

# **BOROUGH OF WATCHUNG**

## **COUNCIL MINUTES**

**OCTOBER 2, 2014 - 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order 7:35 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 [A]    Franklin [P]    Joren [P]    Gibbs [A]    Beck-Clemens [P]

Although not present at roll call, Councilman Gibbs arrived at 7:40 PM

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

There were 15 members of the public present, and after the Special Presentation 2 members of the Public remained.

### **SPECIAL PRESENTATION**

2014 Summer Reading Awards

Mayor Pote called forward Library Director Doug Poswencyk to present the Summer Reading Awards to the children in attendance.

Mr. Poswencyk said these awards are given to the children who read 5,000 minutes over the summer. He gave the awards out to each of the top ten readers over the summer and one "special award" to Mayor Pote. Mr. Poswencyk introduced Keith McCoy, Assistant Director of the Somerset Library System who spoke briefly about circulation, and a future move toward electronic media instead of printed materials. He said in the next few weeks they will be announcing that they will be one of two libraries in the State who will be offering online access to the New York Times and in November they will be adding an online periodical data base. Mr. McCoy reported on renovations being done in other community libraries in Somerset County and he said the County is looking forward to working with Watchung on their new or renovations to the library. Councilwoman Joren asked if Mr. McCoy would come back to one of the Council meetings in the near future to answer any questions, since much has happened since the July meeting and he said he would be glad to. Mr. Poswencyk thanked the Children's Librarian Sharon Orlando who was also present, for putting the summer reading program together.

### **REPORT OF STANDING COMMITTEES**

1. Administration & Finance – Councilman Franklin reported the Admin/Finance Committee has not met since the last Council meeting but there is one scheduled for October 13<sup>th</sup>. Councilwoman Beck-Clemens asked if Borough Hall was closed for Columbus Day and if it is the date should possibly be changed. Councilman Franklin said there is a Resolution on the Agenda this evening to authorize the submission of CY 2014 Best Practices Inventory to the State of NJ, but suggested discussion be held when the Resolution is moved.
2. Police - Council President Nehls had no report but said Chief Cina will be at the next Council meeting to give a report.
3. Public Works / Buildings and Grounds – Council President Nehls reported Public Works employees have been working at Mobus Field Playground where they removed all the old equipment and are digging up the area to prepare for the drainage and it is hoped the new equipment will be installed next week. He also said Linda Monetti was getting quotes for the repair and painting of the Pavilion which had incurred much damage over the summer months. He said it is hoped everything will be completed prior to the Harvest Festival and he thanked Ms. Monetti for all the work she did in getting these projects started. Council President Nehls said Tom Herits is moving forward to get the salt shed in place so Public Works can get the Borough supply back to the town from the County. Mayor Pote asked if all the generators are in place and Mr. Nehls said they are but the test runs have to be done. He said Mr. Herits has to set up a schedule with Public Service. Councilwoman Beck-Clemens then asked if there has been any conclusion

regarding the structural engineer for the Library yet. Council President Nehls said the Committee is in the process of obtaining RFP's including resumes and required documentation for the work, and a list of similar projects the companies have done. He said he hopes to have this by the next Council meeting.

Mr. Atkins asked about a letter the Borough received from Tiger Realty regarding a sewer connection plan. Council President Nehls said there are some issues that must be addressed on this and he will be referring this to the Public Works Committee for discussion. He said Mr. Herits will be advising the Committee on what is happening with this and it may have to go to the DEP and possibly Mr. Purcell may have to be involved in this. Councilman Gibbs asked who would be paying for this work since this is a private property, and Council President Nehls said this is very complex, including DEP applications but the individual would pay for this, not the Borough.

4. Public Affairs:

Open Space- Councilwoman Beck-Clemens asked Council President Nehls for a status update for the Ness Property. Council President Nehls said Maser has been onsite to do testing on the soil for contamination. He said Maser will take soil borings to find the "clean location" and they must set boundaries for the contaminated areas. Mayor Pote asked if they are taking site checks in all the areas and Council President Nehls explained that they take as many areas as possible, but noted there is always the possibility that the borings do not test positive but contamination could turn up after excavation.

