

BOROUGH OF WATCHUNG

COUNCIL MINUTES

NOVEMBER 28, 2016 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 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.

ROLL CALL:

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

REPORT OF STANDING COMMITTEES:

1. Administration & Finance- Councilman Gibbs reported the Committee met this morning and the next meeting will be held December 19th. The Committee discussed recommending a Refunding Bond Ordinance for 2007 debt. He said this would save approximately \$855,000, or \$85,000 per year over the remaining 10 year life of the Bond. Councilman Mobus it is a good idea to refund debt and Councilman Sopko commended both Mr. Atkins and Mr. Hance for coming up with this request. Mr. Atkins said the introduction of the Refunding Bond will be on January 5, 2017 with a public hearing to be held on January 19, 2017. The actual bond sale will be about February 20, 2017. Councilman Gibbs also reported the Committee discussed some Department of Public Works personnel issues. He said the budget process for 2017 has begun and at the next meeting we will have a Resolution that mandates the Tax Assessor notify the Mayor and Council of all tax appeals. Councilman Gibbs said there will be discussion in Executive Session this evening regarding PBA negotiations.

2. Police – Council President Joren reported the Police Department participated in the unused/expired medication drop off on October 22nd and 19 lbs. were collected for proper disposal. Chief Cina received over 120 resumes for the two vacancies, and the first round interviews will begin next week. Council President Joren reported the files and proofs for our accreditation have been shipped to the assessors for review and the onsite inspection will be held on December 18th and 19th for the first re-accreditation and this requires all previous standards to be met. She said these are good for a three year period. Council President Joren also reported the Somerset County SWAT team held their monthly training exercise on October 28th at the Ness property. The Watchung Police Department currently has three officers on the emergency SWAT team. She also reported Black Friday went smoothly and was successful again this year with no incidents or issues. Walmart has the largest turnout and the department worked with them in advance. Mr. Atkins asked if he understood correctly that Chief Cina received 120 resumes for the 2 vacancies and Council President Joren said that was correct.

3. Public Works / Buildings and Grounds – Councilman Nehls had no report for Buildings and Grounds. However, he gave an explanation for pulling the resolution that was scheduled for tonight's Agenda, awarding a contract to the Architect for the Library. He said Mr. Cruz had a list of concerns for criteria that is not in the contract. Councilman Nehls also said there were two council members who also had some concerns about moving forward with this. Councilman Mobus his concern is the gap in the funding needs for the project which according to plans would require one million dollars in donations and he has not seen any progress on fund raising. He does not want to commit to an additional \$200,000 to the architect when we don't have funding. Councilman Nehls said the Borough would be bonding for 1.5 million and an additional amount from an old Ordinance of \$500,000. He said construction would not start until a minimum of \$500,000 has been raised through private donations. Councilman Nehls also remarked that the Architect did send in a proposal with a breakdown of costs, as requested. Councilman Mobus said this definitely needs further discussion prior to moving forward and Councilman Sopko also agreed the gap in funding is a major concern. Mayor Pote said there must be a plan in place prior to requesting funding from organizations since they would want to know how serious the Borough is. Councilman Nehls said the Borough has shown they are very serious through all the work that has been done to date. He also said he will have to let Mr. Iovino know this is on hold until we have further discussion. Council President Joren questioned who will be putting something together for fund raising and asked if a professional should be hired. Mayor Pote said he will contact the fundraiser and discuss with Mr. Atkins and Ms. DeRocco. Councilman Gibbs said there should be an understanding of where we are for the 2017 budget. It is not a question on whether this is going to proceed but need to know how this is to be funded.

4. Public Affairs:

Open Space - Councilman Sopko had no report.

Environmental – Councilman Sopko said the meeting has been rescheduled to December 15th. He welcomed the new member who is being appointed this evening, Joan Tak.

Recreation – Councilman Mobus reported the Recreation Commission will meet December 7th.

Historical – Councilman Mobus reported the next meeting is scheduled for December 14th.

Board of Health – Councilman Black reported the Board will meet on November 30th.

5. Fire – Councilman Black had no report. He was glad to see an update on the refurbishing of the Firehouse but disappointed it has taken this long. Mr. Atkins said there is a purchase order on the over \$2000 Resolution for the architect to prepare final documents for plans and specifications and construction diagrams and Mr. Herits has spoken to them that this must be done by the end of the year so it can be prepared to go out to bid in January. Mr. Atkins also reported there will be a more factual report on the final results of the audit done by the Insurance Services Office (ISO) for our fire insurance rating classification for the entire Borough. This is a very important process and it was recently completed and Councilman Black will report on this at the next meeting. Mr. Atkins said it is good news since we will maintain our rating. Councilman Black thanked Mr. Atkins for his input into the language for the stipend Ordinance.

6. Laws/Ordinances- Council President Joren reported the Committee met on November 15th and one of the main issues discussed was the Fire Department stipend. The Fire Chief had submitted material and suggestions on trying to put together an ordinance that would set out the policies and regulations for the yearly stipend. Council President Joren said she had requested Administrator Mr. Atkins, who has many years of experience, and CFO Mr. Hance, who has dealt with the funding of the previous stipend programs over the past years, to attend the meeting to provide input. She said there has been much discussion regarding concerns from members on how payment have been distributed and now there is now a solution. Council President Joren also reported the Committee has prepared an amendment to the Hawking/Peddling Ordinance increasing the annual renewal to \$110.00. The Committee discussed distribution of fliers on residents' doors and Mr. Cruz will further research if the Borough can legally regulate this.

REPORTS - OTHER:

7. Engineer – Councilman Nehls reported for Mr. Herits. He said the Valley Drive project bid documents are at the DOT for review and once approved, Mr. Herits will work with Ms. DeRocco for dates to advertise and receive bids. He also reported the Department of Transportation has announced they will be accepting FY2017 applications, and it is believed High Tor would be a good candidate since it offers an alternate means to Rte. 78 and Berkeley Heights. Mr. Herits suggested the Council prepare a list of potential roadways in need of repair or improvement and he has been working with Bob Burns measuring roadways for milling and paving estimates for next year and he is also looking for additional cost estimates for the rock slope stabilization at the Department of Public Works. Mr. Herits also has discussed the 9-11 Memorial subgrade preparation with Mr. Baldassarre and will meet with him and the sub-contractor to schedule performing the work after the "Tree of Lights" event. He also reported Green Acres is accepting applications, and this may be a good source of funding to start developing the Ness Farm.

8. Police Chief – No report was submitted

9. Fire Department - No report was submitted

10. Rescue Squad - No report was submitted

11. Emergency Management – CERT Team members Carolyn Solan and Charlie Delaney reported POD (Point of Distribution) training was completed in September and also part one of the search and rescue drill has been completed with part two scheduled for January. Ms. Solan gave a brief synopsis of what the team has done to date including assisting at the Buffalo Wild Wing 5K run. The team will also be assisting Warren at the Bon Fire event, working with their Police on security. Ms. Solan said the Watchung CERT Team is one of the most active in Somerset County – 378 hours to date. She said they have a new member, Karen Pennett. Ms. Solan invited all to their Pot Luck Social Dinner on December 13th. Councilman Nehls asked about the radios and Mr. Atkins said he has all necessary information and need to order them. Mayor Pote thanked Ms. Solan and Mr. Delaney for all their work. Mr. Delaney thanked the Mayor and Council for their support of the team.

12. Attorney – Mr. Cruz had no report, however, noted there is one item for Executive Session this evening

13. Clerk – Ms. DeRocco reported there is a free rabies clinic Saturday, December 3rd at the Fire House from 9-10 AM and the Tree of Lights event is Saturday evening at 5:30 PM. She also reminded the Council that the Holiday Party for volunteers is Friday, December 2nd and asked anyone who has not responded to please do so by tomorrow.

