

# **BOROUGH OF WATCHUNG**

## **COUNCIL MINUTES**

**MARCH 17, 2016**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:33 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 IN MEMORY OF MAYOR JERRY MOBUS ON THIS, THE THIRD ANNIVERSARY OF HIS UNTIMLY DEATH.**

### **ROLL CALL:**

Joren [ P ] Black [ P ] Nehls [ P ] Gibbs [ P ] Mobus [ P ] Sopko [ P ]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, CFO William Hance, Clerk Michelle DeRocco, Deputy Clerk MaryAnn Hance and Engineer Tom Herits.

There were 5 members of the public present

### **SPECIAL PRESENTATION**

Mayor Pote read the following proclamation

Proclamation – Colorectal Cancer Awareness Month / March (Copy Attached)

### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Gibbs said the 2016 Budget is being introduced tonight with a Public Hearing to be held at the April 21, 2016 Council meeting. He said the Budget is \$14,178,291 (an increase of 1.82%), and is below the 2% Cap. He also said there are Capital Improvements upcoming and constant ongoing road repair. Councilman Gibbs thanked both Administrator Tom Atkins and CFO Bill Hance for all the hard work in preparing this budget. Councilman Gibbs also said there was a meeting with the Tax Collector on March 7<sup>th</sup> discussing implementation of an assessment billing program. Councilman Mobus said the Committee is starting to review Borough's current health insurance plans. Councilman Gibbs mentioned FEMA Grant opportunities and suggested waiting until the Fire Truck Grant application is available later in the year.

2. Police – Council President Joren reported Chief Cina said the two new patrolmen have completed their in-house training and are now doing field training and they should be on their own by mid-May. She also reported the Police Department received their accreditation in November 2013 and they are now due for re-inspection this fall. She said Chief Cina does not anticipate any problems.

3. Public Works / Buildings and Grounds – Councilman Nehls reported Public Works has 200 tons of salt on hand if we do get the snow predicted for this weekend. He also reported pothole repairs have begun and the street sign at Johnston Drive and Bonnie Burn Road has been replaced and relocated to the other side of the street entrance. Councilman Nehls said the Department also did building maintenance and repaired a large hole in the conference room at the Texier House, damaged by squirrels. Councilman Nehls also reported the Committee met March 16<sup>th</sup> and discussed the Valley Drive project which should go out to bid soon so work can begin this summer. He said there was a bond last year for work on Redmont, Cedar and Elsinore which should also go out to bid. The Committee discussed other roads that need work at an estimated \$499,000 in addition to the \$375,400 for the Valley Drive work. The Committee will be looking at a Bond for approximately \$1,000,000 for these projects. Mr. Gibbs said the Committee is looking at replacing the Best Lake fountains, since the cost for repair will be \$10,000 and come with no warranty. He said the cost to replace them would be \$18,000 with a warranty. Councilman Nehls said the Committee is requesting that Johnson Soil look at the rock wall behind the Public Works building to possibly complete this project. He also said there are many other items to be replaced and or repaired such as the wall in front of Borough Hall (\$23,000), catch basin replacement (\$80,000), and fire alarm panels.

In regard to the Library, Councilman Nehls reported Mr. Iovino provided a new version “E”, for the proposed renovations. This version would provide for almost the same square footage in version “D” yet reduce costs because there would be one less floor for the elevator and stairway. He explained that the building, with the exception of the children’s section, would be torn down. He said it is the recommendation of the Committee to move forward and request cost estimates from Mr. Iovino for version “E.” Mayor and Council members were in agreement that this would be a good compromise and more cost effective. Mayor Pote said that this version is an excellent compromise, retaining the children’s section and will provide the recommended “line of sight.” Councilman Gibbs said he is happy that the Council is at this point and that he appreciates the time and efforts of his fellow Council members. He said this is a grand compromise and he is 100% behind version “E.” Councilman Mobus agreed that this was a very good compromise. Councilman Gibbs made a motion to recommend getting cost estimates for this version with a second by Council President Joren and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye”.

#### 4. Public Affairs:

Open Space – Councilman Sopko reported a meeting is scheduled for March 28<sup>th</sup> and they will be discussing the Ness property to determine where we are in regards to remediation and to go over the inventory. Councilman Nehls suggested waiting until the meeting with the Licensed LSRP to discuss the remediation plan for the site. There is some contamination and houses that need to be torn down. Mr. Atkins mentioned the possibility of looking at the barn for historical purposes and Council President Joren said that the wood may be of some value. Council President Joren suggested that the former Ness Committee may have some minutes, and consulting plans from Maser that would be helpful for to the Open Space Committee. Mr. Gibbs said there could be some trail grant opportunities for the property.

Environmental – Councilman Sopko reported there was a meeting held on February 22<sup>nd</sup> and the Pilgrim Pipeline dominated the discussions. Mayor Pote said about 19 towns are on board so far to try to stop the pipeline. Councilman Sopko said Operation Pride will be held on April 2<sup>nd</sup>, meeting at the Texier House at 9 AM and the Green Fair will be held on April 30<sup>th</sup>.

Recreation – Councilman Mobus reported a meeting was held on March 2<sup>nd</sup> and the Easter Egg Hunt is scheduled for March 19<sup>th</sup> at Phillips Field. He thanked the Public Works Department for improving the fencing at Phillips Field. He also reported there is a trip scheduled to see the Yankees vs Orioles on June 24<sup>th</sup>.

Historical – Councilman Mobus said there was a meeting on March 9<sup>th</sup> with most of the discussion about the large hole in the wall and the squirrel invasion, which was immediately fixed by the Public Works Department. The Committee nominated the Memorial Day honoree, John Thomas Toolan, a WWII veteran.

Board of Health – Councilman Black reported the Board met last evening and introduced two Ordinances to change the fees and time for renewals for the Massage Therapist establishments. The Public Hearing will be held on April 20<sup>th</sup>. He also said there was discussion on the lead in water and possible testing at the schools and Borough buildings. Mr. Herits said they should flush the first thing in the morning. Councilman Nehls said the percentage of children who get lead poisoning is less than 20% and lead based paint is the major reason for lead poisoning and it is not all about the water.

5. Fire – Councilman Black said there is a meeting scheduled for tomorrow and he will give a report at the next meeting.

6. Laws/Ordinances – Council President Joren reported a meeting was held March 9<sup>th</sup> and the Land Development Ordinance review and amendment (growth share) affordable housing was one of the discussion items. Mr. Cruz will review this and take out the language that refers to COAH, since “COAH” no longer exists and update it. They also discussed the background checks for volunteers, including the Fire Department, Rescue Squad, new employees, coaches and certain licensees. Mr. Cruz will review the Personnel Manual to possibly reimburse the volunteers, however, those licenses that require background checks would continue to be the responsibility of the licensee. Council President Joren also reported the issue of removing the triangle out of the historical overlay, and actual need to continue the Village Center Preservation Committee, were discussed. She said the Chair of the Board of Adjustment suggests eliminating the Committee and removing the triangle from the overlay zone. Council President Joren said L & O wants to review this further. The Committee also discussed a request from Councilman Gibbs asking the Borough to have an Ordinance in place to ban the sale of crib bumpers and Mr. Cruz has drafted an Ordinance. Councilman Gibbs gave a brief explanation of why he would like this Ordinance, citing some statistics regarding SIDS and the increase when these bumpers are used. He said both Maryland and Chicago have banned the sale of bumpers. Mr. Atkins questioned who the enforcing agent would be, and Mr. Cruz did not recall.

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

7. Engineer – Mr. Herits reported the Knollwood Drive/Deer Run pipe work is almost complete and once done the milling and paving can be completed. He said he also hopes to get the DOT grant for Washington Drive. Mr. Herits said the Borough has to match the \$100,000 FEMA Grant for the two gas generators – one for Public Works and one for the East End Fire House. He said the drainage project on Glen Eagle is complete, and Johanna and Sunlit still have to be completed. Mr. Herits suggested the possibility of applying for the electric sign with a Grant on the next DOT round of applications.

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 OEM and CERT have invited everyone to a drill on April 19<sup>th</sup>. The speaker is from Somerset County CART (County Animal Response Team.)

12. Attorney – Mr. Cruz had no report except there are two items for Executive Session this evening.

13. Clerk – Ms. DeRocco said she had no report.

14. Administrator – Mr. Atkins had no report.

Mayor Pote reported the Municipal Alliance Committee met last week and discussed Project Graduation. He said this year’s event will be a cruise around New York and they are looking for funding. He also reported at the Planning Board meeting they discussed the Weldon amendment for the Master Plan to change the zoning on Bonnie Burn Road. Council President Joren asked if these changes will affect the maps being revised and Mr. Herits said the maps are all digital so it would be no problem to change them.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

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No one from the public wished to be heard.

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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 Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

Approval of the following Council minutes:  
February 18, 2016 Executive Session  
March 2, 2016 Special Meeting  
March 3, 2016

Acknowledging Receipt of the following Borough Reports:  
Building Department Report – February, 2016  
Police Department Activity Report – February, 2016  
Planning Board Minutes – September 15, October 13, and November 17, 2015

Acknowledging Receipt of the following Correspondence:

- #8 - PSE&G 3/14/16 Notice of filing and public hearing on petition to modify its manufactured gas plant remediation adjustment charge c: M & C, TEA, Post
- #9 - JCP&L 3/10/16 Notice of filing and public hearing on petition to modify its manufactured gas plant remediation adjustment charge c: M & C, TEA, Post
- #10 - Township of Bridgewater 3/14/16 Notice of Adoption of Land Use Amendments – Ordinances 16-02, 03, 04, 05, and 06 c: M & C, TEA, TH, Pl. Board

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye”.

R1:03/17/16 Appointment to Volunteer Fire Department – Kevin Sweeney

- R2: Authorize Tax Overpayment Refund – 5 Jared Court
- R3: Authorize Sewer Assessment Overpayment – 180 Valley Drive
- R4: Authorize Tax Sale Certificate Redemption #12-014 – 6 Stonegate Drive
- R5: Purchases Over \$2,000. – Finne Building & Investment (PW / Catch Basin Repair)  
New York Yankees (Rec / Tickets for Game)  
Trashcans Unlimited LLC (Grant / Recycling Containers)  
Fun Services (Rec / Amusement Rides, Rentals)

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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.

Introduction of Ordinance OR:16/03 – “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40a:4-45.14)” Public Hearing to be held April 7, 2016.

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R6:03/17/16 Introduction of OR:16/03 – To Establish a Cap Bank

Councilman Gibbs moved the following resolution with a second by Council President Joren and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R7: Introduction of 2016 Municipal Budget

Councilman Mobus moved the following resolution with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye”.

R8: Authorizing Self-Exam – 2016 Municipal Budget

Councilman Gibbs introduced Resolution R9, 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 my employment with an energy commodity supplier...” Councilman Nehls seconded the motion and upon Roll Call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R9: Payment of Bills

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**PUBLIC PORTION - GENERAL DISCUSSION**

Peter Martino, Sunbright Road, reminded the Council he has information on the Fire Engine costs if they are interested. He questioned when the Best Lake property will be cleaned up as it is still a mess since the last storm. Mr. Martino then questioned why his daughter was removed from the Fire Department and the training classes she was attending, and asked if the resolution which appointed her initially is rescinded when the member turns 18. Mr. Atkins stated this is not the appropriate time for this discussion that it should go to the Fire Committee first. Mr. Martino said his daughter Siena was present and since she is 18 years old and an adult she can speak for herself. Siena Martino then came to the microphone and answered questions. Councilman Nehls asked Mr. Martino if his daughter had started the program and Mr. Martino said she had. Councilman Black said this item is on the agenda for the Fire Committee meeting tomorrow morning. The Fire Department By-Laws state on January 1<sup>st</sup> the individual must apply as a different type of member. Mr. Cruz stated the correct action is what Mr. Atkins indicated, that it be referred to the appropriate committee. Councilman Nehls asked if the Borough would lose the seat at the class if Ms. Martino is pulled and he was informed there is no refund once the class has started.

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Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye”

R10: Executive Sessions: 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

Contract Negotiations – Interlocal Services Agreement-and  
Personnel – All regarding retaining an Attorney  
to provide services related to the Pilgrim Pipeline

Upon return to regular 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 10:00 PM to the Call of the Chair and to the next scheduled Council meeting 7:30 PM, April 7, 2016.

Respectfully submitted,

MaryAnn Hance  
Deputy Clerk