

BOROUGH OF WATCHUNG

COUNCIL MINUTES

NOVEMBER 6, 2014 - 7:30 P.M.

MAYOR'S 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, Attorney Albert Cruz and Administrative Assistant Shelini Parikh.

There were 3 members of the public present.

SPECIAL PRESENTATIONS:

New Jersey American Water – Presentation to Fire Department

Mayor Pote invited forward Mike Bange and Charlie Gunther from NJ American Water to present a donation of a Panasonic Toughbook Computer to the Watchung Fire Department. Mr. Bange indicated that Watchung is one of three towns, Garwood and Union being the other 2 towns, which received a Panasonic Toughbook. Tom Carlucci, Chief of the Watchung Fire Department graciously accepted the donation and thanked NJ American Water for playing an active role in the community. Mayor Pote also thanked NJ American Water for their generous donation.

Jersey Energy Group – Somerset County Energy Aggregation Program

Wendy Muller and Molly Whilesmith, representatives from Concord Energy Services (CES), were invited forward by Mayor Pote to proceed with a

presentation regarding a County approved Energy Aggregate Program. Councilman Gibbs requested consent from Mayor Pote to recuse himself from this presentation. Ms. Whilesmith explained that Concord Energy Services and Jersey Energy Group were appointed by the Freeholders, via Resolution in October, to form the newly established Somerset County Energy Cooperative. The power point presentation led by Ms. Whilesmith, which was also made available via hard copy to Mayor Pote & Council, outlined the steps for a residential energy aggregation program. A Community Aggregation program would give the Borough the opportunity to bulk purchase electricity from a third party supplier rather than using the local utility default rate which in turn would give residents of the Borough an opportunity to obtain a discount on their energy costs. The program would be managed by CES, which would be responsible for educational outreach to the participating communities, preparation of Requests for Proposal (RFP), and for handling opt-out requests. The program would require the Borough to pass an ordinance authorizing the program and also to sign a Cooperative Pricing Agreement & Jersey Energy Group Agreement. Once completed by all of the participating communities, CES would oversee the bid process and the bids received would be reviewed and awarded by Somerset County. The rate secured by the winning bid would be locked in and would not change until the agreement expired and was guaranteed to never exceed the PBU default rate. Residents who are already utilizing a thirty party energy supplier would not be automatically enrolled in the program. All other residents utilizing PSE&G and JCP&L would automatically be enrolled in the program, however would have the option to opt out at any time without penalty. Ms. Muller answered a series of questions from the Mayor Pote & Council as well as the Borough Attorney, Mr. Cruz in regards to information provided. Mayor Pote, Council, and Mr. Cruz thanked Ms. Muller and Ms. Whilesmith for their time and presentation.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance- Councilman Franklin reported that the Administration/Finance Committee has a meeting scheduled for November 10th, 2014 and intends on following up on several items both new and old.
2. Police- Council President Nehls reported that he intends on scheduling a Police Committee meeting later this month. Council President Nehls also pointed out that Councilwoman Joren informed him that the Watchung Police officers stationed in high traffic areas on Halloween not only ensured public safety but they also handed out candy to children.
3. Public Works / Buildings and Grounds- Council President Nehls reported that the repairs on the collapsed rock wall on Somerset Street have been completed by Weldon. He expressed his satisfaction with the quality of work performed by Weldon and thanked them for their services. Councilman President Nehls discussed an email that he received from Tom Hertis, the Borough Engineer, in

regards to the Department of Labor (DOL) inspection of the rock wall and how the DOL representative was impressed with the work performed. Council President Nehls explained that Weldon requested a letter of approval from the DOL, which the DOL generally does not issue. Council President Nehls advised that Mr. Hertis, will work with DOL to obtain a letter of approval for compliance purposes. He also mentioned an inspection from PEOSH which is scheduled for Friday 11/7/2014. Council President Nehls referenced a report by "Johnson Soils" which provides recommendations to help prevent any future erosion on the rock wall. Mayor Pote suggested a periodic review of the rock wall which he felt would be beneficial in light of the recent damage and repairs. Council President Nehls agreed with Mayor Pote's suggestion and advised that the costs for an annual inspection be included in next year's budget. He then moved on to report that an inspection for the Generators from PSE&G has been scheduled for November 12th, November 13th and November 14th. He advised that the electrical changeover for the generators would be completed by the end of the month if the inspections went well. Council President Nehls reported that the paving, milling and painting of lines have all been completed on Anderson & Washington Rock Road. Council President Nehls and other Council members commended Tilcon's work on the paving of the two roads. Council President Nehls congratulated Councilman Gibbs, Councilman Black and Mayor Pote on their re-election and he said he looks forward to working with them in the future. He reminded Mayor Pote & Council that the resolution to award the structural engineer for the Library was on the agenda for today's meeting.

4. Public Affairs:

Open Space- No report submitted. Councilwoman Beck-Clemens stated that the Open Space Advisory Committee was waiting for an update on the Ness property.

Environmental- No report submitted. However, Councilman Gibbs reported that the Environmental Commission did meet a few weeks earlier when Mayor Pote & Council had a special meeting. Councilman Gibbs will follow up with the Environmental Commission Chairwoman for meeting details.

Recreation- Councilwoman Beck-Clemens reported on the Harvest Fest was and said that it was the best event in town for quite some time. She commended Linda Monetti, Carolyn Solon, Dave Mobus and the Department of Public Works (DPW) staff for their efforts. Councilwoman Beck-Clemens reported that there was an increased presence of young people this year at the Harvest Festival and said she would like to see new recreation events geared towards families. Councilwoman Beck-Clemens reported on the new playground equipment, which was opened at the Harvest Fest, and how a few small tweaks such as installing a ramp are pending. Councilwoman Beck-Clemens proceeded to report that the Recreation Commission has received quotes for the pavilion roof replacement and replacement of the concrete floor which has been forwarded to Buildings & Grounds. She stated that this was included in the Capital budget but she needs to verify if there are sufficient funds remaining in the Recreation Commission's

budget. Mayor Pote inquired if the bathroom at Mobus Park has been evaluated for repairs. Councilwoman Beck-Clemens advised that this was discussed in last night's Recreation Commission meeting and it was suggested that if the concrete floor is being replaced, it would be wise to replace the commode. She advised that even though the Recreation Commission would like to replace the commode, they want to ensure that it is done in a manner that does not damage the existing pipes. Council President Nehls advised that the roof was in the bond ordinance, however the concrete floor was not. Since he is aware that the Recreation Commission has concerns about the conditions of the floor he will request the Borough Engineer to evaluate the floor conditions before proceeding with any repairs. Councilwoman Beck-Clemens requested that DPW clean some old netting at the Pavilion along with some mud nests and also address a cable at the Tennis Court. Council President Nehls advised that the cables were already fixed at the Tennis Court. She concluded her report by stating that 24 people registered for the Tennis program and that Mah Jong will meet regularly on Fridays from 2PM to 4PM.

Historical – Councilwoman Beck-Clemens reported that the Historical Committee will meet next week and that to date 214 people have signed the Register book at the Texier House. The Historical Committee is very excited that Hippolite Texier's great granddaughter is scheduled to visit town on November 16, 2014. The Texier House will be open on December 6, 2014 from 2PM to 4PM for her arrival since Ms. Texier will bring some photographs with her for display. Councilwoman Beck-Clemens also reported that the next Historical Committee meeting is scheduled for November 12, 2014.

Board of Health-Councilman Black reported that the next Board of Health meeting is scheduled for November 19, 2014. He discussed some emails that he has received from the Board of Health regarding Ebola and indicated he will report additional information at the next meeting.

5. Fire- Councilman Black reported that the Fire Department met on Monday November 3, 2014. He reported business as usual and that Administrator Atkins met with Chief Carlucci and Bob Burns regarding the Public Works staff assisting the Fire Department. Councilwoman Beck-Clemens inquired about the progress with the architect and Councilman Black indicated that he has had several discussions with Mr. Herits about proceeding forward with the bid process. Council President Nehls said that Building & Grounds has not had an opportunity to meet with the architect yet and would like Mr. Hertis to arrange a meeting with the architect, Mayor Pote & Council prior to the bidding process. Councilman Black reported that Chief Carlucci had expressed concerns regarding outdoor lighting at the Fire Department and he would like to see the lighting repairs expedited. Councilman Black thanked Administrative Assistant Shelini Parikh for pursuing a FEMA AFG grant for the Fire Department and indicated Paul Ost would be forwarding over information requested to Ms. Parikh very soon. Administrator Atkins, said that he was glad Councilman Black brought up this topic as there were a few obstacles in proceeding with the grant application

which were most likely going to be addressed after a productive conversation with Mr. Pivnichy. Councilwoman Clemens inquired when the Borough would be able to obtain quotes on an inspection for Fire Apparatus. Administrator Atkins advised that we currently have 2 quotes, one from MISTRAS and the other from the Rodgers Group which would be discussed further at the Finance and Administration meeting scheduled for November 10, 2014. Councilman Gibbs asked if Administrator Atkins could inquire with both groups if they had the capability to inspect the Fire Department organizational structures and make recommendations on stipends. Administrator Atkins indicated that this information can be obtained from the National Fire Academy or the Rodgers Group. Councilman Black proceeded to report on the Greenbrook Flood Control Commission and voiced his concerns regarding keeping the project going in light of several areas in Middlesex not being able to obtain easements which are vital. He also expressed concerns regarding continued funding for the Greenbrook Flood Control Commission and urged Mayor Pote and Council to have a presence at future 2015 meetings regarding the plans for the upper basin.

6. Laws/Ordinances- Councilwoman Joren reported that the Law & Ordinances Committee had a meeting earlier that evening and she would be providing a report at the next meeting.

REPORTS - OTHER:

7. Engineer- No Report.

8. Police Chief- No report.

9. Fire Department – No Report.

10. Rescue Squad- No Report.

11. Emergency Management- No Report.

12. Attorney- Mr. Cruz reported that a public assessment meeting for the Johnston Drive/Valley Drive Sanitation Sewer project was held last Wednesday on October 29, 2014 and approximately 14-16 residents attended. At the meeting a number of residents requested that the 180 day connection requirement be extended for 6 months due to the winter season and holidays approaching. Mr. Cruz advised that he already discussed this request with Kevin Sumner at Middle Brook Regional Health who was receptive to approving the extension. Councilman Black said that Mr. Sumner did request an approval letter from Administrator Atkins, Mayor Pote and Council indicating they approve this extension. Mr. Cruz does not believe that the extension would have any financial impact on the Borough. It was the consensus of the Council to allow an extension through an oral motion. Mr. Cruz said he would advise Kevin Sumner to place this on his agenda.

13. Clerk- Mrs. DeRocco reported that since the next scheduled meeting on November 24, 2014 would be within 6 days of the December 4th meeting, Mayor Pote authorized the cancellation of the December 4th meeting. Mrs. DeRocco reported that there is a public forum regarding the Pilgrim Pipeline scheduled for December 2nd and that the Volunteer Holiday Appreciation Dinner is scheduled for December 5th. She also wanted to publicly thank Chief Cina for going above and beyond to ensure safety on Election Day by providing extra lighting and traffic officers at Wilson Memorial polling location. Mrs. DeRocco also thanked Paul Ost for his assistance in setting up very early on Election Day, Bob Burns (Public Works Manager) & his staff for being patient and placing the Election signs throughout the Borough and Wilson Memorial for opening their doors to the Borough. Mrs. DeRocco stated that this was a prime example of Watchung working together and she is proud to be the Clerk in this town. Mrs. DeRocco congratulated Councilman Gibbs, the Mayor and Councilman Black on their re-election and said she looks forward to working with them for another term.

14. Administrator- Mr. Atkins, reported that Gary Greves (OEM Coordinator) and William Hance (CFO) attended a FEMA grant seminar earlier in the week which outlined the reimbursement process on disasters. He also congratulated Mayor Pote, Councilman Black and Councilman Gibbs on their re-election.

Mayor Pote thanked Weldon, JIF and MEL for their patience and also mentioned the Veteran's Day service scheduled for November 11, 2014. Councilman Franklin reported that the Veteran's Day Ceremony is to take place at Valley View Middle School in the All Purpose Room and that he was concerned about parking for the Veterans. He indicated that he contacted the Superintendent and requested that the teachers park on the grass or a different street in order to allow the Veterans to park in the school parking lot. Councilman Franklin advised that Les Cooper, possibly the last surviving WWII Veteran in town who is 94 years old would be honored at this year's ceremony.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Stuart Fine, 1225 Johnston Drive, came forward to address the Johnston Drive/Valley Drive Sanitation Sewer project. Mr. Fine said that the Borough has done an excellent job explaining the Assessment Report and project costs to residents. Mr. Fine advised he has received several quotes from plumbers to tie into the system which were much higher than initially expected. He suggested for future projects Mayor & Council could assist in the process by providing a blanket bid for plumbing contractors. Mr. Cruz responded that it is not the Borough's role to select private contractors or make recommendations. He said that the Borough could make a list of plumbers that other residents have already utilized and provide that to the residents upon request. Mr. Fine continued to express concerns over the location of the sewer connection on his property

and said that that another household's sewer connection is located on his property. He suggested that in the future the Borough should seek the homeowner's opinion as to the placement of sewer connections. Mr. Cruz advised that the assessment team is aware of this situation and will seek assistance from the Lee T. Purcell Associates, the engineering firm overseeing this project, to investigate this issue. Mayor Pote thanked Mr. Fine for expressing his concerns and offering his suggestions.

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UNFINISHED BUSINESS

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NEW BUSINESS

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CONSENT AGENDA: Council President Nehls motioned to move the consent agenda items listed below in one motion, Councilwoman Joren second the motion. The Consent Agenda Items listed below, with the exception of #32, were adopted following a motion by Council President Nehls and a seconded by Councilwoman Joren and upon roll the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens "Aye."

Approval of the following Council minutes:

October 16, 2014, Regular and Executive Sessions
October 27, 2014 – Special Meeting, Regular Session

Acknowledging Receipt of the following Borough Reports:

Finance Department Revenue Report – September, 2014
Building Department Report – October, 2014
Environmental Commission Minutes – April 28, May 27, August 25, Sept.
22, 2014

Acknowledging Receipt of the following Correspondence:

#31 - Township of East Brunswick 10/16/14 Resolution Expressing the Importance to Recognize the
Strength of Local Pension Funding c: M & C

Councilman Gibbs recused himself for the following:

#32 - PSE&G 10/31/14 Notice of Filing and Public Hearing for Electric Base Rate Adjustment
C: M & C, TEA

Council President Nehls moved the adoption of #32, Councilwoman Joren seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, and Beck-Clemens "Aye."

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CONSENT AGENDA RESOLUTIONS: The resolutions listed below were submitted to the Governing Body for review and to be adopted by one motion. Council President Nehls motioned to move the consent agenda resolutions listed below in one motion and Councilwoman Joren seconded the motion. Councilman Gibbs requested that resolution R4 (PMC Associates) for the 2 chairs for the Police Department be removed. Councilman Gibbs inquired the cost of \$3,000.00 for 2 chairs and requested additional information on the chairs. Council President Nehls motioned to move the following resolutions, with R4 amended with the removal for PMC Associates. Councilman Gibbs seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens "Aye."

- R1:11/06/14 Appointment to Recreation Commission – Mike Onuska
- R2: Authorizing a Stipulation of Settlement – 145 Stanie Brae Drive
- R3: Authorize Stipulation of Settlement – 291 Bonnie Burn Road
- R4: Purchases Over \$2,000. – ~~PMC Associates (2 Chairs – PD)~~
The Fibar Group, LLC (Fibar Mulch for
Playground)
Global Computer (Computer Equip - PD)
P & R Concrete Corp. (Brick Rebar Repair at Boro
Hall)
Atlantic Tactical (Vests, Gear – PD)
- R5: Appointment of Temporary Laborer / Public Works Department – Kevin
Gottlick
- R6: Authorize Professional Engineering Services Contract / Structural
Evaluation of
Library -
Lortech, Inc.
- R7: Authorize Treasurer to Issue Tax Sale Redemption / Certificate 14-07 –
468 Watchung
Avenue
- R8: Authorize Clerk to Advertise the Public Auction of Surplus Vehicles

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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 motioned to move the non-consent agenda items and Councilwoman Beck-Clemens seconded the motion and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens "Aye." Councilman Black "abstain."

R9:11/06/14 Waive Chapter 2.25-10 - Gray's Florist & Greenhouse (2 PO's)

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PUBLIC PORTION - GENERAL DISCUSSION

No public members came forward for a discussion.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:30 PM to the call of the Chair and the next scheduled Council Meeting will be held on Monday, November 24, 2014 at 7:30 P.M.

submitted,

Respectfully

Assistant

Shelini Parikh
Administrative