

BOROUGH OF WATCHUNG

MINUTES

SEPTEMBER 12, 2013 - 7:30 P.M.

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

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

ROLL CALL

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

Also present were Chief Finance Officer Bill Hance, Deputy Clerk MaryAnn Hance, and Attorney Albert Cruz. Engineer Tom Herits arrived at 9:45 PM.

There were 85 members of the public present, and after the presentation 4 remained.

SPECIAL PRESENTATIONS

At this time Mayor Pote deviated from the agenda and asked Councilman Nehls to read Resolution R2 congratulating resident Anthony Volpe for his being chosen for and participating on the winning USA Baseball National Team World Cup Champions. Anthony presented the Mayor with a baseball and program from the event and a t-shirt.

Mayor Pote thanked Anthony and remarked he would now be able to say "I knew him when" if he goes on to become a professional baseball player.

Doug Poswencyk, Director - Watchung Public Library gave an explanation on the current library and also thanked the "Friends of the Library" for all their help raising funds for projects and materials for the library. Mr. Poswencyk then present individual awards to children who participated in the library's reading program during the summer. Mayor Pote congratulated the children for their achievement and asked them to try to get one more child to read. Mr. Poswencyk presented the Mayor with a trophy and thanked him for all his assistance and then presented the Mayor and Council with "gold" cards for the library.

Watchung Library Volunteers Alexandra Benc, Girl Scout Troop #65846 and her sister Anastasia Benc, Juliette/formerly Troop 78 wanted to begin working toward earning their Silver Award, which is the second highest award a Girl Scout can earn. They had to decide on a project that would benefit the community and have a lasting impact. They then decided to dedicate one hundred combined hours to the Watchung Library, where as children, they along with brother Nicholas attended many programs, tracked their reading minutes and looked through the endless number of books to find an interest. The girls started their project by calling local families to remind them about the programs they had signed up for and in July they started the biggest part of their project. This included going to the library at least twice a week to do some "summer cleaning in the children's and young adult sections. They also lead teams of friends and Scouts to remove, clean and reorganize about 20,000 books, which in many cases could not easily be returned to the shelves since there is not enough space to contain the volumes. The girls then presented a petition signed by approximately 60 students requesting the Mayor and Council consider options to renovate the old library or consider the possibility of a new building for the library.

Mayor Pote thanked the young ladies for their volunteer work at the library and complemented them on their presentation to the Council.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported the Borough revenue has improved and does usually improve toward the end of the year. He also reported that acting chief Joe Cina has asked the Police Commission if he can start the screening process to hire two new members. Councilman Franklin also reported that Ms. Kathy Davies is leaving December 31st and it is possible that one of the Dispatchers will move up to that position and the Police Department will then need to hire a new Dispatcher. They would need to hire someone to start training in November. Councilman Franklin also reported that he and Administrator Tom Atkins met with Mark Crane from Warren to discuss the possibility of shared service for recreation. There is nothing being done at this time to replace the Recreation Director position.

Mayor Pote asked the Council members if they are in agreement with having Acting Chief Cina start the screening process and all members agreed with this.

2. Police – Councilwoman Joren reported the Commission met on September 5th. She said they received a request from the PBA to increase the private duty rate. She said Administrator Tom Atkins gave the Commission a report which included when the last increase was and information he compiled from polling other Municipalities. Councilwoman Joren said after reviewing the information it was decided to go ahead with this request and it will now be given to the Administration/Finance Committee for the final decision. She also reported that the Towing Ordinance changes and said there have been no further complaints and the Police Department has enough participants and it is running smoothly. Councilwoman Joren also reported there have been many resident complaints regarding parking on side streets when people are using the gazebo for weddings, pictures, etc. It was suggested the possibility of putting something on the permit when it is applied for.
3. Public Works / Buildings and Grounds – Councilman Nehls thanked the Mayor, Council Members, Fire Department, Rescue Squad, Police Department and a special thank you to Linda Monetti for the wonderful job she did organizing the entire 9/11 Memorial program. Councilman Nehls then reported the Borough now has the Levin Management Agreement for the Johnston Drive project and there is a Resolution authorizing the Mayor and Clerk to sign off on it. He said there are Resolutions on the Agenda this evening accepting Easements and also an Introduction of an Ordinance for acquisition of a temporary construction easement and permanent sewer easement. Councilman Nehls also reported there is a Public Works committee meeting tomorrow, September 13th at 8 AM. They will be discussing the letter received from the Fire Department. Mayor Pote then thanked Councilman Nehls, Councilman Gibbs, and all Council Members for their participation in the 9/11 Ceremony. He also wished to thank Linda Monetti for the outstanding job she did organizing the program for this Ceremony.

4. Public Affairs:

Open Space – Councilwoman Beck-Clemens said she had no report other than their next meeting will be held next Tuesday.

Environmental – Councilman Gibbs reported the Commission met on August 26th and most of the discussion related to the number of trees being taken down in the Borough. They will be checking with the Building/Zoning Departments regarding this. The Commission received a list of native, flowering trees that could possibly be used by contractors to replace those trees they remove. Councilman Gibbs also mentioned the resolution on the Agenda this evening regarding the Highlands Water Protection and Planning Act, which he will discuss later in the evening. Councilwoman Joren asked if the Commission still does walks through properties and Councilman Gibbs said they do but that the Commission wanted to know if they have legal authority to do so on private properties. He also said the next Commission meeting will be held later this month.

Recreation – Councilwoman Beck-Clemens reported the Commission met this past Tuesday and she also said the Yankee game trip was a “huge” success and they are hoping to do more in the future and she thanked Bill Jacques and Linda Monetti for organizing this trip. Councilwoman Beck-Clemens also reminded everyone that the Gerry Mobus Memorial Fishing Derby is scheduled for September 21st from 9 A.M. to 12 Noon, with trophies, prizes and refreshments and finally a reminder that the Harvest Festival is scheduled for October 26th. She also mentioned the next Recreation meeting is scheduled for October 2nd at 7:30 P.M.

Historical – Councilwoman Beck-Clemens reported the Committee is working every day getting everything ready for the “Grand Opening” on October 5th. She also said Mary Ciccolella has completed the work on the Borough Diorama and has done all the signs for the many exhibits in the building. Councilwoman Beck-Clemens also said the Eagle Scout Project is complete and she has completed six interviews for the Oral History of the Borough. She said after the festivities on opening day there will be a concert in the evening at the Art Center. Councilwoman Beck-Clemens thanked Mr. Cruz for all his help in getting the documents together for the Commission to accept donations.

Mayor Pote said the Commission is doing an amazing job on this project and he wished to thank all for the hard work they have done and continue to do to preserve the Borough’s history.

Board of Health – Councilman Black reported the next meeting will be held on Wednesday, September 18, 2013 at 7:00 PM.

5. Fire – Councilman Black thanked Mayor Pote for attending the departments meeting and walking through the entire building to see what needs work. Councilman Black said the department is having trouble getting members to come out for evening/night calls and they are looking into possible incentives to encourage better attendance for these calls. He also said members are looking forward to having the repairs started. Mayor Pote said the list is going to the Public Works and Buildings and Grounds committees.
6. Laws/Ordinances – Councilwoman Joren had no report but said the next meeting is scheduled for September 19th.

REPORTS - OTHER:

7. Engineer – No report was submitted
8. Police Chief – No report was submitted
9. Fire Department – No report was submitted
10. Rescue Squad – Vice President Denise Wilson reported twelve members of the squad attended the 9/11 Ceremony this Wednesday. She said the squad is also looking forward to attending the Municipal Walk and Harvest Festival in October and they have started preparations for the Tree of Lights Ceremony which will be held on Saturday, December 7th. Ms. Wilson said Cadet members Cylan Flynn and Laura Williams, both are juniors at Watchung Hills Regional High School, passed the revised EMT class and the comprehensive NJ State EMT certification exam. This course also required internship time at local hospitals which they completed in an intense 6 week summer program. Ms. Wilson said last month the Squad set up two trauma scenarios and invited the CERT team member to join them and it was very successful for both agencies to work together and they will continue to involve the team and support the partnership. She read the statistics for August, which included 48 calls, and 27 transports. The top responders for the month were Jess Ray, Denise Wilson and Adam Wexler.

Mayor Pote said it sounded like the Squad has been very busy and thanked them for all their work. He also said the CERT Team will be visiting the Squad, Police and Fire Department buildings in the near future.

11. Attorney – Mr. Cruz had nothing to report except there is one item for discussion for Executive Session.
12. Clerk – Ms. DeRocco had no report but reminded all they must respond by Monday for the League Conference.
13. Administrator – No report was submitted

Mayor Pote said his visit to the Fire House gave him a better idea of what needs to be done. He then thanked the Council for their participation in the 9/11 Memorial Ceremony. He also clarified that our new website should be up and running by the end of this month. Mayor Pote said he attended the CERT meeting Tuesday night, which was held to organize the group and select a President, Vice President, Secretary and Treasurer. Members who attended were asked to complete a form for the Police to do background checks and one for the group for contact information.

Mayor Pote then stated there were three items he wished to discuss with the public:

“First. I am referring to the Laws and Ordinance Committee two items. First, in the spirit of increased transparency, I am making a recommendation to the Committee that it make the required changes to the Borough’s Rules of Order to ensure that our Agenda permanently reflect a second public comment portion in each council meeting. If the committee could review my recommendation and come back with their own recommendation, I would appreciate it.

Second, I believe the Borough’s Rules of Order needs to change to reflect the reality of the way the Borough and business operates today in 2013. We need to continue to provide the best possible service to our constituents. As part of this, we need to keep the public informed with the business we conduct. But we also want to run an effective and efficient government whose operations are not delayed unnecessarily. This might mean we need to reconsider what is our current Borough’s Rules of Order. I would like the committee to consider whether the time for the preparation of the Agenda and the correspondence listed on the Agenda be changed.

Third. The Borough has been presented with an unexpected opportunity, the possibility to purchase the Valley Furniture property. This opportunity will only be available for a short period. Within this context, the Borough has started conducting due diligence to determine what price it may offer to acquire the property, including the physical condition of the property. In reviewing the physical condition of the property, potential uses will be considered. In order to acquire property, the Borough will have to adopt an ordinance authoring the acquisition and financing for the purchase. As with all ordinances, the ordinance has to be introduced, published in the newspaper and posted and a public hearing has to be held. Additionally, because this ordinance will likely be a combined acquisition and bond ordinance, four affirmative votes of the Council are necessary.

Further, any contract to purchase the property will be subject to the normal contract contingencies, including the adoption of an ordinance. I wanted to advise you of the current status of this matter. However, because this matter is the subject of negotiations, I am limited in what I can say, and New Jersey state statute provides for Mayor and Council to discuss property acquisitions in executive session. As you can appreciate, the nature of negotiations are discussed in Executive Session so that the other party

is not privy to the Borough's thought process in and whether any offer is made.

Let me conclude by stressing to the public that the Borough Mayor and Council have a responsibility and an obligation to respond to opportunities when they are presented, and not ignore them. These opportunities do not present themselves too often. As part of that, the Borough also has the responsibility and obligation to perform the required due diligence to ensure that it is making the best possible decisions in support of its constituents' long term interests. "

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PUBLIC PORTION / AGENDA ITEMS ONLY

No one from the public desired to be heard.

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UNFINISHED BUSINESS

A Public Hearing on Ordinance **OR:13/11** entitled: "**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF VARIOUS EQUIPMENT FOR THE USE OF THE POLICE AND FIRE DEPARTMENTS IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY, TO APPROPRIATE THE SUM OF \$62,500 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**" was held.

Council President Joren moved a public hearing be held with a second by Councilman Nehls and upon roll call as follows : Joren, Black, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

With no one from the public wishing to be heard Council President Joren closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call as follows: Joren, Black, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

R1:09/12/13 Adoption of Ordinance OR:13/11 - Various Equipment / Police and Fire Department

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below, with the exception of #63 which was pulled for separate vote, were unanimously accepted, following a motion by Council President Joren, and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

Approval of the following Council minutes:
August 15, 2013 Regular and Executive Sessions

Acknowledging Receipt of the following Borough Reports:
Library Advisory Committee - Minutes of June 26, 2013
Building Department Report - August, 2013
Finance Department Revenue Report - May, June, 2013

Acknowledging Receipt of the following Correspondence:

- #59 - Somerset County Bd. of Chosen Freeholders 8/15/13 Resolution authorizing memorandum of agreement with Somerset County OEM re: the distribution of cots and blankets for use during emergency disasters c: M & C, TEA
- #60 - Somerset County Dept. of Public Works 8/19/13 Resolution designating a public hearing on September 10, 2013, for the purpose of amending the Somerset County Solid Waste Management Plan to include Landscape Materials, Inc., for leaf composting c: M & C, TEA, MAH, BB
- #61 - Township of Warren 8/21/13 Notice of Public Hearing on proposed Ordinance No. 13-18 re: an amendment to the Zoning Code - recognizing and protecting pre-existing non-conforming Development in certain zones c: M & C, TEA, DS
- #62 - JCP&L 8/21/13 Notice of filing and public hearings (2) for basic generation service charges on behalf of its default Service Customers; Societal Benefits Charge c: M & C, TEA, BH
- #63 - PSE&G 8/21/13 Notice of filing and public hearings (2) for Energy Strong Program, and for Basic Generator Services, and proposed Recovery c: M & C, TEA, BH

- #64 - NJ Transit 8/28/13 Notice of Public Hearing re: Senior Citizen and Disabled Resident Transportation Assistance Program Hearings c: M & C, TEA
- #65 - Wayne Otto 8/28/13 Letter requesting more attention be directed to the renovations needed to the Fire House, including comments regarding the Borough's maintenance and building improvement expenditures over the last 12 years c: M & C, TEA, AC
- #66 - Wayne Otto 8/29/13 Letter requesting consistency between the Borough's Code and the Council meeting agenda preparations c: M & C, TEA, AC

Council President Joren made a motion to accept #63 with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Franklin, Nehls, Beck-Clemens, "aye," Gibbs, "abstain."

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below with the exception of R6, and R8 which were pulled for separate discussion, were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call as follows: Joren, Black, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

- R2:09/12/13 Congratulating Anthony Volpe - USA Baseball National Team World Cup Champion
- R3: Waive Chapter 6-2.11 of the Borough Code / Fireworks - Rescue Squad Tree of Lights
- R4: Purchases Over \$2,000. - CRJ Contracting Corp.; Mountain View Auto, Inc.; M & M Janitorial Services, LLC.; Penyak Roofing Co.; Communications Specialists; Atlantic Detroit Diesel; PPB (Pioneer Pole Buildings)
- R5: Authorizing a Contract with Somerset County - Community Development Block Grant and Home Investment Partnership Program Activities
- R6: Continuing Support of the 2004 Highlands Water Protection and Planning Act
- R7: Authorize Return of 2013 3rd Qtr. Tax Overpayment - Block 3401, Lot 14
- R8: Authorize Expansion of Contract - Maser Consulting / Structural Inspection 20 Stirling Road, Lot 4401, Lot 6
- R9: Ratification of Motion - Authorize Mayor and Clerk to sign Sewer Agreement with Levin Properties, LLC
- R10: Authorize Return of Duplicate 1st Qtr. Tax Payment – Block 5402, Lot 19
- R11: Authorize Final Payment of Accumulated Benefits – Timothy Wenzel
- R12: Authorize Supplemental Deferred Compensation Plan – Met Life
- R13: Authorize Clerk to Issue Raffle License – St. Mary's Stony Hill
- R14: Authorize Lease Agreement Extension – NJ American Water Co.

Councilman Gibbs then gave further explanation for R6 stating this is to preserve the fresh water resources. He said the Environmental Commission overwhelming supports this Resolution and asked the Borough Council also support this it.

Councilman Nehls moved Resolution R6 with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Black, Franklin, Nehls, Gibbs, Beck-Clemens, "aye."

Councilman Black wanted further discussion on R8 and said he is not in favor of this expenditure. Councilman Nehls explained that this is only to authorize expenditures to get further input in order to determine what the costs would be for either building. This is only for assessing the properties.

Council President Joren moved R8 with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Franklin, Nehls, Gibbs, Beck-Clemens, "aye," Black, "no."

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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.

Introduction of Ordinance OR:13/12 entitled **“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION AND INSTALLATION OF GENERATORS IN THE MUNICIPAL BUILDING, POLICE DEPARTMENT AND FIRE DEPARTMENT IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY, TO APPROPRIATE THE SUM OF \$375,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”** Public Hearing to be held on September 26, 2013.

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

Councilman Nehls said the facilities committee worked very hard to come up with this plan and thanked Tom Herits, and Bob Burns for all their hard work and Mayor Pote also wished to thank them.

R15 : Introduction of Bond Ordinance OR:13/12 - Acquisition of Generators for Borough’ s Facilities

Introduction of Ordinance OR:13/13 entitled **“AN ORDINANCE ACCEPTING SANITARY SEWER EASEMENTS FROM VARIOUS RESIDENTS TO THE BOROUGH OF WATCHUNG”** Public Hearing to be held on September 26, 2013.

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

R16 : Introduction of Ordinance OR:13/13 - Accepting Sanitary Sewer Easements / As Listed
Johnston Drive, Valley Drive

Introduction of Ordinance OR:13/14 entitled **"AN ORDINANCE OF THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT SANITARY SEWER EASEMENT OVER AND UNDER BLOCK 64.03, LOT 14 AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP AND APPROPRIATING \$25,310.00 THEREFORE."** Public Hearing to be held on September 26, 2013.

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

R17 : Introduction of Ordinance OR:13/14 - Accept Temporary Construction Easement and a
Permanent Sanitary Sewer Easement / Block 64.03,
Lot 14

Wildlife Management Advisory Committee/Proposed Deer Survey and Resident Letter:

It was decided by the Council to table this resolution for further review by the Committee and possibly the Laws and Ordinance Committee.

~~R18: Authorize Mailing of 2013 Deer Survey to Residents-TABLED~~

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PUBLIC PORTION - GENERAL DISCUSSION

Wayne Otto, Sunlit Drive, questioned the deer survey and if the Borough is requiring a Certificate of Insurance from a 3rd party. Mr. Cruz said the Hunting Club supplies the Certificate of Insurance and includes the Borough as an additionally insured.

Pete Martino, Sunbright Road, said the members of the fire department are still waiting to see what is happening regarding repairs to the Fire House he said there have been no improvements or response from the Borough to date. He said one of the fire rigs should have been replaced several years ago and they are still waiting for this. Mayor Pote said the Borough received the letter from the Fire Department on August 15th and it will now go to the Public Works/Buildings and Grounds Committee and the Fire Committee for review and prioritizing the list. Mr. Martino also mentioned the East End Fire House needs work and stated the Borough should consider looking at the buildings we have that need repairs before considering any other building purchases.

Wayne Otto, Sunlit Drive, stated he had reported a slip and fall approximately 90 days ago and has had no response and said he would appreciate some type of response.

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

R19: Executive Session: Property Acquisition – 20 Stirling Road, Block 4401, Lot 6

Upon returning to regular session at 11:40 P.M., all members previously present were again in attendance.

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ADJOURNMENT
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There being no further business to come before the Council, the meeting was adjourned at 11:42 P.M. to the Call of the Chair, and to the next scheduled Council meeting will be held on September 26,2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk