

BOROUGH OF WATCHUNG

COUNCIL MINUTES

OCTOBER 10, 2013 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 7:34 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 [A] Nehls [P] Gibbs [P] Beck-Clemens [P]

Also present were Administrator Tom Atkins, Clerk Michelle DeRocco, Attorney Albert Cruz and Deputy Clerk MaryAnn Hance.

There were 11 members of the public present.

At this time Mayor Pote deviated from the agenda and read a Proclamation for the Historical Committee proclaiming October 5, 2013 as Watchung History Day. Mayor Pote said it was an honor to read this Proclamation and commended the Historical Committee for all their long hours of hard work that made this Museum a reality. He also thanked the Council members as a whole for attending Saturday's event and all those who helped before, during and after.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – No Report was submitted.
2. Police – Councilwoman Joren reported the Police are in the process of their bi-annual fire arms qualifications and the next several weekends the Department is teaming up with Warren, Green Brook and Long Hill for active shooter response training, which is mandatory for all officers. She also said they are receiving training for human trafficking which is also required for all officers. Councilwoman Joren also reported the Police are now accepting resumes for the open Dispatcher position. She said the Department has met with the WalMart Management team to discuss the Black Friday sales event.
3. Public Works / Buildings and Grounds – Councilman Nehls reported Engineer Tom Herits is working on the DOT grant application for Deer Run and Cedar Knolls and said that the Cedar Lane and Lakeview Avenue project will be going out to bid soon. Councilman Nehls said Tom Herits met with two architects regarding the Fire Department renovations and once they get an idea of what has to be done for the two bathrooms, the installation of a shower, kitchen upgrades, and ADA improvements, the Borough will then review the costs. Councilman Nehls also reported the Generator bids were opened on October 8th and the low bidder was Unity Electric at \$372,665.46. The three lowest bids will be reviewed by the Borough Attorney and Public Works Committee prior to the award of a contract. Councilman Nehls also reported there is some work to be done at Mobus Field, specifically putting concrete in the dug outs and other equipment upgrades at a cost of approximately \$10,000. Councilman Nehls reported the metal has been removed from the Ness property and the house on Mountain Boulevard is being removed and should be completed by the end of next week. The cost for this is approximately \$12,000. He also reported the committee has quotes to remove the basketball courts, fencing, etc. from Camp Endeavor at a cost of \$48,000.
4. Public Affairs:
 - Open Space – Councilwoman Beck-Clemens reported the committee is happy to see the Ness property moving along. She also questioned Councilman Nehls if the Borough will get more than one quote for the Camp Endeavor property and he said the Borough will be doing most of the work there in house, and a chain to keep people out has been installed. Councilwoman Beck-Clemens said the Open Space Committee will have their next meeting in January.

Environmental – Councilman Gibbs had no report as the Commission is scheduled to meet on October 28th.

Recreation – Councilwoman Beck-Clemens reported the Commission met on October 2nd and reminded all the Harvest Festival is October 26th from 3-5 P.M. with the Tennis Court ribbon cutting will be at 4 P.M. She announced the Texier House Museum will be open at the same time as the Harvest Festival for visitors.

Councilwoman Beck-Clemens presented a sample of proposed signage for the Tennis Courts and asked the Council's for a consensus so that the signs can be made and installed. Mayor Pote questioned the reserved time for the schools asking if we are setting a precedent with the possibility of the schools requesting more time. Councilwoman Joren stated the Borough would like to work with the schools, and if additional time is needed, the school would have to request it through the Recreation Commission. Councilman Black asked if residents need to reserve the courts and Councilwoman Beck-Clemens said not at this time. The courts will be available for a one hour time frame and if no one else is there then they could continue to play, using an "honor" system. The consensus of the Council was to go with the sign as presented.

Historical – Councilwoman Beck-Clemens reported the Historical Committee met October 9th with the next meeting being scheduled for November 13th. The Texier House Museum will now be open on the first and third Sunday of each month from 2-4 P.M. The Committee is in the process of sending out donation letters. Councilwoman Clemens thanked Public Works employee Arthur Wright for all his help during the Saturday event.

Board of Health – Councilman Black had no report, but noted the MiddleBrook Annual Commission meeting will be held on October 28th at 6 P.M. and all members are invited.

5. Fire – Councilman Black stated most items were already discussed by Councilman Nehls but he did thank Councilwoman Joren and Councilman Nehls for attending the meeting at the fire house on the first of this month. He also said Administrator Tom Atkins gave him a report from Gary Greves regarding Fire Prevention week. Gary has been providing programs to the schools this week and the Open House will be held on Sunday October 13th at 12 noon.

6. Laws/Ordinances – Councilwoman Joren had no report.

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 – Denise Wilson reported the Squad attended the 9-11 Ceremony, the Mobus Fishing Derby and a stand-by for the football game. They also attended the Texier Museum opening and the Alliance Run/Walk. Ms. Wilson reported the Squad will be attending the Harvest Festival, and that the Tree of Lights preparation is in full swing with the lighting scheduled for Saturday, December 7th. The Squad is in the process of interviewing 4 adult-full members and one cadet. Top responders were Adam Wexler and Roberto Martinez.

11. Attorney – Mr. Cruz had nothing to report except there is one item for discussion for Executive Session.

12. Clerk – Ms. DeRocco reported that December 6th is the Holiday Party. She also explained that Flags are at half-staff until October 17th as per Executive order from the Governor. This is to honor Staff Sergeant Nicholas Oresko who was the oldest living Medal of Honor recipient, and said he recently passed.

13. Administrator – Mr. Atkins reported Correspondence #75 on the Consent Agenda is from the County regarding the Borough's recycling cost which will remain at \$23.85 per household

Mayor Pote said there has been good feed back on opening the tennis courts early. He also reported the people from the Civil War Re-enactment were thrilled to be here and they appreciated the way they were treated. Mayor Pote also thanked Freeholder Pat Walsh who attended the annual Municipal Alliance Walk and thanked the six members from our C.E.R.T. team who assisted at the event.

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PUBLIC PORTION / AGENDA ITEMS ONLY

#76 - Douglas Sherman 10/7/13 Request to Mayor and Council to amend rules for Rick's Liquor Shop (located in BJ's) to allow for earlier opening on Sundays during the holiday season, and possibly every Sunday throughout the year c: M & C, TEA, AC

Douglas Sherman, Esq. – representing Ricks Liquor, and Michael Cappadona, General Manager, came forward to discuss their request for extended hours. The request is for the Borough to amend the Ordinance and allow them to open on Sundays at 9:00 A.M. instead of 12 Noon. Mr. Cruz asked several questions, in particular the entrance to the liquor store – if it is separate from BJ's, and what hours BJ's have on Sundays. Mr. Sherman stated Ricks is located within BJ's, and BJ's opens at 9 A.M. Ricks, by Borough Code, cannot open until noon, and they feel they are losing a lot of business, and will especially during the holidays. Mr. Sherman confirmed that Rick's only sells packaged goods, although their license could allow consumption if the premises were different. Mr. Cruz said this request

will referred to the Laws and Ordinance Committee for discussion and recommendation, and would have to be on the next Council agenda if the Ordinance is to be amended in time for the holiday season. Mayor Pote asked if this would only be for the Holiday Season or every Sunday, and Mr. Sherman said it would preferred to be able to operate every Sunday throughout the year. Council President Joren said it is best for the Borough and for the local businesses to work together.

Lynda Goldshein, Sherwood Drive, stated it would be in the Borough's interest to allow this change because there is a new wholesale store opening in North Plainfield shortly and they will have a liquor store on site and most likely be open on Sundays. This would take business away from our town.

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UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:13/15 entitled: **"AN ORDINANCE ACCEPTING SANITARY SEWER EASEMENT - BLOCK 4.03, LOT 2 ."** was held.

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

R1:10/10/13 Adoption of Ordinance OR:13/15 - Accepting Sanitary Sewer Easement / Block 4.03, Lot 2

A Public Hearing on Ordinance OR:13/16 entitled: **"AN ORDINANCE PROHIBITING SMOKING AND USE OF SMOKELESS TOBACCO ON BOROUGH OF WATCHUNG OWNED OR LEASED PROPERTY."** was held.

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

R2: Adoption of Ordinance OR:13/16 - Amend Code Prohibiting Smoking on Borough owned or leased property.

A Public Hearing on Ordinance OR:13/17 entitled: **"AN ORDINANCE AMENDING SECTION 11-1.9a OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO CHANGE THE HOURS PEDDLERS MAY PEDDLE IN THE BOROUGH TO 9:00 A.M. TO 9:00 P.M."** was held.

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

Dorothy Addario, Rock Avenue, said she would not like someone coming at 9 AM or 9 PM. to her home.

With no one else 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 the vote was as follows: Joren, Black, Nehls, Gibbs, Beck-Clemens, "aye."

R3: Adoption of Ordinance OR:13/17 - Amend Code - Time Allowed for Hawking and Peddling

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below, with the exception of the September 26, 2013 Regular Council minutes, removed for a correction, were unanimously adopted following a motion by Council President Joren, and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Beck-Clemens, "aye."

Approval of the following Council minutes:
~~September 26, 2013 - Regular session~~
September 26, 2013 - Executive Session

Acknowledging Receipt of the following Borough Reports:
Board of Adjustment Minutes – July 11, 2013
Building Department Report – September 2013
Library Advisory Committee Minutes – September 16, 2013

- #72 - Attorney Steinberg, on behalf of Sunoco, Inc., Scotch Plains 9/23/13 Notice of Public Hearing for Variance to replace sign, and lights on October 3, 2013 c: M & C, TEA
- #73 - Township of Berkeley Heights 9/25/13 Notice of Introduction and Public Hearing on October 8, 2013 on proposed Land Use Ordinance revisions, amendments c: M & C, TEA, TH, DS
- #74 - D. Viapree (Cablevision) 9/27/13 Notice of change to State cable television laws that will result in higher franchise fees for their customers c: M & C, TEA, WH, AC
- #75 - Somerset Department of Public Works 8/26/13 Letter announcing that the Board will continue to hold the current rate of \$23.85 per municipal household for recycling services in 2014 c: M & C, TEA, WH, MAH

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

R4:10/10/13 Authorizing 2014 NJ DOT Grant Application - Knollwood Drive and Deer Run Improvements

R5: Authorize Per Diem Expenses - NJ State League of Municipalities Conference

Councilman Nehls stated R6 is the award of bid for the Johnston Drive/Valley Drive sanitary sewer improvement project, and he wished to thank Mr. John Black, Mr. Lee Purcell, the Public Works Committee, the Mayor and Council and Mr. Cruz for all the work they did to get this project ready. Mr. Cruz stated this Contract is being awarded, however, is conditioned upon DEP approval.

Councilman Nehls then moved R6 with a second by Councilwoman Joren and upon roll call as follows: Joren, Black, Nehls, Gibbs, Beck-Clemens, "aye."

R6: Award of Bid - Johnston Drive and Valley Drive Area Sanitary Sewer Extensions / MSP Construction Corp.

R7: Authorize Implementation of Curfew - October 30, 2013

Councilwoman Joren explained after reviewing the survey pertaining to R8, although this was finally agreed upon by both the Survey Review Committee and the Laws and Ordinance Committee, she has a problem with sending the three permission slips, two of which include cross-bow hunting. She said the Borough Ordinance does not permit any type of bow hunting, therefore, the only slip that should be included should be the shot gun slip. After discussion, it was the consensus of the Council to send only the shotgun permission slip with the deer survey.

Councilwoman Joren then moved to accept R8 deer survey with only the shotgun permission slip, with a second by Councilman Nehls and upon roll call as follows: Joren, Black, Nehls, Gibbs, Beck-Clemens, "aye."

R8: Authorize Mailing of 2013 Resident Deer Survey

There was a question on when the surveys could be ready for mailing Mrs. DeRocco said it is anticipated that the mailing be done by the 17th, with a return date of November 8th. Mr. Atkins noted on the next agenda there will be a resolution to authorize Blue Ridge Sports Club again for 2013 – 2014..

R9: Waive Chapter 2-25.10 of the Code and Purchase Over \$2,000. - Aldrich Masonary Construction, Inc.

R10: Purchases Over \$2,000. - CSM; L-3 Communications Mobile - Vision, Inc.; Wayne H. Boylan Contracting, Inc.

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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:13/18 entitled: "AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF MUNICIPAL LANDS LOCATED ON BLOCK 16.04, LOT 15.01 IN THE BOROUGH OF WATCHUNG TO THE WATCHUNG EXEMPT FIREMEN'S ASSOCIATION, INC." Public Hearing to be held on October 24, 2013.

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

R11: Introduction of OR:13/18 - Authorizing Lease Renewal / Watchung Exempt Firemen's Hall

Introduction of Ordinance OR:13/19 entitled: "**AN ORDINANCE ACCEPTING SANITARY SEWER EASEMENT, BLOCK 45.01, LOT 21.**" Public Hearing to be held on October 24, 2013

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

R12: Introduction of OR:13/19 - Accept Sanitary Sewer Easement / 111 Johnston Drive

Introduction of Ordinance OR:13/20 entitled "**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12-12.76 ET. SEQ., THEREOF AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES.**" Public Hearing to be held on October 24, 2013

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

R13: Introduction of OR:13/20 - Amend Code - Min/Max: Recreation Coordinator

Introduction of Ordinance OR:13/21 entitled "**AN ORDINANCE REPEALING AND REPLACING APPENDIX A PART I RULES OF ORDER OF THE MAYOR AND COUNCIL**" Public Hearing to be held on October 24, 2013.

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

R14: Introduction of OR:13/21 - Amend Code / Appendix A

2013 Best Practices Inventory

Administrator Tom Atkins explained this is a State requirement and municipalities are scored based on yes/no/not applicable answers. The Borough’s score is 42 – we are at 100%. This is important math because it determines State Aid. If we scored 40 or less we could lose State Aid. He explained the scoring system only penalizes for “no” answers.

Mayor Pote questioned if the Borough has supporting documents for the yes answers and Mr. Atkins said we do, and if the Borough has a way to make a “no” a “yes” we would want to do this. Mayor Pote also wanted to know if these are all equally weighted questions and Mr. Atkins said they are.

Mr. Atkins said Councilman Franklin would like the Finance Committee to discuss the questions we could not answer and possibly get changes. Some of the questions to discuss would include:

- #20 policy on utilization of surplus,
- #24-property values, appeals-we do a great job because we have Somerset County.
- Transitional duty for injured employees

Mr. Atkins said the Borough must have three Municipal Officers sign the report. As Administrator he will sign, CFO Bill Hance, and Clerk Michelle DeRocco.

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

R15:10/10/13 Authorize submission of CY 2013 Best Practices Inventory to State of NJ.

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PUBLIC PORTION - GENERAL DISCUSSION

Sue Tucker, Valley Road, thanked the Mayor and Council, former Mayors, present and past Council liaisons, Public Works Department, Bob Burns, Arthur Wright, Fire Dept. , the Police Department, the Rescue Squad, and all the many volunteers for the extensive support given to the Historical Committee to get the Texier House Museum up and running. She also expressed thanks to the 3rd NJ Regiment for the encampment, and Boy Scout troop 32 and the Girl Scouts.

Diddy Addario hopes the Committee's extra time was worth it for the residents of Watchung, saying the Committee wanted to have something our residents could be proud of. She also wanted to give a special thank you to Dennis Kelly of the Echoes Sentinel for all the wonderful publicity he has given this project.

Ralph Diem, Mountain Blvd. said there are still poles and down behind his house from "Sandy". He has reached out to Public Service but has no response. Councilman Gibbs asked Mr. Diem to give him the information and he will try to assist him.

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

R16:10/10/13 Executive Session: Contract Negotiations – PBA Contract.

Upon returning to regular session at 10:16 P.M., all members previously present were again in attendance

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:17 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held on October 24, 2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk

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