

**BOROUGH OF WATCHUNG
COUNCIL MINUTES**

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

MAYOR'S STATEMENT: Mayor Pote called the meeting to order 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 [P] Gibbs [P] Beck-Clemens [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, CFO William Hance, Engineer Tom Herits, Chief Joe Cina, and Deputy Clerk MaryAnn Hance.

There were 85 members of the public present.

PROCLAMATION:

Mayor Pote read the following Proclamation: Fibrodysplasia Ossificans Progressive Awareness
(copy attached)

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At this time Mayor Pote announced he would like to deviate from the agenda and open the Public Portion regarding Agenda Items only and asked if anyone wished to come forward for comments or questions.

PUBLIC PORTION / AGENDA ITEMS ONLY

Margaret Ellis, Valley Road, presented additional donation envelopes to the Council and said to date they have collected \$1,015. She said the \$1.30 was never about fundraising but an expression of residents wanting a library.

John Santucci, Mountain Boulevard, presented the Council with a check for \$232.00 which, with the help of William Kinder and Michael Matuteussi, collected by selling lemonade and cookies to help raise funds for a new library. Mayor Pote commended the boys and the Boy Scouts for their initiative and hard work raising these funds for the library.

Alberto Jorge said he is an Army vet he has a daughter who is autistic and the Watchung Library has helped to mainstream her. He said there are more important things to consider other than money.

Virginia Hartmann, Ellisen Road, asked where tonight's resolution came from, who wrote it, and why there was no transparency. She said this was not one of the options previously mentioned at the May meeting.

Martin Carroll, Valley Road, said the tax increase is minimal, the Borough does need a Community Center, and he is willing to pay for it. He said our library is a treasure and he urges the Council to take out a bond for it.

Vincent Buono, Ridge Road, said he feels the library should go out to vote as a binding referendum.

Wendy Ruta, Orchard Road, said she is not a long time resident, however, the first people she met were at the library. She said Watchung does not have a "downtown" area and the library is not just about books, we need a community center.

Anand Rangrajan, Valley Road, has no children in the schools but he does use the library and feels it is a vital part of the community.

Anastasia Benc, Lakeview Avenue, said she performed a Girl Scout project at the library for her Silver Award and they previously came before the Council in support of the library and feels it is an important community resource. She said there is not enough space in the current library, no room to sit at tables.

Mr. Engelmeyer, Valley Road, does not feel it is a financial issue and he wants the Council to preserve the community as it is.

Lynda Goldschein, Sherwood Drive, said even though we have too much debt now it is not the time to get fiscally responsible. She said she is in support of a new library. She also wants to know why we don't turn down grants for streets, if the amount of the grant does not cover the cost of the entire project.

Debra Downs, High Tor Drive, said there was a very time consuming and professional approach to a recommendation of a new library when the Library Study Committee completed their research. There is a need for an elevator, space for tutors, and community center and if we have to wait three more years we should do it right the first time. She said the Council should not be asking people to raise 1.5 million for a "bandaid". She said the volunteers are more than willing to raise funds for a new library, not a renovation.

Wayne O'Boone, Cardinal Drive, said a new library is not a wise investment. The Warren Library is right up the road and he believes this issue should be voted on by the public.

Tamara Benc, Lakeview Avenue, said school libraries are only open during school hours and are not available to the general public. She said the volunteers are committed to raising funds but only for a new library because the current library is beyond repair.

Tom Roughneen, Pine Lane, said the Resolution currently on the agenda is an insult to all those who worked so hard to come up with solutions. He asked the Council to tell the residents where they stand why start being fiscally responsible now?

Juliet Cheng, Knollwood Drive, said she the library feels like home and she meets friends there.

Kathryn Onufreiczuk, Washington Drive, said a library is needed in town and older people do also enjoy the library, it is not just for children.

Stuart Homer, Sherwood Drive, said it would be a detriment if Watchung does not have their own library.

Doris Fine, Johnston Drive, questioned where our tax dollars should go, and said we would be paying into the Warren Library if ours were to close, just like we do with the High School.

Ingrid Fine, Stanie Glen, said the current library is a fire hazard and the Borough needs to look ahead to the future.

Diana Churchill, High Tor Drive, said she was surprised to see this Resolution and the \$25,000 suggested in it to acquire and hire an engineer to evaluate the structure to renovate the current library is not a good choice, since this was it was extensively evaluated by SSP in 2002. She feels this is only a tactic to drag this out and asked why spend more money for something already done.

Selena Adrianzen, Johnston Drive, said Warren can't handle any additional children and the Council should make the right decision.

Virginia Hartmann, Ellisen Road, said the Resolution does not say anything about Warren and the Council must address our current problem.

Debra Downs, High Tor Drive, said the Council should not vote yes on this Resolution and this issue should go back to the table and the Council should come up with a fiscally responsible plan.

Pam Lewis, Johnston Drive, and Rachel Funcheon, Cedar Road, questioned the status of the proposed Pilgrim Pipe Line and asked if the Mayor and Council are doing anything to discourage this because it is a danger to our residents and our environment, and there is no benefit to the Borough. They urged the Council to pass a resolution opposing this as other towns have done. Pam Lewis said she is a teacher and is in favor of the library. Mayor Pote said the Borough does not have much information on the pipeline at this time. He said the Borough has sent letters to those residents who are in the right-of-way that we believe will be used if this goes through and have only received one or two responses.

Amy Watkins, Upper Drive, said she opposes the current Resolution as there is no timeline. She said the Council is counting on citizens to raise funds before a bond resolution would be introduced and said it would take at least two years to raise \$500,000.

Conner Cheng, Knollwood Drive, said this is a small town and we need our own identity including a library and community center.

Ryan McLaughlin, Diamond Court, said he is getting frustrated coming to these meetings and he wants to know what the Council did with the petition that was presented to the Mayor. He said the Borough needs to act now.

Dave Miller, Lakeview Terrace, said he does not support a new library because there are three fine libraries in nearby towns. He does not want to see the Borough go further into debt.

Dennis Backos, Brook Drive, said he takes his children to the library weekly and said if the Borough can afford a new library to go for it, if not hold off.

Spiro Unis, Wildwood Terrace, supports a new library and questioned if the four million dollars is a realistic number and if not, what is an actual estimate.

Tom Perucci, Hughes Lane, said he is not against the library but the town has other issues that need to be addressed, including the Fire Department and Rescue Squad. He said business owners need to know we have the infrastructure to protect them.

There being no other residents wishing to be heard Mayor Pote closed this public portion and asked if Council members had any comments.

Councilwoman Joren thanked all who are here this evening and noted there were more supporters in attendance but she said the Council has to consider all residents. She said she does support Resolution R10 which she feels is the best compromise. Councilwoman Joren said she believes we do need a library in town but not as large as previously proposed, and does not support sharing a library with Warren. The current library could be renovated with possibly less books on shelves and replace shelves with tables, chairs, etc.

Council President Nehls said he understands people do not want to go to Warren but we have to compromise and come up with a viable solution. He said there are other issues the Borough has to deal with. Councilman Nehls said he wished the people present this evening would come to more meetings when the Council is discussing needed work on roads, the rock wall, vehicle replacements, etc. He does endorse Resolution 10.

Councilwoman Beck-Clemens agrees with Council President Nehls and Councilwoman Joren. She does support the library but looking at the budget there are many other important items to consider and this is a compromise. She said she believes the current building can be renovated and still have necessary items.

Councilman Black said this is what the Borough is able to afford and feels this is the best option to get things moving and fix what we have sooner than later. He said there are some funds available in the budget that can be put toward a renovation.

Being no other comments Mayor Pote requested Council President Nehls read the Resolution.

Council President Nehls moved the following Resolution with a second by Councilwoman Joren:

R10:07/17/14 Establishing Outline of Steps to Secure the Future of the Watchung Library.

Prior to the vote Mayor Pote asked for any discussion by the Council.

Councilman Gibbs said it is his desire to support the library. He said we need a library, however, he is not sure if renovating the current building is the way to go. He said he believes Resolution R10 is too limiting and is not supporting it. He said people need to see options with all cost estimates and practicality.

Councilman Franklin spoke as one of the senior members of the Council and stated this is an ill-conceived Resolution with all other options being put aside. He then had several questions for Councilmembers. He asked how a library renovation resurfaced and where did the 1.5 million figure come from. He also questioned why the renovation of the building is now being given top priority without equal consideration to the other options. Councilman Franklin asked the Council why they think fund raising would be the same for a renovation vs a new building because most in favor of a new building will not do any fundraising if it goes towards a renovation. Councilwoman Joren said the renovation option did not just resurface that it was looked at as a possibility with all other options and this would be the most cost effective and Council President Nehls agreed. Councilwoman Beck-Clemens said the 1.5 million figure is all the Borough can afford and this is a cap and this is renovation vs a new building at 4.5 million. Councilwoman Joren said fundraising will not only be dependent on residents but we will be looking for grants from Federal and State. Councilman Black stated this is not something written in stone but it is an option to get the Borough moving forward now. Councilman Nehls said all Councilmembers had seen this information for the Resolution. Councilman Franklin said the renovation option only came about after recent discussions with County Committee members and he also wanted to know if the capital outlay is the same why would we choose the renovation. Councilwoman Beck-Clemens said the 1.5 million is the cap the Borough can afford vs 4.5 million for a new library.

Mayor Pote asked what the time frame would be to hire an Engineer and Architect and Councilwoman Beck-Clemens said it would be as soon as possible. The Mayor and Council, as one of the requirements of this resolution, will be appointing an Advisory Renovation Oversight Committee consisting of four citizens experienced in construction and project management, and the Borough Engineer, to review the renovation work. Mayor Pote also said voting on this Resolution is losing our vision for the town.

Mayor Pote thanked all for their thoughts, input, and insight and said residents have a right to know his opinion. He said it is time for Watchung to build a new library and community center that meets the needs of the community and he is still hoping that R10 is pulled this evening. He said we need a new library, and yes, we have debt but he believes Watchung can afford a new library that the Mayor and Council have always been fiscally responsible. The Borough should do it right the first time.

With the motion to move R10 on the table, the Roll Call vote was as follows: Nehls, Black, Joren, and Beck-Clemens, "aye"; Franklin, Gibbs, "nay."

REPORT OF STANDING COMMITTEES

1. Administration & Finance – Councilman Franklin reported the Committee met on Monday, July 14th and discussions included employee positions and the salary ordinance. He also said other issues discussed were a sewer utility, which they are hoping to have more data on by August 1st; the Weldon property zoning issue; and the sanitary sewer fees for a condo vs a home. He said these are being reviewed by Tom Atkins and Bill Hance. Councilman Franklin further reported there are still a few Capital improvement items that need a price tag before finalizing. He said the 5 year Capital improvement items can be moved up or down on the priority list.
2. Police – Council President Nehls reported there was a meeting this evening to discuss PBA grievances which will be further discussed with the PBA & Labor Attorney. He explained the Borough has fifteen working days to come up with a decision and if the Borough decision goes against the PBA they have the right to appeal to Council.
3. Public Works / Buildings and Grounds – Council President Nehls had no Public Works report. He gave a report for Skip Bell who was not present, on behalf of the 9/11 Memorial Committee. He said the Committee has granite from the old base of the Statue of Liberty which they intend to use as a fund raiser.
4. Public Affairs:

Open Space - Councilwoman Beck-Clemens had no report.

Environmental Commission – Councilman Gibbs had no report. He said the Commission decided not to meet in June and July.

Recreation Commission – Councilwoman Beck-Clemens reported the Commission is working on improvements to the Mobus Playground. She also reported there will be a fishing camp August 4-8 and a summer tennis camp August 12-14 for eighth grade through high school. She said Jeff Isaacs is moving along on his Eagle Scout Project.

Historical Committee – Councilwoman Beck-Clemens reported History Day is September 27th and Sue Tucker is working on getting a book together on the Borough Volunteer Committees. She said once Sue has the information she is hoping to set up tables with volunteers distributing this information to residents on History Day. Councilwoman Beck-Clemens said there is now an exhibit for Chris Ingrassia at the Museum and they are hoping to have the living history video finished by September 27th.

Board of Health - Councilman Black had no report, but announced the next meeting will be September 17th at 7:00 PM.

Councilman Black then reported on Green Brook Flood Control Commission information regarding the Upper Basin (Connell Site) which is now be looked at again by the Commission. The Commission will be pulling out all the old plans to see if they are still applicable. They are under time constraints, and if they may lose the monies they have received. They have had dialogue with the County Freeholders regarding this and they may be able to utilize the gorge better.

5. Fire Department - Councilman Black said there was a meeting tonight with Councilman Gibbs also being in attendance. He said they discussed the floor in the Firehouse and the need to repair the pads, reporting it would cost \$15,000 for the two pads. Councilman Black said a suggested replacement for the floor was Supratile which has a lifetime guarantee at a cost of \$23,000. The Firehouse also needs a ventilation system which is a mandatory requirement and this would cost \$20,000. Mr. Atkins asked if this was in the renovation project and Tom Herits said it was not. Council President Nehls said this should be discussed with the Buildings and Grounds Committee. Tom Herits said the floor is a safety issue due to it being slippery. Mr. Atkins said this will be discussed with Chief Carlucci possibly to use FEMA money.

6. Laws/Ordinances - Councilwoman Joren said they will try to schedule a meeting this month. The Committee did meet with Health Officer Kevin Sumner to discuss the Grease Trap Ordinance and she hopes to have a report from him. They are also discussing the issues of snow removal around fire hydrants, reimbursement of mailboxes damaged by our plows. She said the Committee will be further discussing fees.

REPORTS - OTHER:

7. Engineer – Tom Herits reported Mountain Drive was a successful project only needs punch list items to finalize it. He also reported the Johnston Drive sewer project is complete, including paving and striping, and Lakeview and Cedar Roads were paved today. Mr. Herits said the floor plans for the Firehouse renovation are basically complete and the next step will be to go to the Buildings and Grounds Committee and the Council to get approval to prepare drawings to go out to bid. He said work has been started on the generator installations with wiring done on Municipal Building, and gas and electric will be started tomorrow at the Firehouse, Police Department has not been started yet. Mr. Herits said the ring net breaking system has been repaired at the rock wall and he also asked if we need something to go out for RFPs. He also said they are working on getting prices for ground cover for the “fall zone” at the Mobus Playground.

Mayor Pote asked when assessments will be going out to the residents for the Johnston Drive Sewer project and Mr. Herits said they will be going out as soon as an Assessment Committee is appointed and they review the project and produce a report. After a public hearing on the report, if approved, the residents will be assessed. Council President Nehls said a report was received from Maser regarding the geophysical inspection of the Ness property. He said two areas have been identified as contaminated areas between the two streams.

8. Police Chief – Chief Cina gave statistics for year to date on calls, arrests, and accidents which he said are only up slightly from last year. He said the opiate antidote program will be coming to Somerset County shortly and there are two of our officers already registered to take the training course on August 1st. Chief Cina said as soon as these officers are trained they will then train all other officers and the department will then be able to carry and administer the antidote. He then reported on promotions within the Department and new assignments. Det./Sgt. Scott Anderle will be promoted to Lieutenant and Officer Pete LaVecchia will be promoted to Sergeant. He said the Department will also start looking for a replacement for the vacancy created by the tragic loss of Chris Hoffmann.

9. Fire Department - No report was submitted

10. Rescue Squad – Denise Wilson gave the statistics for the month and reported the Squad’s ambulances are in good shape. She also reported members are now certified to administer Narcan. Ms. Wilson said the Annual Fund Drive was a success and these funds help to purchase medical supplies, uniforms and toward purchase of ambulances when needed. Mayor Pote asked about tours of the Squad’s facility and she said she sets these up with schools and organizations.

11. Emergency Management – Administrator Tom Atkins reported Mr. Greves has submitted additional annexes to the County for review and the balance will be completed and sent in August.

Mayor Pote said the Borough received a \$100,000 Grant from the State (FEMA) and we will be checking on possible use for these funds. Mr. Herits said he will check on what this can be used for.

12. Attorney – Mr. Cruz had no report other than there is an item for discussion on Executive Session.

13. Clerk – Deputy Clerk – Ms. Hance had no report but reminded Council it is bill paying night to please sign before they leave.

Mayor Pote asked if CFO, Mr. Hance has anything to report. Mr. Hance reported he spoke to Assessor Ed Kerwin who will be scheduling a meeting with Weldon very soon.

14. Administrator – Mr. Atkins said Mr. Cruz has established requirements for the 124 Stanie Brae issue, and we will wait to see if those are received.

UNFINISHED BUSINESS

A Public Hearing on Ordinance **OR:14/14 entitled: "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12.76 ET SEQ., THEREOF, "PERSONNEL POLICY," AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES."** was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, 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:

R1:07/17/14 Adoption of Ordinance OR:14/14 – Salary Min/Max

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below through correspondence #23, were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren. Upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye." Prior to vote Councilman Gibbs requested item #24 be pulled for separate vote.

Approval of the following Council minutes:
June 19, 2014

Acknowledging Receipt of the following Borough Reports:
Board of Health Minutes – April 16, 2014
Building Department Report – June, 2014
Historical Committee Minutes – July 9, 2014

Acknowledging Receipt of the following Correspondence:

#23 – James Jackson 7/3/14 Letter of resignation as Community Service Director, effective June 27, 2014 c: M & C, JR, Court

Following a motion by Council President Nehls and a second by Councilwoman Joren the vote on correspondence item #24 was as follows: Nehls, Black, Franklin, Joren, Beck-Clemens, "aye;" Gibbs "abstain."

#24 - PSE&G 7/3/14 Notice of Filing and Public Hearing for Rate Adjustment – BGSS Commodity Charge c: M & C

CONSENT AGENDA RESOLUTIONS: Consent Agenda resolutions were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

R2:07/17/14 Authorize the Return of Unused Bulky Waste Permit – D. Goode

R3: Purchases Over \$2,000. – GeoStabilization International, Winner Ford, Watchung Electric & Contracting, LLC

R4: Authorize Amendment to Developer's Agreement – Avalon Watchung

R5: Appointment to Fire Department / Junior Member – Spencer Adriaanse

R6: Award of Professional Service Contract / Johnston Drive, Valley Drive, Final Assessment Report - Lee T. Purcell Associates

R7: Resolution Appointing Hearing Officer for Disciplinary Matter

R8: Authorize Return of Fee for Mulch Delivery – B. Zdatny

R9: Authorize Return of cancelled construction permit fee – Ryan Heating and Cooling

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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 Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye;” Black “abstain.”

R11: Waive Chapter 2-25.10 – Gray’s Florist

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

R12: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION

Doris Fine, Johnston Drive, suggested the Borough should reach out to neighboring Union County towns who will also be affected by the proposed Pilgrim Pipeline, and contact the refinery company in Linden as she has heard from a good source that heard the Linden Refinery may not accept the pipeline proposal. Mr. Cruz said he has a problem with contacting a private company but it would be alright to contact other towns. Councilman Gibbs agrees with Mr. Cruz and said the Borough can make known their opinion through a Resolution. Councilman Black questioned if Councilman Gibbs would be able to vote on the Resolution and Councilman Gibbs said he will have to speak to Mr. Cruz prior to the vote.

Ms. Fine then questioned the contract that the Borough has with the Plainfield Humane Society saying that it is a “kill shelter,” explaining that she had spoken to them and they told her that after 7 days, they kill the stray cats that they pick up. Councilwoman Joren said she adopted a cat from them that had been there for at least four years. Ms. Fine would like the Borough to look into other options for the Borough Animal Control. Councilman Nehls said we did have Roxdane Kennels prior to Plainfield but they did not want to renew when their contract was up. Mr. Cruz said Roxdane Kennels did not work out for the Borough. Mr. Atkins also said he had spoken to Mr. Cook of Roxdane and he said they did not want to continue with Watchung. Mr. Atkins said our 3 year contract with Plainfield is expiring December 31, 2014 and the Borough will look for other options, however, there are very few locations if any.

Lynda Goldschein, Sherwood Drive, in regard to Resolution R10, questioned why four members of the Council were able to meet without following the Open Public Meetings Act. Councilman Black said there was no meeting, all discussions were by phone calls and all members were informed of what was discussed and the Resolution is the result of these discussions. Ms. Goldschein again questioned where this Resolution came from and Mr. Cruz said there was a full discussion on these issues in the earlier portion of this meeting and there will be no further discussion tonight. Mrs. Goldschein then said she feels the Council members who are in favor of this resolution were influenced by the Republican Committee members. Councilwoman Joren said she will not accept this accusation, and said she is not influenced by them or anyone else, and that she makes her own decisions. Councilwoman Joren told Ms. Goldschein that her comments were inappropriate and invalid.

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

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

R:07/19/14 Executive Session: Property Acquisition - Block 7008, Lot 31.03

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

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 12:10 AM to the Call of the Chair, and to the next scheduled meeting to be held on August 21, 2014 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk