

**BOROUGH OF WATCHUNG  
COUNCIL MINUTES**

**AUGUST 21, 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 [ P ] Gibbs [ P ] Beck-Clemens [ P ]

Also present were Administrator Tom Atkins, Clerk Michelle DeRocco, Deputy Clerk MaryAnn Hance, CFO William Hance, Engineer Tom Herits, and Chief Joe Cina. In Attorney Albert Cruz's absence, Attorney William Robertson was present.

There were 40 members of the public present, and after the presentation, 7 members of the public remained.

**SPECIAL PRESENTATION:**

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, and Beck-Clemens, "aye."

R1:08/21/14 Authorize Police Department Appointments:  
Lieutenant / Anderle  
Sergeant / LaVecchia

Council President Nehls then provided a brief background for both officers.

Mayor Pote administered the Oath of Office to Lt. Scott Anderle as his wife Candyce held the Bible.

Mayor Pote administered the Oath of Office to Sgt. Peter LaVecchia as his wife Eileen held the Bible, and his step-daughter and infant son were at his side.

**REPORT OF STANDING COMMITTEES**

1. Administration & Finance – Councilman Franklin reported there was a meeting held on August 11<sup>th</sup> and said the zoning issue on the Weldon was still on-going. He also reported that the \$100,000 OEM Grant we received cannot be applied to the generators. Councilman Franklin also said the administration of the extra duty pay for off duty officers hired by outside work was also discussed, and the Fire Department equipment requests are being forwarded to Councilman Nehls for further review by the Public Works Committee. Councilman Franklin said the Committee is working on a draft Sewer Utility Budget and he explained the revenue and expenditures would be handled separate from other budget items. He also said the Capital Plan for 2014 that is on the agenda this evening will require a Bond ordinance. Councilman Franklin spoke about an anticipated change in the tax bottom line in 2017, due to a bond taken out by the School in 2002 which will be due that year.
2. Police – Council President Nehls said there was no Police Committee meeting held this month.
3. Public Works / Buildings and Grounds – Council President Nehls reported that Public Works continues to fill potholes; the catch basins have been repaired; the loose stone has been cleaned from the roadways on Washington Rock Road and Phillips Lane; and the School Crosswalk signs have been installed on Lakeview Avenue. He also reported that the fountains have been repaired at both lakes, and vegetation has been trimmed away from the sidewalk around Watchung Lake. Council President Nehls also reported a new mail slot and box has been installed next to the Tax Office door, a hot water heater has been replaced at the public works garage and the annual testing has been completed on UST at the Firehouse. He said there was a Public Works Committee meeting this week and they discussed a list of 25 items that need to be addressed. He said the lower Orchard sanitary sewer line is eroded and this has been moved up on the list. He also said drainage issues on Guinard Drive, Acorn Road, Glen Eagles must be looked at. Council President Nehls said some of the monies can possibly come from an old bond ordinance for these projects. He then mentioned other items that were discussed

including paving all of Washington Rock Road; the netting repair at the Rock Wall, improvements to the Mobus Field Playground including the basketball court repairs and the roof on the pavilion, Administrator Tom Atkins said the decision was to allocate a \$100,000 and did not include the pavilion. Councilwoman Joren said the playground equipment must be repaired because this is an insurance concern. Councilwoman Beck-Clemens said there is \$19,000 in grant monies which the Borough can look into using first. Council President Nehls said there is a Resolution on the agenda to authorize advertising for proposals for the Rock Wall repair. He said the Mayor and Council will be asked to look at the proposal prior to being released.

4. Public Affairs:

Open Space- Councilwoman Beck-Clemens had no report.

Environmental – Councilman Gibbs had no report, and said the next meeting will be August 25, 2014.

Recreation – Councilwoman Beck-Clemens reported the Fishing Derby will be held on September 20<sup>th</sup> from 9 AM to 11:30 AM and the Texier House will be open at the same time. She also reported the Harvest Festival will be held on October 25<sup>th</sup> from 2-5 PM with a rain date of October 26<sup>th</sup>.

Historical – Councilwoman Beck-Clemens reported that History Day is September 27<sup>th</sup> and there will be two new exhibits and hopefully the video will be ready. She also said the Eagle Scout Project is just about complete. Councilwoman Beck-Clemens said special lighting is going to be installed, which will help preserve the historical information on display.

Board of Health - Councilman Black had no report – the next meeting will be September 17<sup>th</sup> at 7:00 PM.

Councilman Black also reported on the Green Brook Flood Control Commission. He said there was only a memorial services this month, however, a regular meeting is scheduled for next month.

5. Fire - Councilman Black reported things are moving forward on the ventilation system and the concrete pads. Mayor Pote asked Mr. Atkins if he would be further discussing the flooring during his report and Mr. Atkins said he would.
6. Laws/Ordinances - Councilwoman Joren reported a meeting was held on August 11<sup>th</sup> and the Committee further discussed open issues. She announced Health Officer Kevin Sumner is now handling the grease trap inspections and, if needed, referrals to the Borough's Construction office for plumbing inspections. She said Board of Health Secretary MaryAnn Hance, will be handling the incoming grease trap inspection reports and issuing reminder letters to those who have not complied. She also said the "no parking" signs for Lakeview Terrace and West Drive should be installed shortly. Councilwoman Joren also said the Committee is working on the language for the placards for notification of violation of our snow ordinance regarding snow that is shovelled or pushed into the roadway, explaining these will be "warning cards" with general language. She said other discussions included the reimbursement for damaged mail boxes due to snow plowing and said Mr. Cruz said this would be set by a resolution. Councilwoman Joren said the Committee is still looking at the possibility of merging the Planning and Zoning Boards and they hope to bring in both chairs to discuss this and then have a work shop with the Mayor and Council. She also reported sewer fees are being discussed by John Black, Administrator Tom Atkins, CFO William Hance, and Attorney Albert Cruz. She said the Committee is looking at the possibility of a change in the property maintenance code for vacant properties to include a charge to maintain these properties and also increasing the parking summons fees and all other fees in the Borough. Councilwoman Joren said the Committee had been looking at the house sizes in the Borough and she said they reviewed a list of homes demolished and rebuilt from the Construction Office and there was no consensus from the Laws and Ordinance Committee and will be requesting a review by the full Council.

**REPORTS - OTHER:**

7. Engineer – Tom Herits reported the DOT grant for Knollwood Drive must be applied within 18 months. He also said the State will be accepting new grant applications in October. Mr. Herits said the Lakeview/Cedar projects are complete and ready for the assessments, and generators are on the pads and being wired. Mr. Herits then reported he met with Robby Roberts from Weldon regarding the Rock Wall remediation and explained that Weldon will break up the rock

and build a catch basin berm at the bottom of the rock slope. He also said Barry Craft, who is the Mine Safety Chief at the State, is in agreement with this remediation plan. Mayor Pote said Mr. Cruz should be consulted prior to authorization in regard to a Certificate of Insurance and any other legal issues. Mayor Pote said we should make sure all bases are covered prior to any agreement. Mr. Herits said there are time constraints for this work to be done since it is getting close to Weldon's busy season. Councilwoman Beck-Clemens suggested there could be an emergency meeting if the Borough needs to move quickly. Mr. Herits said there will be RFPs for the netting portion for the Rock Wall.

8. Police Chief – Chief Cina congratulated the two officers on their promotions. He also mentioned the recent passing of former Chief George King, who was chief from 1984-1997 and was an officer starting in 1958. Chief Cina reported said the deadline for submitting resumes for the open police officer position has closed and the department received 150 applications. He said all applicants must have either a PTC Certification or a Class 2 Certification to qualify. Chief Cina also reported that two officers have received instruction for administering the Narcan antidote and he said Somerset Medical has donated the first round of the antidote kits to the department. He also reported that William Stankan and Kenneth Boyle attended a radar training course and they will instruct others within the Department. Chief Cina also reported there is a Medication Drop off scheduled for September 27<sup>th</sup>. He said both he and Lt. Kelly have been working with the Municipal Court Staff with the new schedule, and announced that only the Court sessions will be held in Watchung with all other Court business to be taken care of in North Plainfield. Councilman Gibbs asked if the County will be holding a “gun buy back” program again and Chief Cina said it has been discussed but there are no details at this time. Chief Cina said there was an incident today when the contractor working on the installation of the generators hit a gas line. The building was evacuated until it was deemed safe to return after the line was repaired and inspections were done. Mayor Pote asked Chief Cina to follow up with PSE&G to see how this could have happened. Chief Cina said the utility companies were out prior to the work being performed to “mark out” locations. Councilman Gibbs asked if occupants were just evacuated to the parking lot and Chief Cina said yes. Councilman Gibbs suggested possibly having someone from PSE&G come and give suggestions on how to respond.
9. Fire Department – Chief Carlucci wanted to thank North Plainfield and Berkeley Heights Fire Department for covering for the Borough while our Department was busy with the gas line break at Police Headquarters. He also reported the Department has one new member online. He said all yearly maintenance is completed, and the Department has acquired another property for conducting a drill. Councilman Franklin asked if the volunteer sign on the truck had received any hits and Chief Carlucci said there were three so far.
10. Rescue Squad – Denise Wilson reported on the statistics for the month. She also reported there are three new members, and that squad members attended a class on Narcan and are certified to administer the antidote which will be on the rigs. Ms. Wilson also said the Squad is already preparing for the December 6<sup>th</sup> annual Tree of Lights Ceremony.
11. Emergency Management – Administrator Tom Atkins said Gary Greves has submitted a few more annexes to the County for review. He also said that he had a preliminary meeting with Gary Greves and Michelle DeRocco to discuss possible suggestions for the use of the \$100,000 grant monies received.
12. Attorney – Mr. Robertson had no report.
13. Clerk – Mrs. DeRocco reminded Council member to sign the bill list before leaving this evening. She also said newsletter articles are due to MaryAnn by August 31<sup>st</sup> and she said a reminder will be in the newsletter regarding the issue of dumping snow in the street.
14. Administrator – Mr. Atkins said he it had been hoped the Ordinance for the Capital Plan for this year (2014) would be introduced tonight. He said there was a good meeting last week with the Public Works Committee and they wished to give Council more time to look at some things prior to the introduction of the Ordinance and once discussed, an Ordinance could be introduced at the September 4<sup>th</sup> Council meeting. He said he has sent a lot of documentation to the Mayor and Council on where things are at this time. Mr. Atkins then gave a key summary of the funding in certain areas which includes the rounded off cost for Firehouse renovations. Mr. Atkins said items 1-4 on the list were all endorsed by the Administration/Finance Committee. Mobus Field improvements included the basketball court repair (items 1-4) and these were endorsed by the Administration/Finance Committee, and items 1 and 2 were also

endorsed by the Fire Committee. He said item 2 is for \$25,000 to be put into the already \$289,000 set aside for a new fire truck, even though we will not be purchasing one at this time. He said item 4 (Mobus Field) was discussed previously by Council President Nehls, Councilman Franklin, and Councilwoman Joren to include \$100,000 in the Ordinance and he said Councilwoman Beck-Clemens said they also have approximately \$19,000 in grant monies to use toward this. Mr. Atkins said the Borough can use broad language in the Ordinance regarding Mobus Field. He also said Council President Nehls had given a very factual report and suggested using the Borough's previous adopted Ordinance as much as possible. Mr. Atkins said it would be a good idea to do the entire Washington Rock Road if possible. He also said the Borough will have to appropriate \$500,000 for the Knollwood/Deer Run project which we received a grant for \$190,000 from the State. He said there is a correction on item 6 – it should be \$55,000 not \$50,000. Mr. Atkins said Engineer Tom Herits is working diligently to get a final number together for the Firehouse renovations. Council President Nehls said there are two sanitary sewer lines that must be repaired and input is needed from Tom Herits and Bob Burns to increase the amount needed to \$350,000. Councilwoman Beck-Clemens said the Finance Committee has really pared things down to come up with this Capital Budget. Mayor Pote asked if anything in the budget included Allen Pond and Councilwoman Joren said the Public Works Committee had some discussion on it but it is not on the agenda at this time. Councilman Gibbs said the Fire House Renovation estimate was higher than he expected and Council President Nehls said this was why he requested the Bond Ordinance be put off until the September 4<sup>th</sup> meeting. Tom Herits said he asked the Architect to be conservative on the cost estimate and this estimate includes all costs. Mr. Atkins said the Ordinance can be done for September 4<sup>th</sup> but there could be a separate one for the Fire House. Councilman Gibbs would just like an understanding of the work to be included for the Firehouse but all members of the Council would like everything in the Ordinance. Mr. Atkins told the Mayor and Council he and Bill Hance will contact Bond Counsel to move forward with the Bond Ordinance. He also said if the Bond Ordinance is introduced September 4<sup>th</sup> the monies would not be available until the middle of October and if Council were to postpone longer it may not be available until sometime in November.

Mayor Pote asked if Bill Hance had anything to discuss and Mr. Hance said the Auditors finished their field work last week and we should be getting the report from them in the next month or so.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Mayor Pote asked Shelini Parikh to come forward to discuss the Farmer's Market.

Ms. Parikh said the Green Team has several new members and they have been working on efforts to earn sustainability certification, explaining that one of the actions that qualifies for credits is a Farmer's Market. Ms. Parikh then discussed the benefits of a Farmer's Market and how it would not only benefit local farmers, but also initiate social gathering within the community and allow residents access to fresh local goods. She said she has previously sent packets to the Mayor and Council outlining the details including when the event will be held this year which includes 5 Sundays from September through November. The event will be held on Brookdale Road from 8 am – 1 pm. She explained that earning this certification would make the Borough more environmentally responsible and would also make the Borough eligible for more grants. The Mayor and Council felt that this was a great idea and they had a few minor questions regarding the number of vendors. Ms. DeRocco said Ms. Parikh has worked very hard on this project and there is a lot of excitement on this.

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**UNFINISHED BUSINESS**

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below 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."

Approval of the following Council minutes:  
July 17, 2014, Regular and Executive Sessions  
August 11, 2014, Special Meeting

Acknowledging Receipt of the following Borough Reports:

- Police Activity Report – June, 2014
- Planning Board Minutes – February 18<sup>th</sup>, April 15<sup>th</sup>, and May 20, 2014
- Board of Adjustment Minutes – February 2<sup>nd</sup>, March 13, 2014
- Building Department Report – July, 2014

Acknowledging Receipt of the following Correspondence:

- #25 - Dr. Mohamad Husain 8/4/14 Letter of resignation as a member of the Board of Health, Effective August 5, 2014 c: M & C, TEA, Bd of Health
- #26 - Township of Berkeley Heights 8/14/14 Notice of Public Hearing on Zoning Board application #21-14, proposed three (3) family home within 200’ of Borough property C: M & C, TEA, TH
- #27 - Township of Franklin 8/18/14 Resolution calling for the reinstatement of NJ’s participation In the Regional Greenhouse Gas Initiative c: M & C, TEA

Councilwoman Joren commented on the lateness of the Planning Board and Board of Adjustment minutes, she said this is unacceptable and would like to see this corrected.

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**CONSENT AGENDA RESOLUTIONS:** Consent Agenda resolutions, with exception of R2 and R4 which were pulled for further discussion, 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: 08/21/14 Opposing Proposed Pipeline
- R3: Authorize Clerk to Issue 2 Raffle Licenses – Rawhide Rescue Inc.
- R4: Purchases Over \$2,000. – Pinto Brothers; KCG, Inc.(2 PO’s); City Connections; East Coast Emergency Lighting (2 PO’s); Watchung Service Center; El Coronado; The Rodgers Group; Armor-Tuff Flooring; A&J Contractors Group Inc.; Clean Air Company Inc.; M & M Janitorial Services LLC
- R5: Authorize Agent for Purpose of Obtaining Junk Titles and or Saleable Titles / EZ Car Title
- R6: Certify General Fund 2014 - 2015 Tax Levy: Watchung Board of Education
- R7: Certify General Fund 2014 - 2015 Tax Levy: Watchung Hills Regional Board of Education
- R8: Appointment to Village Center Preservation Commission – M. Weber
- R9: Appointment of Assessment Commissioners / Johnston Drive, Valley Drive Sanitary Sewer Improvement Project: D. Pote, G. Ingrassia, D. Speeney
- R10: Authorize Payment of 2013 for Annual Reassessment Program – E. Kerwin
- R11: Authorize Installation of (1) Monitoring Well on Spratford Park – Tyree Environmental
- R12: Authorize Temporary Closure of Brookdale Road on for Farmers’ Market
- R13: Authorize Mayor and Clerk to Sign Employment Contract – Chief Joe Cina
- R14: Authorize Donation of Surplus Equipment to Watchung Board of Education – 1989 Toro Groundskeeper
- R15: Authorize Change Order, Final Payment, and Accept Project – Improvements to Lakeview Avenue and Cedar Road / A&J Contractors Group Inc.
- R16: Authorize CFO to Issue Refund – Cancelled Tennis Program / Rachelle, Sahay
- R17: Authorize Clerk to Advertise for Proposals – Additional Analysis Rock Wall Conditions at Municipal Facilities on Somerset Street

Councilman Gibbs recused himself and stepped down from the dias. Council President Nehls mentioned there was an article in the news regarding a release of thousands of gallons of jet fuel from the Pipeline owned by this company in Linden. Council President Nehls then moved R2, with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Beck-Clemens, “aye”.

Councilman Nehls requested that the purchase order for Armor-Tuff Flooring for the Fire House be removed from the resolution until further information is obtained. Council President Nehls then moved R4, with the exception of Armor-Tuff Flooring and Councilwoman Joren seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

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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.

Proposed Ordinance OR:14/15 entitled: "AN ORDINANCE ESTABLISHING AN OFFICE OF EMERGENCY MANAGEMENT IN THE BOROUGH OF WATCHUNG." was read. Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

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

R18:08/21/14 Introduction of Ordinance OR:14/15 entitled "AN ORDINANCE ESTABLISHING AN OFFICE OF EMERGENCY MANAGEMENT IN THE BOROUGH OF WATCHUNG" Public Hearing to be held on September 4, 2014.

Proposed Ordinance OR:14/16 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FOR A PORTION OF PROPERTY LOCATED AT 1353 JOHNSTON DRIVE AND KNOWN ON THE TAX MAPS OF THE BOROUGH OF WATCHUNG AS BLOCK 74.03, LOT 17 TO THE BOROUGH OF WATCHUNG." was read. Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

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

R19: Introduction of Ordinance OR:14/16 entitled "AN ORDINANCE ACCEPTING A DEED OF DEDICATION FOR A PORTION OF PROPERTY LOCATED AT 1353 JOHNSTON DRIVE AND KNOWN ON THE TAX MAPS OF THE BOROUGH OF WATCHUNG AS BLOCK 74.03, LOT 17 TO THE BOROUGH OF WATCHUNG." Public Hearing to be held on September 4, 2014.

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

R20: Waive Chapter 2-25.10 of the Code – Skip Bell, Gray’s Florist & Greenhouse

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

R21: Appointment to Green Team – Cameron Black

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".

R22: Payment of Bills

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**PUBLIC PORTION - GENERAL DISCUSSION**

Virginia Hartmann, Ellisen Road, said there was an informal meeting of Library Committee members. She said Councilman Nehls stopped by and was asked if he could give an update on what is being done at this time and he would not give one, and when asked about what was being done to hire a structural engineer she said he said he was "calling around." Ms. Hartmann said this was unacceptable that an RFP should be issued for a structural engineer. She also said the Committee would like a monthly update on the progress. Council President Nehls said he did not say he was "calling around" and he has contacted at least two, one of them being T & M who has done work for the Borough previously. Councilwoman Joren said that T&M is a highly recommended company. Mayor Pote said the full Council should understand what is being done regarding the Library and that the right questions are being asked. Council President Nehls said all is being done as the Resolution stated. Mayor Pote said reports on the progress should be submitted monthly. Councilman Franklin said whoever is hired to do the Structural report that they will still have to come in front of the full Council.

John Olivio, Phillip Lane, asked Engineer Tom Herits when the approved tree plantings will be installed around the monopole near his property, and Mr. Herits responded that it will be done in the fall but he is waiting to learn what Mr. Olivio would like. Mr. Olivio thanked the Borough for changing the box for tax payments, and asked when he could expect an answer regarding reimbursement of his late fees for the two checks that were lost. Councilman Franklin said he and the Administrator will work on resolving the issue and Mayor Pote asked for a final decision by the next Council meeting.

Pete Martino, Sunbright Road, thanked the Fire Commissioner for the “volunteer’s needed” banner. He also suggested possibly waiving some fees for the volunteers as an added incentive and said the Department is looking forward to having the firehouse brought up to standards.

## **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:15 PM to the Call of the Chair, and to the next scheduled meeting to be held on September 4, 2014 at 7:30 P.M.

Respectfully submitted,

*MaryAnn Hance*  
*Deputy Clerk*