

# BOROUGH OF WATCHUNG

## COUNCIL MINUTES

APRIL 2, 2015

**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, AND FOR PHIL WHITTING RESIDENT OF WATCHUNG AND A MEMBER OF THE WILDLIFE COMMITTEE.**

### ROLL CALL

Nehls [P]      Black [P]      Franklin [P]      Joren [P]      Gibbs [P]      Beck-Clemens [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz was not present, Attorney William Robertson was present sitting in for Mr. Cruz, CFO Bill Hance, Police Chief Joe Cina, Clerk Michelle DeRocco, and Deputy Clerk Mary Ann Hance.

There were 4 members of the public present.

### REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported he will have a report at the April 16th Council meeting. He said hopefully the Administration/Finance Committee can meet on Monday, April 13<sup>th</sup> to discuss the budget and then have an additional meeting for any other business to be discussed. Councilwoman Beck-Clemens said the Supplemental Debt Statement did show a decrease of \$229,869.20 as of December 31, 2014. However the Council will be voting this evening on R1 which will ultimately increase the debt by \$914,000.00.
2. Police - Council President Nehls said he had no report but there will be discussions in the Executive Session.
3. Public Works / Buildings and Grounds – Council President Nehls reported Bob Burns gave him an update on the Washington Rock Road wall collapse. He said Mr. Herits is working on getting quotes to replace the wall and he said Mr. Herits anticipates the cost will be under \$50,000. Council President Nehls also thanked the Fire Department for coming out to fill the barriers. Mayor Pote asked if the Borough was notified of any problems with the wall when the road was resurfaced and Council President Nehls said there was nothing reported. Councilwoman Joren was concerned that the County said they could not help and she said a letter should be sent to the County. Council President Nehls also reported there is a meeting scheduled for April 9<sup>th</sup> at 4:30 with Mr. Iovino and the Public Works Committee to discuss Library renovations. He also will try to have Bob Burns at the meeting.
4. Public Affairs:

Open Space- Councilwoman Beck-Clemens reported she has distributed a draft of the cleanup report from Maser to the Committee and they were very impressed by it. She said the Committee would like to start moving forward and possibly utilize Camp Endeavor as open space. Councilwoman Beck-Clemens said she does not see any reason the Borough can't use open space to generate monies. She said Shelini spoke to her at the Easter Egg Hunt and they discussed Camp Endeavor and the possibility of setting up a Day Camp on the property. She also said the Committee is waiting to get a report on the Ness Property remediation. Council President Nehls commented that there had been a Committee established for the Ness Property and he would like to have it reactivated to get some recommendations to the Buildings and Grounds Committee on how to utilize this property. Mayor Pote suggested putting together what the Borough would expect from the Committee and give them a plan to work with. Council President Nehls said Mr. Herits can possibly set up a meeting with the remediation professional to meet with the Buildings and Grounds Committee to give an idea of the areas that are available. He also said several of the areas of concern are already completed. Councilwoman Beck-Clemens said historically these Committees would have reports and she will see if she can get something from the Committee.

Environmental – Councilman Gibbs said there was nothing of note to report. He said the Committee mostly discussed the resignation of Pam Lewis and will look for a possible replacement. He also said there was no new tree report. Council President Nehls reported he

had attended a class for one of his licenses and the instructor, a fire chief in Ridgewood, discussed the transportation of crude oil. Council President Nehls said the instructor has developed a training program for first responders and officials. He said he would like to, with the approval of the Mayor and Council, get an outline from the instructor to come in to train our first responders and Council. He also said if the Borough can't stop the pipeline from coming through our town we should have the proper training if there is a leak. Mayor Pote said he met with several Mayors this weekend and discussed the Pilgrim Pipeline. He said there are six or seven towns who are for the coalition but want to broaden the coalition to as many of the towns as possible. Mayor Pote said there will have to be something stronger than a Resolution. Councilwoman Joren said she has been speaking with Mr. Cruz about this and he suggested and is working on a draft ordinance that would prohibit unregulated pipeline companies to be able to come into our town. She said putting an ordinance on our books would make a strong statement on how the Borough feels about the pipeline.

Recreation – Councilwoman Beck-Clemens reported the Easter Egg Hunt was a great success and she thanked the entire Recreation Commission and Linda Monetti. She also thanked the Fire Department, Rescue Squad, and Police Department for being there. Councilwoman Beck-Clemens also wished to thank and acknowledge the Lions Club for sponsoring this event. She also gave date for upcoming events including the movie night, June 12<sup>th</sup> showing Despicable Me 2. Councilwoman Beck-Clemens said she attended the Youth Service Commission meeting and said all the Borough events are on the Watchung School Board webpage.

Historical – Councilwoman Beck-Clemens reported the Historical Committee will have a meeting next Wednesday. She said on March 24<sup>th</sup>, she, Lynn Franklin, Lynn Stahl and Betse Titus attended a workshop sponsored by the New Jersey Historical Commission. Councilwoman Beck-Clemens said the Committee is seeking names of veterans to enhance the Watchung War Memorial. The criteria for inclusion on the memorial includes being a resident of Watchung at the time of induction into the service and served during an armed conflict.

Board of Health- Councilman Black reported the next meeting is April 15<sup>th</sup> at 7:00 PM. Mayor Pote said there a resolution on the agenda this evening appointing two Board of Health Commission members.

5. Fire – Councilman Black reported the Committee continued discussions regarding the stipend. He said they also discussed the issue regarding winter fire hydrant cleaning which he said he will take it to the Laws & Ordinance Committee. Councilman Black said the building improvement plans have been finalized and will be ready to go to bid once the Buildings and Grounds Committee and then the full Council reviews them. Council President Nehls has asked Mr. Herits to set up a meeting with the architect to go over the plans with the Buildings and Grounds Committee and once that is completed they will have her come in to present the plans to the whole Council. Councilman Black said they would like the Rodgers Group to expand their scope of work to look at the entire Fire Department as a whole which would include the Exempts as well as the Watchung Chemical Engine Company.
6. Laws/Ordinances- Councilwoman Joren had no report but said there is a meeting scheduled for April 14<sup>th</sup>. She also said she spoke to Health Officer Kevin Sumner about carbon monoxide detectors being required in businesses, and the Raritan Water Shed Well Testing Program. She said this is a one-time event and Mr. Sumner thought possibly the Green Team might like to look at this to include for the Farmers Market. Councilwoman Joren said Shelini has already contacted the person on this.

#### **REPORTS - OTHER:**

7. Engineer – Mr. Atkins reported Tom Herits is waiting for two additional quotes for the Washington Rock Road wall repair. He also said he has asked Mr. Herits to look at the north side of Mobus Field drainage and prepare a sketch for what has to be done to alleviate this problem. Council President Nehls said there are some monies left from the Mountain Drive project so this money could be used for some of these drainage projects and the Borough would not have to have a Bond Ordinance. Mr. Atkins said Mr. Herits will be setting up a pre-construction with PSE&G for the gas main replacement project. He also said if the Council adopts the Bond Ordinance for the road work this evening the Borough could soon go out to bid on the Knollwood/Deer Run improvement.

8. Police Chief – Chief Cina said he would give his report during the Executive Session. Mr. Atkins asked the status of the injured officers and Chief Cina responded that one will be returning to work next week and the other has a scheduled appointment with a surgeon on Monday.

9. Fire Department – Chief Erber gave some statistics for the month of March. He also reported there have been two drills for recertification on airpaks. Mr. Erber said the meeting with the Rodgers Group was very productive. He also said the Department will be trying to get the rigs and Firemen out to more Borough events. He thanked the Mayor and Council for working with them getting many of the items on their list completed. He said the Department is very appreciative of this.

10. Rescue Squad – No report submitted.

11. Emergency Management – Mr. Atkins gave a brief report he received from Gary Greves. He said the most important item on the report was the approval by the County of our Emergency Management Operations Plan, noting it has now been submitted to the NJ State Police for final clearance. Mr. Greves’ report also discussed the CERT team and some training classes members have successfully completed. He said the team also discussed efforts to recruit other volunteers to assist the CERT team. Mayor Pote said there may be a need to hold another training course for CERT. Mr. Atkins complimented the CERT Volunteers from staff who have participated (Mayor Pote, Michelle DeRocco and MaryAnn Hance).

12. Attorney – No report submitted.

13. Clerk – Ms. DeRocco reminded Council to return their budget books.

Mayor Pote asked if CFO Bill Hance had anything to report. Mr. Hance wished to remind everyone of the upcoming Warren/Watchung Green Fair which will be held on April 25 from 10 AM to 1 PM at the Warren Municipal Complex, with a rain date of May 2<sup>nd</sup>. Councilwoman Beck-Clemens asked when the Budget will be ready and Mr. Hance said he and Mr. Atkins have a draft ready for review by the Finance Committee.

14. Administrator – Mr. Atkins announce as of March 10<sup>th</sup> Affordable Housing is now with the Superior Court, and with the Honorable Judge James Coleman. He also said there was a 90 day stay to June 10<sup>th</sup> and then 30 day s to submit a report. Mr. Atkins said formal action would be taking on April 16<sup>th</sup>. Council President Nehls would like to get a consensus of the Council for the Maser proposal to put everything together. He said the Borough only has 60 days to get the information ready and 30 days to get it to the Court. The consensus was to move forward with the Maser proposal with the stipulation not to exceed \$10,000. Council President Nehls made a motion to accept the Maser proposal with the inclusion of not to exceed \$10,000. Councilman Franklin seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens. Councilman Black asked what the consequences would be if the Borough declined to comply. Council President Nehls said as long as the Borough moves forward with our third round submission we have the protection from builder’s lawsuits.

Mayor Pote said he met with 100 enthusiastic second graders last Friday. He said the students learned about the three branches of government, what is a law and how is it created. They then asked many questions about his position. He also said he attended a program today presented by High School Juniors and Seniors at Valley View School for the “White Out Day – Anti Bullying” campaign.

Councilwoman Beck-Clemens said there was a meeting of the Youth Service Commission on March 31<sup>st</sup> and she wished to acknowledge the two new student members, Elspeth Allen, who did a presentation to the Council on Goose control, and Nolan Williams whose father was President of Little League last year. She said they are very enthusiastic.

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PUBLIC PORTION AGENDA ITEMS ONLY

Robert Walton, Area Manager of Jersey Central Power and Light, came forward to introduce himself to the Mayor and Council as their contact person. He said the company will be doing tree trimming in late May early June and he will send out information on the streets that will be included. Mayor Pote

said the Company has been doing a much better job since Super Storm Sandy in getting information to the Borough. He also said the Borough is usually put lower on the list if there are outages and hopes this could be changed.

Doris Fine, Johnston Drive, asked Council President Nehls about COAH. She said she thought the Borough was 'built-out' and wished to know if there is the possibility of being forced to build units. Council President Nehls said we are built-out and that is one of the arguments the Borough will use when presenting our case to the Courts, however, there will be the other side arguing against us.

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## UNFINISHED BUSINESS

A Public Hearing on Ordinance OR:15/03 entitled "BOND ORDINANCE TO AUTHORIZE THE 2015 ROAD RESURFACING PROGRAM IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,150,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS." 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."

Doris Fine, Johnston Drive, asked which roads are to be included and Councilwoman Joren described the locations as follows: Knollwood Drive, Deer Run, Ridge Road (from Hillcrest to Parlin), Jared Court, Kristy Court, Oak Ridge Road, Tall Timbers road, Glen Eagles Drive, Sunlit Drive, and Joanna Lane.

With no one else from the public wishing to be heard Councilwoman Joren closed the Public Hearing and moved the following resolution:

R1: 4/02/15 Adoption of Bond Ordinance OR:15/03 – 2015 Road Resurfacing Program

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

A Public Hearing on Ordinance OR:15/04 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER XIV, TITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH TO ADD ARTICLE IX, TITLED "REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE." 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: Adoption of Ordinance OR:15/04 – Amend Code / Registration and Maintenance  
Properties Pending Foreclosure

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

A Public Hearing on Ordinance OR:15/05 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER XIV, TITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH TO ADD ARTICLE X, TITLED "VACANT PROPERTIES" ESTABLISHING REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION AND MAINTENANCE REQUIREMENTS FOR VACANT OR ABANDONED STRUCTURES." 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."

Ms. Fine asked what type of punishment there would be if requirements are not followed.

Councilwoman Joren said this Ordinance will require registration, with fees, of vacant properties with contact information.

With no one else from the public wishing to be heard Councilwoman Joren closed the Public Hearing and moved the following resolution:

R3: Adoption of Ordinance OR:15/05 – Amend Code / Vacant or Abandoned Structures

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
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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 the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Approval of the following Council minutes:

- March 19, 2015 Special Meeting, Regular and Executive Sessions
March 19, 2015 Regular Meeting

Acknowledging Receipt of the following Borough Reports:

- Planning Board Minutes – February 17, 2015
Historical Committee Minutes – February 11, 2015
Police Activity Report – February, 2015
Environmental Commission Minutes – February 23, 2015
Board of Adjustment Annual Report - 2014

Acknowledging Receipt of the following Correspondence:

None

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CONSENT AGENDA RESOLUTIONS:
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Prior to making a motion to approve the Consent Agenda Resolutions, Councilwoman Beck-Clemens requested R6 be removed for further discussion.

Council President Nehls moved resolutions R 4 and R5 with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R4:04/02/15 Appointment of Public Works Laborer – Vickram Kissoon

R5: Appointment to Board of Health – Francesca Escaleira, Julia Gunther

In regard to R6, Councilwoman Beck-Clemens suggested the Rodgers Group analyze what type of boat is needed for the Fire Department and Council President Nehls agreed. Councilman Gibbs said there have been many discussions regarding the boat this was the recommendation of the Fire Committee and said the Borough does not have any equipment for water rescue. Councilman Franklin also said the boat issue has been discussed extensively with the Fire Department and Fire Committee and again this was their recommendation. Mayor Pote questioned if this would just be used for the lakes or would it also be used for other instances such as flooding on Route 22, and Councilman Franklin responded that it is strictly for the lakes. Council President Nehls made a motion to amend R6 removing the boat and requesting the Rodgers Group to review. Councilwoman Joren seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R6: Purchases Over \$2,000. – The Rodgers Group (Prof. Assessment VFD)

Council President Nehls said the Rodgers Group should be informed of this additional request and told it should be a top priority. Mr. Atkins said he will speak with Fred Rodgers.

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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.

None

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**PUBLIC PORTION – GENERAL DISCUSSION**

Doris Fine, Johnston Drive, came forward with information for the Historical Committee in regard to an actress who portrays Historical characters and gave the information to Councilwoman Beck-Clemens.

Chief John Erber asked if the Rodgers Group has expertise on water rescue equipment and Mr. Atkins said he is under the assumption that most, if not all, are experienced in all facets of fire fighting and rescue.

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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."

R7:04/02/15 Executive Session – Personnel / Police Department

Upon return to regular 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 10:54 P.M. to the call of the chair and to the next scheduled Council meeting on Thursday, April 16, 2015 at 7:30 P.M.

Respectfully submitted,

*MaryAnn Hance*  
*Deputy Clerk*