

# **BOROUGH OF WATCHUNG**

## **COUNCIL MINUTES**

**FEBRUARY 19, 2015**

**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 [P]    Franklin [P]    Joren [P]    Gibbs [P]    Beck-Clemens [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Engineer Tom Herits, Police Chief Joe Cina, Deputy Clerk MaryAnn Hance, and Administrative Assistant Shelini Parikh.

There were 5 members of the public present.

### **PUBLIC HEARING**

Assessment Commission Report and Recommendation for the Johnston Drive and Valley Drive  
Sanitary Sewer Improvement Project

Mr. Cruz began this public hearing with the background and history of this project and said this is the final assessment report from the Commission. He also said prior to this there was a draft report sent to all residents affected by this assessment and a public hearing was held and as a result of the public hearing the Commission revised the report and it became the final report and recommendation to the Mayor and Council. The Commission also requested an extension of time be granted to the property owners to connect to the system from December 17, 2014 to June 15, 2015. Mr. Cruz explained after the Mayor and Council have heard from Mr. Purcell and the Public they may decide to accept, modify or reject the report. He called forward project Engineer Lee Purcell to swear him in. Mr. Purcell then gave an overview of the work that was done to the 36 affected properties. Mr. Cruz questioned numerous items on the report and Mr. Purcell responded to all questions and said this project was completed on-time, and within the budget.

The meeting was open first to the Governing Body, and then to the public, for comments and questions.

There were no questions from the Governing Body.

George Sayan, Johnston Drive, came forward and questioned why the residents have to pay the \$3,100 connection fee on top of all other costs the homeowners are required to pay. He said he has no objection to the amount of the assessment but does have a problem with the connection fee. He also said the original estimate to homeowners for the line installation, to be done by private plumbers, was grossly understated. Some residents are being required to pay \$25,000 to \$40,000 for this portion and many cannot afford this. Mr. Cruz explained that the estimates given were just that, "estimates." Councilman Black asked about the connection fee. Mr. Cruz said the connection fee is by Ordinance and if a change were to be made it would have to be done by an amendment to the Ordinance.

R1:02/19/15    Authorizing the Adoption of the Final Report of the Assessment Commission  
                  Recommending a Special Assessment to be Assessed to the Properties Benefited  
                  By the Sanitary Sewer Extension – Johnston Drive and Valley Drive Area Project

Council President Nehls offered Resolution R1, with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

### **REPORT OF STANDING COMMITTEES**

1. Administration & Finance – Councilman Franklin said there has been no meeting but the Committee is still reviewing several items including sick time and unused sick leave. He said they also discussed the Construction Office work load, training of the current staff in that department, and the possibility of hiring a temporary employee to help out. Councilman Franklin also said the Committee is also considering summer hours for all employees, and said if it works well they may consider for the entire year. Councilman Gibbs explained that the thought process is the benefit to those residents who are unable to make it to Borough Hall by 4:pm to take care of their business.

Mr. Atkins said there should be a recommendation for this from the Committee in March and it can then be adopted in April.

2. Police - Council President Nehls – No report

3. Public Works / Buildings and Grounds – Council President Nehls reported Public Works is down one large truck and they are having trouble with the new spreader. He said the spreader is still under warranty. Mayor Pote asked if the Borough had to rent any equipment and Council President Nehls said no they only have a loaner. He also reported the Department has approximately 325 tons of salt on hand at the garage as some orders had been finally delivered.

4. Public Affairs:

Open Space- No report.

Environmental – No report.

Recreation – Councilwoman Beck-Clemens reported on some of the upcoming events. She said the Basketball Showcase is scheduled for March 14<sup>th</sup> and on March 28<sup>th</sup> the Recreation Commission will be having an Easter Egg Hunt at Mobus Field. She said the Lions Club has donated \$1,000 toward this event. Councilwoman Beck-Clemens also said there is another new event, a movie night scheduled for June 12<sup>th</sup>.

Historical – Councilwoman Beck-Clemens reported the Historical Committee has a Collections Policy in place and this will be voted on tonight. She thanked Albert Cruz for his review. She said the Committee has approved their Strategic Plan. She also said the Historical Committee reported the Texier House is in dire need of painting and Councilman Franklin the Borough should get quotes to possibly do vinyl siding or some type of vinyl shakes. Mayor Pote said Building and Grounds Committee should look at painting and Council President Nehls said he would have Engineer Tom Herits look into the cost for this project. Councilwoman Beck-Clemens said Virginia Cooper did a design for a sculpture depicting an ice sculpture which could be placed at either Watchung Lake or Best Lake. She said the Commission would like to get quotes for this. She said there have also been discussions to possibly have tour guides for the Museum. Mayor Pote said they should consider having Barbara Diem or Diddy Addario do a tape for this and other Watchung history.

Board of Health- Councilman Black reported the Board of Health discussed the implementation of an Ordinance that would require all commercial establishments to have carbon monoxide detectors. He also reported the next Board of Health meeting is scheduled for April 15<sup>th</sup> at 7 PM.

5. Fire - Councilman Black said there is now a Committee in place to review the stipend program. He also reported the Fire Department members are not capable of clearing snow and ice from all of the hydrants in town and Bob Burns said Public Works employees could help to clear some of them. Mayor Pote said the Fire Department should track how well they are able to keep up with clearing the hydrants. Council President Nehls said stipends are based on events and suggested clearing of hydrants during storms could be something members could get points for. Councilman Franklin asked if all hydrants are marked with rods and Councilman Black said some are not. He said the Department does have enough markers but additional parts are needed before they can be installed on the remaining hydrants. Mayor Pote suggested this could possibly be done as a Boy Scout Project. Councilman Franklin also reported there was a recent ruling in New Jersey that Volunteer Fire Department records are open to OPRA requests.

6. Laws/Ordinances- Councilwoman Joren said she does not support the merging of the Board of Adjustment and Planning Board. She said there would be little cost savings and the workload would not change. She also said when there is a single land use board, the Mayor and Council cannot vote on certain cases and also community involvement would diminish. She said two Boards are better. Mayor Pote also thinks there should be separate Boards for checks and balances and since there is already so little involvement by the community in these areas to cut it in half would not be a good idea. It was the unanimous consensus of the Mayor and Council to keep the two boards separate.

Councilwoman Joren moved that the Board of Adjustment and Planning Board remain as two separate Boards with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Councilwoman Joren also reported the Committee would like additional background information from the Board of Health regarding a mandate of carbon monoxide detectors in commercial buildings prior to any decision for an ordinance. Council President Nehls said many towns already have an ordinance regarding this. Councilman Black said he would follow up with the Board of Health and also Gary Greves. Councilwoman Joren also said she has not received any input regarding information about well water testing. Mr. Atkins said it was sent to Kevin Sumner and he will follow up with him.

## **REPORTS - OTHER:**

7. Engineer – Tom Herits reported that Mr. Hance and Bond Counsel are working on a bond ordinance for the DOT project for Knollwood Drive and Deer Run. He said the ordinance would also provide for other paving projects and miscellaneous drainage projects. Mr. Atkins said he will be speaking to Mr. Rogut to have an Ordinance ready for the March 5<sup>th</sup> meeting. Administrator Tom Atkins and CFO Bill Hance will look for other funding sources, as there may be funding remaining from other projects. Mr. Herits reported that he sees no problem with the request from Light Tower regarding the placement of fiber optic cable on poles in the locations they are asking for. He said the only concern is traffic control and the company will be coordinating with the Borough Police Department. Councilwoman Beck-Clemens asked who would be paying for the Police for this and Mr. Herits said the company pays. Mr. Herits also reported the pole barns will be delivered in two weeks. He said the larger one would be installed first and the smaller one at a later date. He also said all generator installations are complete with only a few punch list items to finish. He said the other generator funding application was sent back to him for further information. Mr. Herits said he will also get some cost estimates for the lighting and ceiling at the Texier Museum.

8. Police Chief – Chief Cina reported the two new officers are still with their field training officers and doing well. He also said the Department is in the process of planning the Sunday, March 8<sup>th</sup> ceremony for Matthew Melchionda and once complete he will forward the information to all. Chief Cina said there are changes to the penalties for DWI's which would include a 10 day suspension and installation of an interlock device in the vehicle. He said this is already on the Governors' desk for signing but he said there are many flaws in the new laws. Councilwoman Joren said Senator Bateman voted against this. Councilwoman Joren asked about the Mutual Aid Agreement and Chief Cina said the County Prosecutor requested this and it is County wide but the local Police Departments determine what is a real emergency.

9. Fire Department – No Report

10. Rescue Squad – Denise Wilson gave the statistics for last year and the current year. She also reported that Logan Taylor resigned as recording secretary. Mike Vala, who was the Vice President has stepped down from his position to take over as recording secretary. Councilman Franklin asked why the Vice President would step down to become recording secretary and Ms. Wilson said the position of recording secretary is more important.

11. Emergency Management – No Report

12. Attorney – Mr. Cruz said there is one item on the Agenda for Executive Session this evening. Councilwoman Joren asked if the Borough has a choice regarding the approval granting permission to Light Tower and Mr. Cruz said the Borough could deny but the company could go to the Public Utilities Board for final approval. He said the placement of the cable does not put a burden on the Borough since there is no ground construction and it is a limited route. Council President Nehls said it is not in a residential area and he does not see this causing any problems for the Borough. It was the consensus of the Council to instruct Mr. Cruz to move forward with an Ordinance.

13. Clerk – Ms. Hance reminded everyone this is bill paying night and asked them to please sign before they leave. She also reminded all that newsletter articles are due.

14. Administrator – Tom Atkins reported that deer hunting season is over and he has scheduled a meeting with Joe Nappe and Linda Monetti next Tuesday. He also said the 833 Mountain Boulevard, Tiger Realty sewer connection agreement could possibly be ready for the next meeting. Mr. Atkins then asked CFO, Bill Hance to report on today’s BAN sale. Mr. Hance said the principal amount of the note is \$7,116,000 and will mature on February 26, 2016. He said the winning bidder was TD Securities at a net interest rate of 0.3933% and total net interest of \$27,910.53 for the term of the Bond.

Mr. Hance then reported the Green Team will be assisting the Warren Green Team on April 25<sup>th</sup> with their “Green Day”. He said next year the Borough will hold the Green Day event and Warren will assist us. Mr. Hance said Shelini Parikh is working on getting participants for this year’s Farmers Market and she is also working on possibly earning Sustainable Energy credits toward the Silver Status. The Borough needs approximately 150 points to attain this status.

Mayor Pote said he attended the Boy Scout Award Dinner where 5 Eagle Scouts were honored.

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**PUBLIC PORTION AGENDA ITEMS ONLY**

No one from the public wished to be heard.

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**UNFINISHED BUSINESS**

A Public Hearing on Ordinance OR:15/01 entitled “AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO SIGN A MUTUAL POLICE AID AGREEMENT,” 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:

R2:02/19/15 Adoption of OR:15/01 - Authorize Mutual Police Aid Agreement/ Somerset County

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

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**NEW BUSINESS**

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

Prior to the Vote Councilman Gibbs recused himself from Correspondence #8.

Approval of the following Council minutes:

January 15, 2015  
February 5, 2015

Acknowledging Receipt of the following Borough Reports:

Building Department Report – January, 2015  
Police Activity Report – January, 2015  
Historical Committee Minutes – December 10, 2014  
Planning Board Minutes – June 7, October 21, November 18, December 16, 2014  
Bd. of Adjustment Minutes – August 14, September 11, November 13,  
December 11, 2014

Councilwoman Joren wished to note again the lateness of both the Planning Board and Board of Adjustment minutes submitted to the Council for approval. She said she does not understand why, if the minutes from June were approved at the Board meeting in October why are we just receiving them now? She said the same goes for the Board of Adjustment minutes if the August minutes were approved by the Board in September. Mayor Pote asked Administrator Tom Atkins to look into this.

Council President Nehls made a motion to adopt receipt of the following Correspondence with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Beck-Clemens, “aye.”

Acknowledging Receipt of the following Correspondence:

#8 - Watchung Board of Education 2/17/15 Resolution opposing the Pilgrim Pipeline c: M & C, TEA

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**CONSENT AGENDA RESOLUTIONS:**

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

R3:02/19/15 Purchases Over \$2,000.00 – O2 Sports / 2 PO’s (Basketball apparel)  
KCG Inc. (replacement Heat Exchanger – Library)  
Behavioral Medicine Consultant (EAP Services)  
Lawmen Supply Co. (Police Training Aids, Programs)  
Global Computer (Fireproof file cabinets)  
The Rodgers Group (Fire Apparatus Examination)

R4: Authorize Submission of SFY2015 Safe and Secure Community Grant

R5: Accepting Collections Policy – Historical Committee

R6: Authorize Final Payments for Accumulated Benefits – Michael Bouchard

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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:15/02 entitled "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER IX, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” SPECIFICALLY SECTION 9-3.7 THEREOF, ENTITLED ‘LICENSE FEES; MAXIMUM NUMBER’ AS HERETOFORE SUPPLEMENTED AND AMENDED" 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.”  
Public Hearing to be held on March 5, 2015.

R7:02/19/15 Introduction of Ordinance OR:15/02 – Liquor License Fees

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

R8: Payment of Bills

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**PUBLIC PORTION – GENERAL DISCUSSION**

Councilman Franklin stepped down from the dais and wished to speak to the Mayor and Council as a Watchung Resident. He said during Super Storm Sandy a pole fell and when this was repaired they reinforced it with a two by four and a second pole was placed next to it. Councilman Franklin said all but one of the cables was moved to the new pole and he asked if anything can be done to have the last one moved so the old pole can be removed. Councilman Gibbs said he will try to get some information for him.

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Administrator Atkins asked if the Mayor and Council would like to postpone the Executive Session if Mr. Cruz has no objection, due to the lateness of the meeting. It was the consensus of everyone this would be a good suggestion.

Councilman Gibbs moved to table Resolution R9 with a second by Councilwoman Joren and upon roll call the vote was as follows:

~~R9:02/19/15 Executive Session – Personnel – Council~~ - Tabled

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 10:35 P.M. to the Call of the Chair and to the next scheduled Council meeting on Thursday, March 5, 2015 at 7:30 P.M.

Respectfully submitted,

*Mary Ann Hance*  
*Deputy Clerk*