

BOROUGH OF WATCHUNG

COUNCIL MINUTES

AUGUST 20, 2015 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 7:30 P.M. 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 Attorney Albert Cruz, CFO Bill Hance, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 11 members of the public present.

Mayor Pote deviated from the Agenda and invited Bob Walton, Watchung's area Manager from JCP&L. Mr. Walton provided an update on their vegetation management program and advised of their new critical care program where they will be working directly with OEM Coordinators in case of emergencies.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin re-capped some items that were on the last Committee meeting agenda including: employee comp-time request, RFP's for Grant Writers and Banking, implementation of credit card payments, the Fire Department investigation, and optional ways or new software to track special assessments. Councilwoman Beck-Clemens wanted to clarify that the \$1.4 million dollars in assessment fees was outstanding and not overdue. Councilman Black questioned fees related to allowing credit card payments and CFO Hance explained there will be a \$1.00 transaction fee, plus 2.75% passed on to the tax payer. The annual cost to the Borough is \$2,500.

2. Police – Council President Nehls reported on concerns from the Committee meeting that included body cameras, radio upgrades, and Capital Budget time frames for vehicles. Mayor Pote said there needs to be more discussion so everyone will have a better understanding of what needs to be done with the frequencies and radios, and include all the emergency service teams.

3. Public Works / Buildings and Grounds – Council President Nehls read the Public Works Report, and advised that the Committee will ask Assistant Engineer Arlene McCoy to perform a tree survey and provide a priority list, in response to assessing potential dangerous trees. Council President Nehls also spoke about the pending items such as the salt storage on the Weldon property, the need for stair replacement at Borough Hall, repairs needed for the ramp and sidewalk at the Court facility. He announced the pole behind the Police Department will be replaced and that the Texier House parking lot was repaved. He advised discussion will continue in regard to PARSA taking over the pump station; the sewer maps will be updated and that Public Works is in need of a new truck.

4. Public Affairs:

Open Space – Councilwoman Beck-Clemens announced that she is in receipt of the Environmental Remediation report by Maser, and after review by the Public Works Committee, said that it is time to start to move forward.

Environmental – Councilman Gibbs reported the Commission will be meeting this Monday.

Recreation – Councilwoman Beck-Clemens announced dates for some of the upcoming events such as the "911 Memorial" Service on September 11th; the Gerald Mobus Fishing Derby on September 12th; History Day on September 26th; and the Veterans' Service on November 11th. She also reported the Commission will be updating their fees, and will be replacing the basketball hoops at Mobus Park.

Historical – Councilwoman Beck-Clemens said the Committee continues to meet on Tuesdays, and the Texier House Museum will re-open in September, back on their regular schedule. She reported the Texier House Museum will now be a part of Somerset County's "Journey through the Past," on Saturday, October 10th and Sunday, October 11th, and thanked Sue Tucker for making this happen.

Board of Health – Councilman Black said the next meeting is scheduled for September 16th.

5. Fire – Councilman Black reported that the Rodgers Report, Phase 2, is not yet completed. He spoke about the hostage/shooting incident in Warren over the weekend, and commended all who assisted, noting our ladder truck helped place snipers on the roof; and he also spoke about the damage done by the flash flood caused by the 6” of rain that came down in one hour.

6. Laws/Ordinances – Councilwoman Joren noted the Ordinance on the agenda that will allow Lighttower use of the Borough’s right-of-way for cable, and said at their last meeting discussion was had in regard to the regulation of drones and dog tethering.

REPORTS - OTHER:

7. Engineer – Mr. Herits announced that he and OEM Coordinator Gary Greves will be meeting with the State Police to discuss the generator grant; the road resurfacing projects are complete except for the striping, the culvert at Washington Rock Road is complete and noted the Finne Construction did a great job, and thanked Weldon Materials for their generous donation. He said the DOT grant applications are due in October, and will discuss the submission with the Public Works Committee. He said this week’s rain storm did some damage – some rocks fell at the wall, however, the berm did its job and caught them, and some road washed away on Wood Road.

