

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
MARCH 16, 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 [ A ] Gibbs [ P ] Mobus [ P ] Sopko [ P ]

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

There were 23 members of the public present

**PROCLAMATION**

Mayor Pote read a proclamation for Colorectal Cancer Awareness Month – March  
(copy attached)

**CONTINUATION OF PUBLIC HEARINGS**

Prior to opening the discussion for public comment Council President Joren read the following statement:

*Although our agenda calls for the continuation of the public hearings on Ordinance OR:17/04, the East Drive Redevelopment Plan, and Ordinance OR:17/05, the East Drive Payment in Lieu of Taxes, I will be making a motion to table these ordinances. By making this motion to table I am asking to set aside these ordinances and we will not continue with action on them.*

*We have taken very seriously the comments that were made by our residents at the last meeting. This, in addition to proposed changes made to the original plan because of engineering issues with the site, has convinced the Mayor and Council to take a different approach to the obligation we have from the state to build affordable housing. This decision, although I'm sure welcome news to those here this evening, does not remove our obligation to build more housing in the suit brought by the Fair Share Housing Organization which is before Superior Court Judge Miller right now.*

*This is not a new issue, although it may be to some of you here. Watchung has been working on our "obligation" since 1987. Right now we have addressed all but 19 of our Prior Round obligation of 150 units. This does not include the 16 year GAP period which the NJ Supreme Court ruled we must account for or the third round or prospective future rounds. But our prior round included a group home, age-restricted units, rental units and while it was still available to us, a regional contribution agreement, "RCA's". This allowed us to send funding, through developer's fees, to other municipalities, which used that money to build affordable housing in areas where it was desperately needed. Unfortunately, the use of "RCAs" were taken away by the state Legislature in 2008.*

*As part of this motion, I am also moving to direct the Affordable Housing Subcommittee to reconvene and go back to the drawing board, so to speak and propose alternate solutions. The subcommittee, of which I am a member, along with the Mayor and Councilman Sopko, includes our administrator, our legal counsel, licensed planner, our Borough engineer and 2 resident members of the planning board. The Subcommittee will need to report to the Mayor and Council before the July 20, 2017 meeting. Right now we are working under the immunity set forth by the courts from the Builder's remedy but that immunity ends on August 31<sup>st</sup>. So if any residents want to contribute thoughts or ideas to submit them to our administrator or Borough Clerk. But please know, there is no easy solution, we are constrained by so many rules, regulations, statutes, mandated by the State Legislature and the Courts, that what looks good on paper will many times not be accepted.*

*Additionally, on tonight's Agenda is a Resolution expanding the role of Mark Healey, a planner, to assist the Subcommittee in their work.*

*Lastly, I will mention that there are a number of legislative initiatives now pending before the Legislature related to affordable housing and the Council will review these Bills and hopefully adopt Resolutions of support for the legislation. But I must caution, we cannot pin our hopes on the Legislature doing anything in the near future. They've had years to address this issue and done nothing which is why the Courts stepped in and took over. I would suggest that our residents contact our representatives in*

*the 21<sup>st</sup> District and urge them to do something. Right now I can think of 3 off the top of my head – Bateman, Greenstein and Cardinale.*

*So, having said all that, I move to table Ordinance OR:17/04, the East Drive Redevelopment Plan; OR:17/05, The East Drive Payment in Lieu of Taxes, and the accompanying resolutions implementing these ordinances.*

*If this motion is adopted, then no further action will be taken tonight on these matters.*

The Affordable Housing Subcommittee consists of Mayor Pote, Council President Joren, Councilman Sopko, Administrator Tom Atkins, Attorney Albert Cruz, Borough Engineer Tom Herits, two resident members of the Planning Board, Borough Clerk Michelle DeRocco, Planner Marcia Shiffman, and now Planner Mark Healey.

Council President Joren moved OR:17/04 and OR:17/05 and accompanying resolutions implementing these Ordinances be tabled. Councilman Gibbs seconded the motion and upon roll all the vote was as follows: Joren, Gibbs, Mobus, Sopko, “aye.”

Continued 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.”

R1:03/16/17 Adoption of Ordinance OR:17/04 – Adoption of Redevelopment Plan / East Drive  
**TABLED**

Continued 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.”

R2: Adoption of Ordinance OR:17/05 – Granting Long Term Tax Exemption and Authorize Financial Agreement / East Drive Urban Renewal Associates, L.P. **TABLED**

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

R3: Authorize Revised East Drive Development Agreement, Grant Agreement, Cost Escrow Agreement **TABLED**

Council President Joren requested R6 be removed from the Consent Agenda since it is part of these Ordinances, and voted on at this time. Council President moved R6 with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Gibbs, Mobus, Sopko, “aye.”

R6: Award of Professional Service Contract – Affordable Housing Consulting Services / Mark Healey

At this time, Mayor Pote asked for Council comments. There being none, Mayor Pote opened the meeting to the public for comments on these items only.

Margaret Ellis, Valley Road, suggested looking into “tiny housing” as a possible alternative and questioned if they would qualify as affordable housing.

Mayor Pote said these have not been discussed and Council President Joren said it would be something to look into.

Larry Chory, Johnston Drive, thanked the Mayor and Council for tabling these Ordinances.

Denise Oliver, Edgemont Road, asked about the Liccardi Ford and Mount Saint Mary properties. Council President Joren said in a law suit these properties could be included as vacant land even if the Borough does not own the property.

Mr. White, Ridge Road, said residents have not been given much information on the Affordable Housing and requested the Mayor and Council put a packet together so all are well informed. Mr. Atkins said this has been on-going since 1975.

Councilman Gibbs said Watchung’s case is actually in front of the Judge and there is no way to change the Affordable Housing law unless there is an amendment to the Constitution, which is very difficult to do.

Angela Miele, Hill Hollow, asked if the Committee meetings will be open to the public. Mr. Cruz responded the Committee must come up with a new plan prior to the July 20<sup>th</sup> Council meeting. He also said the Committee will give reports at Council meetings. Ms. Miele also asked if the Borough would have to request additional RFP's and Mr. Atkins it may not be suggested to the Committee to do this.

Bill Candiloros, Nottingham Drive, thanked the Mayor and Council for tabling the Ordinances.

Ellen Margulies, Board of Education President and resident of Sherwood Drive, thanked the Mayor and Council and said she is still concerned about the future but definitely does not want the Borough to consider a PILOT program.

Pastora Simao, Lakeview Terrace, also thanked the Mayor and Council for tabling the Ordinances. She has done much research and RPM has built homes in Atlantic City for a combination of 55 and above and special needs. She asked why the Borough can't do the same. She also said she has not had an answer on whether the Borough has maximized the 55+ option. Mr. Cruz responded that the first priority the State has for the Affordable Housing is for family units and the court will determine the number of units for Watchung. Ms. Simao said we are at the mercy of the builders. Councilman Gibbs said this issue is as important to the Council as it is to the residents. Mayor Pote said the Council has been dealing with this for 15-20 years already and is trying to come up with the best options that will have a minimal impact on the Borough.

## **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Gibbs reported there was a meeting earlier today, and said the Budget will be introduced this evening. The tax impact for the Municipal portion on an average home of \$701,000 will be \$168.72. He said the Budget is on the Borough website. Mayor Pote thanked the Council and Administration for submitting a very responsible and timely budget.
2. Police – Commissioner Joren reported the two new officers have completed their in-house training and have not started their field training. She said questions are being prepared for the upcoming Sergeant's test. Commissioner Joren reported since stores were closed and traffic was light during Tuesday's snow storm there were very few incidents. She also said Resolution R5 on the agenda this evening will authorize and designate the Police parking lot as an exchange safe zone.
3. Public Works / Buildings and Grounds – In the absence of Councilman Nehls, Councilman Mobus reported approximately 10" of snow fell on Tuesday and Public Works along with an additional contractor were able to clear all roads. He said there are currently 80 tons of salt on hand and it will be restocked in case of another storm. Borough buildings, parking lots and sidewalks were cleared as soon as possible. Councilman Mobus also reported dead trees were removed from East Drive, Anderson Road, and at the Police Department, a new railing for the ramp was installed. He also said the wall, railings, and potholes were repaired at Phillips Field parking lot and the soft spot in the floor of the Library was repaired. Mayor Pote thanked the Public Works Department, OEM, and other emergency departments for the great job during the snow storm.
4. Public Affairs:

Open Space – Councilman Sopko reported no meeting was held but there is a draft of ideas for the Ness property and they are ready to submit to the Building and Grounds Committee and Recreation Commission.

Environmental – Councilman Sopko reported a meeting was held on February 27<sup>th</sup> and ideas for the Ness Property were approved and will be sent to the Building and Grounds Committee and Recreation Commission. They also discussed the plantings for Somerset Street.

Recreation – Councilman Mobus reported the Commission is very optimistic about the upcoming Summer Camp program with 11 children already signed up. They are still searching for a Director and Assistant Director.

Historical – No report.

Board of Health – No report. The next scheduled meeting is April 19<sup>th</sup> at 7:00 pm

5. Fire – No report.

6. Laws/Ordinances – Council President Joren reported a meeting is scheduled for April 6<sup>th</sup>.

## **REPORTS - OTHER:**

7. Engineer – Tom Herits said the Valley Drive contract was awarded at the last council meeting and it has been sent to the contractor and to the Department of Transportation. He said he is working on the specs for the Washington Drive project and is hoping to have them ready to go out to bid in April and complete the project in the summer. Mr. Herits said he now has a set of plans for the Firehouse renovations and both he and Bob Burns have looked at these. He said he will be having Ed Bennett and the sub-code officials look at them and he will be meeting with the architect on Monday. He is

hoping to have these finalized and go out to bid. Mr. Herits said the preparation work for the 9-11 Memorial had to be postponed because of the snow storm but the pads will be put in once the snow melts. He also reported the salt storage agreement are now with the attorneys for review. Mr. Atkins said he and Bob Burns will meet with Mr. Cruz to discuss the agreement.

8. Police Chief – No report.

9. Fire Department – No report.

10. Rescue Squad – No report.

11. Emergency Management – Mr. Atkins reported Gary Greves had the Firehouse open on Tuesday and volunteers helped with serving lunch to the Public Works employees during the snow storm. He also reported the CERT Team was on call if they were needed.

12. Attorney – No Report.

13. Clerk – Ms. DeRocco had no report.

14. Administrator – Mr. Atkins said Council President Joren at a prior Council meeting mentioned the lights on Somerset Street which are very bright. He said Warren has lights similar to the type the Borough might like to use and a comparable one will be researched.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Margaret Ellis, Valley Road, thanked the Council for Resolution R7, supporting the two Assembly Bills regarding the NJ Library Construction Bond Act. If these bills pass there would be \$125,000,000 available funding for libraries. She also said volunteers are ready to help fundraising once there is a firm plan in place.

Virginia Hartmann, Ellison Road, said she would like information on how much money the Borough would get if the bills pass and asked to have updates on the timing of Bonding for the Library.

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**UNFINISHED BUSINESS**

A Public Hearing on proposed Ordinance OR:1/03 entitled “AN ORDINANCE AMENDING ARTICLE 28-800 TITLED “DEVELOPMENT APPLICATION REVIEW PROCEDURES AND CHECKLISTS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW SECTION 28-808 SPECIFYING THE REQUIRED FORMAT FOR DIGITAL SUBMISSION OF LAND DEVELOPMENT APPLICATIONS TO ESTABLISH AND/OR MAINTAIN A DIGITAL TAX MAP AND GEOGRAPHIC INFORMATION SYSTEM BASED PARCEL LAYER” was held.

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

R4:03/16/17 Adoption of OR:17/03 – Amend Code / Require Digital Submission of LDO Applications

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

Approval of the following Council minutes:

- March 2, 2017 Special Meeting
- March 2, 2017 Regular Session
- March 9, 2017 Special Meeting

Acknowledging Receipt of the following Borough Reports:

- Building Department Report – February, 2017
- Youth Service Commission Minutes – January 31, 2017
- Recreation Commission Minutes – February 1, 2017
- Environmental Commission Minutes – January 24, 2017
- Police Activity Report – January, 2017
- Bd. of Adjustment Minutes – December 8, 2016, January 12, 2017

Acknowledging Receipt of the following Correspondence:

- #11 - PSE&G 3/6/17 Two (2) Notices of Petitions and Public Hearing requesting an increase in its MGP, remediation charges and its RAC clause; Approval of Energy Efficiency Program and Associated Recovery Costs c: M & C, TEA, Post
- #12 - Price, Meese, Shulman & D’Arminio, PC, Attorneys for T-Mobile Northeast LLC Application for Site Plan Approval, 351 Route 22, North Plainfield, NJ Public Hearing Date March 15, 2017 c: M & C, TEA, Pl. Bd
- #13 - Township of Berkeley Heights Planning Board 3/3/17 Notice of Public Hearing regarding the adoption of their Housing Element and Fair Share Plan of the Master Plan, on March 15, 2017 c: M & C, TEA, Pl. Bd
- #14 - Watchung Planning Board, Board of Adjustment 3/13/17 Notices of support in regard to proposed Ordinance OR:17/03 – Digital Submissions c: M & C, TEA
- #15 - Township of Bridgewater 3/9/17 Notice of Adoption of three (3) Land Use Ordinances 17-05, 17-06, and 17-07 c: M & C, TEA, Pl. Board

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda Resolutions R5 and R7 listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Gibbs, Mobus, Sopko, “aye.”

(R6 was voted on under public hearing of Ordinances 17/04 and 17/05)

- R5:03/16/17 Resolution to Authorize and Designate Exchange Safe Zone / Police Parking Lot
- R6: Award of Professional Service Contract – Affordable Housing Consulting Services / Mark Healey (see earlier portion of meeting)
- R7: Urging Support of Assembly Bill A222/ Senate Bill S2171 – NJ Library Construction Bond Act

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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:17/06 – “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 on April 6, 2017.

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

R8:03/16/17 Introduction of OR:17/06 – Cap Bank Ordinance

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

R9: Introduction of 2017 Municipal Budget (Public Hearing to be held on April 20, 2017)

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

R10: Payment of Bills

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**PUBLIC PORTION - GENERAL DISCUSSION**

No one desired to be heard.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 8:45 PM to the Call of the Chair and to the next scheduled Council meeting to be held on April 6, 2017 at 7:30.

Respectfully submitted,

MaryAnn Hance  
Deputy Clerk