

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
SEPTEMBER 6, 2018 - 7:30 P.M.**

**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 MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AND FOR SENATOR JOHN McCAIN.**

**ROLL CALL**

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

Also present were Attorney Albert Cruz, CFO William Hance, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance

There were 35 members of the public present.

**PRESENTATION**

Mayor Pote read the Proclamation for Constitution Week / September 17<sup>th</sup> through September 23<sup>rd</sup>, 2018 (copy attached).

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**REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Mobus reported there has been no meeting since the last Council meeting since Administrator Tom Atkins had some health issues requiring surgery. He said there was a report on the State tax rates for 2017 on NJ 101.5 and Watchung’s average was 1.6%. He also said a letter was sent with the tax bills encouraging everyone to sign up for Nixel and email blasts and also informing residents of the extension of time to pay their tax bill. Councilman Mobus said discussions are ongoing with the Exempt Firemen on the possibility of utilizing the Exempt Hall as a Community Center, warming/charging station, an emergency shelter and eventually include an OEM office in that building. It is hoped to have an agreement with them soon. Councilman Mobus also reported both he and Tom Atkins met with Warren Administrator Mark Krane and Councilman George Lazo to discuss the possibility of sharing their Park and Ride program. He said their program started on September 4<sup>th</sup> and they have rented 100 spaces at the Warren Corporate Center, Exit 36 on Rte. 78 for six months thru February 28, 2019. At this time Warren cannot make a commitment to share since the majority of spaces have already been filled by Warren residents and they also had to commit a minimum of 25 passengers to the bus company and if they do not meet that number they would have to pay for the difference. Councilman Mobus said Warren will keep in contact and they did share steps they went through to get to this point, which included a survey through the County’s Ride-Wise program. Councilman Mobus reported Mr. Atkins has reached out to Ride-Wise and will have more information at the next meeting.
2. Police – Council President Gibbs reported the Police Department and Police Committee are working with the school board to look into crossing guards at certain locations and although not approved yet the police will be doing a survey of the locations that the school board has identified and once we get the results the Police Committee will meet and come up with a plan. Council President Gibbs said they will be meeting tomorrow morning with President Margo Langer and Superintendent Stephanie Bilenker and will be discussing a number of issues but the intent is to create a closer relationship to talk about matters of mutual interest in respect of the town and schools and inform each other and coordinate when possible and appropriate and to protect the Borough’s most important asset which is our schools.
3. Public Works / Buildings and Grounds – Councilman Nehls reported the contractor will be beginning the milling and paving of streets. He said Mr. Herits has assured him once there is a final listing of the streets to be done there will be a meeting with the Board of Education.
4. Public Affairs:  
  
Environmental – Councilwoman Alberto reported the Commission met on August 27<sup>th</sup> and a special guest, Watchung resident Mr. Schlenker, who is a member of the Adopt a Trail Club at the Watchung Reservation, was in attendance. She explained that one of the tasks of his organization is to remove invasive plants and vines. Mr. Schlenker informed the Commission that there are a large

number of these vines growing on many of the trees in Watchung. These vines wrap around the tree and eventually will kill it. Mr. Schlenker was hoping the Commission could do something to remove the vines and also make the public aware of the consequences. The Commission will be putting information on the website about these invasive plants and an article in the upcoming newsletter. Councilwoman Alberto said the Commission also discussed the tree bank fee increase and said she will be bringing this to the Laws and Ordinance Committee meeting for further discussion. The next meeting of the Commission is September 24<sup>th</sup>.

Recreation – Councilman Mobus reported the final tally of the summer camp with 70 campers and only seven were from other towns. He said the total revenue was \$60,180 and expenditures were \$53,700. There was a surplus of approximately \$6,500, he said we accommodated a lot more kids and he thanked Linda Monetti and the Camp director Deserie Sommerville for a great job. Councilman Mobus reported on September 14<sup>th</sup> there is a movie night and PTO ice cream social at Phillips Field, with the ice cream social starting at 6:30 and the movie at 7:30. He also said the Jerry Mobus Fishing Derby will be held on September 22<sup>nd</sup> from 9 am to 12 pm with a rain date of September 23<sup>rd</sup>, and the Harvest Festival on October 13<sup>th</sup>, rain date October 14<sup>th</sup>, from 1 pm to 4 pm. Mayor Pote also thanked Linda and Deserie for doing such a great job.

Historical – Councilman Mobus said the next meeting is scheduled for September 19<sup>th</sup>.

Board of Health – Next meeting is being determined due to a conflict with Yom Kippur. Councilman Black also said he has scheduled a meeting with Board of Education Superintendent Stephanie Bilenker for September 12 (corrected date – September 11<sup>th</sup>) at 2 PM to discuss ways the Board of Health and the Board of Education can assist each other.

5. Fire – Councilman Black said there are at least 12-15 Fire Department members here this evening and said Chief Pivnichny will give a report on the fire truck and expenditures and why the department chose this company to purchase the truck from.
6. Laws/Ordinances – Councilman Black said there has been no meeting but he is in the process of trying to schedule one. He said they will be discussing to formulate a plan and review of the tree ordinance.

#### **REPORTS – OTHER:**

7. Engineer- No report was submitted.
8. Police Chief – No report was submitted.
9. Fire Department – Chief Pivnichny reported the stats for July and August. He then gave a description of the Fire truck that is being purchased which he said the Fire Apparatus Committee had recommended. This will replace two vehicles, the 1986 Pierce truck and the 1995 Rescue truck. Chief Pivnichny said Pierce could not lower their price so other proposals were solicited and e-MAX was the best price. He said this vehicle is the best after much discussion and with input from other towns. It is longer, heavier, and taller than any the Department has at this time. Councilman Black asked how much longer the vehicle was and Chief Pivnichny said it was about 7 ft. longer and will still be able to negotiate the Borough streets.
10. Rescue Squad – Lynda Goldshein gave the Statistics for the month and the Squad is preparing for the Tree of Lights which will be held on Saturday, December 1, 2018. Councilman Black asked if the Squad is utilizing the computer system for reporting and she said they were as it is required to report electronically.
11. Emergency Management – No report was submitted.
12. Attorney – Albert Cruz reported on July 17<sup>th</sup> the Planning Board held a hearing on the preliminary investigation study of the Bonnie Burn area and it is his understanding that the Planning Board advised the Planning Board attorney to prepare a resolution recommending to the Borough Council that the Bonnie Burn property is an area in need of re-development. Once that resolution is prepared and approved by the Planning Board, the matter will be returned to the Council for further consideration.

Mr. Cruz then reported the litigation for the Keep the Library in Watchung vs the Borough of Watchung, the next case management conference has been scheduled for October 2, 2018 at 9:00 A.M.

Councilman Black asked Mr. Cruz how the Council could vote on the Bonnie Burn area without any approval for the sewers. Mr. Cruz explained this is only the first step and under the Municipal Land Use Law the concept of subsequent approvals is recognized. He said it is not unusual to have additional approvals necessary. There may be State approvals and County approvals that are required. Councilman Black asked if there has been any dialogue with Berkeley Heights or anyone about this with BNE. Mr. Cruz said it is his understanding that the BNE Real Estate group has been exploring the matter and they are satisfied that they have the ability to move forward with the project.

13. Clerk – Ms. DeRocco had no report.

14. Administrator – No report was submitted.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Lynda Goldshein, Sherwood Drive, said she has been trying to convince Mr. Burns about the vines that are strangling our trees and having them removed by the Public Works employees. She also said the Borough is not spending enough to maintain our town. The Public Works Department should be trimming along the sidewalks and making sure the trees are watered properly. Ms. Goldshein also said Camp Endeavor is disgusting.

Pete Martino, Sunbright Road, asked how the fire truck purchase will enhance the safety of our town and if the Borough is looking to the future when there may be higher buildings where an aerial truck would be required. Chief Pivnichny explained the process for choosing this particular apparatus came from the study by the Rogers Group. He also said former Chief Erber made agreements with North Plainfield to assist if needed and the Department will be looking into the possible purchase of aerial equipment in the future.

Ray Barratt, Valley Road, questioned the taxes in Watchung vs other towns in Somerset County, and asked if other towns increased the value of real estate prices. He said we have to look at value for money not just constantly being concerned about reducing taxes.

Bruce Ruck, Lakeview Avenue, asked if the tax decrease was primarily due to the school bond being paid off. Councilman Mobus said it was the overall taxes of the Borough and however the school bond was certainly part of the decrease. Councilman Black asked CFO Bill Hance how much of the Borough debt was paid off and Mr. Hance responded that as of today it was approximately \$500,000 and the current debt level is \$20,981,000.

Virginia Hartmann, Ellisen Road, said the Fire Department sends letters yearly to residents asking for donations and questioned if they have been saving toward this truck and where the money from these donations goes. Chief Pivnichny explained it is used to purchase necessary equipment to fill the tool boxes and this year they have purchased a new command vehicle, saving the Borough \$60,000 by using donated funds.

Cortney Haveson, Maple Street, asked if the Borough has ever considered shared services in terms of the Fire Department. Chief Pivnichny said there have been studies but by State mandate we do have mutual aid agreements with surrounding towns. He said we have a great working relationship with departments that surround us. Council President Gibbs explained that the Borough does look at shared services but having our own volunteer Fire Department is a great asset to the community and the department continues to try and increase its membership. Councilman Mobus thanked all members who are in attendance here this evening and the entire Fire Department for their service to the Borough, saying that they deserve our respect.

Ray Barratt, Valley Road, said it is not right to compare Watchung to North Plainfield which is a much larger town when it comes down to cost per resident.

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**UNFINISHED BUSINESS**

None

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously accepted as amended, 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."

Prior to the vote Council President Gibbs asked for Item #28 to be pulled for separate vote.

Approval of the following Council minutes:

August 16, 2018

Acknowledging Receipt of the following Borough Reports:

Planning Board Minutes – July 17, 2018  
Building Department Report – August, 2018

Prior to the motion for Item #28 Council President recused himself and stepped down from the dais.

Councilman Nehls moved Item #28 with a second by Councilwoman Alberto and upon roll call the vote was as follows: Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Acknowledging Receipt of the following Correspondence:

#28- PSE&G 8/27/18 Notice of Public Hearing for Basic Generation Service Charges and Proposed Recovery c: M&C, TEA, Post

Council President Gibbs returned to the dais after the vote was completed.

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**CONSENT AGENDA RESOLUTIONS**

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

- R1:09/06/18 Appointment of Member to Volunteer Fire Department – Oliver Sauma
- R2: Waive Chapter 6-2.11 of Code / Rescue Squad Tree of Lights Fireworks Display
- R3: Authorize Per Diem Expenses – NJ State League of Municipalities
- R4: Purchases Over \$2,000. – Watchung Seniors (Annual Stipend)

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**NON- CONSENT AGENDA**

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.”

- R5:09/06/18 Authorize Change Order # 3 – Cypreco Industries / Fire House Renovations

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

- R6: Resolution of Intention to Award Contract Under a National Cooperative Purchasing Agreement / Fire Department Vehicle – eMAX Rescue Pumper

Council President Gibbs explained this is the first of several expenditures the Borough will be doing in the next 10-15 years. It is an important step in fulfilling the recommendation of the Rogers Group. He also said the Borough should continue saving for the next vehicle as they did for this apparatus. Council President Gibbs said the mutual aid agreements do help with other apparatus we may require at any given time.

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**PUBLIC PORTION-GENERAL DISCUSSION**

Sandy Murray, Park Place, she said both she and her husband walk to the library. She said she does not think rehabilitating the current library would be cost prohibitive and if the Borough got matching funds that would help defray the costs and still have plenty of money left for a community center. Ms. Murray also asked the Council to reconsider rehabilitating the library but if not, what, if any, plans are being considered for the site? Mayor Pote said this is currently under discussion. Council President Gibbs explained a sub-committee consisting of himself, Councilmen Nehls and Mobus and we are looking at everything including offers from Mr. Chhabra and will continue to look at the State matching funds grant. Looking at all options with regard to a community center with library services. He said the State has not come out with any criteria for the matching funds and once those criteria come out the Borough will ask our Engineering Department, Maser Consulting Grant writer to look at the criteria. He also said the Sub-

committee is looking at many ideas and will continue to do so. Councilman Black said at the present time the library will remain where it is.

Amy Fiorilla, Washington Drive, said the Grant is most likely same or similar as the one from 2001. She said there is not a lot of time and these funds can only be used for a library – not a community center with some library services included in it. She said the Borough has to be ready to apply for this Grant which should be published in October. Councilman Black said a community center would be utilized for a warming center, senior center, OEM offices, and would include library services.

Virginia Hartmann, Ellisen Road, said Mr. McCoy did caution what blueprints should consist of for the Grant. She said anything in a building not used as library space would be subtracted from any funds the Borough might receive from the grant. The grant is strictly for a library.

Margaret Ellis, Valley Road, said the recent closure of the Bayberry School for a mold condition was a good example of why a library is needed. The library offered their services for all to attend with a parent or caregiver. The staff put out extra craft supplies, etc. Ms. Ellis asked if the Warren Library would offer this to Borough residents if we do not have our own library.

Angela Della Ventura, Upper Drive, said she had not received a response from her last letter regarding the maintenance of the current library and said the Borough should not allow another winter to go by without at least putting a coat of paint on the building. Councilman Black said it is being looked into since there is no money available at this time. Councilman Mobus said he did email her but said there was no question in her letter, only a statement which will be taken under advisement.

Lynda Goldshein, Sherwood Drive, asked why the Borough no longer has community service people from the Court. Ms. DeRocco said there was a new Judge around the same time the program ceased, and possibly he may have chosen not run the program. Ms. Goldshein then asked if anything further is being done about the lights on Somerset Street. Councilman Nehls said Mr. Atkins has been taking care of this and Mayor Pote said there are some technicalities. Ms. Goldshein then asked if the electronic sign had been ordered and Mr. Hance said it has. Mayor Pote said there will be rules on what can or cannot be put on the sign once it is in place. Ms. Goldshein said she agrees with utilizing the Exempt Hall as a Community Center. Councilman Mobus explained that the building would be shared with the Exempt Firemen.

Hans Juette, Elsinore Drive, said an architect would be able to tell what the cost for a library would be once something is put on paper (blueprint). He asked the Council again to explain why the Borough would be better off without a library and why a referendum is a bad thing. Mr. Juette asked if anyone has spoken with Warren to see if they want to share their library with us.

Virginia Hartmann, Ellisen Road, said she wanted to correct the record from the last meeting when Mr. Cruz said a lot of residents were pushing for a referendum for the library and he said the next thing they would want a referendum for every street that they wanted to pave. She said this is an absurd comparison. Ms. Hartmann also said the comment from Councilman Gibbs when asked to vote on the resolution for a referendum he said he could not make a decision on such short notice. Council President Gibbs responded that the resolution on the table was the Mayors' and not one that had been previously distributed. He said everyone knows he supports having a library, but he is only one of six voting members and the Council made the decision not to have a library in town. He said the Mayors' statement was last minute and he could not make a decision on the fly – that is not how he does things.

Councilman Mobus said Ms. Hartmann's' comments to Mr. Cruz are hypocritical! Her statements at a previous meeting regarding a wooden sign was ridiculous. Ms. Hartmann said she still does not agree with the cost for the electric sign since the Borough is always under duress for money and she believes a wooden sign would be adequate.

Amy Fiorillo, Washington Drive, said a library would not cost 4-5 million dollars especially with 1-1 matching funds. Councilman Mobus said the cost was 3.2 million several years ago. The Warren library is only 2.3 miles away.

Cortney Haveson, Maple Street, said she supports what is on the site now and asked Council President Gibbs if the current library site is off the table. Council President Gibbs said the vote on July 19<sup>th</sup> was for either re-construction or new facility and it was voted 5-1 in favor of not spending money to do either and to explore redevelopment opportunities. She again asked if that site is off the table for the library. Council President Gibbs said there have been no discussions as to what to use at that site and the end result will be the closure of that building. Councilman Black said it is subject to change and the library will remain open until other options for the library are determined.

Tom Franklin, Wildwood Terrace, said the Council waited until the last minute to discuss a Referendum and on April 19<sup>th</sup> the resolution to close the library was brought up without it being on the Agenda and voted on it with no discussion or input from the public.

Tim Logan, Stirling Road, said the Library is a passionate issue for everyone. It is a changed environment and the number one use is computers. The Borough's bond rating is up and our tax rate is down. Saying it is fiscally irresponsible to spend a couple of thousand dollars on an electric sign is different than proposing to spending \$60,000 on architectural renderings for a library we may not even build. It would be fiscally responsible to have a community center which could suite everyone.

Virginia Hartmann, Ellisen Road, said she refutes Mr. Logan's remarks. She said over 5,000 children attended Library programs last year. Councilwoman Alberto said only about 400 unique individuals attended, according to Somerset County Library Director Brian Auger.

Pete Martino, Sunbright Road, said he took a trip to the Library and is disgusted with the condition. He asked if the Borough is ignoring this building and not maintaining it since we own it. He then asked about the option of a hotel on that site and Council President said they did not consider that option when it was presented.

Margaret Ellis, Valley Road, asked who Maser Consulting is and it was explained that Mr. Herits is the Borough Engineer and a member of that firm is the grant writer. Ms. Ellis then said she disagrees with the number of individuals Mr. Auger said attended the library not the number of cards being used – since her family only used one card for the entire family. Councilman Mobus said 437 unique users multiple times and 396 Watchung residents already use the Warren Library, adding that it is possible that some may be using both libraries.

Amy Fiorillo – Washington Drive said if that statistic is accurate, then the 47,000 material used last year then that would mean about 12,000 per person who visits the library which seems ridiculous. Councilman Mobus said he challenges that particular statistic. She said at the moment there are six computers and 2 chrome books at the library which are supplies by the county library system along with staff. If there is a community center the Borough would have to buy those computers, maintain them and staff the building. She said what we get from the Somerset County Library System far exceeds what we spend and even if we do not have a library in town we must still pay the County.

Rachel Funcheon, Cedar Road, gave a brief explanation of the new recycling system being instituted in the Borough.

Lynda Goldshein, Sherwood Drive, said a person could contact the County if they would like a smaller size recycling bin than the one that is being supplied.

Tom Franklin, Wildwood Terrace, said he likes the new recycling bins and suggested that the County could consider collecting once a month to save money.

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**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 9:57 P.M. to the Call of the Chair and to the next scheduled Council meeting Thursday, September 20, 2018 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance  
Deputy Clerk