

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
FEBRUARY 2, 2017  
7:30 PM**

**OPENING STATEMENT:** Mayor Stephen K. Pote called the meeting to order at 7:31 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 ]

Also present were Administrator Tom Atkins, Attorney William Robertson was present for Mr. Cruz, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 42 members of the public present

**PROCLAMATION**

Mayor Pote read a proclamation for “Wear Red for Heart Health” Day – February 3, 2017  
(copy attached)

**REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Gibbs reported the Committee will meet on February 6<sup>th</sup>. He said the Borough is proceeding with the bond refunding which will save the Borough approximately \$800,000 over the life of the bond. He also said the Borough earned \$43,340 in 2016 interest by switching accounts to a new bank.
2. Police – Council President Joren said Chief Cina is present this evening and he will give an update on the speed limit signs.
3. Public Works - Councilman Nehls said the bond ordinance on the agenda this evening includes monies for Washington Drive. He also said the cost for the list of roads needing milling and paving given to the Public Works Committee was over \$700,000 but there is only about \$200,000 available at this time. He requested some input to the Public Works Committee of which roads need repair the most.
4. Public Affairs:

Open Space – Councilman Sopko reported a meeting is scheduled for February 21st at which time the Committee will study the three concept plans for the Ness property and provide their input to the Governing Body.

Environmental – Councilman Sopko reported the Commission met on January 24<sup>th</sup> and reviewed the tree report/appeal which is on the agenda this evening.

Recreation – Councilman Mobus said the Commission met last evening. He said they discussed the potential for a summer program. He said he and Coordinator Linda Moneti met with Brook Hill Swim Club and they are receptive for the Borough to use their facility. The Commission will prepare and estimate the costs and revenue and will present it to the Administration/Finance Committee on Monday. Councilman Mobus then reported the Easter Egg Hunt is scheduled for April 8<sup>th</sup>, rain date the 9<sup>th</sup>, Community Picnic is May 20<sup>th</sup>, rain date May 21<sup>st</sup>, and the Memorial Day Service is May 29<sup>th</sup>.

Historical – Councilman Mobus reported the next meeting will be held on February 22<sup>nd</sup> and a special meeting on February 15<sup>th</sup> to review a new video presentation which was prepared by Chris Vander Fliet. He said the Historical meetings have been changed to the 3<sup>rd</sup> Wednesday of the month. Councilman Mobus also reported on the mural at the Sears Store which the Borough would love to keep but after a few visits to the site it was determined it is not movable since it is painted on the wall. He said possibly getting a picture of it and have it reproduced might be logical. Mr. Atkins said a letter was sent to Sears on behalf of the Mayor and Council looking for cooperation. Councilman Gibbs asked if it is possible to save the wall. Councilman Mobus said possibly getting an expert to look at this might be best.

Board of Health – Councilman Black said the next meeting is scheduled for March 15<sup>th</sup> at 7:00 pm. He also reported that Watchung Hills High will be doing their lead testing on February 20<sup>th</sup> and once he receives information he will give a report.

- 5. Fire – Councilman Black said there is a meeting scheduled for next Monday.

Councilman Black reported there was a meeting last evening for Green Brook Flood Control and they discussed the upper basin (Connell location). He said a study and evaluation will be conducted this summer. They will be looking at the old plans to prepare new ones. The Commission has received ten million dollars to continue this program.

- 6. Laws and Ordinance – Council President Joren said there has been no meeting but she has been gathering information on the Somerset County Complete Streets program.

**REPORTS- OTHER:**

- 7. Engineer – In Mr. Herits’ absence, Mr. Atkins announced bids for the Valley Drive project will be accepted on February 23<sup>rd</sup>.

8. Police Chief – Chief Cina said he has looked into the feasibility of creating an internet safe exchange zone and said it would not take much to do this other than to advertise it is available and free to use the location. However, he said the Police would not intervene or oversee. Council President Joren said it should be made clear that the Police Department is not liable. Chief Cina spoke about the current speed signs that are available for PD to use. He explained that one is on a movable trailer with a message board and is radar compatible, however, its placement is limited since it is permanently on the trailer. He explained messages can be posted or changed at anytime, directly from a computer. Chief Cina said the second, smaller sign, is portable and can be mounted on any sign post. He said this one gives a lot of information including speed and also takes pictures. He presented some information from sites where the signs were placed in both the 500 and 900 block of Johnston Drive. He said both of these signs are solar powered.

- 9. Fire Department – No report was submitted.

- 10. Rescue Squad – No report was submitted.

- 11. Emergency Management – Mr. Atkins said Mr. Greves reported the Emergency Operation Plan for the Borough is due again March 2018. Mr. Greves is starting the review now on the annexes.

- 12. Attorney – Mr. Robertson had no report.

13. Clerk – Ms. DeRocco thanked the Mayor for the Proclamation for “Go Red for Heart Health Day” and also thanked Linda Monetti for arranging and inviting a cardio nurse to speak to all at tomorrow morning’s “Go Red” session, in addition to the monetary donations she has been collecting donations for the Heart Association.

14. Administrator – Mr. Atkins said once the meeting is open to the public for the discussion on deer, the three minute rule will be adhered to so he will limit his report to three minutes. He also said there was a conference with Standard and Poors and he along with Mr. Hance, Ms. DeRocco, and Ms. Johanson, were present. The Borough’s bond counselor Steve Rogut and auditor Bob Swisher were also on the phone. He said he will be expecting a rating by next week. He also said the Annual Financial Statement (AFS) is complete and it will be sent to the State tomorrow.

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**PUBLIC PORTION AGENDA ITEMS ONLY**

**BOROUGH CODE XXIV, SECTION 24-8C – TREE PRESERVATION**

Tree Removal Permit – Appeal of Denial / 41 Lakeview Avenue

Assistant Engineer Arlene McCoy explained why this denial is being presented to the Mayor and Council. She said the homeowner wants to remove 17 of the 19 evergreen trees along her property. Ms. McCoy visited the site along with Sondra Epstein from the Environmental Commission and upon inspection, it was determined that these trees could be removed, however, the Borough’s ordinance prohibits a resident from removing 50% of the trees on a property. Ms. McCoy and Ms. Epstein felt it would be in the homeowner’s best interest, due to the height and condition of these trees, that they could be removed as long as there is a replacement plan, and the plan complies with the Borough ordinance. Ms. McCoy presented copies of the January 12, 2017 memo from the homeowner to the Mayor and Council appealing the denial and also a copy of correspondence from Ms. Karen Pennett, Chair of the Environmental Commission, supporting the homeowner’s request to remove these trees, under the condition that an acceptable replacement plan is agreed upon, that includes a ratio of 75% deciduous and 25% conifers. The replacement must be completed within one year of removing trees. Attorney Robertson said to mark each presentation as an exhibit since this is a hearing.

Ms. McCoy said she is not authorized to make this decision and that is why it has been appealed to the Mayor and Council.

The property owner, Ms. Linda Furchi came forward and Attorney William Robertson asked that she be sworn in. Mayor Pote did the swearing in. Ms. Furchi then explained she wishes to remove these trees because she is concerned they could fall on her home. She has agreed to replace 1 for 1 all trees and comply with the types of trees in the ordinance. She said she would like to plant some fruit trees in the back of the property and flowering ones toward the front of the property. She will ask for advice on types of trees for the replacement. Councilman Black suggested she plant deer resistant trees.

Mayor Pote opened the meeting up to anyone from the public that wished to be heard.

Lynda Goldschein, Sherwood Drive, said she appreciated the resident following the rules regarding tree removal and she asked if the Mayor and Council could look at the current Ordinance and increase fines for removing trees without a permit. Mayor Pote said the Environmental Commission should discuss the Ordinance and then give any suggestions to the Laws and Ordinance Committee.

Councilman Gibbs said he appreciated Ms. Furchi following the tree removal process. He said he did go to the location to look at the trees and agrees they could cause damage if they did fall on the home. Council President Joren said when she first heard the request was to remove 17 trees she was against it, however, after visiting the site, she said they should be removed. Councilman Sopko said the tree ordinance must be enforced if trees are being cut down without prior approval.

Councilman Nehls made a motion to approve the request with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

### **DISCUSSION: Deer Management**

Prior to opening this discussion to the public, Mayor Pote explained that a deer management program has been in effect since 2003. He said in the beginning, the Borough contracted with a company called Deer Management Inc. at a cost of about \$40,000 per year. Starting in 2011 the Borough has been using the Blue Ridge Sportsmen Club, consisting of all volunteers with a minimum cost to the Borough for feed only. He said the meat is either donated to institutions or used by the hunters personally. Upon request and previous discussions, it was agreed that the Borough should have an aerial survey conducted and a firm has been hired to do this sometime in February. The results should be ready in four to six weeks.

Mayor Pote advised residents their comments would be limited to three minutes each.

Rachel Funcheon, Cedar Road, said they were not told about the three minute rule and she has a statement prepared which would take longer than three minutes. Mayor Pote said she would be able to present the opening statement for the group. Ms. Funcheon said there has been no answer to the number of deer in the Borough and this should be determined prior to any hunt, and a set number that to be hunted should be in place, and hunt suspended once that number is met. She also said she is against any cross bow hunting in the Borough. Ms. Funcheon said the Wildlife Management meetings should be open to the public and minutes should be published. She also said the Mayor and Council should appoint a more diverse Committee with a membership of both for and against the hunt.

Ray Barrett, Valley Road, said the number one priority should be safety, and suggested that the Police Chief should manage the hunt. Mr. Barrett said if cross bows were ever approved the distance should still be 450'. He also agreed that the Wildlife Committee needs to be reformatted, be open to the public, with monthly meetings.

Ashely Cohen, Hill Hollow Road, said in 2003 Union County had a report that said the deer population increased when there was a hunt.

Ray Miller, Valley Road, said only 2% of car accidents are caused by deer and as far as damage to the understorey, they do have some affect but invasive plantings also contribute to this. Mr. Miller said by eliminating deer you would not necessarily eliminate lyme disease because other animals can carry the ticks that cause this disease.

Rose Rosenbaum, Paterson Road, Hillsborough, said there are other non-lethal methods to control the deer from entering roadways. She said there are wildlife reflectors that are installed on both sides of a roadway which have had positive results. Hunterdon County installed these in August and have had good results, Ms. Rosenbaum said the Federal Highway Administration has a hazard elimination program grant.

Hans Juette, Elsinore Road, said the Fish and Wildlife Department of the NJ DEP said the number of deer per square mile should not be above 10 - per square mile. He said data for 2016 showed 50 deer had been culled and another 29 removed from the roads by the Police Department. Mr. Juette said if the population is not controlled it can double every other year. He also said anyone can attend the Wildlife Management meetings.

Veronica Kaufman, Glen Eagles Drive, said she has small children and is very uncomfortable with the hunt and she fears for their safety.

Lynda Goldschein, Sherwood Drive, said the number of deer depends where you live in the Borough. She said the hunt is not to eliminate the deer, it is just to control them. She questioned why the aerial survey is being done prior to the birth of new fawns. Mr. Atkins said it must be completed while there is no foliage. Ms. Goldschein said the hunt is safe, the hunters are in tree stands. She said the Watchung Reservation has been conducting a hunt for 30 years and has never had an accident related to the hunt.

Joel Cohen, Hill Hollow Road, would like the number of deer when the hunt was first started and suggested stopping the hunt until after the survey results are in.

Richard Wellbrock, Tall Timbers Road, said the Wildlife Committee had done a count every other year and he said the hunt should be continued.

Dorothy Addario, Rock Avenue, said she strongly supports controlling the deer. She said it is a balance and in order to maintain our habitat there is a need to control the deer population.

Pete Martino, Sunbright Road, said he does not have an opinion one way or another, however, he does believe in wildlife management. He questioned the \$9400. being spent on the survey and if the information will be accurate.

Don Pote, Sherwood Drive, said 40 years ago there were tree lined streets and wooded areas. Now he does not see any small wildlife. He had to put up a fence and within the fenced area, it is heavily vegetated but outside the fences area it is like a wasteland.

Andrea Stout, Mountain Boulevard, said the Borough should maintain a balance but she also felt the \$9,000. being spent for an aerial survey would be better spent on the library.

John Shpunder, Ellison Road, said the \$9,000. would be better spent on road repaving.

Rachel Funcheon, Cedar Road, said she does not need a survey to know there are much less deer in the Borough now than there used to be.

Mayor Pote closed the public portion and asked Council for any comments.

Councilman Gibbs said he appreciated all the view points and comments. He said he does see less deer than he used to on his property but there is no understory either. Councilman Gibbs said there has to be a balance and there are always two sides to every story. Emotions should be taken out of the equation and decide what is best for Watchung.

Council President Joren said everyone knows where she stands regarding the hunt and as far as the understory is concerned, erosion from chemicals, tree removals, etc. must be included.

Councilman Nehls thanked all for coming. He asked Mr. Juette to look at other ways to control the deer population. The Borough needs to make safety the top priority.

Councilman Mobus said decisions should be made on what residents want but the Borough must maintain a balance with deer management in place. He also said he would not support bow hunting but he does not think there should be an aerial survey.

Councilman Sopko said safety is the top priority and anything that can improve safety he would agree to. He said everyone wants a balance.

Councilman Black is a proponent of the aerial survey because there is nothing to go by at this time. He said the money for the survey would not be used for anything other than the survey – it is not bonded. Councilman Black said the data from the survey will help moving forward.

Mayor Pote thanked everyone for coming and for their input and asked any documents they may have to be submitted to the Clerk. He also said the fact that the Borough is doing a survey was a compromise to get newer data so better decisions could be made. Mayor Pote said the understory is gone in large part due to the deer population. He also said safety is an issue taken very seriously by the Borough. He looks forward to going through the comments from this evening and hopes the Borough can come up with a solution.

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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:

January 19, 2017, Special Meeting Regular and Executive Sessions  
January 19, 2017, Regular Meeting

Acknowledging Receipt of the following Borough Reports:

Board of Health Minutes – November 30, 2017  
Planning Board Minutes – November 15, 2016  
Environmental Commission Minutes – December 5, 2016  
Historical Committee Minutes – October 12, November 9, 2016

Acknowledging Receipt of the following Correspondence:

#5 - Township of Bridgewater 1/23/17 Notice of 3 Land Use Ordinances, scheduled for Public Hearing and Adoption on February 6, 2017 c: M & C, TEA, Pl. Board (Full copies of the Ordinances are available in the Clerk’s Office)

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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: Authorize Professional Services Contract / LSRP Environmental Oversight Property / Maser Consulting
- R2: Authorize Tax Sale Certificate Redemption #16-09 / 502 Watchung Avenue
- R3: Appointment to Municipal Alliance / Freddie Hayeck
- R4: Appointment to Youth Services / Jed Ober, Shaina Nasrin
- R5: Appointment of Public Agency Compliance Officer (PACO) / Michelle DeRocco
- R6: Authorize 2017 Contract – Middle-Brook Regional Health Commission
- R7: Purchases Over \$2,000. – MD Radio Services (FD – Pagers)

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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.

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

R8:02/02/17 Authorize Professional Service Contracts – Borough Attorney / Albert Cruz  
Prosecutor / Richard Guss

Councilman Gibbs 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.”

R9: 2017 Temporary Capital Budget

Introduction of Bond Ordinance OR:17/02 entitled “BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$745,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, 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.” Public Hearing to be held on February 16, 2017.

Council President Joren moved the ordinance be given its first reading. So ordered. Council President 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: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R10: Introduction of Bond Ordinance OR:17/02 – Various Public Improvements, Vehicle Purchase

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**PUBLIC PORTION - GENERAL DISCUSSION**
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Lynda Goldschein, Sherwood Drive, questioned if there has ever been an ordinance put in place to restrict the size of new construction in the Borough. Council President Joren said there had been no agreement from the Laws and Ordinance Committee and the Council. Mayor Pote said the Council as a whole supported not doing an ordinance.

Ray Miller, Valley Road, thanked the Mayor, Council and Police Chief for the speed signs.

Maria Alberto, Acorn Drive, questioned the non-binding referendum on the 2012 ballot for the library. She said the residents voted it down at that time, and now she understands the Council is moving forward with a new Library. She said she has gone door to door with a petition and collected signatures from residents who are against spending this amount of money for a library, and she presented a copy to the Mayor. Council President Joren said for every person who doesn't want the library there will be one who does. She said people are using the library, and our branch has the largest volume in the County. Councilman Gibbs said members on the Finance Committee are very conscious of spending tax payer money and residents should think about how much they would spend on a library. Council President Joren said the Borough pays \$770,000 per year to the County for library services, an obligation that we would still have, even if there was no Library in town. Mayor Pote said residents need to trust the Council to make the best decision.

Councilman Nehls said when he spoke to Warren a few years ago they said they would welcome Watchung using their library facility. He suggested that this concept be revisited and that the Governing Body have another discussion. Councilman Black said one million dollars was supposed to be raised through fund raising. Councilman Mobus said the proposed plan was for \$3.2 million for the library. Funding was approved for \$2.1 million (\$1.5 new bond and \$600,000 which is already in the fund). Councilman Mobus said the Mayor and Council must re-think this now and maybe consider other options. He would like to see a binding referendum on the ballot.

Peter Martino, Sunbright Drive, said that simple maintenance is not getting done around town such as building repairs at the Texier House, railings at Police Headquarters and Borough Hall, leaf pick up at Spratford Park, etc. He said property values are down in town and the Borough debt is very high.

Councilman Gibbs said all bonds have a life and debt service is part of a Municipal Budget with most of these being for capital improvements and roads. He said the rating agencies have given the Borough very good reports the last few years and this year it may even be upgraded.

Margaret Ellis, Valley Road, thanked the Mayor and Council for their years of research and studies on the library. She said the building is falling apart and something must be done. She told Councilman Mobus in order to do any fund raising there must be a plan in place. Councilman Nehls said there had been a final design in place and wanted to know what more is required. Ms. Ellis said there must be a commitment from the Council and a design to show people. Councilman Nehls said there had been estimated costs and rendering of the building.

Dorothy Addario, Rock Avenue, said everyone should think carefully on a town without a library. She said a lot of research and background has gone into this.

Kim DeDonato, Friar Lane, said she voted no for a library and thinks a community center is a better idea. Mayor Pote agreed and said there is a lack of a place for teens to go to, adding that the plans for the new Library will include a community center.

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**ADJOURNMENT**
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There being no further business to come before the council, the meeting was adjourned at 11:35 P.M. to the Call of the Chair and to the next scheduled Council meeting February 16, 2017 at 7:30 P.M.

Respectfully submitted,

*MaryAnn Hance*  
*Deputy Clerk*