

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES
MARCH 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 [A] Nehls [P] Gibbs [P] Mobus [P] Sopko [P]

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

There were 105 members of the public present, and after the Police Appointments, sixty remained.

=====
APPOINTMENTS AND OATH OF OFFICE

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

R1:03/02/17 Appointment of Probationary Police Officers – Ryan Kadezabek, Brian Pascoe

Council President Joren read a brief biography of each of the new officers.

Mayor Pote administered the Oath of Office to Ryan Kadezabek as his fiancée held the Bible.

Mayor Pote administered the Oath of Office to Brian Pascoe as his fiancée held the Bible.

=====
UNFINISHED BUSINESS

Mr. Cruz gave an explanation of the proceedings for Ordinance OR:17/04 and OR:17/05 and said no action will be taken on these Ordinances this evening since additional information has developed regarding site conditions on East Drive which will require an amendment to the Redevelopment Plan Ordinance. Resolution R4 which is related to these Ordinances will also be carried to the March 16, 2017 meeting. These Ordinances will be carried forward to the March 16, 2017 meeting at 7:30 PM with possible amendments and if the amendments are accepted another Public Hearing will be held on April 6, 2017 meeting at 7:30 PM. However, the public hearing scheduled for tonight will be held.

Mr. Cruz said public hearings will be held for these Ordinances as advertised and asked the Clerk to produce an affidavit of publication.

A Public Hearing of Ordinance OR:17/04 entitled: "AN ORDINANCE ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF LOT 6.01 IN BLOCK 57.01 AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7." was held.

R2:03/02/17 Adoption of Ordinance OR:17/04 – Adoption of Redevelopment Plan / East Drive

A Public Hearing of Ordinance OR:17/05 entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AUTHORIZING THE GRANTING OF A LONG TERM TAX EXEMPTION AND THE EXECUTION OF A FINANCIAL AGREEMENT WITH EAST DRIVE URBAN RENEWAL ASSOCIATES, L.P., PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ." was held

R3: Adoption of Ordinance OR:17/05 – Granting Long Term Tax Exemption and Authorize Financial Agreement / East Drive Urban Renewal Associates, L.P.

R4: Authorize Revised East Drive Development Agreement, Grant Agreement, Cost Escrow Agreement

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

Mr. Cruz gave a brief synopsis of the background on the affordable housing law which the New Jersey Supreme Court has stated it is a Constitutional obligation requiring all municipalities to provide affordable housing for low and moderate income families. He explained that these units on East Drive would fulfill a prior round obligation of 19 units which was not met and the additional 25 units for the current round which the Borough Planner, Marcia Schiffman deems a realistic number and are not in dispute. Mr. Cruz said the final number of units for the Borough are not known at this time. Mr. Cruz then requested Mayor Pote call on both Mr. Healey and Mr. McBride to come forward and give a presentation to the Mayor, Council and public before opening the meeting for public comments.

Mr. Mark Healey came forward stating he has been hired by the Borough to assist in the preparation of the redevelopment plan which is presented this evening. He was asked to work with the developer who has been selected, RPM, to develop a site plan that achieves the affordable housing obligation intended for that site and to develop a redevelopment plan in accordance with the law. Mr. Healey said the East Drive property, which is Borough owned, was designated as an area in need of redevelopment. He explained the percentage of units required to be designated as affordable housing units and the overall density of the property would be 8 units per acre.

Mr. McBride, gave a brief explanation of the RPM group and their experience with affordable housing developments and an overview of what is being presented this evening including the type of unit mix, overall style and how they work as the management of the development, and as the leasing agent. He said RPM maintains the property for 30 years with the potential for an additional 20 year extension. Mr. McBride explained the units are high efficiency, low utility costs and low water usage and the materials used are of high quality. The units will consist of one, two and three bedrooms with a maximum occupancy of 2 persons per bedroom. There is a 24 hour superintendent at all times. A candidate must meet certain minimum income requirements. There will be 7 units at incomes of \$32,000 per year; 17 units at incomes of \$54,000 per year and 24 units at incomes of \$64,800 per year. The rental per month for a one bedroom \$687.00; a two bedroom \$961.00; and a three bedroom \$1,027.00. All candidates are screened for criminal background checks, credit check, employment verification and landlord/tenant history.

Brendan Gilligan, Edgemont Road, asked Mr. McBride how long this development would maintain the restrictions for low income housing and Mr. Bridge said this has a deed restriction for 30 years and Attorney Albert Cruz said there is a potential to extend for another 20 years. Mr. Gilligan said he is concerned about the additional traffic on North Drive and urges a traffic study be done for Edgemont, Johnston Drive and East Drive.

Tom Taillon, Johnston Drive, said he is concerned about the school tax burden since the PILOT program only pays 5% to the Borough and nothing to the school district. Mr. Healey said according to a Rutgers study in 2006 these 49 units have a potential of 36 additional children.

Ellyn Margulies, Sherwood Drive, and Board of Education President said the Board of Education is concerned about the PILOT program since it does not give anything to the school district. The cost per student is \$15,000 per year and would add approximately half a million dollars to the budget each year.

Attorney Albert Cruz said if the Borough does nothing there could possibly be a builders' remedy lawsuit with the potential of more than 220 units instead of the 48 being proposed for this site.

Councilman Gibbs said this is a state-wide obligation and if residents have concerns they should write to the Governor, State Assemblymen, Assembly Speaker and stress the impact this has on the community.

John Shpunder, Ellison Road, had concerns about the tax bill since no taxes will be collected on this property.

Noel Curran-Morris and son James, Edgemont Road, said they have concerns with adding 49 more units in the area and the ingress/egress onto East Drive and North Drive. There are many safety factors involved for access for fire trucks, etc.

Marianne Candiloros, Nottingham Drive, said she would like a more accurate estimate of the number of people in these units.

Marie Johansson, East Drive, said no one stops at stop sign. She also said there were many promises by Crystal Ridge which were not upheld. Traffic for this project must go on Rt, 22 not East Drive.

Kevin Hammel, East Drive, asked why the Ness Property is not considered for this project. Mayor Pote responded that this was bought by the Borough and must be maintained as public land, open space. Mr. Hammel said East Drive is open space by State statute and he is pulling the deeds for this.

Sohail Contractor, Orchard Road, said an impact study should be done for everything including the Police Department, Fire Department, Rescue Squad, and Library. He also questioned the criteria for residents who will reside in these units.

Mr. McBride said there are background checks, credit scores, etc. Applicants are on a first come basis. These units will be heavily marketed in town but a lottery process is used and applicants must meet the minimum income levels.

Attorney Albert Cruz said the PILOT program is dictated by State of New Jersey funding sources and this project will score high because of the percentage. The higher the rate the less favorable the outcome.

Mr. McBride said the PILOT program has positive effects on affordable housing and offers the Borough protection against builders' remedy lawsuits.

Denise Oliver, Edgemont Road, said the fair share housing impacts property values.

Georgia Shikar (and her daughter), Nottingham Drive, has concerns about the number of students that will be added to the school district. Class sizes would go up and loss of revenue to the schools. The Mayor and Council should get input from the State Legislatures.

Andrew Miele, Hill Hollow, asked how RPM was chosen for this project and Mr. Cruz responded in 2012 proposals were requested and the Borough received three, RPM being one of these. After thorough review of each proposal, RPM was chosen since they provided the best options including building, maintaining, and keeping the property for 30 years.

Mr. Miele said if the entire State has to comply with this the Borough should wait and possibly the Judge may be more lenient.

Lawrence Chory, Johnston Drive, said Ordinance 17/04 will convey the property to RPM and they collect all the revenue with only 5% return to the Borough.

Pastora Simaom Lakeview Terrace, said the PILOT program is a very bad idea and the Mayor and Council should try to get a better deal. The money the Borough would get through this program would not be enough to support the additional student population.

=====

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Gibbs reported the Committee met last week and worked on finalizing the Budget for 2017 which will be introduced at the March 16th Council meeting. He said the tax numbers are under the 2% levy cap and include both in and out of the levy cap. Councilman Gibbs also reported Standard and Poors upgraded the Borough rating to AA+ which is only one level below a triple A rating. He added this upgrade allowed the Borough to get an excellent interest rate when doing the bond refunding and this will save almost \$950,000 over the nine year period of the bond.

2. Police – Commissioner Joren said the Committee met last week and discussed the budget and they will be making recommendations to the Administrative/Finance Committee. She also said with the two new officers appointed this evening the Police Department is fully staffed.

3. Public Works / Buildings and Grounds – Councilman Nehls has no report but thanked everyone for staying for the meeting.

