

BOROUGH OF WATCHUNG

COUNCIL MINUTES

FEBRUARY 16, 2017 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order 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 [A] Mobus [P] Sopko [P]

Also present were Attorney Albert Cruz and Clerk Michelle DeRocco.

There were 19 members of the public present.

RESOLUTION R8: / Steve Rogut, Rogut McCarthy LLC – Bond Counsel

Mayor Pote introduced the Borough's Bond Counsel, Steve Rogut. Mr. Rogut explained that today the Borough went into the market to refinance \$8,549,000. in bonds from 2007. He said they would mature from 2019 through 2027 at an interest rate of 4.375%. He said with the assistance of RBC (Royal Bank of Canada) Managing Director Brian Burke, the Borough received an interest rate of 2.51% which will result in a savings of over \$916,000 over the remainder of their term in 2027. He said one reason that this worked out so well is that we went before Standard & Poors who upgraded our rating from AA 'Trending Upwards' to AA+, which made a significant difference. He advised the Council that their Financial Team – Auditor Bob Swisher of Suplee Clooney, Administrator Tom Atkins and CFO Bill Hance are all to be commended. He said the Resolution the Council will be voting on, sets the sale and terms of the bond. He explained that this process allows our bonds to be "bank qualified" preserving the Borough's ability to bond this year. He introduced Brian Burke, RBC underwriter, who explained how the sale went and who some of the top bidders were. Mr. Burke stressed the upgrade in rating from Standard & Poors was huge and means a lot to the creditors who were bidding. He said we had \$8 million in bonds to sell, with buyers for over \$20 million from entities such as JP Morgan Asset Management.

Mayor Pote thanked Mr. Rogut and Mr. Burke for coming.

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

R8:02/16/17 Acceptance of Bond Purchase and Prescription of Details and Bond Form

SPECIAL PRESENTATION

Attorney Albert Cruz provided a brief history of tonight's presentation. He said since 1975, the NJ Supreme Court and subsequent Courts in the Mt. Laurel decision have held that municipalities have a constitutional responsibility and zoning powers to provide low and moderate income housing. During the last 42 years, the Supreme Court has upheld this view and in January of this year reaffirmed this position. In 2010, the Planning Board adopted and the Council supported a Fair Share Housing Plan as part of the Master Plan. In 2010 the Planning Board designated East Drive as a 100% municipally sponsored development, as East Drive is a municipally owned property. In 2012 the Borough sought developers for this property on East Drive, however, due to changed circumstances, an award was not made. In 2016 East Drive was recommended by the Planning Board and supported by the Council as an area in need of redevelopment. The Borough is part of litigation currently in the Superior Court that will establish the Borough's affordable housing obligation from 1999 to 2015. The Borough's temporary immunity will expire at the end of this month. Temporary immunity prevents builders from suing the Borough to change the Borough's zoning to allow for increased densities to support units affordable to low and moderate households. A motion is pending to extend this immunity to the end of April. In deciding this motion, the Borough's efforts to meet its affordable housing obligations will be reviewed.

Mark Healey, the Borough's professional Planner came forward and provided a summary of the proposed plan. He discussed his work with the Borough's Planning Board, and meetings with various governing officials, and a history of this Borough owned property as it was designated as an area in need of redevelopment. He said the Borough has retained him to work with RPM to develop a concept plan and a redevelopment plan, consistent with that as outlined in the Fair Share Plan and the Borough's objectives.

Brendan McBride, Vice President of RPM Development Group, provided a Company history and experience, and said that he has been meeting with Borough Officials to develop a plan that will assist the Borough in meeting its affordable housing obligations. He provided handouts and explained the displays, which depicted the proposed 48 unit (plus one for an on-site Superintendent) and discussed everything from working with the steep topography, to what type of materials they will use, environment concerns such as tree plantings and water run-off, ingress and egress for emergency vehicles. Mr. McBride spoke of the residential selection policy, and the requirements and searches they do on each applicant. He spoke about their property management team and the services they will provide to the residents of this development. He explained the tax credit funding that will be implemented and what RPM will need from the Borough to move forward, including a PILOT (Payment in Lieu of Taxes) Agreement, funding from the Affordable Housing Trust Fund, and the land itself. He said RPM must provide this plan to the NJHMFA (New Jersey Housing and Mortgage Finance Agency) to obtain the necessary funding to proceed with this project, and there is a strict timeline. He said it is very competitive. Ultimately, if all goes smoothly, they can possibly have a shovel in the ground before the end of this year. It is anticipated that construction will take 15 months.

Council Comments

Mayor Pote inquired about security measures and Mr. McBride said there are cameras, monitored 24/7 by their management. Attorney Cruz advised that normally, when an Ordinance is introduced, there is no public comment, however, since this is a topic of importance to the Public, the Mayor will allow for public comment

Public Comments

Ray Miller, Valley Road, talked about "light" construction, the use of hardy plank and water permeable pavement. Mr. McBride said fire safety is of utmost importance and they follow the fire code, and will also be installing a sprinkler system. He said they use blocks of grass which will serve as impervious paving.

Ray Barratt, Valley Road, asked if solar power would be used, and he said they do, however, at some point they must weigh the costs because they are capped, however this will be assessed.

Rachel Funcheon, Cedar Road, said she was not happy to hear that the Borough's tree ordinance does not need to be followed, and Mr. Cruz explained that there will be a replacement plan, however, there needs to be a balance as this cannot be a cost generating plan.

Mayor Pote thanked Mark Healey and Brendan McBride for coming today.

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 introduced.

Council President Joren moved Ordinance OR:17/04 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, Mobus, Sopko, "aye." Public Hearing to be held on March 2, 2017.

R11: Introduction of Ordinance OR:17/04 – Adoption of Redevelopment Plan / East Drive

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, Mobus, Sopko, "aye."

R12: A Resolution of the Borough of Watchung Designating RPM Development, LLC Redeveloper of the East Drive Redevelopment Area

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 introduced.

Council President Joren moved Ordinance OR:17/05 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, Mobus, Sopko, “aye.” Public Hearing to be held on March 2, 2017.

R13: Introduction of Ordinance OR:17/05 – Granting Long Term Tax Exemption and Authorize Financial Agreement / East Drive Urban Renewal Associates, L.P.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Mobus said he was happy to report due to all the good, positive financial news, starting with the upgrade last week from Standard and Poors from a “AA Positive” to “AA +” which ultimately resulted in a much better interest rate on the bond refunding. By refinancing this debt, the tax payers will see a savings of about \$30.00 in their tax bill. He said he will discuss in more detail during his Recreation report, but said that the A&F Committee reviewed the Recreation Commission’s proposal for a Summer Camp program and unanimously supported it. Councilman Sopko added that he too, was very pleased with the good financial news and said he hopes to continue this momentum and continue to move forward with continued savings for the taxpayers. He noted that the Ordinance on tonight’s Agenda to require digital submissions for Land Use applications is also a positive steps, as this is a process already implemented in many other municipalities.

2. Police – Commissioner Joren reported that there is a Committee meeting next week and the budget will be discussed. She reported the Chief is looking into an “internet safety zone” at the Police parking lot, and said if this moves forward, we will have a resolution that would set the guidelines, including a disclaimer that the Police will not be involved or responsible for any transactions or transaction disputes. Councilwoman Joren said two applicants have been offered employment and it was the consensus of the Council to authorize their appointment at the next Council meeting.

3. Public Works / Buildings and Grounds – Councilman Nehls read the Monthly Report, which included the following highlights: the Department has salted and/or plowed 4 snow events using approximately 200 tons of salt; Christmas Tree pick-up is completed, and pothole repair is on-going. He added that a new railing for the Police Department ramp is on order. In Engineer Tom Herits’ absence, he reported the following: bids will be received for Valley Dr. and misc. drainage projects next Thursday, Feb 23rd; the Mobus Field drainage project is complete, and working fine; our LS&RP will be starting on the Ness remediation; FSG, PSE&G contractor, is looking to start the Texier House lighting shortly; he is looking at the cost of site improvements for the Library, have 3 plans from the architect, cost will depend on final building footprint; he met with Foley regarding the generators at DPW and East End FH for up-to-date proposals; the Salt Storage agreement is in the hands of the County Counsel; the PW Committee has list and associated costs of roads that need to be milled and paved; the requested information, facts, timeline, DOT OPRA info and photos, regarding the sanitary sewer force main break at Liccardi Ford has been given to the Attorney to help with a claim letter; he and the DPW have been looking at options to irrigate the center island across from Spratford Park; and is still waiting on firehouse renovation plans and specs from the architect; set of preliminary plans were issued to the Fire Chief. Councilman Nehls said he had asked his fellow Council people to take a ride around town and assess the roads for this coming paving allocation and the only one who got back to him was Council woman Joren. Mayor Pote asked of the status of the 911 Memorial and Councilman Nehls responded that he will check with Tom Herits and report back.

4. Public Affairs:

Open Space – Councilman Sopko said a meeting is planned for the 21st and they intend to review the 3 conceptual plans from Maser for the Ness property. Mayor Pote asked that the Open Space, Recreation, and Environmental Commission work together.

Environmental - Councilman Sopko reported that at their next meeting, they too intend to review the conceptual plans for the Ness property. Councilman Nehls advised that Maser is willing to put together a more complete plan, and also that at the last Governing Officials meeting, he spoke to the County Officials who said they are willing to help the Borough with the Ness property improvements.

Recreation – Councilman Mobus reported that when the Recreation Commission members reviewed the Ness property plans, they decided on concept “C.” He spoke in detail on the proposed Summer Camp program, complementing Coordinator Linda Monetti on a good job of putting it together. He explained that the Camp will take place at Brook Hill Swim Club, and offer one trip a week to somewhere such as Dorney Park. He said the Camp will offer before and after care, and will be held rain or shine so that it will be conducive to working parents. He said the Camp will be very structured with a Director, hopefully a teacher who is off for the summer, and Counselors who are college students.

He said the Camp will hold 44 campers, and will be open to Watchung residents first. Councilman Mobus asked for the Council's support. After some discussion and comments, it was the consensus of the Council to move forward with the Summer Camp program.

Historical – Councilman Mobus said the Historical Commission is doing whatever is necessary to preserve the mural that is on the wall at Sears. He added that he'd like the Commission to know that they have the Council's support, unless of course this effort results in a large cost to the Borough. It has been determined that this is an oil painting on a piece of canvas, and was done by an artist named Garfield Hunter Jones, who was born in 1925, died in 1994, and was known for doing oils on Masonite.

Board of Health – Councilman Black had nothing to report.

5. Fire – Councilman Black said he is waiting for an update from Tom Herits on the renovations, and mentioned that the Library had some concerns with the new cleaning company, however, he believes that is all worked out now.

6. Laws/Ordinances – Council President Joren had nothing to report.

REPORTS - OTHER:

7. Engineer – No report.

8. Police Chief – No report.

9. Fire Department – No report.

10. Rescue Squad – Denise Wilson was present to report on the Rescue Squad's statistics for January, announcing the total number of calls was 26 and the top responders were J. Ray and A. Quiros. She said they responded to mutual aid for Warren twice and North Plainfield once. She said the Squad performed their Strategic Plan exercise, reviewed Right-to-Know and Pathogens policies and procedures. Members Don Monetti and Adam Wexler served as inspectors for the annual State Inspection of the rigs, which is called the Rig Rodeo. Watchung's rigs were in complete compliance. In regard to personnel, she said the Cadet core is strong, however, the Squad is in need of adult members from Watchung.

11. Emergency Management – No report.

12. Attorney – Mr. Cruz had nothing to report.

13. Clerk – Mrs. DeRocco reported that Assistant Engineer Arlene McCoy has been working together With the Traffic and Beautification Commission with their plans to improve the median on Somerset Street. She said they have gathered input for a Master Gardener from Rutgers and a horticulture and Landscape design person from the Great Swamp Nursery and are working on a plan and a cost estimate to present to the Council early Spring. Mrs. DeRocco also reminded all that the Spring newsletter articles are due.

14. Administrator – No report.

Mayor Pote said he had the honor of attending the Watchung Troop 32 Scout Dinner where two young men were awarded the rank of Eagle Scout. Congratulations to Logan Stiles and Joshua Schmidt!

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PUBLIC PORTION / AGENDA ITEMS ONLY
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UNFINISHED BUSINESS
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A Public Hearing on 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." 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, Mobus, Sopko, "aye."

With no one from the public wishing to be heard 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, Mobus, Sopko, "aye."

R1:02/16/17 Adoption of Bond Ordinance OR:17/02 – Various Public Improvements, Vehicle Purchase

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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, Mobus, Sopko, "aye."

Approval of the following Council minutes:

February 2, 2017

Acknowledging Receipt of the following Borough Reports:

Recreation Commission Minutes – January 4, 2017
Building Department Report – January, 2017
Police Department Activity – January, 2017
Youth Service Commission Minutes – November 28, 2016

Acknowledging Receipt of the following Correspondence:

- #6 - Price, Meese, Shulman & D’Arminio 2/6/17 Notice of T-Mobile Northeast LLC Board of Adjustment application to place antennas and install equipment at wireless communications facility located at 351 Highway Route 22 in North Plainfield. Hearing to be held on February 15, 2017 c: M&C, TEA, TH, Bd. of Adjustment

- #7 - Township of Bridgewater 2/14/17 Notice of Adoption of 3 Land Use Ordinances: 17-01, 17-02, and 17-03 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 accepted, following a motion by Council President Joren, a second by Councilman Nehls and upon roll call as follows: Joren, Black, Nehls, Mobus, Sopko, "aye."

- R2:02/16/17 Authorize Tree Removal Permit / 41 Lakeview Avenue

- R3: Authorize Expansion of Agreement / Statewide Consortium – Econsult Solutions, LLC

- R4: Purchases Over \$2,000. – Behavioral Medicine Consultant (EAP Services)
2016 Fire Department Stipend
2016 Rescue Squad Stipend

- R5: Waive Chapter 2-25.10 of the Code – Sunburst Gymnastics

- R6: Authorize Disposal/Auction of Surplus Property / GovDeals – 4 Police Vehicles

- R7: Authorize Expansion of Contract and Change Order / Maser Consulting –
Tax Maps and Zoning Map Updates

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

R9:02/16/17 Authorize Budget Appropriation Transfers

Ordinance OR:17/03 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 introduced.

Council President Joren moved Ordinance OR:17/03 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, Mobus, Sopko, "aye." Public Hearing to be held on March 16, 2017.

R10: Introduction of OR:17/03 – Amend Code / Require Digital Submission of LDO Applications

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

R14: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION

Ray Barrett, Valley Road, said 42 deer were killed this year, and 29% of the venison went to charity, the balance went to the hunters. Last year, numbers were similar, but 37% went to charity. He said in following up on the understory stories he has been pestering many people at various State agencies, and received a call from the Conservationist for our area from the US Department of Agriculture, he said they are moving their area of concentration from the farmlands to the urban lands and he is very interested in coming to speak to the Council and work on a plan to revitalize the saplings, trees, etc. His name is John Kluthe.

Rachel Funcheon, Cedar Road, said she is happy the Borough has done an aerial survey, and suggested that an informal meeting be held, after the survey results, to discuss some non-lethal ways to control the deer. Council President Joren suggested a workshop meeting and Mayor Pote said to wait until we review the results of the survey.

Amy Fiorilla, Washington Drive, suggested that if the mural at Sears could be saved, it would have a wonderful new home at the new Library. She said NJ Transit has a "park and ride" at the Sears parking lot, and this would be a good thing to save.

Virginia Hartmann, Ellison Road, said she heard someone who does not support the new Library came to the last meeting and presented a petition with 105 signatures, and reminded the Council that a year and a half ago 125 demonstrators were on the front lawn of Borough Hall and presented more than 105 names on a petition was presented with signatures in support of a new Library. In regard to the size of the future Library, she said a 10,000 sq. foot Library is close enough to what is needed. She said she heard that Watchung will have to live with this Library for the rest of our lives, and Watchung is worthy of a good Library. She said she heard someone say we don't need a Library, we need a Community Center and said the new Library will be a Library/Community Center. Mrs. Hartmann said the Library is the only investment the town will make where residents will get 100% return on their investment. She also said that there is a pending bill in the Legislature for the State of NJ to give 125 million dollars to communities for Libraries. Mayor Pote suggested that Mrs. Hartmann get people to write to the Legislators to support this bill, that it is better when they hear from the residents. Council President Joren, who works for a Legislator, confirmed that. Mrs. Hartmann said she has a Professional fund raiser on board and is willing to work to raise funds for a Library for no/charge, and she personally (Mrs. Hartmann) is willing to give cash for the Library but feels the Council is always changing their mind. Councilman Nehls said Mr. Iovino has plans for a Library.

Ashley Cohen, Hill Hollow, reminded all that the referendum vote was "no" for a Library and asked that the lines be re-painted in the parking lot on Stirling Road by Watchung Lake.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:25 PM to the Call of the Chair and to the next scheduled Council meeting to be held on March 2, 2017 at 7:30 PM.

Respectfully submitted,

Michelle DeRocco, RMC
Clerk