

BOROUGH OF WATCHUNG

MAYOR AND COUNCIL

MINUTES

OCTOBER 5, 2017

7:30 PM

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:34 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, AS WELL AS THE MANY VICTIMS OF THE LAS VEGAS MASSACRE.

ROLL CALL:

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

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

Although not present at roll call Council President Joren arrived at 7:47 PM

There were 25 members of the public present

Mayor Pote introduced Freeholder Peter Palmer.

Mr. Palmer said he will be retiring at the end of this term and he is visiting all the towns. He said he has enjoyed working with Watchung. Mr. Palmer also said Tom Atkins and he started on the first day of JIF in 1993.

Mr. Atkins wished Mr. Palmer all the best in his retirement.

Mayor Pote thanked him for his dedicated service to all the communities and said the Borough is grateful for the contributions received from the Freeholders.

Councilman Gibbs said there have been many good changes because of Mr. Palmer and other Freeholders.

PROCLAMATION:

Watchung Hills Regional High School Students - "White Out Day / October 6, 2017"

Mayor Pote read the proclamation for "White Out Day" (copy attached) and presented it to the students.

Alanna Margulies, Helen Yang, and Emily Krouk thanked the Mayor and Council for their support of this important program and provided some comments about their goals.

REPORT OF STANDING COMMITTEES:

1. Administration/Finance – Councilman Gibbs had no report but the committee is trying to schedule a meeting.

2. Police – Council President Joren had no report but said since the resignation of Jonathan Cruz, Chief Cina is now reviewing resumes' for a replacement.

3. Public Works/Buildings and Grounds - Councilman Nehls had no report.

4. Public Affairs:

Open Space – Councilman Sopko had no report.

Environmental – Councilman Sopko reported the Committee met on September 25th and the primary discussion was Ash trees on Borough properties. It was the consensus of the Committee to get RFP's to assess the location of these trees. Councilman Nehls said Maser will be at the Public Works meeting and he will discuss getting an estimate for this with Tom Herits.

Recreation – Councilman Mobus reported the Commission met last evening and administered the oath of office to the newest member, Marianne Candiloros. He also reported everything is in place for the upcoming Harvest Festival which will take place on October 28th from 1-4 PM, with a rain date of October 29th. The Commission also discussed the “Kids Night Out” program, and decided they would like to continue this if possible. Councilman Mobus said the Commission would like to try to have a trip to a Devils game on December 21st.

Historical - Councilman Mobus reported the mural has been safely removed and is now being stored in Pennsylvania. The Committee is now in the process to find locations for its final place. He also said there was a Civil War re-enactment last weekend for one night only. He also reported the Weekend Journey Through the Past is scheduled for Saturday, October 14th 10 AM to 5 PM and Sunday, October 15th from Noon to 4 PM and the Texier House will be open for this event. He said the Committee is now doing some research on the history of the bell that Borough Hall has.

Board of Health – No report was submitted.

5. Fire – No report was submitted.

6. Laws/Ordinances – Council President Joren said the Committee met on September 26th and prepared the three (3) Ordinances for this evening. The Committee tried to simplify and consolidate the Do Not Knock/Do Not Drop Ordinance into one Ordinance and another Ordinance repealing section 11-1 titled Hawkers and Peddlers and replacing it with new section 11-1 titled “Peddlers”, “Solicitors” and “Canvassers”. Council President Joren also said she is now in the process of review all volunteers and committees to see who appoints, meeting schedules, minutes, reporting to Council and if they expend monies, in order to have all conform. Attorney Purcell will be looking at all and make recommendations. She also said the Committee will also review ad-hoc committees.

REPORTS - OTHER:

7. Engineer – Mr. Atkins reported Tom Herits is working with the contractor to get final payment and maintenance bonds for the Valley Drive and Washington Drive improvement projects. Mr. Atkins also asked Mr. Herits to look at street lights in Nutley which are similar to those the Borough has been looking at to replace those we now have on Somerset Street.

8. Police Chief – No report was submitted.

9. Fire Department – No report was submitted.

10. Rescue Squad – No report was submitted.

11. Emergency Management – Mr. Atkins said Mr. Greves was prepared in the event of any of the hurricanes hitting this area.

12. Attorney- Mr. Purcell had no report.

13. Clerk – Ms. DeRocco reported she, along with MaryAnn and Administrative Assistant Regina, attended a mini seminar for the Clerks in Hillsborough. She thanked Attorney Ed Purcell for his presentation which was well received and said there was much positive feedback for this. She also thanked MaryAnn for going every Sunday to set up the barricades, opening the rest rooms, and ensuring the vendors set up properly for the Farmers Market.

14. Administrator – Mr. Atkins said Ms. DeRocco has supplied Council with the Somerset County Abstract of ratables and said it shows we are one of the highest as far as market values vs assessed values. Mr. Atkins explained R7 is in conjunction with the lease with Weldon for the salt and public works storage area. He also reported Chief Cina is working on a proposal for the East End Firehouse Communication tower and there will be discussions with Weldon to help with the installation. He said there will be a capital ordinance recommended for this soon.

There was a question regarding the environmental leak from the gas station next to Spratford Park. Councilman Nehls said there has been no new information.

Mayor Pote reported the Resolution for the Deer Management program has been moved to the October 19th meeting.

PUBLIC PORTION / AGENDA ITEMS ONLY

Lynda Goldshein, Sherwood Drive, asked if the Do Not Knock Do Not Drop Ordinance covers items being tossed on properties. Mr. Purcell said it would include anything being on your property. Residents must re-sign up for this list.

Diddy Addario, Rock Avenue, asked Council President Joren if the Chair of the Committees will be able to give their input into any changes that the Laws and Ordinances Committee may recommend. Council President Joren said she was not sure and Mayor Pote said he would definitely want input from the Chairs since he does the appointments.

UNFINISHED BUSINESS

A Public Hearing on Proposed Ordinance OR:17/10 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING SECTION 28-706G.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO TRANSFER THE REVIEW OF COMMERCIAL OR NONRESIDENTIAL SIGNS WITHIN THE "VILLAGE CENTER HISTORICAL OVERLAY ZONE" FROM THE VILLAGE CENTER HISTORIC PRESERVATION COMMISSION TO THE ZONING OFFICER" 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, 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 with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, "aye."

R1:10/05/17 Adoption of Ordinance OR:17/10 - Amend Code / Village Center Preservation Comm.

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.

Prior to the vote Councilman Gibbs requested item #51 be removed for separate vote.

Council President Joren moved to adopt as amended with 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:

September 18, 2017 – Regular and Executive Sessions

Acknowledging Receipt of the following Borough Reports:

Planning Board Minutes - June 20, July 12, 2017
Recreation Commission Minutes - June 7, 2017
Environmental Commission Minutes - May 22, 2017
Watchung Library Advisory Committee Minutes - July 12, 2017
Building Department Report - September, 2017
Wildlife Management Advisory Committee Report - October 4, 2017
Tax Collector's Report - May, June, July, August, 2017

Acknowledging Receipt of the following Correspondence:

#49 - Township of Bridgewater 9/20/17 Notice of Public Hearing on October 16, 2017 in regard to Land Use Ordinance #17-21, Creation of New Zone: Office, Research and Development Zone" c: M & C, TEA, TH, Pl. Bd.

#50 - Township of Berkeley Heights 9/25/17 Introduction of Land Use Ordinances #25-2017 and #27-2017, Public Hearing scheduled for October 10, 2017 c: M & C, Pl. Bd., TH, SW

Council President Joren moved adopt Correspondence #51 with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, "aye", Gibbs, "abstain", Mobus, Sopko, "aye."

#51 - PSE&G 10/2/17 Notice of Filing and Public Hearing for Approval of Gas Base Rate Adjustments c: M & C, TEA, Post

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."

R2:10/05/17 Appointment of Volunteer Fire Department Member - Kelly McKenna

R3: Authorize Payment of Final Benefits - Jonathan Cruz

R4: Authorize Payment of Per Diem Expenses - NJ State League of Municipalities Conference

R5: Authorize Borough Engineer to Endorse DEP TWA Permit Application / Seritage Growth Properties

R6: Authorize Implementation of Halloween Curfew - October 30, 31, 2017

R7: Authorize Expansion of Contract - Maser Consulting / Preliminary Soil Sampling and Evaluation - Weldon Property

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.

Proposed Ordinance OR:17/11 entitled "AN ORDINANCE ACCEPTING A DEED OF ROAD DEDICATION FOR A PORTION OF PROPERTY LOCATED AT 1293 JOHNSTON DRIVE AND KNOWN ON THE TAX MAPS OF THE BOROUGH OF WATCHUNG AS BLOCK 7403, LOT 15 TO THE BOROUGH OF WATCHUNG." was introduced.

Council President Joren moved Ordinance OR:17/11 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, Nehls, Gibbs, Mobus, Sopko, "aye."

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." Public Hearing to be held October 19, 2017.

R8: Introduction of OR:17/11 - Accept Deed of Dedication / 1293 Johnston Drive

Prior to Introducing R9 and R10 Councilman Gibbs recused himself due to a conflict and stepped down from the podium.

Proposed Ordinance OR:17/12 entitled: "AN ORDINANCE REPEALING SECTION 6-10, TITLED "DO NOT KNOCK LIST", OF CHAPTER VI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG AND REPLACING WITH A NEW SECTION 6-10 TITLED "DO NOT KNOCK/DROP OFF LIST." was introduced.

Council President Joren moved Ordinance OR:17/12 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, Nehls, Mobus, Sopko, "aye."

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Mobus, Sopko, "aye." Public Hearing to be held October 19, 2017.

R9: Introduction of OR:17/12 -Amend Code, Sec. 6-10 / Add Do Not Knock/Drop Off List

Proposed Ordinance OR:17/13 entitled "AN ORDINANCE REPEALING SECTION 11-1, TITLED "HAWKERS AND PEDDLERS", OF CHAPTER XI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG AND REPLACING WITH A NEW SECTION 11-1, TITLED "PEDDLERS, SOLICITORS AND CANVASSERS." was introduced.

Council President Joren moved Ordinance OR:17/13 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, Nehls, Mobus, Sopko, "aye."

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Mobus, Sopko, "aye." Public Hearing to be held October 19, 2017.

R10: Introduction of OR:17/13 - Amend Code, Sec. 11-1 -Revisions to Hawking and Peddling Regulations, Permits, Applications

Councilman Gibbs returned to the dias.

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

R11: Waive Chapter 2-25 of the Code - Gray's Florist and Green House

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PUBLIC PORTION - GENERAL DISCUSSION

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Rachel Funcheon, Cedar Road, said she has been trying to find out under what authority the Borough has been conducting the deer culling since the Borough has been calling the deer culling as a "Community Based Deer Management" program in all official documents. Ms. Funcheon said Fish and Wildlife stipulates a permit is required for a Community Based program and Watchung has not had one for many years. Mr. Atkins said it should probably have been named differently but the Borough does not need a permit as long as the town follows all the rules of the State. Since the town utilizes a hunting club which also must follow the State rules and regulations the State does not require the Borough to apply for a permit. Mr. Atkins said the Borough cannot start or go past certain dates. Ms. Funcheon also said annual reports must be filed and she does not think we get these. Council President Joren said we do get weekly and final reports.

Ashley Cohen, Hill Hollow, said the Code Book also calls this a Community Based Program and this would make the hunt illegal since we do not apply for a permit. Council President Joren said it is not an issue it's a name only and Councilman Nehls said the Borough can call this by any name. Mayor Pote said as long as the Borough is following State regulations there is no problem.

Lynda Goldschein, Sherwood Drive, clarified that the first five years the Borough was under the Community Based Program with a permit and the hunt consisted of five months, with no restrictions on the number of deer culled. She said it has only been 4-5 years the Borough has used Blue Ridge.

Hans Juette, Elsinore Drive, said Blue Ridge conforms to all State regulations.

Maria Alberto, Acorn Drive, said she thought the library was going to be on this evenings agenda. She questioned the \$1.2 million mentioned that is in separate accounts. Councilman Nehls explained there was an Ordinance in 2001 which established fund for the library – approximately \$600,000. Mayor Pote a discussion regarding funding will take place at the November 2nd Council meeting including the type of library, the cost and if the State Referendum is passed what the Borough may be eligible for. He also said he has asked Councilmen Gibbs and Mobus to help set the agenda for this discussion. Council President Joren suggested bringing Brian Auger or Keith McCoy from the County Library System to discuss what the County funds for Municipal Library Services and what if the Borough decided not to have a Library and go to Warren or another Somerset County Library would we still have to pay the \$800,000 to the County and what would that means going toward.

Lynda Goldschein, Sherwood Drive, said she thought everything was set after Iovino presented his last design. Mayor Pote said the Borough will review everything we have up to this time.

Joe DeNicholas, Rock Road East, said the need for a library is diminishing and the Borough has a fiscal responsibility to keep the debt down.

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ADJOURNMENT

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There being no further business to come before the Council, the meeting was adjourned at 8:45 PM to the Call of the Chair. The next scheduled meeting of the Mayor and Council to be held Thursday, October 19, 2017 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk