

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES
NOVEMBER 7, 2019- 7:30 P.M.**

0031572

MAYOR'S STATEMENT: Mayor Keith S. Balla 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 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.

GUEST: WATCHUNG SCHOOLS SUPERINTENDENT/ GEORGE ALEXIS

Mayor Balla reminded everyone to remember Veterans Day next Monday. He asked the residents to remember the bravery and sacrifice of our veterans and not to forget to thank them for their service to our country and our freedom.

ROLL CALL:

Gibbs [P] Black [P] Nehls [P] Sopko [P] Goodloe [P] Eisenberg Knegten [P]

Mayor announced that Councilwoman Eisenberg Knegten was participating and transmitting via telephone.

Dr. Alexis thanked the Mayor and Council for inviting him this evening. He said he is honored and privileged to serve the Watchung school district. He thanked Mr. Damato as one of the first to reach out and set up a meeting and start the collaboration process.

Also present were Administrator James Damato; Attorney Ed Purcell; Clerk Michelle DeRocco, and Administrative Assistant Regina Angelo.

There were 25 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance- Councilman Sopko said there was an Administration and Finance meeting held on November 1st where they discussed the Borough's social media policy, records archiving, employee related insurance policies and a few other items. He thanked Borough Clerk Michelle DeRocco for running the November 5th General Election.

2. Police- Council President Gibbs said there was no official Police meeting but he had an update regarding the theft statistics for Watchung. He said the statistics for shoplifting are down by a third and hopes those numbers continue to drop.

3. Public Works / Buildings and Grounds - Councilman Nehls said on tonight's agenda the Council is awarding the bid for various roadway improvements to Top Line Construction. He said this will include the construction of storm drains, asphalt and paving, on Wildwood Terrace and Carrar Drive. He also mentioned that the salt storage shed is being filled with 360 tons of salt so we will not have to worry about running out of salt during the winter months.

4. Public Affairs:

Environmental - Councilwoman Goodloe said the Commission met on October 28th and discussed an invasive species called the Spotted Lantern Fly. She asked residents to be on the lookout for this type of fly and if anyone sees it to please report it to the State. She said the Environmental Commission recommends some changes to the landscaping maintenance agreement in regards to the Bonnie Burn Redevelopment project. She said the Commission recommends to the Planning Board the agreement require the use of non-synthetic organic herbicides, in addition to the planting of more trees. She added the Borough's residents recycled 120 pounds of plastic and is confident we will reach our goal of 500 pounds in six months, which will allow us to get a bench.

Recreation- Councilman Black announced the Senior's Holiday Spectacular trip to the Brownstone in Patterson, held on December 10th with the buses departing at 10:00 from the Best Lake parking lot.

Historical -Councilman Black had no report.

Board of Health- Councilman Sopko had no report but mentioned the next Board of Health meeting will be held on December 18th.

5. Fire - Councilwoman Goodloe reported on Councilwoman Eisenberg Knegten's behalf. She said in the month of October the Fire Department responded to 28 calls for service. She said some of those calls for service include 1 building fire, 3 mulch fires and 1 natural gas leak. She also said the volunteer firefighters performed 449.91 man-hours of service. She added that a Fire Committee meeting will be scheduled in the coming weeks.

6. Laws/Ordinances -Councilman Black said there are three Ordinances listed on tonight's agenda for introduction and they are working on scheduling another meeting.

REPORTS - OTHER:

7. Engineer – No report.

8. Police Chief- No report.

9. Fire Department – No report.

10. Rescue Squad- No report.

11. Emergency Management- No report.

12. Attorney- Attorney Edward Purcell had no report.

13. Clerk- Ms. DeRocco reminded the residents that the November 21st Council meeting has been cancelled and rescheduled to November 25th.

14. Administrator – Mr. Damato mentioned he met with Dr. Alexis and discussed a variety of issues that affect both the Borough and the Schools. He also mentioned he met with Dr. Jewett and Watchung Hills Regional High School Business Administrator, Tim Stys who are both in favor of looking into shared services. Mr. Damato said he is looking forward to working together in collaboration with both Boards of Education to improve Watchung.

Wildlife Management Advisory Committee – Council President Gibbs said the Council has the recommendation provided by the Wildlife Advisory Committee for the continuation of the Deer Management Program, which includes the recommendation of bow and cross bow hunting. He said that decision was not the unanimous recommendation of the full Committee. He mentioned that one member did not sign on to the bow and cross bow recommendation. Council President Gibbs said R9 is listed on the agenda tonight for adoption.

Councilman Nehls commented saying he feels the Wildlife Management Committee lacks balance. He said the Committee has a vacancy and he does not understand why a particular resident who has volunteered has not yet been appointed. He said this man is qualified and would have brought balance to the Committee.

Youth Services – Councilwoman Eisenberg Knegten had no report.

Planning Board – Councilman Sopko had no report.

Board of Education – Councilwoman Goodloe spoke on Councilwoman Eisenberg Knegten's behalf and said there was a special Board of Education meeting held on Oct 30th to review test scores. She said Bayberry school showed some improvement this year. She also said Valley View language arts showed room for improvement but the math scores are still very concerning. She mentioned that resident Dr. Bruce Ruck gave a presentation about the dangers of vaping. She added the next Board of Education meeting will be held on Wednesday, November 13th at 7:00 pm at Valley View Middle School.

Municipal Alliance – Councilwoman Goodloe had no report.

Library – Councilwoman Goodloe spoke on Councilwoman Eisenberg Knegten's behalf and said the Watchung Library Advisory Board met November 6th and discussed their end of the year luncheon. The next WLAB meeting is tentatively scheduled for January 8th at 3:30 pm.

Traffic and Beautification – Councilwoman Goodloe said they will be meeting next week and she will be attending.

Mayor Balla listed a few events he recently attended. He said he attended the Municipal Alliance 5k Run on October 19th. He said he attended the Harvest Festival and thanked Linda Monetti for all her hard work. He also said on the 21st he attended the Somerset County Engineers presentation on Hillcrest Road. He said he attended the Somerset County Freeholder meeting where they presented the Watchung Resolution requesting safety improvements on Hillcrest, Mountain Boulevard, Valley Road and construction of sidewalks. He also attended the ribbon cutting for Watchung "Little Library" at Mobus Field.

PUBLIC PORTION / AGENDA ITEMS ONLY

Ray Barratt, Valley Road, said he is concerned about R9 on tonight's agenda and the use of the word "exorbitant" pertaining to the amount of OPRA Requests submitted. He feels R2 warrants separate treatment and asked it be voted on separately. He also asked what the process will be for R9 and if the public will get a chance to speak before the council votes on the Resolution.

Andrew Hokinson, Stirling Road, read a statement written by Sarah Shell regarding the fencing regulations. She said the current fencing regulations prohibit her and her family from enjoying their property outside of their home. She feels the two main functions of a fence are to be a barrier to control access/prevent escape and also providing privacy. She said the restrictions in place do not allow for any of the necessary fence functions. She asked the Council to please reconsider the 4' foot high restriction and the 50 percent transparency ruling.

Rachael Funcheon, Cedar Road, asked if the Council could answer Mr. Barratt's question regarding the process of how the public hearing on the deer management resolution will work. Mr. Purcell explained the Council will be voting on the draft resolution and if the Council wishes they can vote to amend prior to the resolution being confirmed. Mr. Purcell said he will document all changed but there is no public comment portion held on resolutions. Councilman Nehls said in the past we have allowed public comment portions to be held on resolutions. He feels we should put forth the resolution, let the Council discuss it and then allow the residents to make comments before the final vote. Mr. Purcell commented he is trying to provide structure to the voting process. Ms. Funcheon said she understands it's permissible but it is confusing to the residents. Councilwoman Goodloe commented she also feels the public should have the opportunity to speak after the amendments are considered.

Wendy Robinson, Hill Hollow Road, finished reading the statement provided by Sarah Shell on the negative impacts the fencing regulations in Watchung have on her and her family. Ms. Robinson asked for clarification on the language used in the fencing ordinance regarding the word perpendicular when referencing a pie-shaped or irregular shaped lot. She said the word perpendicular might rule out the opportunity to have that fence and asked the Council look into that. Ms. Robinson questioned who authored R2. (Resolution Calling Upon Legislators to form a Study Commission to Review the Open Public Records Act). Mr. Damato said the resolution was sent to us by the New Jersey League of Municipalities with the purpose to establish support or a study commission to review how the OPRA law is working.

Denise Chaplin, Hillcrest Road, reminded everyone that hunting is what increases the deer population and does not solve the problem. She said the hunting of deer causes them to scramble and run for their lives which in turn causes more accidents. She also brought up the fact that a deer hit by a bow takes 60 to 70 minutes to die. She feels this is every inhumane. She also said by living in Watchung we have to live with the deer and the wildlife. Ms. Chaplin feels this is the deer's habitat and they have a right to live in peace.

UNFINISHED BUSINESS

NEW BUSINESS

The Consent Agenda items, were unanimously adopted 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, Sopko, Goodloe, Eisenberg Knechten "aye."

Councilman Nehls noted #40 under correspondence and commented that MaryAnn Hance has done a wonderful job as the Board of Health secretary all these years and she will be sorely missed. Councilman Black added he relied on Mrs. Hance very often and she always kept him educated on what he needed to know regarding the Board of Health and said she will be deeply missed.

Approval of the following Council minutes:

October 17, 2019- Regular Session

November 1, 2019- Bid Opening Minutes / 2019 Various Roadway Improvements

Acknowledging Receipt of the following Borough Reports:

Traffic and Beautification Minutes – October 21, 2019
 Recreation Commission - September 4, 2019
 Building Department Report– October 2019
 Planning Board Minutes – August 20, 2019

Acknowledging Receipt of the following Correspondence:

- #39 Borough of North Plainfield 10/22/19 Notice of Introduction of Ordinance; #2019-09
 Re: Amending Article 12-122 "Historic District Residence Zones" "Public Hearing to be held on November 18, 2019 C: M & C, JD
- #40 MaryAnn Hance 10/22/19 Notice of Retirement as Deputy Clerk, effective February 1, 2020
 c: M & C, JD

CONSENT AGENDA RESOLUTIONS: The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

Councilwoman Goodloe made a motion to remove R2 from the Consent Agenda Resolutions following a second by Councilman Nehls, and upon roll call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten "aye."

After discussion it was the consensus of the Council to have this Resolution pulled and it will be considered at a future meeting.

- R2: Resolution Calling Upon Legislators to form a Study Commission to Review the Open Public Records Act (OPRA) **(TABLED)**

The Consent Agenda Resolutions, were unanimously adopted with the exception of R2, 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, Sopko, Goodloe, Eisenberg Knegten "aye."

- R1:11/07/19 Purchases Over \$2,000 – Lawsoft, Inc. (PD- Evidence Tracking Software)
 Great American Sign Company (Watchung Signs)
 MP Overhead Doors (B&G – Pole Barn Door)

- R3: Authorize Submission of 2021 – 2025 Municipal Alliance Grant
- R4: Award of Bid – 2019 Various Roadway Improvements / Top Line Construction
- R5: Authorize Sale of Various Surplus Items – GovDeals

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.

Introduction of Ordinance OR: 19/17 entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW CHAPTER XXVII(A) TITLED "SHORT-TERM RENTAL PROPERTY." Public Hearing to be held on November 25, 2019.

Councilwoman Goodloe made a motion to amend OR: 19/17, to ban short term rentals that are not less than 30 days instead of 90 days. Councilwoman Goodloe feels 90 days is overly broad and feels if we ban rentals less than 90 days there could be conflict with New Jersey State Law. Council President Gibbs said he is not in agreement with Councilwoman Goodloe is proposing.

Councilman Nehls recommended Ordinance 19/17 be pulled so the Laws and Ordinance Committee can discuss it further.

Councilman Nehls made a motion to table Ordinance 19/17, seconded by Councilwoman Goodloe and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, "aye."

- R6: Introduction of Ordinance or 19/17- Amend Code "Short Term Rental Property"
(TABLED)

Introduction of Ordinance OR:19/18 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVII TITLED "RESIDENTIAL RENTAL PROPERTY REGISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG." Public Hearing to be held on November 25, 2019.

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

R7: Introduction of Ordinance OR: 19/18 – Amend Code "Residential Rental Property Registration"

Introduction of Ordinance OR:19/19 entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVIII, TITLED "LAND DEVELOPMENT", SECTION 28-502, TITLED "FENCES AND WALLS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG" Public Hearing to be held on November 25, 2019.

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

R8: Introduction of OR:19/19 – Amend Code "Fences and Walls"

Council President Gibbs moved Resolution R9, seconded by Councilman Sopko.

Councilwoman Goodloe made a motion to delete language in Resolution R2 paragraph number 2 that says "four large private parcels of land" seconded by Councilwoman Eisenberg Knegten and upon roll call the vote was as follows: Black, Goodloe, Eisenberg Knegten, "aye;" Gibbs, Nehls, Sopko "nay;" Mayor Balla was called upon to break the tie vote. Mayor Balla voted "nay." The motion offered by Councilwoman Goodloe did not pass.

Councilman Nehls feels the residents should have a right to address R9 before the Council votes. Councilman Nehls made a motion to hold a public hearing on R9, with a second by Councilman Sopko and upon roll call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten "aye."

(Ratification of Motion / 2019 - 2020 Deer Management Program)

Karen Graboyes, Carrar Drive, questioned why the Council is taking no action to protect the residents after two studies on deer management were done using tax payer money, concluding that Watchung does in fact have a deer problem. She said the Council took an oath to protect the town and the people in it. She also said the money should have been put towards building a new library if there was nothing going to come from the Council agreeing to have multiple deer management studies done.

Ray Barratt, Valley Road, said he feels the isolated Wildlife Management Committee is the problem and causing a lot of resentment amongst everyone. He feels not having a deer cull this year is a chance to take a breather and for the Wildlife Management Committee to appoint some new members that offer balance.

Rachael Funcheon, Cedar Road, commented on a second incident occurring during the deer cull, where a complaint from a resident was made regarding a tree stand being too close to her home and hunters were basically in her backyard. Ms. Funcheon said Fish and Wildlife were contacted because the stand was not put in place properly. She commented on the amount of accidents pertaining to deer in Watchung only being 2.7 percent. She feels from a safety perspective a deer hunt going on with shot guns on a property adjacent to a school is not acceptable. She also brought up in the hunting site behind Walmart which is very close to an apartment building. She said she spoke to a tenant in that apartment complex and the tenant advised her there was no sign alerting anyone there was a hunt in progress nearby and to be cautious. She feels this is very dangerous and unsafe for our residents.

Emmy Havas, Valley Road, said she sat on the Council for 8 years during which time hours were spent discussing the deer hunt. She said at that time the Council decided they had many reasons to go forth with the hunt such as people's properties were being devastated and the tick population becoming a major issue. She also said it wasn't fair to the deer either because as a result of them inbreeding they were being born with strange features. She feels the hunt was proven to be successful and urged the Council to please make sure they do not back off this issue.

Denise Chaplin, Hillcrest Road, asked if we could spend money on strider light reflectors for our roads in order to keep our residents safe. She said in regards to deer management, humans have created this problem by hunting deer. She feels hunting creates increased deer population. She also said killing deer won't prevent the surviving deer from crossing the road because there will always be deer in Watchung.

Ray Barratt, Valley Road, said if we eliminate all the deer in Watchung it doesn't stop the deer from the surrounding areas to come and populate our area. He feels Watchung will become a magnet for the surrounding deer population if we are the only town eliminating them.

Rachael Funcheon, Cedar Road, commented that in 2002 there was an aerial survey done in Watchung which counted a population of 1600 deer. She added that in 2017 the same company did an aerial survey again and the number of deer counted had drastically decreased. She mentioned that this is our 16th deer hunt in a row and according to the surveys done its very obvious the deer population is down. Ms. Funcheon said other surrounding towns survive without a deer hunt and feels Watchung will as well.

Phyllis Juette, Elsinore Drive, said there are a lot of emotions being brought up about this topic on both sides of the issue. She said she has lived in Watchung for over 45 years and no one has ever been hurt or shot as a result of the deer cull. She feels if the deer cull was taken to a referendum that most people would want the cull. She said she is most upset that the woodlands are being destroyed.

Council President Gibbs said as the deer herd reduced throughout the years the number of motor vehicle accidents decreased. He reiterated the deer hunt this year will be ineffective due to all of these restrictions.

Councilwoman Goodloe made a second motion in regards to paragraph 1 and 2 of the resolution to define large private parcels of land as large private parcels of land that are 10 acres or larger with a second by Councilwoman Eisenberg Knegten and upon roll call the vote was as follows: Goodloe, Eisenberg Knegten, "aye;" Gibbs, Black, Nehls, Sopko "nay."

The motion to amend was defeated.

Mayor Balla called for a vote on R9, upon roll call the vote was as follows: Gibbs, Black, Goodloe, "aye;" Sopko, Nehls, Eisenberg Knegten "nay." Mayor Balla was called upon to break the tie vote for R9. Mayor Balla voted in favor of R9.

R9: Ratify Motion / 2019 - 2020 Deer Management Program

PUBLIC PORTION - GENERAL DISCUSSION

Hans Juette, Elsinore Drive, said he doesn't believe the Wildlife Management Committee created any numbers in any reports. He said the Committee gathers information and presents that information to the Council. He feels the Council is flaunting the Ordinance creating the Wildlife Management Committee and its process. He said the intent calls for the Borough to adopt procedures to control over abundance life.

Marilyn Goldstein, Hill Hollow Road, said last year there were 26 deer killed and 28 fetuses. She said the previous statement made regarding the amount of deer's producing fetuses is not true.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:30 P.M. to the Call of the Chair. The next scheduled meeting of the Mayor and Council to be held Thursday, November 25, 2019 at 7:30 P.M.

Respectfully submitted,



Regina Angelo, RMC
Administrative Assistant