

# BOROUGH OF WATCHUNG

## MINUTES

May 23, 2013 - 7:30 P.M.

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:30 PM and read the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

**SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AND A MOMENT OF SILENCE FOR THE RESIDENTS OF MOORE, OKLAHOMA.**

### ROLL CALL

Joren [ P ] Black [ P ] Franklin [ P ] Nehls [ P ] Gibbs [ P ] Beck-Clemens [ P ]

Also present were Administrator Tom Atkins, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance. Attorney Albert Cruz was not present, Attorney Michael Cresitello was present sitting in for Mr. Cruz.

There were 20 members of the public present

### SPECIAL PRESENTATION

Girl Scout Troop #65474 – Presentation of Proposed Bronze Award Project  
“Beautifying the Lake”

Angela Schaefer, Elspeth Allen, Rachel Krouk, and Christina Sarrico, members of the 5<sup>th</sup> grade Girl Scout Troop, were present to ask the Governing Body for support of their proposed Bronze Award Project. The young ladies gave a power point presentation and an oral report on their ideas that they believe would beautify the Borough lakes by eliminating the goose population, and the goose droppings. Their proposals including fundraising for additional “do not feed the wildlife” signs, and also to purchase solar lights that are made to scare the geese away. After questions from the Governing Body, Mayor Pote asked Administrator Atkins to contact some of the other towns who are using the lights for input on their success rate. Councilwoman Beck-Clemens said she would research the Borough’s regulations for signs, and Councilman Nehls said the Public Works Department would be happy to install the signs when they are approved. All congratulated the Scouts fine presentation, and Mayor Pote thanked them and commended them on their excellent presentation. He said the Council will review all their suggestions and will get back to them.

### REPORT OF STANDING COMMITTEES:

1. **Administration & Finance** – Councilman Franklin reported the Borough budget is scheduled for adoption at the next Council meeting, and the Ordinance to Establish a Cap Bank is on the agenda for public hearing and final adoption this evening.
2. **Police** – Councilwoman Joren reported she received the police report from Lt. Cina stating the police responded to 2,018 requests for service during the month of April. She announced the Department is nearing the end of their accreditation process with all required policies being issued and all mandatory training has been completed, and explained the next phase is a mock assessment to insure all requirements have been completed before the onsite inspection is scheduled. This will give the Police Department a much better process in all facets of their work and also hopefully help the Borough with insurance costs. The Department will soon be fully staffed with 3 of the newly appointed officers having completed their field training and now on their own, the 4<sup>th</sup> officer has almost completed his field training, and the 5<sup>th</sup> officer has almost completed his academy training. She said soon the Department will have a full complement of officers.
3. **Public Works / Buildings and Grounds** – Councilman Nehls reported the Borough had two bid openings, one for the Tennis Courts and one for the Mulching and Grinding of the debris at the Ness property. He said the Tennis Court contract is being awarded tonight, and the mulching and grinding bids will be going to the Buildings and Grounds Committee for further review. He also reported that the JIF Loss Control Inspection went well. Councilman Nehls reported there was a facilities meeting tonight, prior to the Council meeting, and discussion regarding generators and warming centers is on-going. He announced the Borough has received 48 cots and blankets from FEMA which are stored at the Rescue Squad. Mayor Pote questioned if we could have a temporary solution in place for a warming center and Councilman Nehls said yes, if temporary generators could be used in the event of an emergency. Councilman Nehls also reported that the air conditioning for the Dispatchers office has been taken care of.

Councilman Nehls reported that the Planning Board had their meeting Tuesday evening, May 21<sup>st</sup> and the Board discussed the future use and planning for the Weldon Quarry and said the County has come out with a draft facilities improvement study which includes areas throughout the County for development with Weldon being one of the high priority areas. Councilman Nehls said the County has looked at the Boroughs' zoning of the Weldon facility and they agreed to its use and what the plans are. The County does have recommendations for increasing the square footage that the Borough proposes but the Planning Board wants to stay with what the Borough has and want to see more information from the County as far as what they feel the development of the area should include. Councilman Nehls said that would include the Diamond Hill Exchange and New Providence Road. Councilman Nehls also stated that Mr. Butler, the attorney for Weldon, proposed if Weldon were to be allowed to quarry the stone along New Providence they would give the County the property to expand the road. Councilman Nehls also reported that the Planning Board would like the Mayor and Council to consider forming an Economic Development Committee because they feel Weldon will be quite involved in the future and there may be other areas for development including Watchung and Somerset Route 22 Corridor. Mayor Pote said the Council will definitely consider this request. Mayor Pote also stated the Weldon family wants to continue to quarry for as long as they can for the next 20-25 years or more.

#### 4. **Public Affairs:**

**Open Space** – Councilwoman Beck-Clemens reported the Open Space Committee had their reorganization meeting on May 20<sup>th</sup> and two new members, Peter Desnoyers, who replaced her as chairman, and Victor Lobo, have been appointed to the Committee. The Committee's main focus was the Ness Property and Camp Endeavor and what the stage of remediation is on these properties. Councilman Nehls said the Borough is waiting for analysis on the groundwater at the Ness property as they must do additional samplings, the underground tank was removed, and the buildings have been tested for asbestos. He said all the buildings on Mountain Boulevard are clear and demolition can move forward, and Administrator Tom Atkins reiterated that all buildings on Mountain Boulevard tested negative for asbestos. Councilwoman Beck-Clemens also reported the Committee still questioned if it would be possible to reclaim the wood from the barn and for the Borough to sell it. Councilwoman Beck-Clemens said the Committee also questioned the fence that is down at Camp Endeavor and if the Borough could possibly approach the school district to see if something really constructive could be done to use this property rather than for it to just sit there and she questioned the Mayor and Council if the Committee could move forward with this. Mayor Pote said it would be a good idea to also have a few Council Members involved with this. Councilwoman Beck-Clemens also said even though the State Open Space Trust Fund is being diminished this year, Sen. Bateman is introducing a Bill that implements constitutional dedication of Sales Tax Revenue for the preservation of Open Space including land that protects water supplies.

**Environmental-** Councilman Gibbs had nothing to report at this time. The Commission is scheduled to meet next Tuesday.

Councilman Gibbs reported that the Traffic and Beautification Committee met last week and they had four requests they would like to present to the Council for consideration the first being the Committee would like to suggest having one of our Public Works employees licensed to spray chemicals on the Borough properties to prevent dandelions and other weeds from spreading, or hire an outside company to do this. Mayor Pote asked Councilman Nehls if any of our Public Works employees are certified and he responded none are but both he and Council President Joren have discussed the possibility of hiring an outside company to do this. The Committee would also like to request the removal of the bushes at Spratford Park because they are becoming unsightly, and also have them patrol the Best Lake parking lot for debris removal and last, but not least, assistance with the weeding and maintenance at both of the triangles during the summer months. Mayor Pote asked that the Committee document their requests and what needs to be done and Councilman Nehls stated the maintenance of the properties in question is becoming too much for the T&B Committee to handle alone. Council President Joren said the Borough Attorney Al Cruz had mentioned there have been landscapers in other towns who have volunteered their services with their only request being that they would be permitted to put up signs that the work is maintained by their company and this could be a possible solution to the situation.

**Recreation** – Councilwoman Beck-Clemens thanked the Police, Fire, and Public Works Departments, the Rescue Squad and the Mayor and Council Members for their help at the Community Picnic and a special thanks to Recreation Commission Member Dave Mobus for manning the grill. The Picnic was a huge success. The Recreation Commission also discussed the management of the new tennis courts, once they are completed, Engineer Tom Herits said it will take approximately 30 days to complete once the project is started. Mayor Pote thanked Dave Mobus for all his help with the Picnic and also for his work and research for the Tennis Courts.

**Historical** - Councilwoman Beck-Clemens reported the Historical Commission is still working hard getting exhibits ready, and are looking for a place to store the farm equipment. Councilwoman Beck-Clemens thanked the Public Works Department for removing the poison ivy from the hand rails at the back entrance and she also mentioned there will be two work sessions coming up one on Thursday, May 30<sup>th</sup> at 10 AM and the second one on Wednesday, June 5<sup>th</sup> at 10 AM and anyone who is interested is welcome to attend just give her a call and finally, Sue Tucker is work-

ing on the oral history project. She is interviewing some of our Senior Citizens in town to get their perspective of Watchung history from their point of view.

Mayor Pote reminded everyone of the Memorial Day Services on Monday, May 27<sup>th</sup>. He announced there will be a service at the Exempt Hall at 8:30 AM followed by the service at the Texier House at 9:30 AM, and said the Borough will be honoring Mayor Jerry Mobus and Ralph Diem.

**Board of Health** – Councilman Black had no report for the Board of Health, however, he reported that the C.E.R.T. training classes have begun. Councilman Black said twenty two people signed up and attended the first two classes, including Mayor Pote, Clerk Michelle DeRocco and Deputy Clerk MaryAnn Hance. He also stated that many more residents called and said they could not attend this session but would like to do it at another time so he is hoping to schedule another program in the fall for those unable to attend this session.

- 5. Fire** – Councilman Black had no report but he is hoping to schedule a committee meeting possibly next week. They will be discussing refurbishing the Fire House, a bring the information back to the Council for consideration. Councilman Nehls said the information should first go to the Buildings and Grounds Committee before going to the Council.

After Councilman Black gave his reports he asked to be excused from the remainder of the meeting due to a prior commitment and he left at 8:35 PM.

- 6. Laws/Ordinances** – Councilwoman Joren reported she is hoping to schedule a meeting for June 5th. She said the Borough FaceBook is up and running, the radio station, 1610, is updated constantly, and that Michelle DeRocco contacted website companies and received five proposals for review. These were reviewed by Councilwoman Joren, Tom Atkins, Michelle DeRocco and Brian Townley and they are very comfortable with their recommendation to use City Connections, LLC. Tom Atkins said the proposal from this company was very thorough and they answered all questions and the cost to the Borough would be \$2,500 for the set up and \$5,500 annually. Councilwoman Joren said this company only handles government websites and they do the site for the League of Municipalities. The committee is hoping to meet with the company this week. Mayor Pote suggested a copy of the proposal be given to all members of the Council and for their review and move forward and vote on it at the next Council meeting.

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

- 7. Engineer** – Tom Herits reported the Borough received bids for the Mobus Field Tennis Courts and the resolution to award the Tennis Court Contract to F & P Construction in the amount of \$114,999.99 is on the Agenda this evening. He said F & P has done several projects in the Borough and are very competent and that he is confident they will do a very good job. Mayor Pote asked if all their references have checked out and Tom Herits responded that they did and the Borough Attorney did check the entire bid package. Tom also said he requested that Clerk Michelle DeRocco prepare a resolution for the Mountain Drive drainage to go out to bid, he also said there is a Public Works Committee meeting next Wednesday to go over last year's projects. Tom said the Borough did not get a grant this year and after he checked with the DOT questioning why we did not receive a grant they said our application was in order but other municipalities had more pressing issues.
- 8. Police Chief** – No report was submitted
- 9. Fire Department** – No report was submitted
- 10. Rescue Squad** – Don Monetti reported the Squad held their spring cleanup last month which was organized by the Cadets, they did a full cleanup of the bays and ambulances and started cleaning and preparing the grounds for the spring and summer seasons. He said both ambulances were sent out to be inspected by the New Jersey First Aid Council, and members of the Squad attended the Little League opening day, and the Community Picnic on May 18<sup>th</sup> and they will be attending the Memorial Day Ceremony on May 27<sup>th</sup>. The Squad will provide EMS command and coverage for the Bob Beckert Run on June 2<sup>nd</sup> as well as the triathlon. For National EMS week, May 19-25, the Squad nominated Jessica Ray for Overlook Hospital's Emergency Services Recognition Award which she will receive at an annual dinner held by the Hospital which is being held this evening. Members of the Executive Board and the Squads 2<sup>nd</sup> Lieutenant are working together to organize a community CPR class for residents of Watchung, more information will be posted on the Squad's Facebook, website and Twitter accounts. Top responders for the month were Jess Ray, Adam Wexler, Lysandra Plotkin and Gemmy Siegel. Mayor Pote thanked the Squad for inviting him and the Council to their dinner and complimented them on a wonderful affair.

**11. Attorney** – Attorney Michael Cresitello reported he reviewed the bids received for the Tennis Courts and all the paper work from F & P Construction was in order and can be awarded the contract, and regarding the sanitary sewer project there is one resident who will not be giving the Borough the easement. He also reported that Levin Properties agreed to the 40 additional connections and the Borough is moving forward with providing an agreement. Administrator Tom Atkins told Mayor Pote that there will be a brief report from him and Mr. Cresitello in Executive Session this evening on COAH.

**12. Clerk** – Ms. DeRocco had nothing to report other than she also attended the Rescue Squad dinner and it was a very nice event, they did an amazing job organizing everything. She said they are a really nice group of people and they do a lot for the Borough and we are lucky to have them. Lysandra, Adam, and Don Monetti, gave awards and received awards themselves and the video they presented exemplified the comradery among the group. Ms. DeRocco also reminded everyone if they are planning on attending Dr. Stromsland’s retirement dinner they must RSVP by May 31<sup>st</sup>.

**13. Administrator** – Tom Atkins remarked on Dr. Stromsland’s amazing career, she has been a very good person to work with. Tom also said Item #35 on the Agenda this evening is the request from the Traffic and Beautification Committee which was discussed earlier by Councilmen Nehls and Gibbs. He also gave a brief explanation on the bids the Borough received for the mulching and grinding which were very widespread with two low bidders. He explained that the proposal was set up so the Borough could possibly award to two different companies, one for the mulching and grinding and the other for loading, transport and disposal of the tree parts. He and Bob Burns will be having a conference call with each company separately to talk about their bids and depending on the outcome of these calls, if they need Tom Herits to help and possibly our attorney Michael Cresitello and then to Councilman Nehls and the Public Works Committee.

Mayor Pote thanked the Recreation Commission for their involvement in the Community Picnic and Dave for manning the grills and cooking all those hot dogs. Mayor Pote also reported he had breakfast with Governor Christie on Monday with about 30 others who were invited. He said the Governor said he appreciates the work of the individual towns dealing with the 2% CAP and that he understands and recognizes this is a very difficult thing but does see it working. The Governor also spoke about the Judges and announced he is very pleased with the temporary positions; his opinion on COAH; and the improvement of the unemployment rate. Mayor Pote also attended the Mayors Round Table yesterday where they discussed the recycling pilot program being conducted in South Bound Brook and Green Brook, using the “Single Stream” system and which should increase recycling by at least 20%.

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### UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:13/06 entitled “ORDINANCE TO ESTABLISH A CAP BANK” was held.

Councilwoman Joren moved a public hearing be held with a second by Councilman Nehls and upon roll call as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye.”

With no one from the Public wishing to be heard Councilwoman Joren closed the Public Hearing and moved the following resolution:

R1:05/23/13 Adoption of Ordinance OR:13/06 – Cap Bank

Councilman Nehls seconded the motion ad upon roll call as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye.”

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### NEW BUSINESS

**CONSENT AGENDA:** The Consent Agenda items listed below were unanimously accepted, following a motion by Council President Joren, and a second by Councilman Nehls and upon roll call as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye”.

Approval of the following Council minutes:

May 9, 2013  
April 11, 2013, May 9, 2014 Executive Sessions  
May 16, 2014, May 21, 2013 – Bid Openings

Acknowledging Receipt of the following Borough Reports:

Board of Adjustment Minutes – April 4, 2013  
Building Department Report – April 2013  
Finance Department Revenue Report – February, March, 2013  
Recreation Commission Minutes – March 6, April 3, 2013  
Open Space Advisory Committee Minutes – February 18, 2013

Acknowledging Receipt of the following Correspondence:

#33 - 21<sup>st</sup> Legislative District 5/7/13 Notice of award of Clean Communities Grant - \$13,388.31  
C: M & C, TEA, WHO, T & B

#34 - Michael Giordano 5/7/13 Letter of resignation from the Public Works Department c: M & C,  
TEA, JR

#35 – Sue Forton/Traffic & Beautification Commission 5/15/13 Suggestions for improvements that  
can be implemented to improve some conditions around the triangles, Spratford Park and Best  
Lake parking lot c: M & C, TEA

#36 – Michael Russo, Director of Local Aid/NJDOT 5/17/13 Advising that Watchung’s 2013  
application for Municipal Aid for improvements to Knollwood Drive, has been denied  
c: M & C, TEA, WHO, TH

#37 – NJ State League of Municipalities – Mayors Advisory 5/14/13 Notification of the Appellate  
Court issuance of an injunction staying seizure of affordable housing trusts c: M & C, TEA,  
MC, MS, WH

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda resolutions listed below were unani-  
mously adopted following a motion by Council President Joren with a second by Councilman Nehls  
and upon roll call the vote as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye

R2: Honoring Dr. Frances Stromsland upon Retirement

R3: Purchases Over \$2,000. – Power DMS; Meyer & Depew Co., Treasurer – State of NJ

R4: Award of Bid – Reconstruction of Mobus Field Tennis Courts

R5: Authorize Expansion of Contract – Planning, Design and Resident Engineer and inspection for  
sanitary sewers.

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**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 Franklin moved the following resolution with a second by Councilman Nehls and upon roll  
call as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye.”

R6: Waive Chapter 2-25.10 - Gray’s Florist & Greenhouse

Councilman Franklin moved the following resolution with a second by Councilwoman Beck-Clemens  
and upon roll call the vote was as follows: Joren, Franklin, Nehls, Gibbs, Beck -Clemens, “aye.”

R7: Payment of Bills

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**PUBLIC PORTION**

Ron Mislán – Bardy Farms Towing was present the recently adopted revised towing ordinance and said  
he also would like to meet with the Mayor and Council to education them on the ordinance, citing many  
concerns and flaws. Mr. Atkins requested that Mr. Mislán provide a written communication to the Bor-  
ough with his concerns. Attorney Cresitello suggested this written communication should be given to the  
Administrator. Mr. Mislán questioned if there could be a hold on the deadline for submitting the applica-  
tion and Mr. Cresitello replied there could not be. Councilwoman Joren explained this ordinance went  
through the review process with the Laws and Ordinance Committee with recommendations from the Po-  
lice Department and there was a public hearing prior to adoption of the Ordinance, and it was in the paper.

Council President Joren moved the following resolution with a second by Councilman Nehls and upon  
roll call the vote was as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, “aye.”

R8: Executive Session: Attorney-Client Privilege: Council on Affordable Housing Update

Upon return to the regular session at 9:50 P.M., all Council Members, with the exception of Councilman  
Black, previously in attendance were again in attendance.

Councilman Nehls moved the following resolution:

R9: 05/23/13 Authorize Transfer of Committed Affordable Housing Trust Funds

Councilman Franklin seconded the resolution and upon roll call the vote was as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:00 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held on June 13, 2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance  
Deputy Clerk