14. Administrator – Mr. Atkins explained Resolution R5 was requested by the JIF and the MEL. He said this proposed legislation will give any JIF in the State and the State MEL the ability to invest in any state, local, or federal government agency or consider purchasing bonds. Mr. Atkins encourages the Council to pass this. Mr. Atkins said Councilman Gibbs had asked him how much money might be in the 5% Capital Improvement fund and he said it is actually \$250,000 to \$300,000 which would translate into five or six million dollars of bonding capacity. He said in the next month or two he and Mr. Hance will be looking at the unexpended funds from 2016 and may recommend transferring about \$50,000 to the Capital Improvement fund. He explained this money does not disappear at the end of the year like the rest of the unexpended accounts.

Mayor Pote mentioned the Municipal Alliance Run with over 120 runners participating and they raised several thousand dollars. He said this organization was established to promote awareness on alcohol and drug abuse.

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PUBLIC PORTION / AGENDA ITEMS ONLY
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No one from the public wished to speak.

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UNFINISHED BUSINESS
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A Public Hearing of Ordinance OR:16/14 entitled "AN ORDINANCE AMENDING CHAPTER VI, TITLED 'POLICE REGULATIONS' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, TO ADD A NEW SECTION 6-14, TITLED ~~“PET MILLS PROHIBITED”~~ “RESTRICTING THE SALE OF DOGS AND CATS FROM PET SHOPS” was held.

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

With no one from the public wishing to be heard Council President Joren closed the public hearing and moved the following resolution:

R1:11/28/16 Adoption of OR:16/14 – Restricting the Sale of Dogs/Cats Obtained through Pet Mills within the Borough

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

Council President Joren thanked the Council for passing this Ordinance. She said the Borough is the 72nd municipality to institute an Ordinance prohibiting the sale of pets from puppy mills.

A Public Hearing on Ordinance OR:16/15 entitled: “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER VI, TITLED “POLICE REGULATIONS”, TO ADD A NEW SECTION 6-13, TITLED “SALE OF CRIB BUMPER PADS PROHIBITED” WITHIN THE BOUNDARIES OF THE BOROUGH.” was held.

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

With no one from the public wishing to be heard Council President Joren closed the public hearing.

Councilman Gibbs moved to amend this ordinance to allow the sale of mesh bumper pads only. He said after further research he found other towns have also allowed these. Councilman Sopko asked if this includes the “pack and play” pads and Councilman Gibbs said it is only for crib bumpers. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko “aye.”

Council President Joren moved the adoption of this Ordinance as amended and a new Public Hearing to be held December 15, 2016.

R2:11/28/16 Adoption of OR:16/15 – Prohibit Sale of Crib Bumper Pads

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

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NEW BUSINESS

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:
November 3, 2016

Acknowledging Receipt of the following Borough Reports:
Library Advisory Board Minutes – July 6, September 7, 2016
Recreation Commission Minutes – October 5, 2016
Building Department Report – October, 2016
Finance Department Revenue Report – September, October 2016
Board of Adjustment Minutes – October 13, 2016

Acknowledging Receipt of the following Correspondence:

- #38 - Township of Warren 11/08/16 Notice of Adoption of 4 (four) Zoning Ordinances No.’s 16-15 through 16-18 (Full Copies are Available in the Clerk’s Office) c: M & C, TEA, Pl. Board, Bd. of Adj.
- #39 - Township of Scotch Plains 11/21/16 Notice of Proposed Land Use Ordinances #’s 2016-18, 19, 20, 21, 22, and 23; and Public Hearing Date of December 13, 2016 c: M & C, TEA, Pl. Bd.

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions listed below were unanimously adopted.

Prior to the vote Councilman Nehls recused himself from voting on R3 and requested R3 be pulled for separate vote.

Council President Joren moved R3 with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Black, Gibbs, Mobus, Sopko, “aye.”

R3:11/28/16 Authorize Lease with Watchung Board of Education – Phillips Field

Council President Joren moved Consent Agenda Resolutions R4 through R11 with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

- R4: Authorize Revocable License Agreement – 167 Stanie Brae Drive
- R5: Supporting Senate Bill S-2254, Assembly Bill A-3821 Affirming the Language and Legislative Intent of the Fair Housing Act
- R6: Appointment to Environmental Commission – Joan Tak
- R7: Purchases Over \$2,000. – Lawsoft, Inc. (PD – Maintenance for CAD System)
The Rogers Group, LLC (PD – On Line Training)
FC Professional Aluminum Rail (Replacement of Hand Rails at Court Facility)
The Rodgers Group (PD – Accreditation Program)
Avoca Engineers & Architects (FD Improve Bid Pkg.)
- R8: Supporting Senate Bill S-2663, Assembly Bill A-4234 Providing for Broader Investment Opportunities for Local JIF’s and the NJ State MEL
- R9: Accepting a Deed of Lot Consolidation – 210 Mountain Boulevard
- R10: Authorize Return of Duplicate Sewer Payment – 90 Vail Lane
- R11: Authorize Return of Duplicate Tax Payment - 45 Edgemont Road

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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:16/16 entitled “AN ORDINANCE AMENDING CHAPTER XI, TITLED “GENERAL LICENSING”, SECTION 11-1, TITLED “HAWKERS AND PEDDLERS”, SUBSECTION 11-1.10, TITLED “EXPIRATION AND RENEWAL OF PERMITS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, TO INCREASE THE RENEWAL FEE TO ~~\$125.00~~ \$110.00.” Public Hearing to be held on December 15, 2016.

Mr. Cruz clarified that the renewal fee should be \$110.00.

Council President Joren moved for the adoption of this Ordinance on first reading and directed the Clerk to advertise a public hearing. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R12:11/28/16 Introduction of Ordinance OR:16/16 – Amend Code / Hawkers and Peddlers Renewal Fee

Introduction of Ordinance OR:16/17 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER IV, TITLED “FIRE DEPARTMENT”, TO ADD A NEW SECTION 4-8, TITLED “STIPEND PLAN” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.” Public Hearing to be held on December 15, 2016.

R13: Introduction of Ordinance OR:16/17 – Amend Code – Fire Department Stipend Plan

Council President Joren moved for the adoption of this Ordinance on first reading and directed the Clerk to advertise a public hearing. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

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

R14: Authorize Budget Transfers

Councilman Gibbs introduced Resolution R15, 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.”

R15: Payment of Bills

Councilman Gibbs said he invites residents to look at all portions of their tax bill, not just the Municipal portion. He said the Borough’s portion is only 25% of the total tax with 75% going elsewhere.

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PUBLIC PORTION - GENERAL DISCUSSION

Rachel Funcheon, Cedar Road, said she had hoped to get some answers for the questions which were presented to the Mayor and Council prior to the start of the deer hunt. She asked if there is a plan to do a survey to assess the deer population. She said many residents are opposed to the hunt or at least would like the Borough to reassess. Ms. Funcheon asked for clarification of information on the website which states the time for the hunt would be from dusk to dawn and the hunt may continue to February 11th. Mr. Atkins said it should read “dawn to dusk” and the hunt is expected to go to that date. She also asked about the number of sites being fewer than prior years. Mr. Atkins explained there will be at least one more but all the paper work has not been received. Ms. Funcheon wanted to know if the hunters have been told not to kill the Pie Bald (white deer) and Mr. Atkins said they have been told. She finally asked if the group would be able to be placed on the January agenda and have some answers to the questions. Mr. Atkins said some of the questions have to be researched but he hopes to have a draft next week. Ms. Funcheon asked how a person who is against the hunt could get on the Wildlife Committee and it was suggested that they fill out a volunteer form.

Ray Barrett, Valley Road, said when the Borough starts planning for the 2017/2018 hunt, that they would like to be on the agenda to express their concerns. Mayor Pote responded the Borough starts preparing in late summer/early fall. Mr. Barret said a survey should be done before then and answers given to the questions submitted to the Mayor and Council.

Councilman Nehls asked Mr. Atkins about the aerial survey. Mr. Atkins said he has received one quote from a Colorado company for \$25,000 which is not an infrared survey and he is waiting for at least one more quote.

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.”

R16:11/28/16 Executive Session: Contract Negotiations – PBA Contract

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

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 9:50 P.M. to the Call of the hair and to the next scheduled Council meeting 7:30 PM, December 15, 2016.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk