

**BOROUGH OF WATCHUNG**

**MAYOR AND COUNCIL**

**MINUTES**

**OCTOBER 19, 2017**

**7:30 PM**

**OPENING STATEMENT:** Mayor Stephen K. Pote called the meeting to order at 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 [ A ] Black [ P ] Nehls [ P ] Gibbs [ A ] Mobus [ P ] Sopko [ P ]

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

Although not present at roll call Councilman Gibbs arrived at 8:08 PM.

There were 52 members of the public present

**SPECIAL PRESENTATION**

2017 Summer Reading Awards

Mayor Pote introduced Watchung Library Branch Manager Hannah Kerwin, Youth Services Director Sharon Orlando and Volunteer Peggy Ellis.

Ms. Orlando thanked the children and their parents for their perseverance and hard work. She also thanked the Mayor and Council for their support of the Library and presented them with a Certificate of Appreciation.

Ms. Orlando asked children to individually come forward and state their name and as they were presented their award. The following children came forward to accept their awards:

Emily and Thomas Hauck, Victoria Xie, Sai Sharan and Inchara Sarjapuram, Nathan Dong, Julianna Lazzaro, Sam Scherzer, Garance Lesegretain, Solomia and Eli Siutsou, Emma Speeney, Sabrina Brunskill, Salome DeMicco, Isis and Victoria Jorge, Sophia and Justin Alicea, Cole Pilley, Dansil and Hansil Patel. Aarnna Kaushikk arrived later in the evening, and received her award.

**REPORT OF STANDING COMMITTEES:**

1. Administration/Finance – There was no report but Mr. Atkins said a meeting is scheduled for November 6<sup>th</sup>. He also said Mr. Hance and he will discuss the Best Practices later in the meeting.
2. Police – No report was submitted.
3. Public Works/Buildings and Grounds – Councilman Nehls reported the Public Works Department has continued filling potholes, and repairing catch basins. They are also preparing equipment for the winter season and removed three (3) hazardous trees from Borough right of ways. He said all concrete repairs have been completed at Borough Hall including the rock wall, rear steps, and railing by the upper parking lot. The Department also dismantled the tent which was used for summer camp and stored it at Brookhill for the winter. Councilman Nehls said leaf pick up will begin on November 1<sup>st</sup> and continue to November 30<sup>th</sup>. Councilman Nehls reported a meeting was held on October 12<sup>th</sup> and the Committee requested Mr. Herits and Mr. Burns prepare a list of roads in need of repair, and Grant requests have been submitted to the Department of Transportation for High Tor and Scott Drive. He also reported the new truck has been ordered but won't be received until next year. A new radiant heating unit, at a cost of \$4,250, was installed at the Garage. Councilman Nehls also said a new air handling system has to be installed at the Firehouse although it was not part of the original bid. It was hoped the old unit could be moved, so now this adds an additional \$6,482 to the renovation cost.
4. Public Affairs:  
Open Space – No report.

Environmental – Councilman Sopko reported a meeting was held on September 25<sup>th</sup> with the main discussion on the Emerald Ash Borer disease and how to educate people on this. He also said the Committee approved increasing the “Tree Bank” fee to \$350 per tree. The next meeting is scheduled for October 23<sup>rd</sup>.

Recreation – Councilman Mobus reminded everyone of the upcoming Harvest Festival October 28<sup>th</sup> from 1-4 pm, rain date October 29<sup>th</sup>. He also reported there will be tickets available for the December 21<sup>st</sup> Rangers/Devils game.

Historical - Councilman Mobus said a meeting was held last evening but he was unable to attend. However, the Committee said the Weekend Journey Through the Past was very successful and the Texier Museum had 99 visitors.

Board of Health – Councilman Black reported the next Board of Health meeting is scheduled for November 29<sup>th</sup> at 7:00 PM.

5. Fire – Councilman Black reported he will be setting up a meeting for one day next week. He said Sunday was Fire Appreciation Day and awards were given to children, who were excited to be there mingling with the firemen and seeing all the equipment. Mr. Atkins said the Villa Maria fire on Tuesday included 6-7 of the Borough Volunteers on scene for about 8 hours pumping while other members of the Department were on stand-by in case they were needed to cover other towns. Gary Greves is a coordinator in the Mutual Aid System and he reported directly to the Incident Commander on site who gives the instructions for individual departments during the event. Councilman Black said Gary spent two weeks in Louisiana after Hurricane Katrina and was prepared in the event he was needed in the most recent storms. He said he is incredible and an asset to the Borough. The Mayor and Council thanked the volunteers for all they do for the Borough.
6. Laws/Ordinances – Councilman Black had no report but said there are three (3) Ordinances on the agenda for public hearing.

#### **REPORTS - OTHER:**

7. Engineer – Councilman Nehls gave a report submitted by Mr. Herits. He said the generators for the DPW are being manufactured and the one for the East End Fire House has been delivered and the contractor has applied for the permits for installation. He said the Firehouse renovations are in progress. Councilman Nehls said Mr. Herits has a quote for asbestos monitors for the Ness Farmhouse, the contractor is obtaining 3 quotes for the asbestos removal which the Borough should have tomorrow. Mr. Herits has submitted FY2018 DOT Applications, and he is also working with Department of Public Works to develop a list of roadways in need of repair with cost estimates. The Weldon salt storage is in the hand of the attorneys and he is waiting for the OK to perform baseline sampling.
8. Police Chief – No report was submitted.
9. Fire Department – No report was submitted.
10. Rescue Squad – Denise Wilson reported the Squad has two new Cadets. She said they had two drills, one on splinting and the other was testing the light strands for the Tree of Lights which will be held on December 2<sup>nd</sup>. She said there is no new information on the changes the State will be requiring for reporting purposes. Ms. Wilson than said they are in dire need of adult members to help keep the squad going. Councilman Gibbs suggested Ms. Wilson contact Public Service Electric and Gas regarding the clean energy program which could assist in paying for needed lighting improvements at the facility. Mr. Atkins said Bill Hance and Bob Burns can help her with this and Ms. DeRocco can supply the contact information.
11. Emergency Management – Mr. Atkins reported Mr. Greves is at a County meeting this evening.
12. Attorney- Mr. Cruz had no report but there is one item for Executive Session this evening.
13. Clerk – Ms. DeRocco had no report.
14. Administrator – Mr. Atkins said he spoke to Chief Cina regarding the evaluation of the East End Radio Tower and Chief Cina said he should have facts and figures by next week. Mayor Pote said this was discussed at the Planning Board meeting.

Mr. Atkins then introduced our new Administrative Assistant, Regina Angelo, who was in attendance.

Mayor Pote reported the Planning Board has the site plan for Weldon on Bonnie Burn Road and they are planning to plant hundreds of trees as a buffer where the Colorado Café site is. He said a decision should be made at the next meeting.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Diana Churchill, High Tor Drive, gave an overview of what is offered at the Library – not only for our children but adults also.

Virginia Hartmann, Ellisen Road, said Council agreed we needed a new library and people were told it would be put up for bid this past January but since then there has been no news. She said discussing this at the November 20<sup>th</sup> meeting is after the election referendum question and she said as soon as the Library Act is passed we need to start the process of applying for the money, urging the Council to act now.

Peggy Ellis, Valley Road, said the Borough has been talking about the library for 16 years and this Library Act will provide “free” money toward a new library. We need a Library/Community Center, if we wait to apply for the money it will be too late.

Neil Cornelisse, Old Somerset Street, said the dirt road he uses for getting to his property has been taped off for more than a month and no one has been able to give him an answer as to why. Councilman Sopko said if this is a private access it is out of the Borough’s jurisdiction. Mr. Cornelisse said he wants a meeting with Borough Officials to discuss this. Councilman Gibbs asked if he has spoken to the property owner and Mr. Cornelisse said he has not, since there have been problems with the neighbor.

Peggy Ellis, Valley Road, questioned the price of a tree for a tree bank contribution. Councilman Sopko explained when contractors knock down trees to build they must replace the trees but they could opt to increase the tree bank.

Martin Carroll, Valley Road, said our library is an embarrassment and must be replaced.

Diana Churchill, High Tor Drive, said our Volunteer Rescue Squad’s level of professionalism is excellent and the Atlantic group does not even come close to them. There is absolutely no comparison.

Mayor Pote said the Borough needs to take advantage of the upcoming Library Act funds. It will be on a first come, first serve basis and once the money is gone we would not be able to apply for it. He said he appreciates all the input from residents.

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**UNFINISHED BUSINESS**

A Public Hearing on 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 held.

Councilman Black moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R1:10/05/17 Adoption of Ordinance OR:17/11 - Accept a Deed of Dedication / 1293 Johnston Drive

Prior to voting on R2 and R3 Councilman Gibbs recused himself due to a conflict and stepped down from the podium.

A Public Hearing on 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 held.

Councilman Black moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Mobus, Sopko, “aye.”

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R2: Adoption of OR:17/12 -Amend Code, Sec. 6-10 / Add Do Not Knock/Drop Off List

A Public Hearing on 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 held.

Councilman Black moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Mobus, Sopko, “aye.”

With no one from the public wishing to be heard Councilman Black closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R3: Adoption of OR:17/13 - Amend Code, Sec. 11-1 -Revisions to Hawking and Peddling Regulations, Permits, Applications

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda items listed below were unanimously adopted following a motion by Councilman Black and a second by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

Approval of the following Council minutes:

October 5, 2017 – Regular Session  
September 28, 2017 - Special Meeting

Acknowledging Receipt of the following Borough Reports:

Police Activity Report - September, 2017  
Recreation Commission Minutes - September 6, 2017

Acknowledging Receipt of the following Correspondence:

- #51 - Shelini Parikh 10/6/17 Email of Resignation from Historical Committee c: M & C, TEA
- #52 - Township of Warren 10/10/17 Notice of Adoption of (4) Four Land Use Ordinances: 17-18, 17-19, 17-20, and 17-21 c: M & C, TEA, Pl. Bd
- #53 - Township of Berkeley Heights 10/16/17 Order of Judgment of Compliance and Repose c: M & C, TEA, Pl. Bd., AC, SW
- #54 - Township of Berkeley Heights 10/16/17 Notice of Introduction and Public Hearing on October 24<sup>th</sup>, 2017 in regard to Proposed Ordinance to Amend , Revise, and Supplement the Township’s Affordable Housing Development Fees; and Notice of Final Adoption of Land Use Ordinances 24-2017, 25-2017, and 27-2017 c: M & C, TEA, Pl. Bd., SW

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

R4:10/19/17 Appointment to Historical Committee - Seth Alexander

R5: Purchases Over \$2,000. - Metro Hydraulic Jack Co. (PW - Plow Repair)  
Pine Environmental Services (FD - Gas Detector)  
Johnstone Supply (FD - Air Handler for FireHouse)  
Cliffside Body Corp. (PW - Dump Truck w/plow)  
Somerset Plumbing Supply (B&G - Gas Heater)  
First Choice Safety Equip. (FD - Thermal Imaging Camera)

R6: Appointment of LUCA (2020 Census Liaison) - Michelle DeRocco

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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: Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R7:10/19/17 Payment of Bills

**Discussion - Best Practices Check List**

Mr. Atkins explained this is developed by the Division of Local Government Services in the Department of Community Affairs and it is sent to every town. He said periodically the questions will change but most are the same as last year with a couple of different ones. Mr. Atkins explained there is no Council vote on this, it is submitted under the license of the Borough, CFO Bill Hance, who answers these questions. He said to other officials, Michelle DeRocco as Municipal Clerk and himself as Chief appointed official, must also sign this certification. Mr. Atkins said the DCA requires this discussion and the DCA has the authority if a municipality does not score well on the Best Practices Check List the State can elect to withhold a portion of State Aid. The Borough has consistently received \$700,092 for years. Mr. Atkins said we are in good shape with a score of 92. Many of the questions deal with personnel policies and labor contracts. The Borough has no part-time employees or officials receiving paid health benefits, no longevity, all required Financial Disclosure Statements have been submitted. Question #5 Ratable Base – if this is under 85% ratio of market to assessed value sets off red flags up at the Division of Taxation first and then the DCA. Somerset County is strong regarding market value to assessed value, the Borough is over the 85%. Councilman Black said other towns get a lot more State Aid than Watchung does and Mr. Atkins said a lot depends on population. Mr. Atkins said this is a mandatory form which must go into Trenton each year.

Mayor Pote asked in regard to our answers to these questions we are comfortably over the threshold and do we have to comment on any of these answers? Mr. Atkins said yes and any answers we gave they would accept our documentation. Mr. Hance said we do not have to comment on any of the questions unless they ask for things like the date the Personnel Manual was adopted or if there were comments in the Borough Audit you would have to enter those. Councilman Black asked if we might qualify for more money and Mr. Atkins said that is a totally different issue. Councilman Gibbs explained this is a completely unfair formula in favor of the urban town and the suburban towns get much less.

The Mayor and Council were pleased with the results of this checklist.

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**PUBLIC PORTION - GENERAL DISCUSSION**

Ashley Cohen, Hill Hollow Road, asked what a Thermal Imaging Camera is and Councilman Nehls explained this is used when they into a fire or smoke filled building when they can't see they would use this camera to see if anyone is still in the building.

After the Public Portion was closed Councilman Gibbs said he and Councilman Black wrote a letter to the Echoes asking residents to vote yes on the Library Question in November. He said residents should keep in mind there will be many communities looking for money from this once it is passed. He also said there are many opinions on a library in the Borough – we do need one but have to be diligent looking at the cost for this.

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

R8:10/19/17 Executive Session:  
Contract Negotiations / Washington Drive Detention Basin

The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

Upon return to regular session all Council members previously in attendance were again present.

Mr. Cruz said during the Executive Session he received direction on how to proceed with negotiations in this matter.

There being no further business to come before the Council, the meeting was adjourned at 9:56 PM to the Call of the Chair. The next scheduled meeting of the Mayor and Council to be held Thursday, November 2, 2017 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance  
Deputy Clerk