8. Police Chief – Chief Cina announced at least one of the perpetrators in last years’ copper thefts was caught, the body cameras are still under discussion, and that he is hopeful Congressman Lance can assist in obtaining information on the future of radio frequencies. He referred to the hostage/shooter incident this past weekend in Warren where the Watchung Department assisted and complimented all who were involved. He said it was a great coordinated effort.

9. Fire Department – No Report.

10. Rescue Squad – Denise Wilson provided the Squad’s monthly report and statistics, which included activities that they participated in including water drills and our Library’s Local Hero program. She said they are starting to work on the Tree of Lights, and despite new members starting, are always looking for new members.

11. Emergency Management – No report.

12. Attorney – Mr. Cruz had no report, but said he has one item to discuss in Executive Session. Councilwoman Beck-Clemens asked Mr. Cruz if the Borough had any representation in North Plainfield when their Board of Adjustment heard an application for the construction a storage facility near our border and Mr. Cruz responded that there was not.

13. Clerk – Mrs. DeRocco had nothing to report.

14. Administrator – In Mr. Atkins’ absence, there was no report, however, Councilwoman Beck-Clemens noted that at the July 30th Board of Adjustment meeting, a “D” Variance was issued to an applicant for property on Mountain Boulevard, where they intend to develop a medical office and 2 residential apartments, and another building with 2 additional apartments. Mayor Pote said he will ask Administrator Atkins to look into this, and Mr. Cruz said the Board of Adjustment has independent jurisdiction.

=====
PUBLIC PORTION / AGENDA ITEMS ONLY
=====

Hans Juette, Wildlife Management Advisory Committee, was present with 3 other members, and also present was Joe Nappe, from the Blue Ridge Sports Club. Mr. Juette spoke about the need to continue the deer management program, citing past history, accident statistics, and the long term effects the deer have on the forest eco-system. He noted the last survey confirmed that 78% of residents agree that the deer are over populated, and 59% support the use of cross-bow. Mr. Juette said authorization to use the cross-bow would extend the season and Mr. Nappe added that the deer meat goes to the Veterans’ Hospital. Councilwoman Joren said the DEP’s (Department of Environmental Protection) website encourages keeping deer healthy for the purpose of hunting them as a “sport.” Mr. Juette said the Committee will submit their recommendation shortly to the Governing Body.

=====
UNFINISHED BUSINESS
=====

=====
NEW BUSINESS
=====

CONSENT AGENDA: The Consent Agenda Items listed below, with the exception of #19, 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.” Councilman Gibbs asked for #19 to be removed for separate consideration.

Approval of the following Council minutes:
July 9, 2015

Acknowledging Receipt of the following Borough Reports:
Construction Department Report – July, 2015
Wildlife Management Advisory Committee Memo – August 17, 2015

Acknowledging Receipt of the following Correspondence:

- #17 - Borough of North Plainfield 7/14/15 Resolution encouraging the State to raise the tobacco purchasing age to 21 c: M & C, Bd. of Health
- #18- Township of Scotch Plains 7/14/15 Notice of Adoption of Zoning Ordinance #2015-7 Rezoning of property on Terrill Road by Terrill Middle School c: M & C, TEA, TH, EB
- #20- JCP&L 7/22/15 Notice of Filing and Public Hearing – Universal Service Fund (USF) c: M & C, TEA, Post
- #21- NJ Transit Corporation 7/16/15 Notice of Filing and Public Hearing re: Request for Federal Financial Assistance c: M & C, TEA, Post
- #22- NJ American Water 8/3/15 Notice of Filing and Public Hearing re: Request to Implement a Tariff /Distribution System Improvement Charge c: M & C, TEA, Post

Council President Nehls moved for the adoption of #19, and upon Roll Call the vote was as follows: Nehls, Black, Franklin, Joren, Beck-Clemens, “aye.”

- #19- PSE&G 7/20/15 Notice of Filing and Public Hearing (5) Annual Margin Adjustment Charge; Universal Service Fund (USF); Green Programs Recovery Charge; Annual BGSS Commodity Charge/Residential Gas Customers Periodic Pricing Mechanism; and Weather Normalization Charge c: M & C, TEA, Post

=====
CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions 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.”

- R1:08/20/15 Purchases Over \$2,000.00 – PowerDMS (Accreditation Subscription Fee)
KCG, Inc. (Condensing Unit – PD)
Tilcon, New York, Inc. (Capital Road Improvements)
El Coronado (Fireman’s Convention / Rooms)
Pinto Brothers (Bulk Pick-up)
Winner Ford (2016 Interceptor SUV – PD)
Hoops Inc. (Mobus Field Basketball Ct. Improvements)
East Coast Emergency Lighting (Accessory Pkg. for SUV
Light Bars, etc. – PD)
Finne Building & Investment (Washington Rock Road
Wall Repair)
Integrity Facility Service Inc. (Janitorial Services)
Coded System LLC. (Codification of Ordinances)
- R2: Authorize Return of Duplicate 2nd Qtr. Tax Payment – 60 Bayberry Lane
- R3: Authorize Return of 2nd Qtr. Tax Overpayment – 25 Sherwood Drive
- R4: Authorize Payment of Tax Sale Certificate #13-07 Redemption – 502 Watchung Ave.
- R5: Authorize Return of Reduced Assessment Tax Overpayment – 105 Washington Rock Road
- R6: Authorize Clerk to Issue Raffle Licenses – Sister of Mercy of New Jersey
Rawhide Rescue, Inc.
- R7: Appointment to Environmental Commission – Rachel Funcheon
- R8: Appointment to Fire Department – Vickram Kissoon
- R9: Authorize Extension of Grace Period – 2015 3rd Quarter Taxes / August 24, 2015
- R10: Authorize Cancellation of Unexpended Capital Balance – Ordinance OR:13/23
Cedar & Lakeview Improvements
- R11: Authorize Execution of Revocable License Agreement – 84 Spencer Lane

=====

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.

Introduction of Ordinance OR:15/08 entitled: “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12.76 ET SEQ., THEREOF, “PERSONNEL POLICY,” AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES.” was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye”. Public Hearing to be held on September 3, 2015.

R12:08/20/15 Introduction of OR:15/08 – Salaries – Min/Max Employee Compensation

Introduction of Ordinance OR:15/09 entitled: “AN ORDINANCE ESTABLISHING SECTION 11-9, TITLED “RIGHTS-OF-WAY USE LICENSES”, IN CHAPTER XI, TITLED “GENERAL LICENSING”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG AND CONSENTING TO LIGHTOWER’S USE OF THE RIGHTS-OF-WAY.” was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye”. Public Hearing to be held on September 3, 2015.

R13: Introduction of OR:15/09 – Authorizing Use of Rights-Of-Way / Lightower

Councilman Gibbs introduced Resolution R14, and made the following statement: “I am voting in the affirmative for all items on the Bill List, but recusing myself on the purchase of energy commodity, due to his employment with an energy commodity supplier...” Councilman Nehls seconded the motion and upon Roll Call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye”.

R14: Payment of Bills

=====

PUBLIC PORTION - GENERAL DISCUSSION

No one from the Public desired to be heard.

=====

Council President Nehls introduced Resolution R15, Councilwoman Joren seconded the motion and upon Roll Call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R15: Executive Session: Litigation – In the Matter of the Borough of Watchung for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-902-15

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

The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

=====

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned to the Call of the Chair and to the next scheduled meeting to be held on Thursday, September 3, 2015 at 7:30 P.M.

Respectfully submitted,

Michelle DeRocco, RMC
Clerk