4. Public Affairs:

Open Space – No report

Environmental – Councilman Sopko said the Committee met on February 27th and they discussed the plans for the Ness property. He said the Committee is recommending Concept “C”; and they suggested that a portion of the all- purpose field be used as a community garden; adding a low impact amphitheatre and a trail in the rear of the property. Councilman Nehls said the Environmental and Open Space Committees and the Recreation Commission all agree on utilizing Concept “C”. This will now be taken up with the Buildings and Grounds Committee and then sent to the Council for review and approval.

Recreation – Councilman Mobus reported the Commission met last evening and discussed the summer camp program and they are moving forward with this and all are very optimistic this will work well. He said the Easter Egg Hunt will be held on April 8th at Phillips Field at 11 AM and there will be over 4000 eggs this year. The Lions Club donated \$750.00 toward the hunt.

Historical – No report

Board of Health – No report

5. Fire – No report

6. Laws/Ordinances – No report

REPORTS - OTHER:

7. Engineer – No report

8. Police Chief – Chief Cina had no report. However, Mayor Pote questioned the accident on Rte. 78 today. Chief Cina said the Borough Police were the first on site but the State Police handled the situation and the injured person was airlifted to Morristown Memorial Hospital.

9. Fire Department – No report

10. Rescue Squad – No report

11. Emergency Management – No report

12. Attorney – No report

13. Clerk – Ms. DeRocco reported Chief Cina sent information on the Memorial Ceremony for Matt Melchionda which will be held on Wednesday, March 8th at 10 AM. Chief Cina said the ceremony will be very brief – just a moment of silence.

14. Administrator – No report

=====

PUBLIC PORTION / AGENDA ITEMS ONLY

=====

No public wished to be heard

=====

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, Nehls, Gibbs, Mobus, Sopko, “aye.”

Approval of the following Council minutes:

- February 16, 2017
- February 23, 2017 – Bid Opening

Acknowledging Receipt of the following Borough Reports:

- Board of Adjustment Minutes – November 10, 2016
- Planning Board Minutes – January 12, 2017

Acknowledging Receipt of the following Correspondence:

- #8 - Hoagland Longo Moran, Dunst & Doukas, LLP 2/16/17 Notice of Civil Action – Mount Laurel in support of the Township of Bethlehem’s motion to extend immunity (Full copy available in the Clerk’s Office) c: M & C, TEA, AC
- #9 - Township of Bridgewater 2/24/17 Notice of Introduction of 4 Land Use Ordinances and Public Hearing to be held on March 6, 2017 c: M & C, TEA
- #10 - Watchung Planning Board 2/27/17 Resolution # PB17-R5 Confirming that proposed Council Ordinance OR:17/04 is consistent with the Borough’s Master Plan, and recommendation to the Council to adopt this Ordinance c: M & C, TEA

=====

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, Nehls, Gibbs, Mobus, Sopko, “aye.”

R5:03/02/17 Purchases Over \$2,000. – Watchung Service Center (PD - Monthly Oil Changes)
King George Plumbing (PD- HVAC Repairs)
Scotts Green Landscaping (Roads- Snow Plowing)
Wayne Boylan Contracting (PW – Ness Demo & Cleanup)
Duct Remediation Xperts (B&G – Library Duct Cleaning)

R6: Authorize Payment of Final Benefits – Kody Hamrah

R7: Authorize Revised Fee Schedule – Recreation Summer Camp Program / 2017

=====

PUBLIC PORTION - GENERAL DISCUSSION

Margaret Ellis, Valley Road, said the Library held a ceremony in recognition of Jess Wexler for her 15 years of presenting the Cat in The Hat to the Children and she thanked Councilman Mobus for attending. Ms. Ellis also reported that Virginia Hartmann asked her to request the Mayor and Council pass a Resolution in support of two Legislative Bills, AD-22 and S21-7. Councilman Gibbs explained these bills would authorize \$125 Million State funding for grants for libraries.

Maria Alberto, Acorn Drive, came forward and presented additional signatures to the previously submitted petition against the library project.

Mayor Pote said he believes prospective home buyers look at a town for the school system, parks and libraries.

Marianne Candiloros, Nottingham Drive, said according to Forbes the decision for having a Library in towns is only a political decision.

Pete Martino, Sunbright Road, the Borough must enforce the property maintenance codes.

=====

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned to the Call of the Chair and to the next scheduled meeting to be held on Thursday, March 16, 2017, at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk