

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL**

**MINUTES
April 19, 2018
7:30 P.M.**

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:35 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 MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AND A SPECIAL PRAYER FOR FORMER FIRST LADY BARBARA BUSH.

ROLL CALL

Gibbs [P] Black [P] Nehls [P] Mobus [P] Sopko [P] Alberto [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Chief Finance Officer William Hance, Borough Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 70 members of the public present.

SPECIAL PRESENTATIONS:

Council President Gibbs read a brief biography of Officer Joseph O'Connor.

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

R1: 04/19/18 Appointment of New Police Officer – Joseph O'Connor

Mayor Pote administered the Oath of Office to Joseph O'Connor as his fiancé held the Bible.

Chief Cina congratulated Officer O'Connor.

Prior to reading the Resolution Council President Gibbs read a brief synopsis of Detective Emerick's career.

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

R2: Authorize Appointment – Police Department/Brian Emerick- Sergeant

Council President Gibbs read the Commendation for Lt. Kelly.

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

R3: Commending Lt. Bill Kelly

Council President Gibbs presented the Commendation to Lt. Kelly and congratulated him.

PUBLIC HEARING 2018 MUNICIPAL BUDGET:

A Public Hearing of Ordinance OR:18/02 entitled "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)" was held.

Councilman Mobus requested CFO William Hance to give a brief explanation of the Cap Bank Ordinance. Mr. Hance explained this Ordinance allows the Borough to increase the budget by 3 1/2% over the prior year budget. Any amount that we did not use is allowed to be banked for future use. We did not utilize the full 3 1/2%, so this Ordinance allows us to bank the unused \$120,369.91 for use in 2019 or 2020.

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

With no one from the public wishing to be heard Councilman Mobus closed the public hearing and moved the following resolution:

R4: Adoption of Ordinance 18/02 – Cap Bank Ordinance

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

Mayor Pote thanked the Finance Committee (Council President Gibbs, and Councilmen Mobus, and Sopko), CFO Bill Hance, and Administrator Tom Atkins for all their hard work.

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

R5: Determining Budget to be Read by Title

Councilman Mobus moved that the public hearing on the 2018 municipal budget be opened with a second by Councilman Black.

Discussion was open to the public.

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

R6: Adoption of 2018 Municipal Budget

Councilman Mobus said there has been no reduction of services to the community with the passing of this Budget.

WATCHUNG HILLS REGIONAL HIGH SCHOOL BUDGET PRESENTATION

Superintendent Elizabeth Jewett, Business Administrator Tim Stys

President of the Watchung Hills Regional High School Board of Education, Peter Fallon thanked the Mayor and Council for the opportunity to present their budget. He said not only are they proud of Julia Cunningham but all of the students at the High School. He also said Mr. Hayeck and Mr. Hunsinger are also in attendance this evening supporting the Superintendent and Business Administrator who will be presenting the details of the budget. Mr. Fallon said the Board does not have any control over the tax allocation to each town – there is a formula that has to be followed according to the tax assessments for each town.

Ms. Jewett gave some highlights. She said the anticipated enrollment for the 2018-2019 school year is 1995 which is a decrease. Some of the enhancements in the budget for next year include a Music Tech Lab and Course; and additional Computer Science programs (coding). She also said the budget includes \$500,000 for school security which includes one full time Police Officer and several part time retired officers. Ms. Jewett said both the SAT scores and the Advanced Placement continue to rise.

Mr. Stys gave some statistics regarding State aid received and said the Borough portion increased approximately 1% or \$116.00 per household.

Council President Gibbs thanked Ms. Jewett, Mr. Stys and Mr. Fallon for presenting their budget and explanations. He also said the fairness of the formula used to determine the Borough portion of the budget has always been looked at. We are subsidizing Green Brook and Long Hill.

Councilman Nehls thanked the Administration and the Board of Education for their help in setting up the recognition for Julia Cunningham. He also requested the increases to promote better programs for girls' sports.

Councilman Black thanked the Board for attending the meeting and asked what their total debt is. Mr. Stys said it is 31.3 million and they retire approximately 2.4 million a year. Councilman Black questioned if they have any ideas to reduce the budget with the enrollment decreasing. Mr. Stys said they do decrease the staff and they also try to keep as many special education children in-house, however, future mandated judicial actions with Affordable Housing could heavily impact enrollment.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Mobus reported the committee met on April 9th and reviewed the budget in relation to the storm cost. They also discussed a preliminary Capital Improvement Bond Ordinance which would include roadway improvements; professional services related to an engineering evaluation of the Watchung Lake erosion and dredging, and anticipation of the final amount of funding needed for the purchase of the Fire apparatus. Councilman Mobus said there has been a recommendation from OEM to purchase an electronic sign to replace the one that was in front of Borough Hall. He also reported the Committee discussed televising the Council meetings and the

Borough is receiving quotes. Councilman Mobus said the Borough is anticipating increasing the sewer tax from \$445 to \$455 due to increases from PARSA, which should assist in future capital work to possibly keep costs down.

2. Police – No report was submitted.
3. Public Works / Buildings and Grounds – Councilman Nehls reported the Public Works Department began removal of storm debris and as of April 18th, 72 streets have been cleared. Leaf bag removal is ongoing until April 30th. The Department also did property cleanup at Phillips Field in preparation for Little League opening day, and property cleanups at Mobus Field, Texier House, and the Village Green. He also reported that the tennis courts and bathrooms are open at Mobus Field.

Councilman Nehls read the following statement:

Mr. Mayor, I am presenting this statement regarding the Watchung Library. Over the past several months it has been brought to the Council's attention that many residents feel that the Watchung Library is unsafe and presents a hazard to the workers and to our residents. In fact, the Watchung Library Advisory Board and the mayor have obtained and presented a letter to the Council from the Chair of the Somerset County Library Commission that the library is unsafe and that repairs need to be made to ensure the safety of the employees. The mayor and council have expended money to make these repairs. However, all parties agree that the current library cannot be repaired for extended use.

In 2012, Watchung held a referendum as to whether we should build a new library and the amount to be bonded for this purpose was \$4.2 million. The residents of Watchung voted this referendum down by a vote of 1026 to 858. Many have argued that this referendum did not show the true position of the residents of Watchung due to the potential that Superstorm Sandy deterred voters from venturing out to vote. However, this vote was one of the largest that has occurred in Watchung with a total of 2439 residents voting of the 4365 registered voters. The 2017 State Library Bonding issue is not the measure of our residents' position on building a new library. It is the Council's opinion the true referendum is the one which was voted down in 2012 which was specifically for the Borough to build a new library and not the State Bonding referendum.

The Council had passed a Resolution in 2014 which allocated \$1.5 million dollars for the renovation of the current library. As part of this resolution an amount of \$500,000.00 was to be raised to offset some of the costs for the construction of this renovation project. The architect who was hired by the Borough at the Mayor's recommendation, stated that fund raising could be done with the design that had been completed. This money was never raised. The Council accepts the position of the architect that fund raising could have been undertaken with the design that was proposed. It should be noted that after several changes to the design the architect's estimated cost for the construction of this library was \$3.14 million dollars. Additional costs would be incurred which would include interior buildout, landscaping, parking areas, etc. The true cost being unknown and would be substantially higher.

Councilman Nehls made a verbal motion to move the following: “I move that the Borough of Watchung seek alternative shared service agreements to provide library services to our residents and not pursue renovating of our library or the building of a new one. Once alternative library services are provided we will no longer be using the library property. Therefore, I further move that the Borough investigate the property and surrounding properties for commercial redevelopment possibilities to benefit the residents of Watchung.” Councilman Sopko seconded the motion.

Mayor Pote opened the meeting to comments, prior to the Roll Call vote, first from the Council, then to the public.

Council President Gibbs read the following statement:

Tonight, the Borough Council has concluded that closing the Watchung Library building and exploring shared services with the Township of Warren and the Somerset County Library System rather than investing in a new modern flexible library and community center in the best interest for the residents and our Borough. The Dali Lama once said disagreement is something normal. That is certainly the case here with the decision to close Watchung's 75 plus year history in providing personal library services in the form of our own Library branch building. Since the time of Aristotle, libraries have been an important center of learning to pass knowledge and wisdom from one generation to the next. Watchung's library has served our community in a similar fashion acting as a place for children, students and residents to drop by, pick out a paper book or two; meet their tutor for extra help; and participate in the many library programs our residents have come to love. Have you ever found Buddy in the children's section? I have heard many stories from parents and children alike that one of their most popular childhood memories was getting their very first library card and being able to check out their own book. Our Library has been, and continues to be, one of the highest circulation branches of the Somerset County Library System with over 49,000 items borrowed in 2016. It is the highest circulation per square foot rate of any Somerset County Library System Branch and hosting 198 children's programs attended by 4398 kids; 206 adult programs attended by 1716 adults; and 393 meetings in 2016.

So why close the Library? Two significant reasons I have heard are, 1- cost, Watchung can't afford to build a new library, and 2- function – libraries are outdated, everyone will be reading from e-readers and tablets. I disagree with both as justifications to close the facility that offers both diverse and important services to our residents.

On costs – preliminary cost estimates and prevailing Bond interest rates and the average Watchung household, currently valued at \$711,000, would pay an additional \$29.00 tax for each \$1,000,000 borrowed. So, if a new Library/Community Center would cost \$3,000,000 that would cost \$87.00 in municipal tax. However, Watchung has a unique, and not soon to be duplicated, to request \$.50 on the \$1.00 in matching funds from the State of New Jersey, through a voter approved Bond Issue of \$125,000,000 in construction renovation funds for public libraries. By tonight's action we squander away that opportunity and loose out forever on the ability to mitigate the cost of building a new library for our residents. What if we could have reduced that financial burden by a third, a half or even ten percent? I believe in fiscal conservatism that our residents' hard-earned dollars and finite tax dollars should be spent prudently and after careful consideration of what those tax dollars should return to our residents.

In the five years I have been on the Council I have advocated for several million dollars of savings, including not spending a million dollars on the rock wall behind the police department and finding a better solution like the berm constructed by our good corporate citizen, and neighbor, Weldon Quarry. Along with Councilmen Mobus and Sopko, we found the \$850,000 to refinance and for the last two years we have come under the 2% levy cap and we are just shy of a triple A rating.

Many have often complained that prior administrations were stingy with infrastructure investment in Watchung, including our roads and sewers and how did that work out for us? It was short sighted and we are still playing catch up. In regards to our Library our biggest regret yet may not be things we have done but things we haven't done.

On function, the argument that e-readers and tablets are the things of the future is just not correct. The latest data for 2016 showing 18.7% decline in e-book sales versus paper back sales which are up 7% and hard back sales are up 4.1% over the same period. The sales of e-readers has declined by more than 40% between 2011 and 2016 according to consumer research group Euro Monitor International; and in 2016 according to a Nilsen Survey in the UK found the increased book sales were due to children's fiction and younger generations preferring physical books to e-readers. Sure, some people might like e-readers and tablets if that is their thing, but it is not for everyone and no one should dismiss the age old, and apparently still relevant, the love for curling up with a good book and reading.

Finally, libraries are places of information. When most people think libraries they think books, and although that is certainly true, these days books take different shapes such as the e-books and audio books.

But more than books, libraries are places of information offering people free access to a wealth of information they can't find elsewhere, whether online, in print, or in person. Whether they are looking for DVD's or the latest best seller, counter information found on internet data bases not accessible at home. For going to story times and community programs the library is the center of community for millions of people.

That's really the point I am trying to make, Watchung deserves its own new library right here in Watchung. A place where our community can go and meet and find things in common, debate the many issues we face, get tutored by a great teacher, find the latest box office hit, participate in reading competitions and diverse programs, and of course sitting down and reading a book.

Warren's Library might be nice but it is not in Watchung and it wasn't built with Watchung residents in mind. It's not within our community it's in Warren. Watchung has a lot to offer perspective residents, but closing our long-standing library seems to me one more reason for people to look at Watchung and compare us to surrounding communities and decide that we are really not much more than a traffic circle, two lakes, and a lot of stores on Route 22.

What tonight's action will be I cannot predict but whatever course this Council decides to take I will strive to insure that Watchung's future is bright and a destination for individuals and families who wish to call Watchung home. I will look for development opportunities to make Watchung their residence. I strongly believe in libraries and the mission they stand for. I also believe that Watchung, an affluent valley community tucked between the first and second ridges of the Watchung Mountains deserves its own Library. Therefore, Mayor, I cannot support the first part of the resolution but will support the second. Thank you.

Mayor Pote thanked Councilman Gibbs. Mayor Pote then read the following statement:

While one and all are entitled to their opinion I am in great disagreement with those on the Council who feel that the town of Watchung does not need its own library services. And he cannot be more disappointed to response to the obvious need for a new library. This bold step being taken by the majority of the Council is short sighted and not consistent with our responsibility of elected officials to serve the greater good of and which will have long term ramifications to this great Borough. As I have said before the greater good is when all residents are served. Some may not take advantage of a given service but it is there for everyone the greater good. To not have a library service serves no one and to take one away is even worse. Every resident has been disenfranchised if our great library is taken away. Everyone in this case loses something. Watchung has always enjoyed its library services, you take it away and you serve no one. A town library is a basic service, one which all residents should expect to have and enjoy. It is a service Watchung has had and should be expected to continue to have. Its great use should serve as a measure that the greater good has been served. Additionally, a town of Watchung's affluence and stature can not only afford a library but it is expected to have a strong library presence which all can benefit from. It is part of the fabric of any strong town as are good schools and available park land. while the concept of using other areas for shared services is a good one in some cases, it is no substitute for the place of learning that already exists

today within our Borough of Watchung full of library support and access to endless information. It's an existing structure that we know works. If you close the library you take away from the six thousand residents' one of the most heavily trafficked libraries in the State. The fact is that without a better library there is great untapped potential of both our library services that could have been provided and the Borough's residents learning. All of that is left on the table. Thank you.

Council President Gibbs said there are two parts to Councilman Nehls resolution and he moves that this be split for two separate votes.

Mr. Cruz said there has been a discussion and a motion to vote and motion to amend the prior motion and what is on the table now are two separate motions. He said there is a motion on the table to split the resolution which now needs a second.

Council President Gibbs moved to split the resolution and Councilman Nehls seconded the motion and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

Councilman Nehls wanted clarification on what to do after this. Mr. Cruz explained there has to be a motion to carry/table the vote until after the public is heard.

Councilman Nehls moved to carry the motions until after the public has been heard with a second by Council President Gibbs and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

Prior to opening the meeting to the public for discussion Mr. Atkins reminded everyone as they step to the microphone they should state their name and address. Each person will have 3 minutes and if there is a discussion or question by members of the Council the time will be stopped and resumed after that for a total of 3 minutes. Council President Gibbs asked the public to please give everyone who wishes to speak the 3 minutes and after everyone has spoken a person may come to the microphone for a second time.

The meeting was then opened to the public.

Virginia Hartmann, Ellisen Road, said shared service was mentioned but she said we already have this since we are part of the Somerset County Library System. She then stated her family has been here since 1939 and she said the Council is wrong for deciding to close the library.

Mike Santucci, Mountain Boulevard, questioned Councilman Nehls on the 2012 vote and also the most recent State Bond issue which was approved in 2017. He asked how much the Borough could expect to receive from this Bond. Mr. Santucci said this discussion should be put on the ballot for the public to vote on.

Hans Juetter, Elsinore Drive, said he appreciates Council President Gibbs' comments. Mr. Juetter said the Council should look at the consequences before voting to close the library.

Joe DeNicholas, Rock Road, said the Borough is expanding in the wrong direction – with the buildings which will be going up on Route 22 there will be higher crime rates.

Kathryn Onufreiczuk, Washington Drive, said she is a senior citizen and she uses the library all the time. The library is what sold her to move into Watchung.

Virginia Olive, Valley Drive, said she agrees with Mayor Pote and Councilman Gibbs. Libraries are a lifelong learning place.

Wendy Robinson, Hill Hollow Road, said she has been persuaded to thinking Watchung does need a library. Especially with the overwhelming vote in favor of the State Bond issue.

Diana Churchill, High Tor Drive, said when she moved to Watchung the first place she took her children was the library and even if the library is closed the Borough is still obligated to pay the \$800,000+ to the County Library System.

Sondra Fechtner, Cardinal Drive, said she does not want to be part of Warren Library.

Terry DeFilippis, Tall Timbers Road, said she also has changed her mind and said Watchung does need its own library – the game changer for her was the possibility of getting funding from the State. She also asked why it could not be moved to another location.

Amy Fiorella, Washington Drive, said there is a misconception concerning the funding of the library – the Borough will still have to pay the \$800,000+ to the County.

Dorothy Addario, Rock Avenue, said she has advocated for the library for the last 17 years. Warren is expanding their library and if paying the \$800,000 to the County bothers her and we would still have to pay that amount for two years if it was decided to pull out of the system completely.

Stuart Homer, Sherwood Drive, said he is strongly in favor of the library and asked the Council to delay making their decision.

Tamara Benc, Lakeview Avenue, said Warren is forward-thinking but Watchung is moving backward. She does not want to go to Warren for the Library.

Bill Candiloros, Nottingham Drive, said he is overwhelmingly against the library and told the Council not to be intimidated by comments about election day.

Cindy Homer, Sherwood Drive, asked if the Borough shares any other services with Warren. Watchung does not have a place to bring residents together.

Rhonda Sanderson, Templar Drive, said she is very pro-library but has concerns for crime in the Borough. She asked what the plans are for where the library is. She said more people should utilize the library and she does see many who are against a new library there and taking out books.

Marianne DeNicholas, Rock Avenue, said the Borough needs a community center – a place for people to go.

Dorothy Addario, Rock Avenue, reminded everyone the vote to take over Watchung Lake was voted down, however, the governing body at that time still moved forward with it anyway, and can you imagine Watchung now without our Lake? It is utilized continuously.

Mayor Pote suggested that consideration be given to having a referendum and putting it out to the residents and asking them what they want to do.

Councilman Mobus said the referendum was on the table before, and the Mayor and the library advocates were against it. Now everyone is talking about wanting a referendum. Mayor Pote said if the alternative is closing the library he will take the referendum.

Councilman Nehls moved the following: “That the Borough of Watchung seek alternative shared service agreements to provide library services to our residents and not pursue renovating of our library or the building of a new one.” Councilman Sopko seconded the motion and upon Roll Call the vote was as follows: Gibbs, “nay”; Black, Nehls, Mobus, Sopko, Alberto, “aye.”

Councilman Nehls moved the following: “That once alternative library services are provided we will no longer be using the library property. Therefore, I further move that the Borough investigate the property and surrounding properties for commercial redevelopment possibilities to benefit the residents of Watchung.” Councilman Sopko seconded the motion and upon Roll Call, the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

At this point, Mayor Pote called for a 5 minute recess.

The meeting resumed at 9:10 P.M.

4. Public Affairs:

Open Space – Councilwoman Alberto reported there is a meeting scheduled for April 30th.

Environmental – Councilwoman Alberto reported there is a meeting scheduled for April 23rd.

Recreation – Councilman Mobus said a meeting was held on April 4th. They discussed the upcoming Kids Night Out, Saturday, April 21st and the opening day for Little League last week. Summer Camp registration is ongoing and Watchung residents have until April 30th for early registration discounts. After that date the registration will be opened to other towns. Camp will begin July 2nd with an open house on June 29th at Brook Hill.

Historical – Councilman Mobus reported there were two meetings this month. The first meeting held on April 5th was to complete grant agreement \$4,000, which will be used for the first phase of the restoration process of the mural. The Commission’s goal is to have a recommendation for a location for the mural sometime before September. At the regular meeting held April 18th he said Chris Vanderfleet completed the “Reflections of Watchung” video series which consists of six hours of narrated video footage on the History of Watchung. Councilman Mobus said it is done extremely well. The Commission also agreed former Mayor Tony Addario will be the person who will be honored for the Memorial Day Ceremony posthumously.

Board of Health – Councilman Black reported the next meeting is scheduled for May 16th, 7 PM.

5. Fire – Councilman Black said he is scheduling a meeting the week of April 30th.

6. Laws/Ordinances – No report.

REPORTS - OTHER:

7. Engineer – Engineer Tom Herits reported the contractor for the firehouse is scheduled for final inspection this week and the only items still to be addressed are the range hood and air handler. He also reported the Public Works Committee was given a list of roadways felt need repaving, approximately one million dollars. This list will be prioritized and it is hoped will be completed in the summer. High Tor

Drive may also be completed this summer utilizing the grant received for this project. Mr. Herits said the location at Weldon where the salt storage shed did not flood during the most recent heavy rain fall Monday, which was approximately 2.6” in about four hours. He said Weldon will be setting aside bin blocks for the salt shed. Once in place the structure will be covered by fabric. He and Bob Burns will be getting prices for the fabric.

8. Police Chief – Chief Cina had no report. Mayor Pote questioned the crime rate and what the type of crime is. Chief Cina said much of the crime is related to shoplifting and drug activity. Mayor Pote said he appreciates the work the Police Department does.

9. Fire Department – Councilman Black said a meeting will be scheduled for the week of April 30th.

10. Rescue Squad – Diddy Addario reported the statistics for the month. She also said the Squad had gone live with the new electronic reporting. She said work has started to install security cameras on the outside of the building.

11. Emergency Management – Mr. Atkins said Tom Herits and Gary Greves met with the County on the annexes and the Borough received an extension on the 3 year annex update which will be due July 1, 2018. Mayor Pote said the Administration is working on this and the Council will also start looking at these.

12. Attorney – Mr. Cruz had no report but there is an Executive Session this evening.

13. Clerk – Ms. DeRocco reminded everyone about Operation Pride Saturday, April 21st 9 A.M. to noon, and all are to meet at the Texier House. She also reminded Council that Financial Disclosures Statements are due by April 30th. Councilman Nehls thanked Ms. DeRocco for the Proclamation for Julia Cunningham.

14. Administrator – Mr. Atkins thanked Council President Gibbs and Councilwoman Alberto for completing their JIF and MEL training. Mr. Atkins referred to Resolution R21 and commented that the 2017 Audit report was excellent. The record keeping by Finance under CFO Bill Hance and all staff is excellent.

Mayor Pote reported there was a 9/11 Memorial meeting this week and they discussed the pavers, to date there have been 200 bricks purchased. The Committee will be coming up with preliminary plans for placement of the pavers on the sidewalk.

Mayor Pote also said the March storm AAR (After Action Review) summary determined small committees will be formed to discuss individual concerns.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Dorothy Addario, Rock Avenue, said the Historical Committee would like to invite the Mayor and Council for the first viewing of the “Reflections of Watchung.”

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UNFINISHED BUSINESS

None

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NEW BUSINESS

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

Approval of the following Council minutes:

March 15, 2018 - Regular Meeting

Acknowledging Receipt of the following Borough Reports:

- Police Activity Report – February 2018
- Recreation Commission Minutes – January 3, 2018
- CERT Meeting Minutes – March 27, 2018
- Building Department Report – March 2018
- Board of Health Minutes – January 17, 2018
- Watchung Library Advisory Committee Minutes – January 3, 2018
- Board of Adjustment Minutes – September 14, 2017
- October 25, 2017 – Special Meeting
- November 9, 2017
- December 14, 2017
- January 11, 2018

Acknowledging Receipt of the following Correspondence:

- #8 - JCP&L 3/19/18 Notice of Public Hearing of Proposed Increase in the Company's Remediation Adjustment Clause c: M&C, TEA, Post
- #9 - Borough of North Plainfield 3/19/18 Notice of Public Hearing on Ordinance 18-06 to Amend the Code Chapter XXII Entitled, "Land Development", Section 22-3 Entitled, "Definitions, etc." c: M & C, TEA, TH, Pl. Bd
- #10- Somerset County Board of Taxation 3/15/18 Resolution of Recognition and Commendation re: Tax Assessors Serving Somerset County c: M & C, TEA, EK
- #11- Township of Green Brook 4/2/18 Notice of Public Hearing on an Ordinance to Adopt an Affordable Housing Ordinance for Block 158, Lots 11,12,29,30 c: M&C, TEA, Pl. Bd, TH
- #12- Township of Green Brook 4/10/18 Notice of Public Hearing on Ordinance 2018-844 an Ordinance Amending Various Articles, Chapters and Sections of the Zoning Ordinance c: M&C, TEA, Pl. Bd

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CONSENT AGENDA RESOLUTIONS

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

- R7:04/19/18 Purchases Over \$2,000 - S.E Rose Trucking & Excavating, Inc. (PW-Snow Plowing Services)
- R8: Authorize Appointment of Part-Time Custodian / Michael Cain
- R9: Authorize Contract – Barn Removal at Ness Property / RWL, LLC
- R10: Authorize Insertion of Special Item of Revenue (Chapter 159) - Body Armor Grant
Youth Services Grant
- R11: Authorize Insertion of Special Item of Revenue (Chapter 159) – Safe and Secure
Communities Grant
- R12: Appoint Professional Service – Special Hearing Officer / Allan C. Roth, Esq.
- R13: Authorize Appointment – Recreation Commission / Amber Murad
- R14: Authorize Contract Award Allied Oil LLC – Diesel Fuel, Gasoline
- R15: Authorize Emergency Contracts / Branch Removal:
Caffrey Tree & Landscaping
Tri-Season Landscaping
Galbraith Landscape Const. Inc.
S.E. Rose Trucking
Predator Tree Service
- R16: Authorize Transfer of Surplus Property - Donation to Fire Department / 1999 Dodge
Caravan
- R17: Waive Chapter 20-1g and 20-1j of the Code - Tree Removal / Board of Ed
- R18: Authorize the Return of Surety Bond- Chipotle Mexican Grill
- R19: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and
Seritage Growth Properties/ Cinemark USA
- R20: Authorize Mayor and Clerk to sign Developers Agreement/ Seritage SRC Financial and
Seritage Growth Properties/ Retail Stores

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NON- CONSENT AGENDA ITEMS

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

- R21: Acceptance of 2018 Annual Audit Report

Prior to introducing the following Resolutions, Council President Gibbs gave a brief explanation of the following Ordinances. He said this work began about one and a half years ago when, at that time, Council President Joren, and not Councilman Black was Chair of the Committee. These Ordinances are meant to synchronize the roles of all Committee, and Commissions, except the Environmental Committee, mandating meeting requirements, minutes, and none having authority to expend money without Council approval.

Proposed Ordinance OR:18/03 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING ARTICLE V TITLED “BOARD AND COMMITTEES, AND COMMISSIONS” BY REPEALING SECTION 2-71 TITLED “OPEN SPACE ADVISORY COMMITTEE.”** was introduced.

Councilman Black moved Ordinance OR:18/03 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R22: Introduction of OR:18/03 – Revise Code / Open Space Advisory Committee
This Ordinance will eliminate the Open Space Committee.

Proposed Ordinance OR:18/04 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-38, TITLED ‘BOARD OF HEALTH,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTIONS 2-38.3 TITLED ‘OFFICERS AND EMPLOYEES’, 2-38.4 TITLED ‘APPOINTMENT OF ALTERNATE MEMBERS’, AND BY ADDING SECTIONS 2-38.6 TITLED ‘MEETINGS AND MINUTES’, AND 2-38.7 TITLED ‘EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.’”** was introduced.

Councilman Black moved Ordinance OR:18/04 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R23: Introduction of Ordinance OR:18/04 entitled – Revise Code / Board of Health

Proposed Ordinance OR:18/05 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-43, TITLED ‘HISTORICAL COMMITTEE,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-43.3 TITLED ‘ORGANIZATION,’ BY AMENDING SUBSECTION 2-43.4 TITLED ‘POWERS AND DUTIES GENERALLY,’ AND BY ADDING SUBSECTION 2-43.6 TITLED ‘MEETINGS AND MINUTES.’”** was introduced.

Council Black moved Ordinance OR:18/05 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R24: Introduction of Ordinance OR:18/05 entitled – Revise Code / Historical Committee

Proposed Ordinance OR:18/06 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-44, TITLED ‘WILDLIFE MANAGEMENT ADVISORY COMMITTEE,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-44.3 TITLED ‘ADMINISTRATION OF WILDLIFE MANAGEMENT,’ BY AMENDING SUBSECTION 2-44.5 TITLED ‘ANNUAL REPORT,’ BY ADDING SUBSECTION 2-44.7 TITLED ‘MEETINGS AND MINUTES,’ AND BY ADDING SUBSECTION 2-44.8 TITLED ‘EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.’”** was introduced.

Councilman Black moved Ordinance OR:18/06 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R25: Introduction of Ordinance OR: 18/06 entitled – Revise Code / Wildlife Management Advisory Committee

Proposed Ordinance OR:18/07 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-42, TITLED ‘LIBRARY ADVISORY COMMITTEE,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-42.2 TITLED ‘ESTABLISHMENT; MEMBERS; TERMS,’ BY REPEALING AND REPLACING SUBSECTION 2-42.3 TITLED ‘ORGANIZATION; OFFICERS; MEETINGS; NOTICE; MINUTES’ WITH SUBSECTION 2-42.3 TITLED ‘ORGANIZATION; OFFICERS,’ BY ADDING SUBSECTION 2-42.7 TITLED ‘MEETINGS AND MINUTES,’ AND BY ADDING SUBSECTION 2-42.8 TITLED ‘EXPENDITURES SUBJECT TO BUDGETARY APPROVAL.’”** was introduced.

Councilman Black moved Ordinance OR:18/07 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R26: Introduction of Ordinance OR:18/07 entitled – Revise Code / Library Advisory Committee

Proposed Ordinance OR:18/08 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-70, TITLED ‘MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND, AND HISTORIC TRUST FUND,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY ADDING SUBSECTION 2-70.6 TITLED ‘OPEN SPACE POLICY.’”** was introduced.

Councilman Black moved Ordinance OR:18/08 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R27: Introduction of Ordinance OR:18/08 entitled – Revise Code / Municipal Open Space, Recreation and Farmland, and Historic Trust Fund

Proposed Ordinance OR:18/09 entitled **“AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-39, TITLED ‘ENVIRONMENTAL COMMISSION,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY REPEALING AND REPLACING SUBSECTION 2-39.2 TITLED ‘MEMBERSHIP; TERMS OF OFFICE, VACANCIES; COMPENSATION’ WITH SUBSECTION 2-39.2 TITLED ‘MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION’, BY REPEALING AND REPLACING SUBSECTION 2-39.3 TITLED ‘POWERS AND DUTIES GENERALLY’ AND REPLACING WITH SUBSECTION 2-39.3 TITLED ‘POWERS AND DUTIES,’ BY REPEALING AND REPLACING SUBSECTION 2-39.5 TITLED ‘RECORDS AND REPORTS’ WITH SUBSECTION 2-39.5 TITLED ‘MEETINGS AND MINUTES,’ AND BY ADDING SUBSECTION 2-39.7 TITLED ‘SPECIAL REQUIREMENTS; CONFLICT OF INTEREST.’”** was introduced.

Councilman Black moved Ordinance OR:18/09 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R28: Introduction of Ordinance OR:18/09 entitled – Revise Code / Environmental Commission

Proposed Ordinance OR:18/10 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-40, TITLED ‘RECREATION COMMISSION,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-40.2 TITLED ‘TERMS OF OFFICE’, BY AMENDING SUBSECTION 2-40.3 TITLED ‘DUTIES’, BY REPEALING AND REPLACING SUBSECTION 2-40.5 TITLED ‘EXPENDITURES AND REPORTS’ WITH SUBSECTION 2-40.5 TITLED ‘EXPENDITURES’ AND ADDING SECTION 2-40.6 TITLED ‘MEETINGS AND MINUTES.’” was introduced.

Councilman Black moved Ordinance OR:18/10 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R29: Introduction of Ordinance OR:18/10 entitled – Revise Code / Recreation Commission

Proposed Ordinance OR:18/11 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-41, TITLED ‘TRAFFIC AND BEAUTIFICATION COMMISSION,’ OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY AMENDING SUBSECTION 2-41.1 TITLED ‘ESTABLISHMENT; MEMBERS; APPOINTMENTS,’ BY AMENDING SUBSECTION 2-41.2 TITLED ‘TERMS OF OFFICE,’ BY REPEALING AND REPLACING SUBSECTION 2-41.4 TITLED ‘EXPENDITURES, RECORDS AND REPORTS’ WITH SUBSECTION 2-41.4 TITLED ‘EXPENDITURES’ AND ADDING SECTION 2-41.5 TITLED ‘MEETINGS AND MINUTES.’” was introduced.

Councilman Black moved Ordinance OR:18/11 be given its first reading. So ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing.

Councilman Black moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.” Public Hearing to be held May 3, 2018.

R30: Introduction of Ordinance OR:18/11 entitled – Traffic and Beautification Commission

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

R31: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION
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Dorothy Addario, Rock Avenue, thanked the Mayor and Council for all these changes to the Ordinances. She asked for a copy of the Historical Ordinance and Ms. DeRocco said she will email it to her.

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Council President Gibbs moved the following resolution with a second by Councilwoman Alberto and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

R32: Executive Session:

Litigation – In the Matter of the Borough of Watchung for a Compliance of its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-902-15

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 he provided the Mayor and Council a status update on the litigation and took further direction from the Council.

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ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 12:15 A.M. (April 20, 2018) to the Call of the Chair and to the next scheduled Council meeting Thursday, May 3, 2018 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance
Deputy Clerk