiums	23-210- 2	158,000.00	160,000.00		160,000.00	142,387.08	17,612.92
Health Insurance Waiver	23-221- 2	27,000.00	17,000.00		22,800.00	22,740.57	59.43
FREE PUBLIC LIBRARY:							
Salaries & Wages	28-380- 1	18,000.00	18,000.00		18,000.00	18,000.00	
Other Expenses	29-390- 2	24,000.00	22,000.00		22,000.00	21,456.02	543.98

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS" (CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
UNIFORM CONSTRUCTION CODE- APPROPRIATIONS OFFSET BY DEDICATED REVENUES (N.J.A.C. 5:23-4.17)	XXXXXXXXXX XXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX	XXXXXXXXXXXXXX XXXXXXXXXXXXXX
SUB-CODE OFFICIALS							
BUILDING INSPECTOR:							
Salaries & Wages	22-195- 1	151,000.00	119,000.00		119,000.00	119,559.14	44,196
Other Expenses	22-195- 2	20,000.00	20,100.00		20,100.00	16,265.11	3,834.89
PLUMBING INSPECTOR:							
Salaries & Wages	22-195- 1	25,000.00	25,000.00		25,000.00	11,859.82	13,141.18
ELECTRICAL INSPECTOR:							
Salaries & Wages	22-195- 1	23,500.00	23,500.00		23,500.00	23,492.07	7.93
FIRE SUB-CODE INSPECTOR:							
Salaries & Wages	22-195- 1	22,000.00	22,000.00		22,000.00	16,079.09	5,920.31

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS WITHIN "CAPS"-(CONTINUED)	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
UNCLASSIFIED:							
ELECTRICITY	31-430- 2	126,000.00	120,000.00		120,000.00	119,449.41	550.59
TELEPHONE	31-440- 2	86,000.00	80,000.00		80,000.00	78,430.35	1,569.65
WATER	31-445- 2	18,000.00	16,000.00		16,000.00	15,908.44	91.56
NATURAL GAS	31-447- 2	40,000.00	38,000.00		38,000.00	37,632.93	367.07
FIRE HYDRANT SERVICE	31-448- 2	247,000.00	247,000.00		247,000.00	215,521.70	31,478.30
GASOLINE	31-480- 2	80,000.00	80,000.00		80,000.00	67,008.47	12,991.53
STREET LIGHTING	31-435- 2	66,000.00	85,000.00		85,000.00	78,803.22	6,196.78
SALARY AND WAGE ADJUSTMENT ACCOUNT	31-436- 1	100.00	100.00		100.00		100.00
TOTAL OPERATIONS (ITEMS 8(A)) WITHIN "CAPS"	34-199	9,888,158.00	9,589,124.00		9,589,124.00	9,013,497.36	575,626.64
B. CONTINGENT	36-470- 2			XXXXXXXXXXXX			
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"	34-201	9,888,158.00	9,589,124.00		9,589,124.00	9,013,497.36	575,626.64
DETAIL:							
SALARIES & WAGES	34-201-1	5,218,200.00	5,006,650.00		5,028,650.00	4,883,605.54	133,044.46
OTHER EXPENSES (INCLUDING CONTINGENT)	34-201-2	4,669,958.00	4,582,474.00		4,560,474.00	4,119,891.82	442,582.18

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	"COA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
(E) DEFERRED CHARGES AND OTHER STATUTORY EXPENDITURES - MUNICIPAL WITHIN "CAPS" (CONTINUED)	XXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX
(2) STATUTORY EXPENDITURES:	XXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX
SOCIAL SECURITY SYSTEM (O.A.S.I.)	36-472- 2	212,986.47	210,000.00		210,000.00	186,824.27	23,375.73
PUBLIC EMPLOYEE RETIREMENT SYSTEM	36-471- 2	202,327.53	189,124.00		189,124.00	189,124.00	
POLICE & FIREMENS RETIREMENT SYSTEM	36-476- 2	824,190.00	772,923.00		772,923.00	772,923.00	
RETROACTIVE - PERS	36-476- 2						
RETROACTIVE PERS	36-471- 2						
DEFINED CONTRIBUTION RETIREMENT PLAN	36-476- 2	2,000.00	2,000.00		2,000.00		2,000.00
TOTAL DEFERRED CHARGED & STATUTORY EXPENDITURES-MUNICIPAL WITHIN "CAPS"	34-209	1,241,474.00	1,280,443.06		1,280,443.06	1,284,973.33	25,375.73
(G) CASH DEFICIT OF PRECEDING YEAR	49-886- 2						
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	34-299	11,129,632.00	10,899,567.06		10,899,567.06	10,269,474.69	601,002.37

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	"FCOA"	APPROPRIATED					EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED	
(A) OPERATIONS - EXCLUDED FROM "CAPS" (CONTINUED)								
INTERLOCAL MUNICIPAL SERVICE AGREEMENTS	XXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
INTERLOCAL AGREEMENT -								
SEWER INTERLOCAL AGREEMENTS								
Other Expenses	42-455- 2	709,000.00	636,000.00		636,000.00	636,000.00		
SOMERSET COUNTY INTERLOCAL AGREEMENTS								
Recycling	26-305- 2	35,000.00	35,000.00		35,000.00	35,000.00		
BOARD OF HEALTH:								
Other Expenses	27-330- 2	101,756.00	101,756.00		101,756.00	101,455.66		300.34
TOTAL INTERLOCAL MUNICIPAL SERVICE AGREEMENTS	42-898	844,756.00	772,756.00		772,756.00	772,455.66		300.34

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) OPERATIONS - EXCLUDED FROM "CAPS" (CONTINUED)	"FCOA"	APPROPRIATED					EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED	
PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUES	XXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	
SAFE AND SECURE COMMUNITIES PROGRAM:								
State Share	40-704- 2	60,000.00	60,000.00		60,000.00	60,000.00		
Local Share	40-704- 2	130,000.00	130,000.00		130,000.00	130,000.00		
CLEAN COMMUNITIES PROGRAM	40-770- 2				14,835.44	14,835.44		
N. J. BODY ARMOR REPLACEMENT FUND	40-708- 2				2,910.35	2,910.35		
ALCOHOL EDUCATION REHABILITATION	40-702- 2				1,093.78	1,093.78		
RECYCLING TONNAGE GRANT	40-716- 2				10,667.51	10,667.51		
MATCHING GRANT FUNDS	40-709- 2				5,000.00	5,000.00		
FEMA GRANT	40-707- 2				100,000.00	100,000.00		

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	"FCOA"	APPROPRIATED				EXPENDED 2017		
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED	
(E) DEFERRED CHARGES - MUNICIPAL - EXCLUDED FROM "CAPS"								
(1) DEFERRED CHARGES:	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX
EMERGENCY AUTHORIZATIONS	46-870- 2			XXXXXXXXXXXX	XXXXXXXXXXXX		XXXXXXXXXXXX	XXXXXXXXXXXX
SPECIAL EMERGENCY AUTHORIZATIONS- 6 YEARS (N.J.S.A. 40A:4-48)	46-875- 2			XXXXXXXXXXXX			XXXXXXXXXXXX	XXXXXXXXXXXX
SPECIAL EMERGENCY AUTHORIZATIONS- 3 YEARS (N.J.S.A. 40A:4-48.1 & 40A:4-51.1)	46-871- 2			XXXXXXXXXXXX			XXXXXXXXXXXX	XXXXXXXXXXXX
DEFERRED CHARGES TO FUTURE TAXATION-UNFUNDED:				XXXXXXXXXXXX			XXXXXXXXXXXX	XXXXXXXXXXXX
ORDINANCE 09/03 - 06/27	46-886- 2		18,011.69	XXXXXXXXXXXX	18,011.69		18,011.69	XXXXXXXXXXXX
ORDINANCE 19/11	46-886- 2		1,544.00	XXXXXXXXXXXX	1,544.00		1,544.00	XXXXXXXXXXXX
ORDINANCE 16/08	46-886- 2		25,700.00	XXXXXXXXXXXX	25,700.00		25,700.00	XXXXXXXXXXXX
ORDINANCE 13/04	46-886- 2		40,393.00	XXXXXXXXXXXX				XXXXXXXXXXXX
ORDINANCE 17-02			2,125.00	XXXXXXXXXXXX				XXXXXXXXXXXX
ORDINANCE 17-02			13,300.00	XXXXXXXXXXXX				XXXXXXXXXXXX
				XXXXXXXXXXXX				XXXXXXXXXXXX
				XXXXXXXXXXXX				XXXXXXXXXXXX
TOTAL DEFERRED CHARGES - MUNICIPAL - EXCLUDED FROM "CAPS"	46-989		55,818.00	XXXXXXXXXXXX	45,256.69		45,256.69	XXXXXXXXXXXX
(F) JUDGMENTS (N.J.S.A. 40A:4-45.3C)	37-480- 2							
(N) TRANSFERRED TO BOARD OF EDUCATION FOR USE OF LOCAL SCHOOLS (N.J.S.A. 40-46-17.1 & 17.1)	29-405- 2			XXXXXXXXXXXX				XXXXXXXXXXXX
(O) WITH PRIOR CONSENT OF LOCAL FINANCE BOARD: CASH DEFICIT OF PRECEDING YEAR	48-885- 2			XXXXXXXXXXXX				XXXXXXXXXXXX
(H-3) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	34-309		3,250,566.00		3,150,432.94		3,284,840.02	3,271,484.60

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	"FCOA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
FOR LOCAL DISTRICT SCHOOL PURPOSES - EXCLUDED FROM "CAPS"	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX
(I) TYPE 1 DISTRICT SCHOOL DEBT SERVICE	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX
PAYMENT OF BOND PRINCIPAL	48-920- 2						XXXXXXXXXXXX
PAYMENT OF BOND ANTICIPATION NOTES	48-925- 2						XXXXXXXXXXXX
INTEREST ON BONDS	48-930- 2						XXXXXXXXXXXX
INTEREST ON NOTES	48-935- 2						XXXXXXXXXXXX
							XXXXXXXXXXXX
TOTAL OF TYPE 1 DISTRICT SCHOOL DEBT SERVICE EXCLUDED FROM "CAPS"	48-999						XXXXXXXXXXXX
(J) DEFERRED CHARGES AND STAT. EXPENDITURES LOCAL SCHOOL-EXCLUDED FROM "CAPS"	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX
EMERGENCY AUTHORIZATION-SCHOOLS	29-406			XXXXXXXXXXXX			XXXXXXXXXXXX
CAPITAL PROJECT FOR LAND,BUILD,OR EQUIP. N.J.S.A.18A:27B20	29-407						XXXXXXXXXXXX
TOTAL OF DEFER. CHARGES & STATUTORY EXPENDITURES-LOCAL SCHOOL-EXCLUDED FROM "CAPS"	29-409						XXXXXXXXXXXX
(K) TOTAL MUNICIPAL APPROP. FOR LOCAL DISTRICT SCHOOL PURPOSES (ITEMS (I) AND (J))-EXCLUDED FROM "CAPS"	29-410						XXXXXXXXXXXX
(O) TOTAL GENERAL APPROPRIATIONS - EXCLUDED FROM "CAPS"	34-989	3,250,368.00	3,150,432.94		3,284,940.02	3,271,484.80	6,200.84
(L) SUBTOTAL GENERAL APPROPRIATIONS (ITEMS (H-1) AND (O))	34-400	14,380,000.00	14,020,000.00		14,154,507.08	13,539,859.49	607,203.21
(M) RESERVE FOR UNCOLLECTED TAXES	60-899	515,000.00	515,000.00	XXXXXXXXXXXX	515,000.00	515,000.00	XXXXXXXXXXXX
9. TOTAL GENERAL APPROPRIATIONS	34-499	14,895,000.00	14,535,000.00		14,669,507.08	14,054,859.49	607,203.21

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	"COA"	APPROPRIATED				EXPENDED 2017	
		FOR 2018	FOR 2017	FOR 2017 BY EMERGENCY APPROPRIATION	TOTAL FOR 2017 AS MODIFIED BY ALL TRANSFERS	PAID OR CHARGED	RESERVED
(H-1) OPERATIONS :							
(a-b) WITHIN "CAPS" - INCLUDING CONTINGENT	34-289	9,888,158.00	9,589,124.00		9,589,124.00	9,013,497.36	575,626.64
STATUTORY EXPENDITURES	XXXXXX	1,241,474.00	1,174,047.00		1,174,047.00	1,148,671.27	25,375.73
(a) OPERATIONS - EXCLUDED FROM "CAPS"	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
OTHER OPERATIONS	34-300	1,500.00	1,500.00		1,500.00		1,500.00
UNIFORM CONSTRUCTION CODE	22-999						
INTERLOCAL MUNICIPAL SERVICE AGREEMENTS	42-989	844,756.00	772,756.00		772,756.00	772,455.65	300.34
ADDITIONAL APPROPRIATIONS OFFSET BY REV.	34-303						
PUBLIC & PRIVATE PROG. OFFSET BY REV.	40-999	190,000.00	190,000.00		324,507.08	324,507.08	
TOTAL OPERATIONS - EXCLUDED FROM "CAPS"	34-305	1,036,256.00	984,256.00		1,098,763.08	1,098,662.74	1,800.34
(C) CAPITAL IMPROVEMENTS	44-999	173,700.00	175,000.00		175,000.00	170,599.50	4,400.50
(D) MUNICIPAL DEBT SERVICE	46-999	1,984,594.00	1,995,921.25		1,985,921.25	1,958,666.87	XXXXXXXXXXXXXX
(E) TOTAL DEFERRED CHARGES (SHEET 18+28)	46-999	55,818.00	151,651.75		151,651.75	151,651.75	XXXXXXXXXXXXXX
(F) JUDGMENTS	37-480						
(G) CASH DEFICIT - WITH PRIOR CONSENT OF LFB	46-985						XXXXXXXXXXXXXX
(K) LOCAL DISTRICT SCHOOL PURPOSES	29-410						XXXXXXXXXXXXXX
(N) TRANSFERRED TO BOARD OF EDUCATION	29-405			XXXXXXXXXXXXXX			XXXXXXXXXXXXXX
(M) RESERVE FOR UNCOLLECTED TAXES	50-899	515,000.00	515,000.00	XXXXXXXXXXXXXX	515,000.00	515,000.00	XXXXXXXXXXXXXX
TOTAL GENERAL APPROPRIATION	34-499	14,885,000.00	14,535,000.00		14,888,507.08	14,054,959.48	607,203.21

DEDICATED ASSESSMENT BUDGET

	FCOA	ANTICIPATED		Realized in Cash in 2017
		2018	2017	
14. DEDICATED REVENUES FROM				
ASSESSMENT CASH	61-101		58,250.16	
DEFICIT (CURRENT BUDGET)	51-985			
TOTAL ASSESSMENT REVENUES	51-989		58,250.16	
15. APPROPRIATIONS FOR ASSESSMENT DEBT				
PAYMENT OF BOND PRINCIPAL	51-920	2018	2017	Expended 2017
PAYMENT ON ENVIRONMENTAL TRUST LOAN	51-925			Paid or Charged
TOTAL ASSESSMENT APPROPRIATIONS	51-989		58,250.16	

Dedication by Rider - (N.J.S.40:-39) " The dedicated revenues anticipated during the year 2018 from Animal Control, State or Federal Aid for Maintenance of Libraries, Bequest, Escheats;
 Federal Grants;Construction Code Fees Due Hackensack Meadowlands Development Commission; Quanta Employment of On-Duty Municipal Police Officers; Unemployment Compensation Insurance;
 Reimbursement of Sale of Gasoline to State Automobiles; State Training Fees-Uniform Construction Code Act; Older Americans Act - Program Contributions; Municipal Alliance on
 Alcoholism and Drug Abuse Program Income; Board of Recreation Commissioners; Escrew Trust Accounts; Recycling Program; P.O.A.A.; Affordable Housing; Veterans Memorial Park;
 Recreation, Family and Historic Preservation Trust; Uniform Construction Code-Plumbing Inspection, Electrical Inspections and Elevator Inspections; Accumulated Absences;
 Municipal Public Defender;Acceptance of Bequests;Gifts;Donations-Improvement of Borough, are hereby anticipated as revenue and are hereby appropriated for the purposes to which said revenue
 is dedicated by statute or other legal requirement."

(Insert additional, appropriate lines in space above when applicable, if resolution for rider has been approved by the Director)

CURRENT FUND BALANCE SHEET - DECEMBER 31, 2017

ASSETS			
Cash and Investments	1110100	\$9,207,285.57	
Due From State of New Jersey (e. 20, P.L. 1971)	1111000	4,148.79	
Federal and State Grants Receivable	1110200		
Receivables with Offsetting Reserves:	xxxxxxx	xxxxxxx	
Taxes Receivables	1110300	191,558.30	
Tax Title Liens Receivable	1110400	1,813.71	
Property Acquired by Tax Title Lien			
Liquidation	1110500		
Other Receivables	1110600	18,640.53	
Deferred Charges Required to be in 2018 Budget	1110700		
Deferred Charges Required to be in Budgets Subsequent to 2018	1110800		
TOTAL ASSETS		111,0800	\$9,423,447.90
LIABILITIES, RESERVES AND SURPLUS			
Cash Liabilities	2110100	\$5,808,746.26	
Reserves for Receivables	2110200	212,012.54	
Surplus	2110300	3,402,689.10	
TOTAL LIABILITIES, RESERVES AND SURPLUS		\$9,423,447.90	

School Tax Levy Unpaid	2220100		
Leas: School Tax Deferred	2110200		
"Balance Included in Above			
"Cash Liabilities"	2220300		

Important: This appendix must be included in advertisement of budget!

APPENDIX TO BUDGET STATEMENT
COMPARATIVE STATEMENT OF CURRENT FUND OPERATIONS
AND CHANGE IN CURRENT SURPLUS

	2017	2016	
Surplus Balance, January 1st	2310100	\$2,801,947.05	\$2,445,523.03
Current Revenue on a Cash Basis: Current Taxes			
*Percentage collected: 2017 89.51% 2016 89.51%)	2310200	34,594,208.04	35,938,663.65
Delinquent Taxes	2310300	178,028.47	287,295.82
Other Revenues and Additions to Income	2310400	4,380,539.50	3,996,378.70
TOTAL FUNDS	2310500	\$42,035,723.06	\$42,714,870.20
EXPENDITURES AND TAX REQUIREMENTS:			
Municipal Appropriations	2310600	\$14,147,162.70	\$13,640,066.18
School Taxes (including Local and Regional)	2310700	17,118,903.00	18,953,731.00
County Taxes (including Added Tax Amounts)	2310800	7,016,629.22	6,883,256.84
Special District Taxes	2310900	352,339.04	345,877.96
Other Expenditures and Deductions from Income	2311000		9,891.17
Total Expenditures and Tax Requirements	2311100	\$38,633,033.96	\$39,812,923.15
LESS: Expenditures to be Paid by Future Taxes	2311200		
Total Adjusted Expenditures and Tax Requirements	2311300	\$38,633,033.96	\$39,812,923.15
Surplus Balance - December 31st	2311400	3,402,689.10	2,801,947.05

*Nearest even percentage may be used

Proposed Use of Current Fund Surplus in 2018 Budget

Surplus Balance December 31, 2017	2311500	\$3,402,689.10
Current Surplus Anticipated in - 2018 Budget	2311600	925,000.00
Surplus Balance Remaining	2311700	\$2,477,689.10

2018
CAPITAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM

This section is included with the Annual Budget pursuant to N.J.A.C. 5:30-4. It does not in itself confer any authorization to raise or expend funds. Rather, it is a document used as part of the local unit's planning and management program. Specific authorization to expend funds for purposes described in this section must be granted elsewhere, by a separate board ordinance, by inclusion of a line item in the Capital Improvement Section of this budget, by an ordinance taking the money from the Capital Improvement Fund, or other lawful means.

CAPITAL BUDGET

- A plan for all capital expenditures for the current fiscal year.
if no Capital Budget is included, check the reason why:

_____ Total capital expenditures this year do not exceed \$25,000, including appropriations for Capital Improvement Fund,
Capital Line Items and Down Payments on Improvements.

_____ No bond ordinances are planned this year.

CAPITAL IMPROVEMENT PROGRAM

- A multi-year list of planned capital projects, including the current year.
Check appropriate box for numbers of years covered, including current year.

_____ 3 years. (Population under 10,000)

_____ x _____ 6 years. (Over 10,000 and all county governments)

_____ _____ years. (Exceeding minimum time period)

_____ Check (if municipality is under 10,000, has not expended more than \$25,000 annually for capital purposes in immediately previous three years, and is not adopting a capital improvement program.

NARRATIVE FOR CAPITAL IMPROVEMENT PROGRAM

IT IS A REQUIREMENT THAT A PROJECTED CAPITAL IMPROVEMENT PROGRAM BE MADE PART OF THE 2018 MUNICIPAL BUDGET.
THE IMPROVEMENTS ARE ESTIMATED AND MAY BE ADJUSTED.

COUNTY/MUNICIPAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

DEDICATED REVENUES FROM TRUST FUND	FCOA	ANTICIPATED		REALIZED IN CASH IN 2017	APPROPRIATIONS	FCOA	APPROPRIATED		EXPENDED 2017	
		2018	2017				FOR 2018	FOR 2017	PAID OR CHARGED	RESERVED
Amount To Be Raised By Taxation	54-199	359,578.74	351,348.92	351,348.92	Recreation and Conservation:		XXXXXX	XXXXXX	XXXXXX	XXXXXX
Interest Income	54-113				Salaries & Wages	54-385-1				
Added & Omitted Taxes					Other Expenses	54-385-2				
Reserve Funds:					Maintenance of Lands for Recreation and Conservation:					
Open Space Reserve		5,423.28	13,651.08	13,651.08	Salaries & Wages	54-375-1				
					Other Expenses	54-375-2				
					Historic Preservation:					
					Salaries & Wages	54-176-1	XXXXXX	XXXXXX	XXXXXX	XXXXXX
					Other Expenses	54-176-2				
					Acquisition of Lands for Recreation and Conservation:					
Total Trust Fund Revenues:	54-299	365,000.00	365,000.00	365,000.00	Acquisition of Lands for Recreation and Conservation:	54-915-2				
					Current Fund Budgeted MRA	54-916-2	365,000.00	365,000.00	365,000.00	
					Down Payment on Improvements	54-802-2				
					Debt Service:		XXXXXX	XXXXXX	XXXXXX	XXXXXX
					Payment of Bond Principal	54-820-2				XXXXXX
					Payment of Bond Anticipation Notes and Capital Notes	54-825-2				XXXXXX
					Interest on Bonds	54-830-2				XXXXXX
					Interest on Notes	54-835-2				XXXXXX
					Reserve for Future Use	54-850-2				
					Total Trust Fund Appropriations	54-499	365,000.00	365,000.00	365,000.00	

SUMMARY OF PROGRAM

Year: Referendum Passed/ Implemented _____

1899/2003 (Date)

Rate Assessed: \$0.02

Total Tax Collected to date: _____

Total Expended to date: _____

Total Acreage Preserved to date: 20.89 (Acres)

Recreation land preserved in 2018: _____ (Acres)

Farmland Preserved in 2016: _____ (Acres)

**Annual List of Change Orders Approved
Pursuant to N.J.A.C. 5:30-11**

Contracting Unit: Borough of Watchung - County of Somerset

Year Ending: December 31, 2017

The following is a complete list of all change orders which caused the originally awarded contract price to be exceeded by more than 20 percent. For regulatory details please consult N.J.A.C. 5:30-11.1 et. seq. Please identify each change order by name of project:

- 1.
- 2.
- 3.
- 4.

For each change order listed above, submit with introduced budget a copy of governing body resolution authorizing the change order and an Affidavit of Publication for the newspaper notice required by N.J.A.C. 5:30-11.9(d). (Affidavit must include a copy of the newspaper notice.)

If you have not had a change order exceeding 20 percent threshold for the year indicated above please check here and certify below.

_____ Date _____ Clerk of Governing Body

**SECTION 2 - UPON ADOPTION FOR YEAR 2018
(ONLY TO BE INCLUDED IN THE BUDGET AS FINALLY ADOPTED)**

RESOLUTION

BE IT RESOLVED BY THE SOMERSET MAYOR AND COUNCIL OF THE BOROUGH OF WATCHUNG COUNTY OF WATCHUNG THAT THE BUDGET HEREIN BEFORE SET FORTH IS HEREBY ADOPTED AND SHALL CONSTITUTE AN APPROPRIATION FOR THE PURPOSES OF THE SUMS THEREIN AS SET FORTH AS APPROPRIATIONS, AND AUTHORIZATION OF THE AMOUNT OF:

- (a) \$ 10,620,908.00 (ITEM 2 BELOW) FOR MUNICIPAL PURPOSES,
- (b) \$ _____ (ITEM 3 BELOW) FOR SCHOOL PURPOSES IN TYPE 1 SCHOOL DISTRICTS ONLY (N.J.S. 18A:9-2) TO BE RAISED BY TAXATION AND,
- (c) \$ _____ (ITEM 4 BELOW) TO BE ADDED TO THE CERTIFICATE OF AMOUNT TO BE RAISED BY TAXATION FOR LOCAL SCHOOL PURPOSES IN TYPE II SCHOOL DISTRICTS ONLY (N.J.S. 18A:9-3) AND CERTIFICATION TO THE COUNTY BOARD OF TAXATION OF THE FOLLOWING SUMMARY OF GENERAL REVENUES AND APPROPRIATIONS.
- (d) \$ 359,576.74 OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND LEVY

RECORDED VOTE

(Insert last name)

AYES { }
 NAYS { }
 ABSTAINED { }
 ABSENT { }

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	925,000.00
Miscellaneous Revenue Anticipated		40904-10	3,199,092.00
Receipts from Delinquent Taxes		18-499	160,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	10,620,908.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 41	07-195		
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191		0.00
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			0.00
4. To Be Added To the Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:			
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)			
TOTAL REVENUES			14,895,000.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		XXXXXX	XXXXXXXXXXXX
Within "CAPs"		XXXXXXXX	XXXXXXXXXXXX
(ash) Operations Including Contingent			8,899,159.00
(e) Deferred Charges and Statutory Expenditures - Municipal			1,241,474.00
Excluded from "CAPs"		XXXXXXXX	XXXXXXXXXXXX
(e) Operations - Total Operations Excluded from "CAPs"			1,036,256.00
(b) Capital Improvements			173,700.00
(d) Municipal Debt Service			1,984,594.00
(e) Deferred Charges - Municipal			55,818.00
(f) Judgments			
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)			
(g) Cash Deficit			
(k) For Local District School Purposes			
(m) Reserve for Uncollected Taxes (Included Other Reserves If Any)			515,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)			
TOTAL APPROPRIATIONS			\$14,895,000.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ 18th day of _____ April 2018, Michelle DePacca, Clerk

Exhibit D

BOROUGH OF WATCHUNG

COUNCIL AGENDA

APRIL 19, 2018 - 7:30 P.M.

MAYOR'S 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:

Gibbs [] Black [] Nehls [] Mobus [] Sopko [] Alberto []

SPECIAL PRESENTATIONS:

R1:04/19/18 Appointment of Police Officer – Joseph O' Connor

Oath of Office – Administered by Mayor Pote

R2: Authorize Appointment – Police Department / Brian Emerick – Sergeant

R3: Commending Lt. Bill Kelly

PUBLIC HEARING 2018 MUNICIPAL BUDGET:

Public Hearing of Ordinance OR:18/02 entitled "ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14)"

R4: 04/05/18 Adoption of Ordinance 18/02 – Cap Bank Ordinance

R5: Determining Budget to be Read by Title

R6: Adoption of 2018 Municipal Budget

WATCHUNG HILLS REGIONAL HIGH SCHOOL BUDGET PRESENTATION

Superintendent Elizabeth Jewett, Business Administrator Tim Stys

REPORT OF STANDING COMMITTEES:

1. Administration & Finance
2. Police
3. Public Works / Buildings and Grounds
4. Public Affairs:
 - Open Space
 - Environmental
 - Recreation
 - Historical
 - Board of Health

- 5. Fire
- 6. Laws/Ordinances

REPORTS - OTHER:

- 7. Engineer
- 8. Police Chief
- 9. Fire Department
- 10. Rescue Squad
- 11. Emergency Management
- 12. Attorney
- 13. Clerk
- 14. Administrator

During the conduct of the meeting, unless a Public Hearing is held or the Regular Order of Business is waived, the audience does not participate. A Public Portion is held prior to action taken on Agenda items for agenda item discussion only, and another Public Portion is held at the end of the meeting for general discussion. Individuals commenting from the audience will be limited to three minutes per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given five minutes to make the presentation for the group.

PUBLIC PORTION / AGENDA ITEMS ONLY

UNFINISHED BUSINESS

NEW BUSINESS

CONSENT AGENDA: Matters listed within the Consent Agenda 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, the item may be removed from the Consent Agenda by Council action.

Approval of the following Council minutes:

March 15, 2018 - Regular Meeting

Acknowledging Receipt of the following Borough Reports:

Police Activity Report – February 2018
Recreation Commission Minutes – January 3, 2018
CERT Meeting Minutes – March 27, 2018
Building Department Report – March 2018
Board of Health Minutes – January 17, 2018
Watchung Library Advisory Committee Minutes – January 3, 2018
Board of Adjustment Minutes – September 14, 2017
October 25, 2017 – Special Meeting
November 9, 2017
December 14, 2017
January 11, 2018

Acknowledging Receipt of the following Correspondence:

- #8 - JCP&L 3/19/18 Notice of Public Hearing of Proposed Increase in the Company's Remediation Adjustment Clause c: M&C, TEA, Post
- #9 - Borough of North Plainfield 3/19/18 Notice of Public Hearing on Ordinance 18-06 to Amend the Code Chapter XXII Entitled, "Land Development", Section 22-3 Entitled, "Definitions, etc." c: M & C, TEA, TH, Pl. Bd

- #10- Somerset County Board of Taxation 3/15/18 Resolution of Recognition and Commendation re: Tax Assessors Serving Somerset County c: M & C, TEA, EK
- #11- Township of Green Brook 4/2/18 Notice of Public Hearing on an Ordinance to Adopt an Affordable Housing Ordinance for Block 158, Lots 11,12,29,30 c: M&C, TEA, Pl. Bd, TH
- #12- Township of Green Brook 4/10/18 Notice of Public Hearing on Ordinance 2018-844 an Ordinance Amending Various Articles, Chapters and Sections of the Zoning Ordinance c: M&C, TEA, Pl. Bd

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

- R7:04/19/18 Purchases Over \$2,000 - S.E Rose Trucking & Excavating, Inc. (PW-Snow Plowing Services)
- R8: Authorize Appointment of Part-Time Custodian / Michael Cain
- R9: Authorize Contract – Barn Removal at Ness Property / RWL, LLC
- R10: Authorize Insertion of Special Item of Revenue (Chapter 159) - Body Armor Grant Youth Services Grant
- R11: Authorize Insertion of Special Item of Revenue (Chapter 159) – Safe and Secure Communities Grant
- R12: Appoint Professional Service – Special Hearing Officer / Allan C. Roth, Esq.
- R13: Authorize Appointment – Recreation Commission / Amber Murad
- R14: Authorize Contract Award Allied Oil LLC – Diesel Fuel, Gasoline
- R15: Authorize Emergency Contracts / Branch Removal:
 - Caffrey Tree & Landscaping
 - Tri-Season Landscaping
 - Galbraith Landscape Const. Inc.
 - S.E. Rose Trucking
 - Predator Tree Service
- R16: Authorize Transfer of Surplus Property - Donation to Fire Department / 1999 Dodge Caravan
- R17: Waive Chapter 20-1g and 20-1j of the Code- Tree Removal / Board of Ed
- R18: Authorize the Return of Surety Bond- Chipotle Mexican Grill
- R19: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and Seritage Growth Properties/ Cinemark USA
- R20: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and Seritage Growth Properties/ Retail Stores

NON-CONSENT AGENDA ITEMS: 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.

- R21: Acceptance of 2018 Annual Audit Report

Introduction of Ordinance OR:18/03 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING ARTICLE V TITLED “BOARD AND COMMITTEES, AND COMMISSIONS” BY REPEALING SECTION 2-71 TITLED “OPEN SPACE ADVISORY COMMITTEE.” Public Hearing to be held on May 3, 2018.

- R22: Introduction of OR:18/03 – Revise Code / Open Space Advisory Committee

Introduction of Ordinance OR:18/04 entitled AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-38, TITLED "BOARD OF HEALTH," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTIONS 2-38.3 TITLED "OFFICERS AND EMPLOYEES", 2-38.4 TITLED "APPOINTMENT OF ALTERNATE MEMBERS", AND BY ADDING SECTIONS 2-38.6 TITLED "MEETINGS AND MINUTES", AND 2-38.7 TITLED "EXPENDITURES SUBJECT TO BUDGETARY APPROVAL." Public Hearing to be held on May 3, 2018.

R23: Introduction of Ordinance OR:18/04 entitled – Revise Code / Board of Health

Introduction of Ordinance OR:18/05 entitled AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-43, TITLED "HISTORICAL COMMITTEE", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-43.3 TITLED "ORGANIZATION," BY AMENDING SUBSECTION 2-43.4 TITLED "POWERS AND DUTIES GENERALLY," AND BY ADDING SUBSECTION 2-43.6 TITLED "MEETINGS AND MINUTES." Public Hearing to be held on May 3, 2018.

R24: Introduction of Ordinance OR:18/05 entitled – Revise Code / Historical Committee

Introduction of Ordinance OR:18/06 entitled AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-44, TITLED "WILDLIFE MANAGEMENT ADVISORY COMMITTEE", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-44.3 TITLED "ADMINISTRATION OF WILDLIFE MANAGEMENT," BY AMENDING SUBSECTION 2-44.5 TITLED "ANNUAL REPORT," BY ADDING SUBSECTION 2-44.7 TITLED "MEETINGS AND MINUTES," AND BY ADDING SUBSECTION 2-44.8 TITLED "EXPENDITURES SUBJECT TO BUDGETARY APPROVAL." Public Hearing to be held on May 3, 2018.

R25: Introduction of Ordinance OR:18/06 entitled – Revise Code / Wildlife Management Advisory Committee

Introduction of Ordinance OR:18/07 entitled AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-42, TITLED "LIBRARY ADVISORY COMMITTEE", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-42.2 TITLED "ESTABLISHMENT; MEMBERS; TERMS," BY REPEALING AND REPLACING SUBSECTION 2-42.3 TITLED "ORGANIZATION; OFFICERS; MEETINGS; NOTICE; MINUTES" WITH SUBSECTION 2-42.3 TITLED "ORGANIZATION; OFFICERS," BY ADDING SUBSECTION 2-42.7 TITLED "MEETINGS AND MINUTES," AND BY ADDING SUBSECTION 2-42.8 TITLED "EXPENDITURES SUBJECT TO BUDGETARY APPROVAL." Public Hearing to be held on May 3, 2018.

R26: Introduction of Ordinance OR:18/07 entitled – Revise Code / Library Advisory Committee

Introduction of Ordinance OR:18/08 entitled AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-70, TITLED "MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND, AND HISTORIC TRUST FUND", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY ADDING SUBSECTION 2-70.6 TITLED "OPEN SPACE POLICY."

Public Hearing to be held on May 3, 2018.

R27: Introduction of Ordinance OR:18/08 entitled – Revise Code / Municipal Open Space, Recreation and Farmland, and Historic Trust Fund

Introduction of Ordinance OR:18/09 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-39, TITLED "ENVIRONMENTAL COMMISSION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY REPEALING AND REPLACING SUBSECTION 2-39.2 TITLED "MEMBERSHIP; TERMS OF OFFICE, VACANCIES; COMPENSATION" WITH SUBSECTION 2-39.2 TITLED "MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION", BY REPEALING AND REPLACING SUBSECTION 2-39.3 TITLED "POWERS AND DUTIES GENERALLY" AND REPLACING WITH SUBSECTION 2-39.3 TITLED "POWERS AND DUTIES," BY REPEALING AND REPLACING SUBSECTION 2-39.5 TITLED "RECORDS AND REPORTS" WITH SUBSECTION 2-39.5 TITLED "MEETINGS AND MINUTES," AND BY ADDING SUBSECTION 2-39.7 TITLED "SPECIAL REQUIREMENTS; CONFLICT OF INTEREST."** Public Hearing to be held on May 3, 2018.

R28: Introduction of Ordinance OR:18/09 entitled – Revise Code / Environmental Commission

Introduction of Ordinance OR:18/10 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-40, TITLED "RECREATION COMMISSION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-40.2 TITLED "TERMS OF OFFICE", BY AMENDING SUBSECTION 2-40.3 TITLED "DUTIES," BY REPEALING AND REPLACING SUBSECTION 2-40.5 TITLED "EXPENDITURES AND REPORTS" WITH SUBSECTION 2-40.5 TITLED "EXPENDITURES" AND ADDING SECTION 2-40.6 TITLED "MEETINGS AND MINUTES."** Public Hearing to be held on May 3, 2018.

R29: Introduction of Ordinance OR:18/10 entitled – Revise Code / Recreation Commission

Introduction of Ordinance OR:18/11 entitled **AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-41, TITLED "TRAFFIC AND BEAUTIFICATION COMMISSION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-41.1 TITLED "ESTABLISHMENT; MEMBERS; APPOINTMENTS," BY AMENDING SUBSECTION 2-41.2 TITLED "TERMS OF OFFICE," BY REPEALING AND REPLACING SUBSECTION 2-41.4 TITLED "EXPENDITURES, RECORDS AND REPORTS" WITH SUBSECTION 2-41.4 TITLED "EXPENDITURES" AND ADDING SECTION 2-41.5 TITLED "MEETINGS AND MINUTES."** Public Hearing to be held on May 3, 2018.

R30: Introduction of Ordinance OR:18/11 entitled – Traffic and Beautification Commission

R31: Payment of Bills

PUBLIC PORTION - GENERAL DISCUSSION

R32: Executive Session:

Litigation – In the Matter of the Borough of Watchung for a Compliance of its Third Round Housing Element and Fair Share Plan,
Docket No. SOM-L-902-15

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

ADJOURNMENT

The next meeting of the Mayor and Council is scheduled to be held on Thursday, May 3, 2018 at 7:30 P.M.

Exhibit E

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES
April 19, 2018
7:30 P.M.**

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:35 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 MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AND A SPECIAL PRAYER FOR FORMER FIRST LADY BARBARA BUSH.

ROLL CALL

Gibbs [P] Black [P] Nehls [P] Mobus [P] Sopko [P] Alberto [P]

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

There were 70 members of the public present.

SPECIAL PRESENTATIONS:

Council President Gibbs read a brief biography of Officer Joseph O'Connor.

Council President Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye".

R1: 04/19/18 Appointment of New Police Officer – Joseph O'Connor

Mayor Pote administered the Oath of Office to Joseph O'Connor as his fiancé held the Bible.

Chief Cina congratulated Officer O'Connor.

Prior to reading the Resolution Council President Gibbs read a brief synopsis of Detective Emerick's career.

Council President Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye".

R2: Authorize Appointment – Police Department/Brian Emerick- Sergeant

Council President Gibbs read the Commendation for Lt. Kelly.

Council President Gibbs moved the following resolution with a second by Councilman Gibbs and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye".

R3: Commending Lt. Bill Kelly

Council President Gibbs presented the Commendation to Lt. Kelly and congratulated him.

PUBLIC HEARING 2018 MUNICIPAL BUDGET:

A Public Hearing of Ordinance OR:18/02 entitled "ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14)" was held.

Councilman Mobus requested CFO William Hance to give a brief explanation of the Cap Bank Ordinance. Mr. Hance explained this Ordinance allows the Borough to increase the budget by 3 1/2% over the prior year budget. Any amount that we did not use is allowed to be banked for future use. We did not utilize the full 3 1/2%, so this Ordinance allows us to bank the unused \$120,369.91 for use in 2019 or 2020.

Councilman Mobus moved a public hearing be held with a second by Councilman Black and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye".

With no one from the public wishing to be heard Councilman Mobus closed the public hearing and moved the following resolution:

R4: Adoption of Ordinance 18/02 – Cap Bank Ordinance

Councilman Black seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Mayor Pote thanked the Finance Committee (Council President Gibbs, and Councilmen Mobus, and Sopko), CFO Bill Hance, and Administrator Tom Atkins for all their hard work.

Councilman Mobus moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

R5: Determining Budget to be Read by Title

Councilman Mobus moved that the public hearing on the 2018 municipal budget be opened with a second by Councilman Black.

Discussion was open to the public.

With no one from the public wishing to be heard Councilman Mobus closed the public hearing and moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

R6: Adoption of 2018 Municipal Budget

Councilman Mobus said there has been no reduction of services to the community with the passing of this Budget.

WATCHUNG HILLS REGIONAL HIGH SCHOOL BUDGET PRESENTATION

Superintendent Elizabeth Jewett, Business Administrator Tim Stys

President of the Watchung Hills Regional High School Board of Education, Peter Fallon thanked the Mayor and Council for the opportunity to present their budget. He said not only are they proud of Julia Cunningham but all of the students at the High School. He also said Mr. Hayeck and Mr. Hunsinger are also in attendance this evening supporting the Superintendent and Business Administrator who will be presenting the details of the budget. Mr. Fallon said the Board does not have any control over the tax allocation to each town – there is a formula that has to be followed according to the tax assessments for each town.

Ms. Jewett gave some highlights. She said the anticipated enrollment for the 2018-2019 school year is 1995 which is a decrease. Some of the enhancements in the budget for next year include a Music Tech Lab and Course; and additional Computer Science programs (coding). She also said the budget includes \$500,000 for school security which includes one full time Police Officer and several part time retired officers. Ms. Jewett said both the SAT scores and the Advanced Placement continue to rise.

Mr. Stys gave some statistics regarding State aid received and said the Borough portion increased approximately 1% or \$116.00 per household.

Council President Gibbs thanked Ms. Jewett, Mr. Stys and Mr. Fallon for presenting their budget and explanations. He also said the fairness of the formula used to determine the Borough portion of the budget has always been looked at. We are subsidizing Green Brook and Long Hill.

Councilman Nehls thanked the Administration and the Board of Education for their help in setting up the recognition for Julia Cunningham. He also requested the increases to promote better programs for girls’ sports.

Councilman Black thanked the Board for attending the meeting and asked what their total debt is. Mr. Stys said it is 31.3 million and they retire approximately 2.4 million a year. Councilman Black questioned if they have any ideas to reduce the budget with the enrollment decreasing. Mr. Stys said they do decrease the staff and they also try to keep as many special education children in-house, however, future mandated judicial actions with Affordable Housing could heavily impact enrollment.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Mobus reported the committee met on April 9th and reviewed the budget in relation to the storm cost. They also discussed a preliminary Capital Improvement Bond Ordinance which would include roadway improvements; professional services related to an engineering evaluation of the Watchung Lake erosion and dredging, and anticipation of the final amount of funding needed for the purchase of the Fire apparatus. Councilman Mobus said there has been a recommendation from OEM to purchase an electronic sign to replace the one that was in front of Borough Hall. He also reported the Committee discussed televising the Council meetings and the

Borough is receiving quotes. Councilman Mobus said the Borough is anticipating increasing the sewer tax from \$445 to \$455 due to increases from PARSAs, which should assist in future capital work to possibly keep costs down.

2. Police – No report was submitted.
3. Public Works / Buildings and Grounds – Councilman Nehls reported the Public Works Department began removal of storm debris and as of April 18th, 72 streets have been cleared. Leaf bag removal is ongoing until April 30th. The Department also did property cleanup at Phillips Field in preparation for Little League opening day, and property cleanups at Mobus Field, Texier House, and the Village Green. He also reported that the tennis courts and bathrooms are open at Mobus Field.

Councilman Nehls read the following statement:

Mr. Mayor, I am presenting this statement regarding the Watchung Library. Over the past several months it has been brought to the Council's attention that many residents feel that the Watchung Library is unsafe and presents a hazard to the workers and to our residents. In fact, the Watchung Library Advisory Board and the mayor have obtained and presented a letter to the Council from the Chair of the Somerset County Library Commission that the library is unsafe and that repairs need to be made to ensure the safety of the employees. The mayor and council have expended money to make these repairs. However, all parties agree that the current library cannot be repaired for extended use.

In 2012, Watchung held a referendum as to whether we should build a new library and the amount to be bonded for this purpose was \$4.2 million. The residents of Watchung voted this referendum down by a vote of 1026 to 858. Many have argued that this referendum did not show the true position of the residents of Watchung due to the potential that Superstorm Sandy deterred voters from venturing out to vote. However, this vote was one of the largest that has occurred in Watchung with a total of 2439 residents voting of the 4365 registered voters. The 2017 State Library Bonding issue is not the measure of our residents' position on building a new library. It is the Council's opinion the true referendum is the one which was voted down in 2012 which was specifically for the Borough to build a new library and not the State Bonding referendum.

The Council had passed a Resolution in 2014 which allocated \$1.5 million dollars for the renovation of the current library. As part of this resolution an amount of \$500,000.00 was to be raised to offset some of the costs for the construction of this renovation project. The architect who was hired by the Borough at the Mayor's recommendation, stated that fund raising could be done with the design that had been completed. This money was never raised. The Council accepts the position of the architect that fund raising could have been undertaken with the design that was proposed. It should be noted that after several changes to the design the architect's estimated cost for the construction of this library was \$3.14 million dollars. Additional costs would be incurred which would include interior buildout, landscaping, parking areas, etc. The true cost being unknown and would be substantially higher.

Councilman Nehls made a verbal motion to move the following: "I move that the Borough of Watchung seek alternative shared service agreements to provide library services to our residents and not pursue renovating of our library or the building of a new one. Once alternative library services are provided we will no longer be using the library property. Therefore, I further move that the Borough investigate the property and surrounding properties for commercial redevelopment possibilities to benefit the residents of Watchung." Councilman Sopko seconded the motion.

Mayor Pote opened the meeting to comments, prior to the Roll Call vote, first from the Council, then to the public.

Council President Gibbs read the following statement:

Tonight, the Borough Council has concluded that closing the Watchung Library building and exploring shared services with the Township of Warren and the Somerset County Library System rather than investing in a new modern flexible library and community center in the best interest for the residents and our Borough. The Dali Lama once said disagreement is something normal. That is certainly the case here with the decision to close Watchung's 75 plus year history in providing personal library services in the form of our own Library branch building. Since the time of Aristotle, libraries have been an important center of learning to pass knowledge and wisdom from one generation to the next. Watchung's library has served our community in a similar fashion acting as a place for children, students and residents to drop by, pick out a paper book or two; meet their tutor for extra help; and participate in the many library programs our residents have come to love. Have you ever found Buddy in the children's section? I have heard many stories from parents and children alike that one of their most popular childhood memories was getting their very first library card and being able to check out their own book. Our Library has been, and continues to be, one of the highest circulation branches of the Somerset County Library System with over 49,000 items borrowed in 2016. It is the highest circulation per square foot rate of any Somerset County Library System Branch and hosting 198 children's programs attended by 4398 kids; 206 adult programs attended by 1716 adults; and 393 meetings in 2016.

So why close the Library? Two significant reasons I have heard are, 1- cost, Watchung can't afford to build a new library, and 2- function – libraries are outdated, everyone will be reading from e-readers and tablets. I disagree with both as justifications to close the facility that offers both diverse and important services to our residents.

On costs – preliminary cost estimates and prevailing Bond interest rates and the average Watchung household, currently valued at \$711,000, would pay an additional \$29.00 tax for each \$1,000,000 borrowed. So, if a new Library/Community Center would cost \$3,000,000 that would cost \$87.00 in municipal tax. However, Watchung has a unique, and not soon to be duplicated, to request \$.50 on the \$1.00 in matching funds from the State of New Jersey, through a voter approved Bond Issue of \$125,000,000 in construction renovation funds for public libraries. By tonight's action we squander away that opportunity and lose forever on the ability to mitigate the cost of building a new library for our residents. What if we could have reduced that financial burden by a third, a half or even ten percent? I believe in fiscal conservatism that our residents' hard-earned dollars and finite tax dollars should be spent prudently and after careful consideration of what those tax dollars should return to our residents.

In the five years I have been on the Council I have advocated for several million dollars of savings, including not spending a million dollars on the rock wall behind the police department and finding a better solution like the berm constructed by our good corporate citizen, and neighbor, Weldon Quarry. Along with Councilmen Mobus and Sopko, we found the \$850,000 to refinance and for the last two years we have come under the 2% levy cap and we are just shy of a triple A rating.

Many have often complained that prior administrations were stingy with infrastructure investment in Watchung, including our roads and sewers and how did that work out for us? It was short sighted and we are still playing catch up. In regards to our Library our biggest regret yet may not be things we have done but things we haven't done.

On function, the argument that e-readers and tablets are the things of the future is just not correct. The latest data for 2016 showing 18.7% decline in e-book sales versus paper back sales which are up 7% and hard back sales are up 4.1% over the same period. The sales of e-readers has declined by more than 40% between 2011 and 2016 according to consumer research group Euro Monitor International; and in 2016 according to a Nilsen Survey in the UK found the increased book sales were due to children's fiction and younger generations preferring physical books to e-readers. Sure, some people might like e-readers and tablets if that is their thing, but it is not for everyone and no one should dismiss the age old, and apparently still relevant, the love for curling up with a good book and reading.

Finally, libraries are places of information. When most people think libraries they think books, and although that is certainly true, these days books take different shapes such as the e-books and audio books. But more than books, libraries are places of information offering people free access to a wealth of information they can't find elsewhere, whether online, in print, or in person. Whether they are looking for DVD's or the latest best seller, counter information found on internet data bases not accessible at home. For going to story times and community programs the library is the center of community for millions of people.

That's really the point I am trying to make, Watchung deserves its own new library right here in Watchung. A place where our community can go and meet and find things in common, debate the many issues we face, get tutored by a great teacher, find the latest box office hit, participate in reading competitions and diverse programs, and of course sitting down and reading a book.

Warren's Library might be nice but it is not in Watchung and it wasn't built with Watchung residents in mind. It's not within our community it's in Warren. Watchung has a lot to offer perspective residents, but closing our long-standing library seems to me one more reason for people to look at Watchung and compare us to surrounding communities and decide that we are really not much more than a traffic circle, two lakes, and a lot of stores on Route 22.

What tonight's action will be I cannot predict but whatever course this Council decides to take I will strive to insure that Watchung's future is bright and a destination for individuals and families who wish to call Watchung home. I will look for development opportunities to make Watchung their residence. I strongly believe in libraries and the mission they stand for. I also believe that Watchung, an affluent valley community tucked between the first and second ridges of the Watchung Mountains deserves its own Library. Therefore, Mayor, I cannot support the first part of the resolution but will support the second. Thank you.

Mayor Pote thanked Councilman Gibbs. Mayor Pote then read the following statement:

While one and all are entitled to their opinion I am in great disagreement with those on the Council who feel that the town of Watchung does not need its own library services. And he cannot be more disappointed to respond to the obvious need for a new library. This bold step being taken by the majority of the Council is short sighted and not consistent with our responsibility of elected officials to serve the greater good of and which will have long term ramifications to this great Borough. As I have said before the greater good is when all residents are served. Some may not take advantage of a given service but it is there for everyone the greater good. To not have a library service serves no one and to take one away is even worse. Every resident has been disenfranchised if our great library is taken away. Everyone in this case loses something. Watchung has always enjoyed its library services, you take it away and you serve no one. A town library is a basic service, one which all residents should expect to have and enjoy. It is a service Watchung has had and should be expected to continue to have. Its great use should serve as a measure that the greater good has been served. Additionally, a town of Watchung's affluence and stature can not only afford a library but it is expected to have a strong library presence which all can benefit from. It is part of the fabric of any strong town as are good schools and available park land. While the concept of using other areas for shared services is a good one in some cases, it is no substitute for the place of learning that already exists

today within our Borough of Watchung full of library support and access to endless information. It's an existing structure that we know works. If you close the library you take away from the six thousand residents' one of the most heavily trafficked libraries in the State. The fact is that without a better library there is great untapped potential of both our library services that could have been provided and the Borough's residents learning. All of that is left on the table. Thank you.

Council President Gibbs said there are two parts to Councilman Nehls resolution and he moves that this be split for two separate votes.

Mr. Cruz said there has been a discussion and a motion to vote and motion to amend the prior motion and what is on the table now are two separate motions. He said there is a motion on the table to split the resolution which now needs a second.

Council President Gibbs moved to split the resolution and Councilman Nehls seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

Councilman Nehls wanted clarification on what to do after this. Mr. Cruz explained there has to be a motion to carry/table the vote until after the public is heard.

Councilman Nehls moved to carry the motions until after the public has been heard with a second by Council President Gibbs and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

Prior to opening the meeting to the public for discussion Mr. Atkins reminded everyone as they step to the microphone they should state their name and address. Each person will have 3 minutes and if there is a discussion or question by members of the Council the time will be stopped and resumed after that for a total of 3 minutes. Council President Gibbs asked the public to please give everyone who wishes to speak the 3 minutes and after everyone has spoken a person may come to the microphone for a second time.

The meeting was then opened to the public.

Virginia Hartmann, Ellisen Road, said shared service was mentioned but she said we already have this since we are part of the Somerset County Library System. She then stated her family has been here since 1939 and she said the Council is wrong for deciding to close the library.

Mike Santucci, Mountain Boulevard, questioned Councilman Nehls on the 2012 vote and also the most recent State Bond issue which was approved in 2017. He asked how much the Borough could expect to receive from this Bond. Mr. Santucci said this discussion should be put on the ballot for the public to vote on.

Hans Juette, Elsinore Drive, said he appreciates Council President Gibbs' comments. Mr. Juette said the Council should look at the consequences before voting to close the library.

Joe DeNicholas, Rock Road, said the Borough is expanding in the wrong direction – with the buildings which will be going up on Route 22 there will be higher crime rates.

Kathryn Onufreiczuk, Washington Drive, said she is a senior citizen and she uses the library all the time. The library is what sold her to move into Watchung.

Virginia Olive, Valley Drive, said she agrees with Mayor Pote and Councilman Gibbs. Libraries are a lifelong learning place.

Wendy Robinson, Hill Hollow Road, said she has been persuaded to thinking Watchung does need a library. Especially with the overwhelming vote in favor of the State Bond issue.

Diana Churchill, High Tor Drive, said when she moved to Watchung the first place she took her children was the library and even if the library is closed the Borough is still obligated to pay the \$800,000+ to the County Library System.

Sondra Fechtner, Cardinal Drive, said she does not want to be part of Warren Library.

Terry DeFilippis, Tall Timbers Road, said she also has changed her mind and said Watchung does need its own library – the game changer for her was the possibility of getting funding from the State. She also asked why it could not be moved to another location.

Amy Fiorella, Washington Drive, said there is a misconception concerning the funding of the library – the Borough will still have to pay the \$800,000+ to the County.

Dorothy Addario, Rock Avenue, said she has advocated for the library for the last 17 years. Warren is expanding their library and if paying the \$800,000 to the County bothers her and we would still have to pay that amount for two years if it was decided to pull out of the system completely.

Stuart Homer, Sherwood Drive, said he is strongly in favor of the library and asked the Council to delay making their decision.

Tamara Benc, Lakeview Avenue, said Warren is forward-thinking but Watchung is moving backward. She does not want to go to Warren for the Library.

Bill Candiloros, Nottingham Drive, said he is overwhelmingly against the library and told the Council not to be intimidated by comments about election day.

Cindy Homer, Sherwood Drive, asked if the Borough shares any other services with Warren. Watchung does not have a place to bring residents together.

Rhonda Sanderson, Templar Drive, said she is very pro-library but has concerns for crime in the Borough. She asked what the plans are for where the library is. She said more people should utilize the library and she does see many who are against a new library there and taking out books.

Marianne DeNicholas, Rock Avenue, said the Borough needs a community center – a place for people to go.

Dorothy Addario, Rock Avenue, reminded everyone the vote to take over Watchung Lake was voted down, however, the governing body at that time still moved forward with it anyway, and can you imagine Watchung now without our Lake? It is utilized continuously.

Mayor Pote suggested that consideration be given to having a referendum and putting it out to the residents and asking them what they want to do.

Councilman Mobus said the referendum was on the table before, and the Mayor and the library advocates were against it. Now everyone is talking about wanting a referendum. Mayor Pote said if the alternative is closing the library he will take the referendum.

Councilman Nehls moved the following: "That the Borough of Watchung seek alternative shared service agreements to provide library services to our residents and not pursue renovating of our library or the building of a new one." Councilman Sopko seconded the motion and upon Roll Call the vote was as follows: Gibbs, "nay"; Black, Nehls, Mobus, Sopko, Alberto, "aye."

Councilman Nehls moved the following: "That once alternative library services are provided we will no longer be using the library property. Therefore, I further move that the Borough investigate the property and surrounding properties for commercial redevelopment possibilities to benefit the residents of Watchung." Councilman Sopko seconded the motion and upon Roll Call, the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye".

At this point, Mayor Pote called for a 5 minute recess.

The meeting resumed at 9:10 P.M.

4. Public Affairs:

Open Space – Councilwoman Alberto reported there is a meeting scheduled for April 30th.

Environmental – Councilwoman Alberto reported there is a meeting scheduled for April 23rd.

Recreation – Councilman Mobus said a meeting was held on April 4th. They discussed the upcoming Kids Night Out, Saturday, April 21st and the opening day for Little League last week. Summer Camp registration is ongoing and Watchung residents have until April 30th for early registration discounts. After that date the registration will be opened to other towns. Camp will begin July 2nd with an open house on June 29th at Brook Hill.

Historical – Councilman Mobus reported there were two meetings this month. The first meeting held on April 5th was to complete grant agreement \$4,000, which will be used for the first phase of the restoration process of the mural. The Commission's goal is to have a recommendation for a location for the mural sometime before September. At the regular meeting held April 18th he said Chris Vanderfleet completed the "Reflections of Watchung" video series which consists of six hours of narrated video footage on the History of Watchung. Councilman Mobus said it is done extremely well. The Commission also agreed former Mayor Tony Addario will be the person who will be honored for the Memorial Day Ceremony posthumously.

Board of Health – Councilman Black reported the next meeting is scheduled for May 16th, 7 PM.

5. Fire – Councilman Black said he is scheduling a meeting the week of April 30th.

6. Laws/Ordinances – No report.

REPORTS - OTHER:

7. Engineer – Engineer Tom Herits reported the contractor for the firehouse is scheduled for final inspection this week and the only items still to be addressed are the range hood and air handler. He also reported the Public Works Committee was given a list of roadways felt need repaving, approximately one million dollars. This list will be prioritized and it is hoped will be completed in the summer. High Tor

Acknowledging Receipt of the following Correspondence:

- #8 - JCP&L 3/19/18 Notice of Public Hearing of Proposed Increase in the Company’s Remediation Adjustment Clause c: M&C, TEA, Post
- #9 - Borough of North Plainfield 3/19/18 Notice of Public Hearing on Ordinance 18-06 to Amend the Code Chapter XXII Entitled, “Land Development”, Section 22-3 Entitled, “Definitions, etc.” c: M & C, TEA, TH, Pl. Bd
- #10- Somerset County Board of Taxation 3/15/18 Resolution of Recognition and Commendation re: Tax Assessors Serving Somerset County c: M & C, TEA, EK
- #11- Township of Green Brook 4/2/18 Notice of Public Hearing on an Ordinance to Adopt an Affordable Housing Ordinance for Block 158, Lots 11,12,29,30 c: M&C, TEA, Pl. Bd, TH
- #12- Township of Green Brook 4/10/18 Notice of Public Hearing on Ordinance 2018-844 an Ordinance Amending Various Articles, Chapters and Sections of the Zoning Ordinance c: M&C, TEA, Pl. Bd

CONSENT AGENDA RESOLUTIONS

Council President Gibbs moved the following resolutions with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

- R7:04/19/18 Purchases Over \$2,000 - S.E Rose Trucking & Excavating, Inc. (PW-Snow Plowing Services)
- R8: Authorize Appointment of Part-Time Custodian / Michael Cain
- R9: Authorize Contract – Barn Removal at Ness Property / RWL, LLC
- R10: Authorize Insertion of Special Item of Revenue (Chapter 159) - Body Armor Grant Youth Services Grant
- R11: Authorize Insertion of Special Item of Revenue (Chapter 159) – Safe and Secure Communities Grant
- R12: Appoint Professional Service – Special Hearing Officer / Allan C. Roth, Esq.
- R13: Authorize Appointment – Recreation Commission / Amber Murad
- R14: Authorize Contract Award Allied Oil LLC – Diesel Fuel, Gasoline
- R15: Authorize Emergency Contracts / Branch Removal:
 - Caffrey Tree & Landscaping
 - Tri-Season Landscaping
 - Galbraith Landscape Const. Inc.
 - S.E. Rose Trucking
 - Predator Tree Service
- R16: Authorize Transfer of Surplus Property - Donation to Fire Department / 1999 Dodge Caravan
- R17: Waive Chapter 20-1g and 20-1j of the Code - Tree Removal / Board of Ed
- R18: Authorize the Return of Surety Bond- Chipotle Mexican Grill
- R19: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and Seritage Growth Properties/ Cinemark USA
- R20: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and Seritage Growth Properties/ Retail Stores

NON- CONSENT AGENDA ITEMS

NON-CONSENT AGENDA ITEMS: 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.

Councilman Mobus moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

- R21: Acceptance of 2018 Annual Audit Report

Prior to introducing the following Resolutions, Council President Gibbs gave a brief explanation of the following Ordinances. He said this work began about one and a half years ago when, at that time, Council President Joren, and not Councilman Black was Chair of the Committee. These Ordinances are meant to synchronize the roles of all Committee, and Commissions, except the Environmental Committee, mandating meeting requirements, minutes, and none having authority to expend money without Council approval.

Proposed Ordinance OR:18/03 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING ARTICLE V TITLED "BOARD AND COMMITTEES, AND COMMISSIONS" BY REPEALING SECTION 2-71 TITLED "OPEN SPACE ADVISORY COMMITTEE." was introduced.

Councilman Black moved Ordinance OR:18/03 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R22: Introduction of OR:18/03 – Revise Code / Open Space Advisory Committee
This Ordinance will eliminate the Open Space Committee.

Proposed Ordinance OR:18/04 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-38, TITLED 'BOARD OF HEALTH,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTIONS 2-38.3 TITLED 'OFFICERS AND EMPLOYEES', 2-38.4 TITLED 'APPOINTMENT OF ALTERNATE MEMBERS', AND BY ADDING SECTIONS 2-38.6 TITLED 'MEETINGS AND MINUTES', AND 2-38.7 TITLED 'EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.'" was introduced.

Councilman Black moved Ordinance OR:18/04 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R23: Introduction of Ordinance OR:18/04 entitled – Revise Code / Board of Health

Proposed Ordinance OR:18/05 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-43, TITLED 'HISTORICAL COMMITTEE,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-43.3 TITLED 'ORGANIZATION,' BY AMENDING SUBSECTION 2-43.4 TITLED 'POWERS AND DUTIES GENERALLY,' AND BY ADDING SUBSECTION 2-43.6 TITLED 'MEETINGS AND MINUTES.'" was introduced.

Council Black moved Ordinance OR:18/05 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R24: Introduction of Ordinance OR:18/05 entitled – Revise Code / Historical Committee

Proposed Ordinance OR:18/06 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-44, TITLED 'WILDLIFE MANAGEMENT ADVISORY COMMITTEE', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-44.3 TITLED 'ADMINISTRATION OF WILDLIFE MANAGEMENT,' BY AMENDING SUBSECTION 2-44.5 TITLED 'ANNUAL REPORT,' BY ADDING SUBSECTION 2-44.7 TITLED 'MEETINGS AND MINUTES,' AND BY ADDING SUBSECTION 2-44.8 TITLED 'EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.'" was introduced.

Councilman Black moved Ordinance OR:18/06 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R25: Introduction of Ordinance OR: 18/06 entitled – Revise Code / Wildlife Management Advisory Committee

Proposed Ordinance OR:18/07 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-42, TITLED 'LIBRARY ADVISORY COMMITTEE,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-42.2 TITLED 'ESTABLISHMENT; MEMBERS; TERMS,' BY REPEALING AND REPLACING SUBSECTION 2-42.3 TITLED 'ORGANIZATION; OFFICERS; MEETINGS; NOTICE; MINUTES' WITH SUBSECTION 2-42.3 TITLED 'ORGANIZATION; OFFICERS,' BY ADDING SUBSECTION 2-42.7 TITLED 'MEETINGS AND MINUTES,' AND BY ADDING SUBSECTION 2-42.8 TITLED 'EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.'" was introduced.

Councilman Black moved Ordinance OR:18/07 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R26: Introduction of Ordinance OR:18/07 entitled – Revise Code / Library Advisory Committee

Proposed Ordinance OR:18/08 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-70, TITLED 'MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND, AND HISTORIC TRUST FUND,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY ADDING SUBSECTION 2-70.6 TITLED 'OPEN SPACE POLICY.'" was introduced.

Councilman Black moved Ordinance OR:18/08 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R27: Introduction of Ordinance OR:18/08 entitled – Revise Code / Municipal Open Space, Recreation and Farmland, and Historic Trust Fund

Proposed Ordinance OR:18/09 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-39, TITLED 'ENVIRONMENTAL COMMISSION,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY REPEALING AND REPLACING SUBSECTION 2-39.2 TITLED 'MEMBERSHIP; TERMS OF OFFICE, VACANCIES; COMPENSATION' WITH SUBSECTION 2-39.2 TITLED 'MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION', BY REPEALING AND REPLACING SUBSECTION 2-39.3 TITLED 'POWERS AND DUTIES GENERALLY' AND REPLACING WITH SUBSECTION 2-39.3 TITLED 'POWERS AND DUTIES,' BY REPEALING AND REPLACING SUBSECTION 2-39.5 TITLED 'RECORDS AND REPORTS' WITH SUBSECTION 2-39.5 TITLED 'MEETINGS AND MINUTES,' AND BY ADDING SUBSECTION 2-39.7 TITLED 'SPECIAL REQUIREMENTS; CONFLICT OF INTEREST.'" was introduced.

Councilman Black moved Ordinance OR:18/09 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R28: Introduction of Ordinance OR:18/09 entitled – Revise Code / Environmental Commission

Proposed Ordinance OR:18/10 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-40, TITLED 'RECREATION COMMISSION,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-40.2 TITLED 'TERMS OF OFFICE', BY AMENDING SUBSECTION 2-40.3 TITLED 'DUTIES', BY REPEALING AND REPLACING SUBSECTION 2-40.5 TITLED "EXPENDITURES AND REPORTS" WITH SUBSECTION 2-40.5 TITLED 'EXPENDITURES' AND ADDING SECTION 2-40.6 TITLED 'MEETINGS AND MINUTES.'" was introduced.

Councilman Black moved Ordinance OR:18/10 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R29: Introduction of Ordinance OR:18/10 entitled – Revise Code / Recreation Commission

Proposed Ordinance OR:18/11 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-41, TITLED 'TRAFFIC AND BEAUTIFICATION COMMISSION,' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-41.1 TITLED 'ESTABLISHMENT; MEMBERS; APPOINTMENTS,' BY AMENDING SUBSECTION 2-41.2 TITLED 'TERMS OF OFFICE,' BY REPEALING AND REPLACING SUBSECTION 2-41.4 TITLED 'EXPENDITURES, RECORDS AND REPORTS' WITH SUBSECTION 2-41.4 TITLED 'EXPENDITURES' AND ADDING SECTION 2-41.5 TITLED 'MEETINGS AND MINUTES.'" was introduced.

Councilman Black moved Ordinance OR:18/11 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held May 3, 2018.

R30: Introduction of Ordinance OR:18/11 entitled – Traffic and Beautification Commission

Councilman Mobus moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

R31: Payment of Bills

PUBLIC PORTION - GENERAL DISCUSSION

Dorothy Addario, Rock Avenue, thanked the Mayor and Council for all these changes to the Ordinances. She asked for a copy of the Historical Ordinance and Ms. DeRocco said she will email it to her.

Council President Gibbs moved the following resolution with a second by Councilwoman Alberto and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

R32: Executive Session:

Litigation – In the Matter of the Borough of Watchung for a Compliance of its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-902-15

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

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

Mr. Cruz said he provided the Mayor and Council a status update on the litigation and took further direction from the Council.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 12:15 A.M. (April 20, 2018) to the Call of the Chair and to the next scheduled Council meeting Thursday, May 3, 2018 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance
Deputy Clerk

Exhibit F



**State of New Jersey
 BOROUGH OF WATCHUNG
 GOVERNMENT RECORDS REQUEST FORM**

15 Mountain Boulevard
 Watchung, New Jersey 07069
 908-756-0080

Fax 908-757-7027 / Police Department 908-756-7853



Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

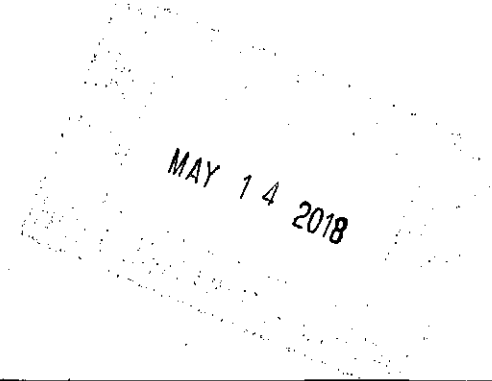
First Name Wolfgang MI G Last Name Robinson
 Company The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
 Mailing Address 164 Main Street
 City Chatham State NJ Zip 07928 Email mail@wolfgangrobinson.com
 Business Hours Telephone: Area Code 973 Number 826-4909 Extension _____
 Preferred Delivery: Pick Up US Mail _____ On Site Inspect _____
 Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature *Wolfgang Robinson* Date May 14, 2018

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash Check Money Order
 Fees: Letter Size \$.05 each
 Legal Size \$.10 each
 Maps - \$1.00 per page
 Legal or Larger page \$1.00 per page
 Topographical \$1.00 per page
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Extraordinary service fees dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

A copy of the notice that was printed in the Courier News, pursuant to the provisions of N.J.S.A.10:4-6 et seq., which provided the time and place of the April 19, 2018, meeting of the Mayor and Council.



AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

5.23.18

Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Records Provided

Custodian Signature _____ Date _____

Exhibit G

89



State of New Jersey BOROUGH OF WATCHUNG GOVERNMENT RECORDS REQUEST FORM



16 Mountain Boulevard
Watchung, New Jersey 07069
908-756-0080
Fax 908-757-7027 / Police Department 908-756-7853

Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Wolfgang MI G Last Name Robinson

Company The Law Office of Wolfgang G. Robinson, Esq., L.L.C.

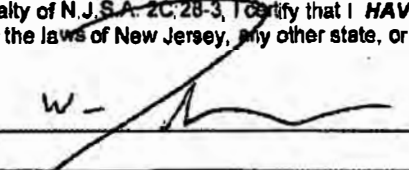
Mailing Address 164 Main Street

City Chatham State NJ Zip 07928 Email mail@wolfgangrobinson.com

Business Hours Telephone: Area Code 973 Number 826-4909 Extension _____

Preferred Delivery: Pick Up US Mail _____ On Site Inspect _____

Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature  Date May 14, 2018

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash Check Money Order

Fees: Letter Size \$.05 each
 Legal Size \$.10 each
 Maps - \$1.00 per
 Legal or Larger page
 Topographical \$1.00 per
 page

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Extraordinary service fees dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

A copy of the notice that was printed in the Star Ledger, pursuant to the provisions of N.J.S.A. 10:4-6 et seq., which provided the time and place of the April 19, 2018, meeting of the Mayor and Council.



AGENCY USE ONLY

Est. Document Cost _____

Est. Delivery Cost _____

Est. Extras Cost _____

Total Est. Cost _____

Deposit Amount _____

Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

Denied - Closed _____

Filled - Closed _____

Partial - Closed _____

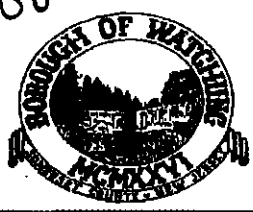
AGENCY USE ONLY

Records Provided

Custodian Signature _____ Date _____

Exhibit H

**State of New Jersey
 BOROUGH OF WATCHUNG
 GOVERNMENT RECORDS REQUEST FORM**
 15 Mountain Boulevard
 Watchung, New Jersey 07069
 908-756-0080
 Fax 908-757-7027 / Police Department 908-756-7853



Important Notice
 The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Wolfgang MI G Last Name Robinson
 Company The Law Office of Wolfgang G. Robinson, Esq., L.L.C.
 Mailing Address 164 Main Street
 City Chatham State NJ Zip 07928 Email mail@wolfgangrobinson.com
 Business Hours Telephone: Area Code 973 Number 826-4909 Extension _____
 Preferred Delivery: Pick Up US Mail _____ On Site Inspect _____
Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature *Wolfgang Robinson* Date May 14, 2018

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
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 Legal Size \$.10 each
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 Legal or Larger page \$1.00 per page
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 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Extraordinary service fees dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

A copy of the notice that was printed in the Echoes Sentinel, pursuant to the provisions of N.J.S.A. 10:4-6 et seq., which provided the time and place of the April 19, 2018, meeting of the Mayor and Council.

MAY 14 2018

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Records Provided

Custodian Signature _____ Date _____

Exhibit I

MEMORY TRANSMISSION REPORT

TIME : 12-12-2017 12:39
 FAX NO.1 : 908-757-7027
 NAME : Borough of Watchung

FILE NO. : 141
 DATE : 12.12 12:38
 TO : 9087666365
 DOCUMENT PAGES : 2
 START TIME : 12.12 12:38
 END TIME : 12.12 12:39
 PAGES SENT : 2
 STATUS : OK

SUCCESSFUL TX NOTICE

BOROUGH OF WATCHUNG

Following are the regulary scheduled meeting dates for 2018. Formal action may be taken at any meeting called, scheduled or unscheduled.

The 2018 Re-Organization Meeting of the the Borough Council will be held at 6:00 PM on January 4, 2018

The 2019 Re-Organization Meeting of the the Borough Council will be held at 6:00 PM on January 3, 2019.

All meetings will be held at the Municipal Building, 15 Mountain Boulevard.

2018	BOROUGH COUNCIL 7:30 PM	RECREATION COMMISSION 7:30 PM	BOARD OF ADJUSTMENT 7:30 PM	PLANNING BOARD 7:30 PM	BOARD OF HEALTH 7:00 PM
JANUARY	4, 18	3	11	16**	17
FEBRUARY	1, 15	7	8	20	---
MARCH	1, 15	7	8	20	21
APRIL	5, 19	4	12	17	----
MAY	3, 17	2	10	16	16
JUNE	7, 21	6	14	19	----
JULY	18	----	12	17	----
AUGUST	16	----	9	21	----
SEPTEMBER	6, 20	6	13	18	19
OCTOBER	4, 18	3	11	18	----
NOVEMBER	1, 19*	7	8	20	28
DECEMBER	6, 20	6	13	18	---

REVISED: 12/12/17

*Council Meeting Changed to Monday due to conflict

** Planning Board-Reorg 7PM -with Regular Session immediatly follo

Exhibit J

http://www.newjerseyhills.com/echoes-sentinel/opinion/letters_to_the_editor/letter-watchung-mayor-condemns-library-vote-challenges-council-to-pose/article_f5a51456-45ae-50f5-8329-7493ed815a20.html

LETTER: Watchung Mayor condemns library vote; challenges council to pose question to public

May 2, 2018



STEPHEN POTE

EDITOR:

Let me thank those who attended the Thursday, April 19, Watchung Borough Council meeting, and the many who have written to the Mayor and Council; you are articulate, passionate, and your arguments are quite sound. I believe you are a reflection of a large majority of residents who want to keep Watchung's library open. For those in

attendance, you deserve more respect and representation than you received at the meeting.

Candidly, I am disappointed with the short-sightedness of the majority of the Watchung Council, who with limited explanation voted to close the Watchung Library. The impact to Watchung of this unjustified decision is far-reaching, long term, and potentially devastating to one of New Jersey's "Best Places to Live."

Despite my attempt to seek answers, after Councilman William Nehls made his statement, no councilperson provided any insight to the public as to why they felt Watchung would be better served by closing its library. Council President Robert Gibbs, like me, did speak in support of a new library.

For the record, Councilman Nehls initially misrepresented his resolution as a "statement" an important distinction, because by doing so, he did not permit the decency of public transparency – no opportunity was given to me or Watchung Borough Clerk Michelle DeRocco to add the resolution on to the agenda in advance of its release to the public. The offer was made to Councilman Nehls earlier in the week to have a resolution placed on the agenda. Councilman Nehls refused, indicating that he would read a "statement" from the dais. My personal attempt to confirm his intentions was ignored.

Instead, the "statement" read by Councilman Nehls as a resolution, was a misrepresentation of facts and context, and provided no real justification for closing the library nor any alternatives or future plans. The 2012 referendum vote on the library was for a 17,000-square-foot \$4.2 million building. Councilman Nehls failed to remind you that the building proposed at the time – now six years ago – provided the public an additional floor which included a large, 1,600-square-foot conference room, large enough to hold in excess of

150 people, to house large groups for community functions, to potentially rent out and – of most importance – to be made available in the case of a community emergency; this space also would have been designed subdividable with retractable walls, so as to serve small groups concurrently.

The 2012 proposed library/community center was a state-of-the-art technology resource center, with technology-enabled small tutoring areas and rooms for small groups, responding to a growing demand for public meeting space, group project workspace, and the tutoring of children requiring after-school assistance. It would have had large dedicated space for not only children, but separate space for teens and adults. Seniors also would have been given dedicated space to meet. The new library would generally have had more table space, a larger informal reading area, and a small kiosk to grab a refreshment. The original proposal was to serve as a library, community center, and possibly even the arts center (if in the future this was needed). I believe it was a building with great vision and forethought by several

residents who had been researching libraries throughout the state for over a decade.

Because of Storm Sandy in 2012, it was reported that many residents did not receive the mailed literature on the new library proposal, nor their ballots, until after election day; many residents went into the voting booth 'blind,' without having read any previous materials on the library referendum or its interpretive statement. It is not surprising that 23 percent of those who voted did not respond at all to the referendum question. In spite of all this, almost half of the people did vote for that structure.

In 2014 the council, with no stated justification, voiced their support in a resolution (not a bonding ordinance) for a random, unjustified \$1.5 million to be put towards a new library. As was unfortunately demonstrated last week by the council, this resolution did not commit any dollars, only a passing comment to spend \$1.5 million. In that same resolution there also was over \$600,000 "dedicated" to the library's

construction, left over from a 2001 bond ordinance, which as stated would be used in support of the new library.

In 2017 I did convince the council to hire architect Anthony lovino, who presented several compromise designs, in an attempt to figure out a way to propose a more modest roughly \$3.1 million building: a completely different library, not comparable to the library proposed in 2012. This proposal was for a much scaled down 8,000 to 9,000-square-foot building, one which would not have the large communal space, and would have much smaller dedicated space by age group. But it could meet the basic needs of the residents who are looking for a state-of-the-art library, both ADA (Americans with Disabilities Act) and code compliant, as well as increased community center space over what we have today.

Despite several attempts by architect lovino, Council President Gibbs, and me, the council never “put a stake in the ground” and thus never actually bonded for any of that money. For anyone who has done fundraising, if the principal group (in this case the council) has not

formally made its own commitment (in this case through a formal bond ordinance), substantive fundraising is not realistic.

As stated emphatically by a resident and professional fundraiser, "the Watchung Library needs to be built by the town. (As a fundraiser) I could provide (help secure) the funding for furnishings and amenities. I will provide funding, but you (Mayor and Council) need to first provide the mortar and bricks. I support making this a blue ribbon library, just as we have a blue ribbon school system. Fundraising only works when you commit (bond for it)."

Contrary to what Councilman Nehls read, this logic around the proper timing of formal fundraising was explained several times to the council.

In December 2016, I also had approached the council with a first draft of an eight-page fundraiser prospectus, using Lovino's designs, which outlined the current needs of the library, the opportunities more space would provide, the need for new communal space and state-of-the-art technology, and it included initial ideas on a fundraising campaign, including a

“Mayor’s Challenge” to those residents who could afford substantial donations over a five-year period. Once a bond was approved for the basic library, materials like this could start to be used to raise additional funds, not to build the library, but to enhance it.

Councilman Nehls also forgot to mention that I had reminded the council on several occasions that I had either informally approached, or already had been approached by, at least six different residents or business owners who confidentially were ready to provide substantial donations towards the project or my challenge, but who universally insisted that the Borough Council first formally commit its share of the dollars (which a resolution does not do, but a bonding ordinance would).

As recently as this past November, I worked with Councilmen Gibbs and Mobus to organize a public information session, on behalf of the council, to provide an overview of the town’s library status, and walk through several current library design options. The council said nothing against the library concept at this time.

And now in 2018 we have been given an incredible financial opportunity to apply for 1:1 matching funding through the \$125 million New Jersey State Library Construction Bond Act. Despite the audience's questions, the council did not really address its decision not to pursue this great opportunity.

Despite library design progress and state opportunity, the council on April 19 for unknown reasons voted to close the library and refused comments beyond Councilman Nehls' statement. Even when I directly asked, and despite the importance of the issue to this town, there was no comment at the meeting from any of the council with the exception of Council President Gibbs (in favor of building a new library in Watchung). And no details and alternative plans were identified by the council.

As you residents have both stated in public and in dozens of emails the borough has received, it is disappointing that our council was not willing to justify their position, as well their failure to serve or represent the greater good.

We can look the other way, but local library services are today needed more than ever: all age groups in the community need a credible source for answers and the skills to navigate the internet and information overload; more children today are being diagnosed with special needs requiring additional attention after school in order to compete with Watchung's high standard of academic excellence; social and communication skills are regressing rapidly because of society's abusive use of technology; kids today need a potential safe refuge from, and alternative to, societal vices and temptation; adults themselves need their own time to relax, seek library service assistance, and seek self-improvement; our seniors have a great need for the services and navigation required to use today's technology; and some just want a communal place to visit and socialize.

Watchung needs its own library and community space and library services to continue enriching each of us in our own way.

The council members who voted to close the Watchung Library – Steve Black, Bill Nehls, Dave Mobus, George Sopko, and Maria Alberto – have greatly impacted our town and its future. I honestly believe they did not take the time to think through this issue and the long-term consequences of their actions to Watchung. I wish and welcome that they would reconsider.

But if the Watchung Council is not there to represent the greater interests and majority voice of the community, then they should enable the residents themselves to speak and be heard: through a referendum this November.

I challenge the council to give our Watchung residents the ability to vote their opinion as to whether Watchung keeps its library. But in the interim, the council should pass a confirmed bond ordinance in the neighborhood of \$3.2 million. This would permit the council to apply for 1:1 match funding from the state this fall (and if secured, it would lower the cost of the library to approximately \$40 per household for 20 years). When the residents declare their support for a new library, the council then has both resident support

and financial support from the state. If the referendum were to fail, the council can make its own decision – but at least its decisions are then based on fact and resident input. If the agreed to or desired building should exceed the stated and bonded amount, then an additional alternative source of funding would be required to close that gap.

To the Watchung residents who are concerned about the cost of a new library, please consider the following value proposition: pay \$40 to 80 per year for library services your household can enjoy or decide to do without while you are a Watchung resident; but even without a library facility, be ready to continue paying your share of the annual \$800,000-plus county library tax the town will still pay, only now it will be used to subsidize library facilities in other towns.

If Watchung really does close its library, also then be ready in the future to possibly lower the sales price of your home (e.g., by 5 percent; on a \$700,000 home this is \$35,000) in order to compete with a home for sale in Warren, which also has good schools, but a better town community

infrastructure, including a library its residents are proud of and from which many prospective home buyers believe they can greatly benefit.

And is it fair to Warren that Watchung unnecessarily saddles its 6,000 residents on the shoulders of the Warren Library branch, where most of Watchung residents will now go for library services?

Watchung residents need to stand and be heard: a growing many are promoting a higher quality of life and a greater sense of community which we sincerely believe a new library community center provides; and we are trying to protect this town's bright future, and yes even possibly the assessed value of your home.

Please get involved; write your Mayor and Council with your expectations. Attend a Council meeting.

STEPHEN POTE

Mayor

Borough of Watchung

Exhibit K

New Jersey Public Libraries Organization and Funding

Public Libraries in New Jersey

OVERVIEW

The vast majority of New Jersey's residents, over 99%, are served by public libraries. 98% are served by either a municipal, joint or county library. These libraries are local government units, authorized by statute, created by referendum, funded mainly by property taxes, staffed by civil servants and required to follow many of the same laws as municipal or county government. Approximately 2% of this 98% are also served by non-profit library organizations known as association libraries. Approximately 1% of residents are served only by association libraries. Less than 1% of New Jerseyans have no public library service unless they choose to purchase service from a neighboring community. New Jersey's almost nine million residents receive library service through about 300 public library administrations with over 450 outlets.

Public libraries in New Jersey do not stand alone. Shared services have been an important part of the state's libraries ability to provide efficient and effective library service for decades. Most public libraries participate in reciprocal borrowing networks or have other types of agreements with neighboring municipalities and counties in order to increase access to resources and services for their residents. In 1985 the State Legislature formalized support of shared resources by funding the New Jersey Library Network. The purpose of the Network is to promote cooperation among the various types of libraries in New Jersey so that the State's residents will have full and equal access to library materials and programs. To achieve this goal the State Library promotes, coordinates and funds cooperative efforts, provides and coordinates library services on a statewide basis and funds the statewide library cooperative, LibraryLinkNJ.

Approximately 94% of the funding for public libraries is raised through property taxes. Municipal, joint, and county libraries are subject to a statutory minimum level of support based on the municipality's or county's property tax base. The level of support varies widely due to the extreme variation of local property values. It can also vary wildly as happened with the rapid escalation and then crash of the value of property in the 2000s. The related financial crisis left many public libraries struggling to provide services to match the increased needs of the public at a time when local, state and federal funding was declining, in some cases precipitously.

New Jersey Public Libraries Organization and Funding

ORGANIZATION

Legal Authority

Association Libraries

Association libraries are incorporated and organized under N.J.S.A. 15A, the major statute which governs the formation and operation of all non-profit organizations in New Jersey. Some association libraries also choose to file with the IRS as a 501(c)(3) corporation for tax exempt status.

County Libraries

Laws governing the formation and operation of county libraries are found at N.J.S.A. 40:33-1 et seq.

Joint Libraries

Laws governing the formation and operation of joint libraries are found at N.J.S.A. 40:54-29.3 to 29.25, and at N.J.S.A. 40:54-1, et seq.

Municipal Libraries

Laws governing the formation and operation of municipal libraries are found at N.J.S.A. 40:54-1, et seq.

Formation

Association Libraries

The establishment of association libraries is governed by the New Jersey Nonprofit Corporation Act (N.J.S.A. Title 15A). The library files an application to reserve their corporate name with the Secretary of State, to be renewed annually. One or more individuals or corporate entities sign a certificate of incorporation, which is then filed in the office of the Secretary of State. After incorporation, the chosen board of trustees meets to adopt bylaws, elect officers, and transact any other relevant business.

County Libraries

Thirteen of the fourteen county libraries were established by referendum (N.J.S.A. 40:33-2) and one, Cumberland, was covered under special legislation allowing establishment by resolution (N.J.S.A. 40:33-5.1). Morris County Library was originally established by referendum and was additionally covered by N.J.S.A. 40:33-15 et seq. which allowed it to provide library service through a two-tiered system.

In order to establish a free county library, a petition requesting the creation of a county library, signed by a minimum of three hundred qualified voters, is submitted to the board of chosen freeholders. The board then submits the question of establishing a county library to the voters at any general or special election. A majority vote is required for the referendum's adoption (N.J.S.A. 40:33-1 to 33 - 5). In order to establish a free county

New Jersey Public Libraries Organization and Funding

library in counties with populations less than 150,000 in 1963 (Cumberland County), the board of chosen freeholders may adopt a resolution that establishes such a library for all of its municipalities (N.J.S.A. 40:33-5.1).

Twelve of the fourteen county libraries were formed specifically to provide library service to those municipalities within the county that did not maintain municipal or joint libraries (N.J.S.A. 40:33-1). Should a municipality later decide to withdraw from the county system, it may do so as long as it forms a municipal library (N.J.S.A. 40:33-13b).

Two county libraries having special legislation, Cumberland and Morris, serve all municipalities within the county and no municipality may withdraw from the county library.

Joint Libraries

In order to form a joint library system, the governing bodies of two or more municipalities prepare a joint library agreement subject to approval by each respective municipality. An ordinance approving the joint library agreement is filed, along with a copy of the agreement, with the State Librarian and the Director of the Division of Local Government. The question of uniting is then submitted to the legal voters of the respective municipalities at the next general election and is subject to majority approval (40:54-29.3 to 54-29.9).

Municipal Libraries

To establish a municipal library, the municipality's governing body proposes a referendum to establish a free public library to be voted on during a general or special election. The municipal clerk must publish public notice of the referendum in at least five public places and in two newspapers for at least ten days previous to the election. The referendum is subject to a majority vote.

Municipal libraries formed under any general law prior to N.J.S.A. 40:54-1 et seq. are subject to the aforementioned statutes (Deputy Attorney General memorandum, June 21, 1979).

Governing Board

Association Libraries

N.J.S.A. 15A:1:1 et seq. specifies the structure and terms of a nonprofit organization's governing board.

County Libraries

The county's board of chosen freeholders appoints a five-person county library commission for the governance of the county free library (N.J.S.A. 40:33-7). Counties with fewer than three library commission members who are residents of the

New Jersey Public Libraries Organization and Funding

municipalities can increase the size of the commission to seven members, of which a majority shall be comprised of the municipality's residents within five years.

County libraries in counties that have undergone reorganization are governed by their respective reorganization laws. Atlantic County Library and Mercer County Library are under the authority of the county executive but retain an advisory library board or commission. Sussex County Library and Morris County Library operate as divisions of the county, without a library board or commission.

Joint Libraries

Joint libraries are governed by a board of trustees. Trustees for each municipality include the mayor or the mayor's alternate, the superintendent of schools or the superintendent's alternate, and three citizens appointed by the mayor of each participating municipality (N.J.S.A. 40:54-29.10).

Municipal Libraries

Municipal libraries are governed by a library board of trustees composed of the mayor or the mayor's alternate, the superintendent of schools or the superintendent's alternate, and five to seven citizens appointed by the mayor (N.J.S.A. 40:54-9).

Note: Some types of municipal government require council approval for appointments.

SERVICE AREA

Association Libraries

Association libraries provide service to the residents in the municipalities in which they are located; acceptance of municipal funds requires that the association library is available for public use. Some association libraries are supported by and also serve neighboring municipalities.

Most association libraries are in counties with a county library system and the association library board of trustees partners with the county library commission to provide many county library services through the association library. The association library serves all county library members.

County Libraries

In Cumberland County and Morris County, all municipalities are served by the county library. The remaining twelve county libraries serve all residents of the county that are not served by a municipal public library. There is a provision in the law permitting a municipality to pay both the county library tax and the municipal library tax and receive services from both libraries. The county library commission may also enter into shared services agreements with other library boards.

New Jersey Public Libraries Organization and Funding

Fourteen of New Jersey's twenty-one counties have county library systems. The seven counties without county library systems cluster in the densely populated northeast region of the state.

Joint Libraries

A joint library provides services to residents of its member municipalities (two or more), as specified in the joint library agreement. A joint library board of trustees may also enter into shared services agreements with other library boards.

Municipal Libraries

Municipal libraries serve all residents within the municipality's limits. A municipal library board of trustees may also enter into shared services agreements with other library boards.

FUNDING

Local Support

Association Libraries

Association libraries may receive funding from the municipalities in which they are located or any other municipality (N.J.S.A. 40:54-35). Those association libraries receiving public funds pursuant to N.J.S.A. 40:54-35 must be open to the public. Most association libraries serve municipalities that are also members of a county library system, and the association libraries may receive services paid for through the county library dedicated tax.

County Libraries

With the exception of Cumberland County Library and Morris County Library, all county libraries are supported by only those municipalities in the county that have not established a municipal library. Cumberland County Library is supported by all municipalities in the county regardless of municipal library status (N.J.S.A. 40:33-5.1), and Morris County Library has a two-tiered system (N.J.S.A. 40:33-19). For all types of county libraries, funding is provided through the apportionment of the budget sum among the member municipalities. The sum is raised by taxation and must be no less than 1/15 of a mill per dollar on the assessable property valuation of the municipalities in the county library system (N.J.S.A. 40:33-9).

Joint Libraries

Joint libraries are supported by the local property taxes of their member municipalities. A minimum level of funding for joint libraries has been established 1/3 of a mill on each dollar of assessable property within the service area based on the equalized valuation as certified by the Director of the Division of Taxation (N.J.S.A. 40:54-8). Additional amounts needed, as judged by the member municipalities' governing bodies, may also be

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raised by taxation. Increases are limited to 15% of the previous year's expenditures. Increases beyond 15% must be approved by the State Librarian.

The joint library agreement provides for the apportionment of the annual and special appropriations among the municipalities based on the assessed valuations of the municipalities, their populations, or other such factor as agreed upon by the governing bodies.

Municipal Libraries

Municipal libraries are supported by local property taxes. A minimum level of funding for municipal libraries has been established at 1/3 of a mill on each dollar of assessable property within the municipality based on the equalized valuation as certified by the Director of the Division of Taxation (N.J.S.A. 40:54-8). Additional amounts needed, as judged by the municipality's governing body, may also be raised by taxation. Increases are limited to 15% of the previous year's expenditures. Increases beyond 15% must be approved by the State Librarian.

State Support

State Aid

State Aid is provided by the New Jersey Legislature and administered by the New Jersey State Library. While the law allows for many different types of State aid to different types of libraries (see N.J.S.A. 18A:74-1 et seq. and N.J.A.C. 15:21-1.1 et seq.), Per Capita State Aid has been the only grant program funded by the legislature for many years.

Per Capita State Aid is calculated according to a formula that includes the annual amount of funding from the legislature, each municipality's/county's level of support to the library calculated as a ratio (current year local tax support to the library divided by the prior year's equalized valuation of the political entity or entities), the population of the library's legal service area and the library's compliance with the minimum standards established by regulation (N.J.A.C. 15:21-2.1 et seq.). There are five aid categories, ranging from \$.50 to \$1.50 per capita. Minimum standards are based on the size of the legal service population and include such categories as: appropriate number of state-certified librarians, collection size, annual collection growth rate, periodical subscriptions, number of open hours per week and staff training.

Network Aid

Network Aid is provided by the New Jersey Legislature and administered by the New Jersey State Library. It is used to support the programs and services of the New Jersey Library Network. Members of the New Jersey Library Network include the New Jersey State Library, the state's library cooperative, LibraryLinkNJ, and the public and private libraries of the state. Funds may be used for such activities as delivery of library

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materials, continuing education, pilot projects, and the licensing of statewide resources as well as staffing and other operating costs associated with these activities.

Federal Support

Annual Federal Funding

Annual federal funding is provided through the Library Services and Technology Act (LSTA). This program is administered by the Institute of Museum and Library Services (IMLS). Each state receives an appropriation, to be used for the purposes of LSTA, based upon both a base grant as well as a population-based allocation. In New Jersey LSTA funds are used to support the programs, services and staff of the New Jersey Talking Book and Braille Center, and to provide funding for programs in the areas of literacy and diversity. Funding may also be used for other programs and services such as statewide resource licenses, the statewide interlibrary loan system and technology services and infrastructure.

Other Federal Funding

The New Jersey State Library applies for and receives other federal funding as opportunity permits. Grants for statewide technology and infrastructure development, training for librarians and preservation training have been received over the years.

Private Grant Funding

The primary source of private grant funds awarded to the New Jersey State Library has come from the Bill and Melinda Gates Foundation. Grants from this foundation have provided computer hardware and software for poverty-eligible public libraries, computer training labs in some of these same libraries, computer training for library staff as well as programs to address the technology needs of rural and Hispanic populations. In addition, the State Library is administrator of the Tischler endowment, a fund which is designated to support collection development for small and needy libraries in the state.

Library Revenues

Municipal and joint libraries may charge, retain and expend money collected from fines as per N.J.S.A 40:54-17, and photocopy fees as per N.J.S.A 40:54-17.1.

Donations

Many libraries also rely on grants and donations from foundations, local businesses, Friends of the Library groups, and individual residents.

Capital Funding

Association Libraries

To fund capital projects association libraries may request increased support from the municipality, solicit individual and corporate donations through a fundraising drive, or apply for government or foundation grants.

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County Libraries

The board of chosen freeholders of a county library system is empowered to raise and appropriate money for the acquisition, maintenance, and operation of library property in the same manner as moneys raised and appropriated for other county purposes pursuant to the Local Budget Law (N.J.S.A. 40A:4-1 et seq.). The board of freeholders may also issue bonds or levy ad valorem taxes upon the county's taxable property to pay the principal and interest on such bonds pursuant to the Local Bond Law (40A:2-1 et seq.).

Joint Libraries

Municipalities participating in a joint library share the costs of capital improvements and acquisitions according to the apportionment in the joint library agreement. Each member municipality may raise and appropriate money pursuant to the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) for municipalities.

Municipal Libraries

Municipalities may raise, borrow, and appropriate funds for capital improvement according to the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and Local Bond Law (N.J.S.A. 40A:2-1 et seq.).

Contracts for Service

Inter-local library services agreements are governed by the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65 et seq.). Under this act, any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each unit is empowered to provide or receive within its own jurisdiction. This applies to municipal, joint, and county libraries, as well as regional library cooperatives and consortia. Agreements involving association libraries are governed by N.J.S.A. 15A.

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For questions about this publication contact Victoria Rosch at vrosch@njstatelib.org.

New Jersey Public Libraries Organization and Funding

INSTITUTIONS SUPPORTING PUBLIC LIBRARIES

While each type of library has a defined service area, regional and statewide entities and networks exist to ensure equitable and efficient service throughout the state.

New Jersey State Library

The State Library has been providing service to the executive, legislative and judicial branches of state government for more than 200 years. The State Library's mission has expanded since its establishment in 1796 to lead in the provision, promotion and support of high quality library and information services to all the people of New Jersey. Established and maintained according to N.J.S.A.18A:73-26 et seq., the New Jersey State Library provides services to the state's residents and libraries in 5 primary areas, the State Library Information Center, the Talking Book and Braille Center, Library Support Services, Lifelong Learning, and Innovation and Outreach. The New Jersey State Library is an affiliate of Thomas Edison State College

The State Library Information Center provides collections and reference assistance primarily to the state government, but also to other libraries, Thomas Edison State College staff and students. The library is open to the public. The Talking Book and Braille Center provides services for any state residents with print disabilities, including people who are blind or visually impaired, or who have a physical impairment that makes it difficult to hold a book or turn pages, or who have a learning disability with a physical basis. The library is open to the public.

Library Support Services provides technical, advisory and oversight services to support New Jersey's libraries and the New Jersey Library Network. Lifelong Learning provides consultant services and technical assistance to create, improve and strengthen library information and literacy services. Innovation and Outreach focuses on what is happening on the horizon both inside and outside the world of New Jersey's libraries.

LibraryLinkNJ

The primary function of New Jersey's library cooperative is to enhance library services to New Jersey residents by promoting cooperative sharing of resources, information, and expertise among its member libraries. The cooperative accomplishes this by operating a statewide delivery service structure, engaging in group negotiation of resources, facilitating communication among member libraries, providing professional development for library staff, and promoting best practices across the membership.

The cooperative operates as a nonprofit organization serving public, school, academic, special, and institutional libraries, pursuant to N.J.A.C. 15:22-1.4 to 22-1.6. Services are funded from state tax dollars appropriated for the New Jersey Library Network and administered by the State Library.

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New Jersey Library Association

NJLA advocates for the advancement of library services for New Jersey residents, provides continuing education and networking opportunities for librarians, and supports the principles of intellectual freedom and democratic access to library services and materials. Established in 1890, it is the oldest library organization in the state.

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APPENDIX A: NEW JERSEY PUBLIC LIBRARIES BY TYPE January 2014

Association Libraries (45)

Bass River Township*	Harding Township*	Oaklyn*
Berlin Borough*	High Bridge*	Old Tappan
Beverly*	Holland-Alexandria*	Oxford Township*
Brielle*	Little Silver*	Pennsville
Burlington City*	Manasquan*	Ringwood
Chesterfield Township*	Mendham Borough*	Riverside*
Clementon*	Mendham Township*	Rochelle Park
Delanco*	Millville*	Rumson*
Eatontown*	Monmouth Beach*	Sea Bright*
Elmer	Morris Plains*	Sea Girt*
Fair Haven*	Mount Holly*	Southampton Township*
Florence Township*	Mountain Lakes*	Tewksbury*
Frenchtown*	Neptune City*	Tinton Falls*
Gibbsboro*	Newfield*	Union Beach*
Hanover Township*	Norwood	Woodstown-Pilesgrave

*also a member of a county library system

County Libraries (14)

Atlantic County Library	Mercer County Library
Burlington County Library	Monmouth County Library
Camden County Library	Morris County Library*
Cape May County Library	Ocean County Library
Cumberland County Library*	Somerset County Library
Gloucester County	Sussex County Library
Hunterdon County Library	Warren County Library

*All municipalities are members of the county library system

Joint Libraries (5)

Bedminster-Far Hills
Chatham Borough & Township
Chester Borough & Township
Matawan-Aberdeen
Morristown & Morris Township

Municipal Libraries (234)

Absecon	Atlantic City	Bayonne
Allendale	Audubon Borough	Beach Haven
Alpha Borough	Avalon	Belleville
Asbury Park	Avon-by-the-Sea	Belmar

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Belvidere	Fanwood	Linwood
Bergenfield	Flemington	Little Falls
Berkeley Heights	Florham Park*	Little Ferry
Bernards Township	Fort Lee	Livingston
Bernardsville	Franklin Lakes	Lodi
Bloomfield	Franklin Township	Long Branch
Bloomington	(Gloucester County)	Long Hill Township*
Bogota	Franklin Township	Lyndhurst
Boonton Town*	(Somerset County)	Madison*
Bradley Beach	Freehold Borough	Mahwah Township
Bridgeton*	Garfield	Manville
Butler*	Garwood	Maplewood
Caldwell	Glen Ridge	Margate City
Carlstadt	Glen Rock	Maywood
Carteret	Gloucester City	Metuchen
Cedar Grove	Hackensack	Middlesex
Cherry Hill	Hackettstown	Middletown
Clark	Haddon Heights	Midland Park
Cliffside Park	Haddonfield	Milford
Clifton	Haledon	Millburn
Closter	Hamilton	Milltown
Collingswood	Harrington Park	Monroe
Cranbury	Harrison	Monroe Township
Cranford	Hasbrouck Heights	Montclair
Cresskill	Haworth	Montvale
Denville*	Hawthorne	Montville*
Demarest	Highland Park	Moorestown
Deptford Township	Hillsdale	Mount Arlington*
Dover*	Hillside	Mount Laurel
Dumont	Hoboken	Mount Olive*
Dunellen	Ho-Ho-Kus	Mountainside
East Brunswick	Hopewell Borough	Neptune Township
East Hanover*	Irvington	New Brunswick
East Orange	Jamesburg	New Milford
East Rutherford	Jefferson Township*	New Providence
Edgewater	Jersey City	Newark
Edison	Kearny	North Arlington
Elizabeth	Kenilworth	North Bergen
Elmwood Park	Keyport	North Brunswick
Emerson	Kinnelon*	North Haledon
Englewood	Lambertville	Northfield
Fair Lawn	Leonia	Nutley
Fairfield	Lincoln Park*	Oakland
Fairview	Linden	Ocean City

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Old Bridge	Rockaway Borough*	Verona
Oradell	Rockaway Township*	Vineland*
Orange	Roseland	Waldwick
Palisades Park	Roselle	Wallington
Paramus	Roselle Park	Wanaque
Park Ridge	Roxbury Township*	Washington
Parsippany-Troy Hills*	Runnemede	(Bergen County)
Passaic	Rutherford	Washington Borough
Paterson	Saddle Brook	(Warren County)
Paulsboro	Salem	Washington Township
Pennington	Sayreville	(Gloucester County)
Pennsauken	Scotch Plains	Washington Township
Pequannock Township*	Secaucus	(Morris County)*
Perth Amboy	Somerville	Waterford Township
Phillipsburg	South Amboy	Wayne
Piscataway	South Brunswick	Weehawken
Pitman	South Orange	Wenonah
Plainfield	South Plainfield	West Caldwell
Plainsboro	South River	West Deptford
Pompton Lakes	Sparta	West Milford
Princeton	Spotswood	West New York
Rahway	Spring Lake Borough	West Orange
Ramsey	Springfield	Westfield
Randolph Township*	Stratford	Westville
Raritan	Summit	Westwood
Red Bank	Teaneck	Wharton*
Ridgefield	Tenafly	Willingboro
Ridgefield Park	Totowa Borough	Woodbridge Township
Ridgewood Village	Trenton	Woodbury
River Edge	Union	Woodland Park**
River Vale	Union City	Wood-Ridge
Riverdale*	Upper Saddle River	Wyckoff

*all municipal libraries in Cumberland and Morris counties are also part of the county library system

New Jersey Public Libraries Organization and Funding

APPENDIX B: REGIONAL LIBRARY NETWORKS

Bergen County Cooperative Library System (BCCLS)

<http://www.bccls.org>

Libraries of Middlesex Automation Consortium (LMxAC)

www.lmxac.org

Libraries of Gloucester, Salem and Cumberland Information Network (LOGIN)

<http://www.login-libraries.org>

Morris Automated Information Network (M.A.I.N.)

<http://www.mainlib.org>

PALSPlus: the computer consortium of Passaic County Libraries

<http://www.palsplus.org>

Reciprocal Borrowing and Lending Consortium (ReBL)

<http://library.shu.edu/rebl>

Exhibit L

Watchung Library Bulging: What Is The Solution??

WATCHUNG — What does a community do about a library with one of the highest membership rates in the state, but whose facilities are outdated, inadequate and literally bulging at the seams?

This is the problem confronting the citizenry of Watchung, where an amazing 65 percent of the population belongs to the Borough Library.

The library is housed in a two-story structure on the traffic circle and is known as the "Recreation Building." Erected at the turn of the century as the borough school, it outgrew that use and then was turned over for recreation and library purposes. The land was deeded to the Board of Education by a private party when the school was constructed with the stipulation that it always was to be used for education purposes or else revert back to heirs of the estate.

A proposal has been made to the Borough Council by Mrs. John M. Brown, head of the 16 volunteers who run the library, to construct a new building. Submitted at a meeting of the governing body a few weeks ago, the report by Mrs. Brown contains a wealth of information and figures and certainly is food for thought and study by the town fathers.

According to Mayor Kenneth Schmidt, the proposal warrants a great deal of serious consideration. He said the report has not yet been taken under study by Councilmen but that he believes library facilities should be expanded to meet the needs of a community which utilizes its library to such a high degree. What the governing body decides to recommend on Mrs. Brown's proposal, what the municipal budget would be able to bear, and, of course, what the people themselves desire, would ultimately spell out the answer to the library dilemma, the mayor explained.

Mrs. Brown feels renovation would be expensive, maintenance costly and the library still would be rendering inferior service. She

believes razing present structure and erecting a new building on the site would be a much better and, in the long run, a cheaper solution. The library committee has voted against renovation and for a new structure.

"We are not keeping pace with our needs, we turn people away constantly . . . we just cannot supply the demand because of the lack of space. We can't give them the books they want, need and have a right to expect in a public library," Mrs. Brown explained.

Interesting circulation figures were cited by Mrs. Brown. From 1960 until 1962 there was an increase of 4,700, up to 12,623. But in the ten years, from 1950 to 1960, the circulation was upped only 3,900. This clearly is an indication that thirst for reading and knowledge is on the upswing, and at a remarkable rate in Watchung.

An estimate was obtained from a local contractor to erect a structure of 2,000 square feet for \$30,000. This is "less than economical," according to Mrs. Brown: "It is cheap at double the amount." She explained that this would be actually a charitable project on the part of the contractor.

The Rescue Squad uses the building for its headquarters, as does the Police Department for a dark room. However, with the completion of the new Squad Building and the renovation of the Texier house for police headquarters, these organizations will no longer need the old building.

The Recreation Commission utilizes the building very little and would only need a space to store equipment.

The library has been promised the use of the Rescue Squad room, but even with the additional space the total square footage would only be brought up to 1,200.

Of the some 6,000 books in the library, about 4,000 are from the county. But if space permitted, 10,000 books

(Continued on Page Two)

Building Library

(Continued from Page One)

are available to Watchung from Somerset County.

The new building suggested by Mrs. Brown would have a brick exterior with Colonial trim, and in addition to the regular library room would have a glass enclosed reference and research room, storage area and lavatories. Its upkeep and maintenance would be low.

"This isn't planned to be a palace or a monument, just a good, workable efficient library where people can satisfy their needs," said Mrs. Brown.

Exhibit M

Library Unit Eyes Non-Profit Status

Watchung—The committee operating the Watchung Historical Museum may become a historical non-profit corporation.

Borough Attorney James W. Hurley told the Borough Council last night that such a corporation could be created to continue the existence of the museum, located in the Police Headquarters building across from the Borough Hall.

His opinion came in response to a question directed to the council Dec. 10 by Mrs. J. M. Brown, representing the committee in charge of the museum. She had asked the council to decide the fate of the museum and under what auspices it should be set up.

Offers Meeting

Hurley said he would be glad to meet with committee members and explain the establishment of a corporation to them.

Hurley also reported on the status of the committee of women operating the Watchung Library. He said they

are merely a group of volunteers who have no municipal status.

The library, said the attorney, receives financial assistance from the council but it is not obliged to give any.

Their future could lie in the formation of a library commission. This is allowed under state statutes, said Hurley, but must be approved by referendum.

If a formal commission is created, the borough would be bound to provide financial support, could float bond issues for the commission and build a library for it, Hurley said.

Construction Eyed

The council is considering the construction of a new library building on the Best tract it is purchasing in Valley Rd. Hurley doubted the building could be constructed by the borough if the library's present status is retained.

In other action, the council adopted a temporary budget of \$67,700.

It adopted an ordinance vacating an old erroneous map for Bayberry Lane and Sequoia Dr. A new map was since drawn up and the roads are not really vacated, said Borough Engineer C. Alfred Enander.

Exhibit N

Information Sought On Library Service

WATCHUNG — In the wake of Tuesday's defeat of the local library referendum, the Borough Council last night voted to invite the Somerset County Library board to meet with it to discuss its service to Watchung.

Board Head At Runnells Will Retire

BERKELEY HEIGHTS — Louis J. Giacona, president of the Board of Managers of John E. Runnells Hospital, said today he will retire from the board when his term expires at the end of this year.

Giacona is the only board member whose term expires this year. He has served five years.

In announcing his retirement, Giacona said, "It has been a rewarding experience, and it has been a pleasure to serve with the other members of the board. The hospital has had its problems, especially in the last year, but I think we are headed in the right direction now."

Giacona, who is building inspector in Union, said he is retiring to give someone else the opportunity to serve on the board, and because it is necessary for him to devote more time to business.

Watchung voters turned down establishment of a free borough public library by a vote of 1,014-283.

Councilman Frank M. LeCompte said the council now should "investigate in depth our arrangements with the Somerset County Library" to find out "in as much detail as possible" what Watchung has received in services and supplies for the "not inconsiderable sum of money" it has contributed to the county library.

Taxes Cited

From 1962 through 1967, Watchung paid \$82,377 in county library tax, according to Councilman Clifford A. Warren. In the next five years, the estimated tax will total \$105,000, he said.

LeCompte also said local officials should discuss "openly" with Miss Germaine Gibian, director of the county library, statements about the Watchung library referendum which she made to the local press. The statements "may very probably have influenced the vote," he said.

"Miss Gibian's point of view on the matter, as well as her reasons for entering the controversy should be discussed openly with her," he added.

Questions Letter

The councilman also questioned the legality of a letter opposing the referendum which was mailed to residents two days before the election. It may have violated state election laws because it contained "no legal signature of the person responsible for the letter, no listing of the printer of the letter, and no address of any sort." The bottom of the letter contained only this phrase: "Paid for by Interested Citizens for Better Library Services," he said.

"The people who are responsible for this communication should be made aware that they have broken the law and cautioned against making such an error in the future, he said.

Exhibit O

Watchung Library Proposal Studied

WATCHUNG — Just two years after borough voters overwhelmingly defeated the proposed creation of a municipal library, Councilman Frederick Picton proposed last night that serious thought be given to some sort of a legally organized library association. The suggestion was referred to

Borough Attorney Harold Pierson for a study of the legal aspects of the plan.

Picton stressed that his plan is much different from the one opposed by the voters. That one would have created municipally-financed operation that would have been almost totally supported by local taxes.

His plan calls for the formation of a library association with a legally incorporated board of trustees.

He stated his plan was similar to the recommendations of the 1967 Mayor's Library Advisory Committee composed of the superintendent of schools, two former school board members, two professional librarians and the head of the library volunteers.

That report suggests the library "be organized as a state association library within the Somerset County library system."

He said the plan is consistent with the State Library Act of 1968. Picton said the proposed association would take better advantage of the county library system and "receive more state aid."

The latter point was borne home by the receipt by the council of its year's allotment of state library aid, totaling \$88.

Councilman Clifford Warren supported the idea. He said, "In my six years on the council, we have given \$120,000 to the local library without seeing it grow into a substantial benefit for the community."

Exhibit P



THE PRATT HOUSE on 30 Valley Road in Watchung, recently acquired by the Borough Council, may solve some of the town's recreational needs.

Recreation Need Still Issue

WATCHUNG — The borough's recent purchase of the Pratt property on Valley Road and the construction of basketball courts at Camp Endeavor will solve only part of Watchung's recreational needs, two officials indicated last week.

Both Recreation Commission chairman Gerald Mobus and Borough Councilman Patrick Fittipaldi said there is definitely a need in the borough for more recreational facilities.

In a letter he wrote to the council last month, Mobus listed the Commission's priorities for recreational planning. Included is a need for some type of indoor facility to help alleviate present problems caused by the shortage of recreational facilities.

Senior citizens also need a more practical place to hold their programs, Mobus said.

Other commission priorities, according to the letter, would be the development of the 31-acre Phillips Tract off Brookdale Road for recreation; more police coverage at borough facilities to control parking and trespassing, and the reconditioning of the tennis courts at Mobus field. The council is currently seeking bids for the tennis court work.

Expanding on his letter, Mobus explained this past week what some of these other recreational needs might be. A "total use" field would be the greatest benefit to the community, he stated.

Ideally, this would contain at least a 90-foot baseball diamond and a 100-yard football field. He added that there is a need for at least two or three more baseball fields and a girls' field hockey area. Baseball is the commission's main concern, he said.

At present, a tight schedule on existing fields has forced the playing of games on Saturday morning. This, in turn, has resulted in criticism being heaped on the Baseball Association for interrupting family weekend plans, Mobus admitted.

These problems, and others related to them, are the subject

of several borough studies. But although the need has been recognized and steps planned to find solutions, both men agree it is hard to say how, when and where the solutions will be implemented.

The only project going full tilt is the Camp Endeavor recreation facility. According to Fittipaldi, concrete is being poured currently and backboards set up for basketball courts there. Tennis courts will be ready for next season and nature trails have already been laid out.

What will follow these steps, however, is still the subject of studies, discussions, meetings, evaluations and just plain waiting, Fittipaldi said.

Taking precedence in these maneuverings is the restoration and possible use of the recently acquired Harlan Pratt building and property at 30 Valley Road.

Both Mobus and Fittipaldi agree that actual plans for its use will be delayed until the borough is the complete legal owner. The closing is scheduled for the middle of this month, according to Fittipaldi, and at that time a complete study will be made to determine its possibilities.

The Borough Council has indicated that first priority for the Pratt property has been given to the library, the library board is expected to get back to the council by August 1 with its assessment of the building's feasibility for library use.

Until that time, talk of its use for recreational purposes will remain hypothetical. Fittipaldi believes that the finished basement area holds great promise for recreational use, including room for billiard tables, ping-pong tables and other game room activities.

Mobus and Fittipaldi envision using the existing pool at the home for instructional purposes, though both are quick to add that this doesn't mean that Watchung needs a community pool. "I just believe that we should use what is there," Fittipaldi explained.

Other recreational ideas under informal discussion are the possible use of part of the Nichols-Martin Tract, behind the new firehouse, and what can be done with the library building if the decision is made to move the library into the Pratt Building.

Fittipaldi said he is anxious to meet with the Board of Education, which owns the library building and the land behind it, to

see what the board plans to do with the property.

The Optimist Club, in its search for a location for a proposed Community Center, would do well to consider this property and building, Fittipaldi suggested.

Developing an improved recreation program at Camp Endeavor, the Pratt property, the proposed additions on the Valley View School, and the possible use of the Tobias property, the library property, the Nichols-Martin property, and the Phillips tract, provide the borough with several possible solutions to existing problems.

And Mobus and Fittipaldi made it clear that the recreational needs of the community are developing into some of the borough's top priorities.

Once the use of the Pratt property has been determined, the council and the Recreation Commission will have more of an opportunity to move on other recreation needs, including the possibility of an indoor facility, the officials indicated.

Councilman Fittipaldi, who served on a lay committee that studied school building needs in the borough, noted that his group and a consultant, Uniplan of Princeton, have recommended adding an auditorium and additional gymnasium space onto Valley View School, which is currently used by the Recreation Commission for basketball programs.

The Board of Education is still deliberating on these recommendations.

As far as the need for more baseball fields and an all-purpose field is concerned, there are several options. The 31-acre Phillips Tract off Brookdale Road is the most recently raised possibility.

The Board of Education, which owns the property, is presently meeting with the Recreation Committee and Borough Council to decide on its use.

The Tobias property, formerly the Segal property, a 15.6 acre tract adjacent to Route 78, has been recommended for recreational use by the Conservation Commission. As yet, however, no public discussion of its possibilities in this area has taken place, pending hearings before the Board of Adjustment. Last week the board denied the owners a variance to build 140 apartment units on the site.

Exhibit Q

Architect Will Assess Pratt House For Library

WATCHUNG — The Public Library may change its quarters to the newly-acquired Pratt house if it is determined the building is structurally sound.

During the Borough Council meeting last Thursday night, Councilman Patrick Fittipaldi announced the hiring of an architect for the Library Board of Trustees.

The architect will determine if the structure is capable of holding the weight of the books and if a satisfactory library layout is possible.

Fittipaldi, who serves as chairman of the buildings and grounds committee, previously accused the library board of being tardy in deciding whether to use Pratt house because "they have had all summer to make a decision and have not."

"The board is looking for a professional library which they will never have, and walking into their meetings is like walking into an enemy camp," were previous comments by Fittipaldi.

The chairman of the library board, Alfred Pundi of Crestwood Drive, had stated, "we only are interested in establishing a library suitable for the reading public and since we are not professional architects, we can't determine if the building will be satisfactory for a library."

Pundi also suggested a joint meeting of council representatives and the board to run out differences.

If the architect determines the building would make a suitable library, the present space of 5,600 square feet would be tripled.

A building permit was granted to Vornado Inc. (Two Guys on Route 22) to begin blacktopping an acre of the parking lot and start inside and outside renovations.

Vornado had been before the planning Board on four oc-

asions to obtain approval for the project.

The corporation applied for the building permit three months ago and received the planner's permission to begin the necessary work.

At the August session of the Planning Board, Two Guys was asked to stop the blacktopping and alterations to allow the borough engineer and flood commission to conduct tests to determine if the construction would increase water run-off to downstream communities. This action was taken in the wake of the Aug. 2 flood and proposed building moratorium.

Borough Engineer Michael S. Kachorsky determined the run-off would not be significantly increased during flooding condition.

Going back to the planning board at the September meeting, Two Guys was finally given the go-ahead.

Planning Board member Fittipaldi said "they have double the capacity we asked for in the retention basin," in asking the council to approve the issuance of the permit.

In other action relating to Two Guys, an ordinance calling for the vacation of

Charles Street in exchange for an easement has been extended to the next council session.

The attorney for the department store explained the easement could not be granted until the first of the year because residents who rent do not have the power to dedicate property.

The matter could be rectified after Jan. 1, when tenants have the option to purchase the property, according to the attorney.

Mrs. Janet Cree of 75 Mountain Blvd., registered a complaint against refuse pickup. In a letter to the governing body, Mrs. Cree said she had gone the last 14 days without service. She wrote, "for \$6.50 a month we are getting darn little service and I resent it terribly."

Mrs. Cree also suggested the borough establish a cleanup week to allow residents to discard old appliances and other large items without the burden of great expense.

The letter has been sent to the Borough Clerk and the Public Utilities Commission.

Michael Sasso and William Fenzau were appointed members of the Watchung Fire Co. Sasso is promoted

from the ranks of the newly established junior firemen, which has been termed a successful program by Fire Commissioner Councilman Neil Stanzola.

Stanzola said, "The junior firemen have worked extremely hard for the community. They have received professional instruction and attended courses on fire prevention and control. The program has been very successful."

The president of the rescue squad, Mrs. Nancy Wardrop,

thanked the borough for a \$1,186.94 donation.

"The donation will be used to pay the sewer bill and the squad was appreciative because we are in the process of raising money for a second ambulance," Mrs. Wardrop said.

In other council business, a part-time Road Dept. position has been filled by John Pear at the rate of \$1 an hour.

Mrs. Sandra Harding has been hired as a part-time stenographer for the police dept. She will receive \$2.75 an hour.

Exhibit R

Boro Renovations Expected To Be Completed This Year

By DOROTHY FERRUCCI
WATCHUNG — Residents who have found it necessary to visit borough hall within the past eight months to pay taxes, obtain permits or attend court and council sessions have been noticing vast differences in the building. Any regular visitor has been able to watch the changes occur since all borough functions have been continued while renovation work progresses at the municipal building on Mountain Boulevard.

While the citizens may have had to do a little fancy footwork to avoid stepping on equipment and materials or colliding with workmen, come next week borough officials predict that the going will be a lot easier.

That's because, with the exception of the council chambers-courtroom, officials anticipate that most of the renovations will be completed. Some work will continue as floor coverings, phone installations and office equipment are shifted to new locations but Municipal Administrator Charles Curtis predicted no disruption of municipal services.

When the renovations are completed all municipal services will be housed in borough hall. The violations clerk has been moved from the second floor of police headquarters to borough hall as have the plumbing and building inspectors, who were formerly situated in the Pratt

Building on Valley Road.

Meanwhile, the Pratt Building has been undergoing extensive renovations and will house the borough Library which is presently in a former schoolhouse next to the Rescue Squad building on the circle. Since interior renovations have not yet been completed, the schoolhouse-library remains in use.

Renovations to the municipal building and relocation of the borough library were approved by the mayor and council last November by unanimous passage of a \$400,000 bond issue. Bidding on the dual construction projects was heavier than expected with more than 60

general contractors attending a January, 1975 bid opening. Contracts were awarded last February.

Councilman Patrick Fittipaldi, building and grounds committee chairman, declared that the borough "got a good deal" following the announcement of bid awards. Terming the bids "unbelievable" Fittipaldi noted that the construction industry had been hard hit by the sagging economy.

Borough taxpayers will foot the bill for the improvements which officials have stated will have a minimal effect on the tax rate since costs will be spread over a 25-year period.

According to Curtis a sharp eye had been kept on all expenditures. The municipal administrator said last week that it was difficult to give a definite cost figure on how much of the bond monies had been spent to date, but he estimated that approximately \$300,000 had already been spent. Curtis said the remaining funds would be used for purchase of seating in the council chambers-courtroom, shelving and cabinets for the municipal library and office furnishings.

Mayor Kenneth Schmidt, who was in borough hall last week reviewing progress of the renovations with Curtis, declared that expenditures were "under constant monitoring."

Renovations to the building include a nearly 50 per cent enlargement in the seating area of the council chambers-courtroom. Officials main-

tained that the former audience seating area was often inadequate for court sessions and Planning Board meetings. A new ceiling has already been installed and pew-type seating will replace the present folding chairs within the next few weeks.

A basement garage which formerly housed the fire department has been converted into office space for the tax collector, tax assessor and building and plumbing inspectors. Carpeting was put down last week and all office furniture will be moved in by the end of this week.

Administrative areas which are already occupied include the general office area and borough clerk's office. Curtis' office will be moved from the rear of the council chambers and will be adjacent to that of the borough clerk. The municipal administrator's former office which had also doubled as a conference room will remain as such.

Workmen have also been busy at the Pratt Building which recently received a new exterior coat of paint.

However, interior renovations are not yet completed. The building was enlarged to meet state Library Council standards.

The first floor of the library, which is also the main entrance, will contain adult and children's reading rooms, office areas, a kitchen area, lavatories, storage rooms and a juvenile reading room.

Little work has been done on the second floor which tentatively will house several museum rooms for use by community groups. A permanent exhibit of the borough's history with reportedly be housed in one of the rooms.

Recreation Commission will meet in the building.

Borough officials are uncertain when books and materials will be transferred from the present library to the new building.

Schmidt, Fittipaldi and Curtis were confident that both buildings would be fully occupied by the end of 1975. The mayor added that an open house will be held to allow residents to inspect the building improvements.

Exhibit S

Watchung's Library To Open On June 1

WATCHUNG — An added attraction — the long-awaited opening of the new public library — will help highlight the borough's Bicentennial Week and 50th anniversary celebration in June.

The Colonial building, the former Harlan B. Pratt home in back of the present antiquated library, is scheduled to open June 1 after extensive renovation work and the addition of a new wing.

It will house some 15,000 books and periodicals to accommodate Watchung's 5,000 residents.

From a meager beginning in the 1930s, when the idea of a library was inaugurated by a minister's wife, the opening of the spacious facility will be a matter of pride to the many volunteers who, during four decades, have devoted their time to serving the public.

And to the many avid-reading borrowers who, in recent years, have put up with overcrowded shelves, a heating system that is sometimes very

hot and occasionally out of commission, the new building will be a source of pleasure.

Three years ago, the mayor and Borough Council decided to buy the two-acre tract and three-story house, built by Pratt about 25 years ago. The land

(Continued on Page Two)

WATCHUNG — In preparation for the move to the new public library, the old building next to the Rescue Squad will be closed Monday, April 26, and will remain so until the new building is officially opened Tuesday, June 1. During this time, the staff will be packing books and periodicals and taking inventory.

Readers with books due during this period will not be charged fines and June has been declared amnesty month in an effort to recover many overdue books.



THE OPENING OF WATCHUNG'S new public library on June 1 will be a highlight of the borough's Bicentennial celebration. The building is the former Marlan B. Pratt residence and the low portion on the right is

the new addition which will house the major portion of the books. Architect for the project was Herbert F. Verse of Plainfield.

Watchung's New Library

(Continued from Page One)

abuts the Best Lake property, acquired by the governing body some years ago, and is adjacent to the Rescue Squad land.

Then came the plans — Plainfield architect Herbert F. Verse was commissioned to draw up ideas for interior renovation of the Borough Hall and conversion of a private residence to a library.

A \$400,000 appropriation for both projects was approved, followed by the awarding of bids in various categories.

The library volunteers, all 25 regular staff members and 20 substitutes and the Library Board of Trustees, are enthusiastically heralding the opening of the new headquarters — a long-overdue, needed cultural facility for the municipality.

From cramped quarters in one of Watchung's first schoolhouses, the library is moving into a structure that is not quite in conformance with other new sleek, contemporary facilities. The plan was to keep the library in tune with the Colonial atmosphere of the community.

The committee in charge of decorating, headed by Mrs. Judson L. Symons, agreed that the interior

should be soft-toned, comfortable and relaxing for adults and children alike.

Although there will be many innovations, including cassettes, tape players, display cases, bulletin boards, daily and weekly newspapers and additional weekly and monthly publications, the staff is hopeful that the library will continue to be low-keyed and friendly.

In addition to the main room, there are laboratories, a reading room, staff work room and director's office on the first floor. A staff room and storage rooms for periodicals and supplies are located on the second floor and the Watchung Bicentennial Committee is raising funds to convert the remainder of that floor into a community meeting room.

The finished basement will be used by the Recreation Committee.

Moving will be a monumental task and numerous borrowers have offered assistance. The Jaycees volunteered their services and will be organizing and handling the move.

Mrs. John M. Brown is library director and has served in the volunteer post for 17 years.