

**BOROUGH OF WATCHUNG
COUNCIL MINUTES**

APRIL 17, 2014 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 7:32 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

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

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, CFO William Hance, Police Chief Joseph Cina, and Deputy Clerk MaryAnn Hance.

There were 5 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported the Committee had two meetings this week and discussed the possibility of rezoning the quarry lots. He said our Tax Assessor, Ed Kerwin will be doing an analysis to assess the possible savings for the Borough. Councilman Franklin said they also discussed personnel issues including a job description for the Police Department Administrative Assistant, and further discussions on the compensation time for employees. Councilman Franklin said the Committee will be having a separate meeting to discuss salaries of the non union employees. He said the Committee has authorized the Finance Department to put out the budget books to the Mayor and Council. Mayor Pote asked if a date has been set for the first budget meeting and Administrator Tom Atkins said it is still to be determined.
2. Police – Council President Nehls reported the Police Department needs a full complement of 30 members to qualify for the "Safe and Secure Grant". He said they have a candidate who they previously interviewed who is a veteran, and training, and will only require a minimal amount more training to get him up to the standards required. Council President Nehls said he would like to get the approval of the Council to authorize this hire by May 15th, and said the interview process for promotions within the Police Department should begin as soon as possible. Council President Nehls spoke of a request received from a North Plainfield resident regarding the installation of a new bus stop in Watchung Square Mall, and said both the Police Committee and Police Cina agreed it is not the Boroughs decision to make, it would be N. J. Transits'.
3. Public Works/Buildings and Grounds - Council President Nehls reported the Public Works Department is delivering mulch and they still have approximately 3,000 tons to get rid of. He said the department is in the process of leaf pick up until April 30th and they have also continued do hot asphalt pothole repairs. Council President Nehls said there was a hazardous tree situation on the school path on Pine Lane and Mr. Burns had to have an outside contractor come in to remove the tree top. He also reported proposals were received for lock replacement at the Firehouse and the low bid was \$5,400 and included both the locks and installation. Mr. Atkins said the Borough will take action on this at our May 1st meeting. Mayor Pote questioned if they could include the Texier House and get a better price, and Mr. Atkins explained the Firehouse was a priority, however, he will be discussing the Texier House locks with Bob Burns.

Council President Nehls gave a report for the Planning Board meeting which was held Tuesday evening. He said the Board discussed the Getty Station property and Planning Board member Al Ellis asked Mayor Pote if he would like him to contact the owner of the property to see if they would be interested in selling the property to the Borough. Council President Nehls explained that this is part of the Master Plan, however, he cautions the Council on moving forward with this because this is contaminated property and there are still ground water issues.

4. Public Affairs:

Open Space – Councilwoman Beck-Clemens reported the next Open Space meeting will be May 19th and she said the committee has put in a request to Laws and Ordinance to look into Camp Endeavor and its position on ROSI (Recreation Open Space Inventory).

Environmental – No report was submitted. Mayor Pote reminded all about the upcoming event sponsored by the Environmental Commission which is an educational film titled "Queen of the Sun: What are the Bees Telling Us?". He said this will be held on April 30th, 7:30 – 10:00 PM at the Watchung Hills Regional High School – South Auditorium, and all are invited to attend.

Recreation – Councilwoman Beck-Clemens reported the Commission met on May 7th and she said they are discussing winter programs. She said the Commission is sponsoring a trip on May 12th to Yankee Stadium for the Subway Series (Yanks vs Mets) and the cost is \$65 and includes the bus and ticket. She also reminded everyone that the picnic is scheduled for May 17th from 12-3 with a rain date of May 18th. Councilwoman Beck-Clemens also reported the bathrooms will be spruced up prior to the picnic.

Historical – Councilwoman Beck-Clemens reported the Historical Committee meets 2-3 times each month to continue the sorting all the material they have, and are glad to welcome Lynn Stahl as their newest member. She announced Lynn Franklin is the Representative to the Somerset County Historical Commission. She said the Committee has approved their annual report and strategic plan. Councilwoman Beck-Clemens said the Committee is looking for a veteran to honor at the Memorial Day ceremony. She said April 26th is "Caldwell Banker - Day of Care" and they will be planting at the Texier House. The Committee is considering opening the Museum on May 17th during the Community Picnic.

Board of Health- Councilman Black reported the Board of Health met last evening and discussed pool safety issues and ways to get the information distributed to residents. He said standards and certifications for Board of Health members was discussed. Councilman Black said the Board also discussed the red light cameras and Kevin Sumner explained the State is still doing an analysis on the cameras. Councilman Black said Kevin discussed NARCAN, which is an antidote for heroin overdoses and reported the Governor has authorized its use by Police Departments and Rescue Squads. Councilman Black also reported the Board discussed the possibility of having an Ordinance put in place for mandatory carbon monoxide alarms in all business establishments.

5. Fire – Councilman Black reported the W-3 (newest engine) is at Atlantic Diesel for maintenance because it would not start. This is an injector system problem and it is not the first time this has happened. He also reported the Department lost the Ford Explorer due to an accident and there was a question if this could be replaced, explaining this vehicle is used for transport for training. Councilwoman Beck-Clemens asked if the Borough gives out any incentives for safe driving to our Police or Fire personnel and Mayor Pote suggested discussing this with Council President Nehls. Councilman Black reported for OEM and said Gary Greves is looking at the possibility of having the "brain center" for OEM behind Council Chambers and would like to move forward with this, obtaining and installing a television and other necessary items. He also said Mr. Greves is working diligently on the OEM manual getting it prepared to send to the County and State.
6. Laws and Ordinance – Council President Nehls reported that the Laws & Ordinance Committee will be meeting with the Boroughs' former planner, Mark Healy on April 29th to discuss house sizes. He said the Committee will be asking Mr. Healy to examine a couple of lots that have built large homes and then provide a report to be presented to the Council for review. Councilman Black suggested the study should also include a review of the steep slope ordinance.

REPORTS - OTHER:

7. Engineer – Council President Nehls gave a report he received from Engineer Tom Herits. He said there has been no word on the DOT application for Deer Run and Knollwood. He reported the Mountain Drive drainage project is substantially complete only needing installation of an inlet on East Drive and minor punchlist items. He said the Borough received an email from resident Mr. Berse complementing the project. Council President Nehls said the drainage and curbing improvement project on Lakeview Avenue and Cedar Road is complete and the milling and paving will be done during the summer recess to allow for trench settlement. He said he received a phone call from resident Mr. Ruck who complemented the contractor and Mr. Herits for the great work performed on this project. Council President Nehls also said the Johnston Drive Sanitary Sewer Project is substantially complete and will also be milled and paved during the summer recess. He also reported generators have been released for fabrication and shipment to Watchung is expected the first week of June. Council President Nehls said there was a meeting with the contractor to review an alternate location for the Firehouse generator. He reported the Department of Public Works rockslope report will be reviewed with the Council at the second meeting in May, when Johnson Soils will be present. Mayor Pote noted he will not be at the May 15th meeting.
8. Police - Chief Cina reported an arrest of a woman in early April by the Springfield Police Department, who has been committing credit card theft in the area and is a suspect in similar crimes in Watchung and other states. He also reported there have been a disproportionately high number of Asian & Indian home burglary victims and it is a trend in surrounding counties and other states. The Police Department would like residents to call if they see suspicious activities. He also said Saturday, April 26th is "Medication Take Back" at Police Headquarters 10 AM – 2 PM and any expired or unused medications may be dropped off. Chief Cina said April is Distracted Driving Enforcement month and the Somerset County Prosecutor takes these offences very seriously. He said the fine for a first offence \$130 but these fines are due to increase in July.

Chief Cina said the Department would like to move forward with hiring an additional officer as soon as possible, to bring the Department to full compliment. He said the candidate that they are interested had interviewed the last round and was very good. Mayor Pote asked Chief Cina if he had an opinion regarding putting some sort of box at Police Headquarters to collect unused/expired medication. Chief Cina said the Police Departments' experience with this program has been very popular and as long as the collection box is secure there would be no problem with having one at Police Headquarters. He said the upcoming event the DEA supplies cardboard boxes and we have to have a Police officer there at all times.

9. Fire Department – No report was submitted.
10. Rescue Squad- Donald Monetti gave a statistical report for the month and reported the Squad rigs have been inspected by the State and have passed. He said the Rescue Squad building needs some work and they will be going out to bid soon. Mr. Monetti said the annual fund raiser will start on May 1st. He also reported top responders for the month were Adam Wexler, Noel Monetti and Skip Bell.
11. Emergency Management – Mr. Atkins reported Gary Greves is continuing to work on the annexes.
12. Attorney–Mr. Cruz had no report.
13. Clerk – Mrs. DeRocco reported the newsletter, which included a special flyer for the Environmental Commission’s special movie event, was mailed today. She explained the flyers were hand-stuffed into the newsletter and thanked the Environmental Committee for doing so, and a special thanks to the Borough’s temporary worker Joanne Bowden, for her help. Mrs. DeRocco asked all Council members to sign in to the new email account and said if they had any questions to contact her or Bill Hance for assistance.
14. Administrator - Mr. Atkins had no report.

PUBLIC PORTION / AGENDA ITEMS ONLY

No one from the public desired to be heard.

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilman Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Beck-Clemens, “aye”.

Approval of the following Council minutes:
April 3, 2014 – Regular Session and Executive Sessions

Acknowledging Receipt of the following Borough Reports:
Police Activity Report – March, 2014
Building Department Report – March, 2014

Acknowledging Receipt of the following Correspondence:

- #9 - PSE&G 4/7/14 Notice of Filing and Public Hearing on proposed rate changes c: M&C, TEA,BH
- #10- Township of Warren 4/9/14 Notice of Public Hearing re: proposed Ordinance No. 14-14 amending Zoning Code to prohibit flag lots c: M & C, E, TH, Pl. Board

Council President Nehls reported Mayor Pote asked him to attend a meeting at Somerset County regarding a proposed project named the Pilgrim Pipeline. He said this was a very short meeting and he was provided with very little information. He said from what he understands, this company is proposing the installation of a pipeline from Albany, NY to Linden, NJ, and would be laid along the PSE&G right-of-way, through Watchung. He said the permit process has not started yet. He said he asked but did not receive a list of effected properties. He said more meetings and information will be forthcoming. and he did ask, but did not receive, a list of specific properties, he just received a very general map. Councilwoman Beck-Clemens suggested reaching out to our Governor and our legislators, and the Environmental Protection Agency. Council President Nehls suggested starting with Senators and Assemblymen and he noted Union County is the most effected.

CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilman Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Beck-Clemens, “aye.”

R1:04/17/14 Appointments to Library Advisory Board – Margaret Ellis, Amy Fiorilla,
Vincent Russo

R2: Appointment of Administrative Assistant – Maryann Amiano

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

R3: 04/17/14 Payment of Bills

Councilman Black seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Beck-Clemens, “aye.”

PUBLIC PORTION - GENERAL DISCUSSION

Wayne Otto, Sunlit Drive, discussed his concerns on behalf of some of the small business owners of or in the Watchung Triangle. He said the Master Plan review for the Borough of Watchung was completed in April 2011 and recommendations to the Mayor and Council were for the Historical Overlay Zone for the area of the Triangle to be removed. He also cited the March 14, 2014 minutes of the Village Preservation Commission, noting only two members were present and made decisions about buildings in the Triangle area. Mr. Otto stressed that the actions of this Commission need to be addressed. Mayor Pote said he will discuss the issue regarding the Master Plan with Ed Bennett, and the Land Use Boards. He also said he will look at the Village Center Preservation Committee membership and make sure they have a full membership, which would allow them to make advisory recommendations to the Boards. Mayor Pote said he would review this, and get back to Mr. Otto in one month. Mr. Otto then questioned why his correspondence regarding the unsolicited materials was not on the agenda tonight. Mr. Cruz advised that late last year, the Governing Body adopted an ordinance that amended the Code and provided specific criteria for correspondence to be listed on the agenda. Mr. Otto asked how residents would know if their correspondence has been received and is being addressed by the Mayor and Council, and Clerk DeRocco explained that she sends either a written or an emailed response of acknowledgement, such as the one he received. Mr. Otto expressed his concerns of the unsolicited material, disguised as a newspaper, being tossed weekly on people's properties and driveways, as a security risk, and said a press release from the Somerset County Prosecutor recommended that homeowners to not leave materials such as newspapers in their driveways. He asked if the Borough is in a written contract to permit delivery of these materials, and Mr. Cruz explained there is no written contract, what exists is reasonable regulations of commercial speech voluntarily agreed to by CBA Industries and the Independent Press, which has been memorialized in several letters over several years. Mr. Otto said he believes the Mayor and Council could deem this activity a public nuisance and a security risk. Mayor Pote said at the last Council meeting the Borough took the next steps to discuss resident's concerns with the CBA's representatives. Mr. Cruz said he had invited the CBA's legal counsel to a previous meeting, and these issues were discussed with the outcome being there would be due diligence by CBA and the Independent Press to make sure all materials still remaining in the driveways would be collected by Sunday each week with a follow up on Monday. Mayor Pote suggested that this concern go to the Laws and Ordinance Committee for discussion and Council President Nehls said it could also be discussed with the Police Committee. Mr. Cruz said that residents can call and "opt" out by calling the number that is on the outer wrapper and he also stressed that the Borough does not have a contract or agreement with CBA. Mr. Otto also wanted to be sure that the entire Council was aware of the recent Moody's rating downgrade for the Borough, and have discussed the risks moving forward. Councilwoman Beck-Clemens advised Mr. Otto that it had been mentioned at the last Council meeting, to which Mr. Otto replied that it had not been mentioned in the minutes.

With no other members wishing to be heard Mayor Pote closed the public portion of the meeting.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:55 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held on May 1, 2014, at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance

Deputy Clerk