Environmental – Councilman Gibbs reported there was a meeting held on September 22<sup>nd</sup>. He said an Eagle Scout would like to do a project to build four bat houses, two at each of the lakes and the cost would be \$150.00. Councilman Gibbs asked Ms. DeRocco to make copies of the map where these would be located. He said they measure 27" x 6" and must be 15' above ground – facing the sun at all times with the inside temperature at between 80-100 degrees. Mayor Pote asked if Councilman Gibbs looked at the flight path and Councilman Gibbs said the bats would only be flying over the lake areas. Councilman Gibbs then reported on several concerns regarding a tree disease that has been identified on three properties in the Borough. This is the "Ash Yellow" disease and explained that can destroy the Ash Tree population and there is no cure, other than to remove the tree.

Recreation – Councilwoman Beck-Clemens reported the Commission would like to have Alternate #1, Mike Onuska, fill an unexpired term as a member. She also reported the new playground equipment has been delivered and all the old equipment has been removed by our Public Works employees and preparations are being made to grade the area and then put down stone, mesh fabric and mulch on top of that. Councilman Gibbs questioned the mulch and said he thought it was supposed to be the rubber matting under the equipment that was previously discussed and is shown in the picture in the newsletter. Councilwoman responded that it was too expensive. Councilwoman Beck-Clemens also reported the Mobus Fishing Derby was a huge success. Sixty-four children attended and 46 fish were caught. She said a special thanks goes to Karl Baulme who set up the measuring board and the board to list names of those who caught fish. Councilwoman Beck-Clemens reported the children's tennis program had 15 signed up, the adult program not as many, and the mens basketball will be starting shortly.

Historical – Councilwoman Beck-Clemens reported the History Day was a fantastic event, with the Rescue Squad, Fire Department, Girl Scouts, Boy Scouts, Wilson Memorial Church, Watchung Garden Club, CERT team members, and Friends of the Library attending. The war re-enactment was also a huge success. She said the Historic Committee members continue to catalogue items. Mayor Pote thanked everyone who helped with this special event.

Board of Health - No report was submitted.

5. Fire – Councilman Franklin reported that Chief Carlucci did get prices for the flooring and most of them are for an epoxy system. He said this type of flooring is guaranteed for one year and trucks cannot be brought in with chains on the tires. Councilman Nehls said he had requested information from Bob Burns said that all of this information should go to the Public Works Committee for further discussion. Councilwoman Beck-Clemens questioned the status of trucks to be inspected and Mr. Atkins said the Borough received one proposal with two different options and he will be looking to get information regarding the Rogers Group, who performs this service for Police Departments. Councilwoman Beck-Clemens then questioned where the Borough is for the Architect for the Firehouse improvements and Councilman Nehls said his understanding from Tom Herits is that additional information is required and once received plans can be finalized and it will then go to the Public Works Committee for discussion. He said the renovation cost is over \$300,000 and the Borough may not be able to do everything at one time. Councilman Nehls said

the extension the Fire Department has requested is over \$30,000. Mr. Atkins said it was his understanding that the Chemical Engine Company was paying for the extension and suggested Councilman Nehls check with Tom Herits. Mayor Pote asked if the information will be coming to the full Council for review prior to finalizing and Councilman Nehls said it will go to the Public Works Committee, the Finance Committee and to the Mayor and Council for final approval.

6. Laws/Ordinances- Councilwoman Joren had no report the scheduled meeting was cancelled, but will be setting up a meeting as soon as possible.

**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 – No report was submitted.
11. Emergency Management – Mr. Atkins reported that Mr. Greves has submitted all but two of the annexes to the county.
12. Attorney – Mr. Cruz had no report but said he had two items for Executive Session.
13. Clerk – Ms. DeRocco reported that next week is Fire Prevention week and that the poster presentation by Mr. Greves will be done at the school this year. She also confirmed that the Borough will be hosting a Mayor’s Roundtable meeting on December 10<sup>th</sup>, with officials from other communities where the proposed pipeline is anticipated to be installed. Speaking at this meeting will be a representative from PHMSA, a division of the US DOT, who will speak about pipeline regulations, inspections, and what this infrastructure would mean to municipal emergency service teams, in addition to the benefits for a town that hosts the infrastructure. She said that notice was received of a meeting in Kinnelon where the law firm that represents the Pilgrim Pipeline was scheduled to speak. She explained that we reached out to this law firm as asked if they would like to come to Watchung and speak to our representatives, and they responded that they already met with Watchung Borough Officials. Mrs. DeRocco explained that he was referring to the very brief meeting that Councilman Nehls attended where we were initially notified of this proposed project, and there was very little information at that time to share. She said the Law Firm suggested that the Borough send someone to the Kinnelon meeting, or they will speak by phone to Mayor Pote or other members of the Governing Body. Mrs. DeRocco said she is speaking with Kate Millsaps of the Sierra Club to set up a meeting in the near future for our residents to voice their concerns.
14. Administrator – Tom Atkins had no report.

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**PUBLIC PORTION/AGENDA ITEMS ONLY**

No one from the public desired to be heard.

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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 Councilman Franklin and upon roll the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Approval of the following Council minutes:  
September 18, 2014, Regular and Executive Sessions

Acknowledging Receipt of the following Borough Reports:  
Police Activity Report – August, 2014  
Recreation Commission Minutes – June 4, 2014  
Board of Health Minutes – June 18, 2014

Acknowledging Receipt of the following Correspondence:

#30 - Somerset County Bd. of Chosen Freeholders 9/26/14 Resolution authorizing a consulting services contract for residential energy aggregation services c: M & C, TEA, BH

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**CONSENT AGENDA RESOLUTIONS:** Consent Agenda resolutions:

Council President Nehls moved the following resolutions

- R1:10/02/14 Authorize Submission of 2015 DOT Grant Application – Valley Drive Improvements
- R2: Authorize Appointment / Youth Services Commission - Maria Alberto
- R3: Purchases Over \$2,000. – Kamback Bros., LLC
- R4: Authorize Halloween Curfew
- R5: Award Contract / Municipal Energy Audit Program – Ciel Power
- R6: Resolution of Support – Priority Investment in Somerset County / Phase 3
- R7: Authorize Per Diem Expenses - NJ State League of Municipalities Conference
- R8: Authorize Clerk to Issue (2) Raffle Licenses – Garden Club of Watchung

Councilman Franklin seconded the motion and upon roll call the vote was as follows: Nehls, 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.

**2014 Best Practices Inventory**

Mr. Atkins explained the State set up this “Best Practices Inventory” requirement to improve municipal efficiency in an effort to get towns to be more systematic and efficient.. He said some of the questions change yearly while others remain the same, and noted that if a town does not meet the point requirement they could lose State Aide. Mayor Pote asked Chief Finance Officer Bill Hance where the Borough is regarding points and Mr. Hance said we have 43 points. Councilwoman Joren questioned several of the items that were listed on the inventory as “no’s” and Mr. Hance explained the reasons for some, and responded these will be addressed for the future reports. Mayor Pote asked if comments could be included on the report in the future and Mr. Hance said he could add comments.

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.”

- R9:10/02/14 Authorize submission of CY 2014 Best Practices Inventory to State of NJ

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.”

- R10: Waive Chapter 2-2.5 of the Code – Gray’s Florist

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**PUBLIC PORTION – GENERAL DISCUSSION**

No one from the public desired to be heard.

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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, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

R11:10/02/14 Executive Session:

Contract Negotiations – Weldon Materials, Inc. / Donation Agreement  
Attorney-Client Privilege and Personnel - Andrew Baldassarre

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

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:50 PM to the Call of the Chair, and to the next scheduled meeting to be held on October 16, 2014 at 7:30 P.M.

Respectfully submitted,

*Mary Ann Hance*  
*Deputy Clerk*