

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES
NOVEMBER 25, 2019 - 7:30 P.M.**

0031601

OPENING STATEMENT: Mayor Keith S. Balla called the meeting to order at 7:30 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 Special Meeting 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.

Mayor Balla requested Richard Brown come forward to lead the Salute to the Flag.

GUEST: Richard Brown / US National Vet70 Sabre Champion
World Vet70 Individual Silver Medalist
World Sabre Team Bronze Medalist

PROCLAMATION: Richard Brown, Resident and World Fencing Champion (copy attached)

Mayor Balla read and presented a proclamation naming November 25th as Richard Brown Day.

ROLL CALL

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

Also present were Administrator Jim Damato; Attorney Albert Cruz; CFO Bill Hance; Engineer Tom Herits; Clerk Michelle DeRocco; and Deputy Clerk MaryAnn Hance

There were 18 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Sopko reported R7 on the agenda this evening is to appoint a new IT Consultant. The Borough received two applications which were reviewed by Administrator Damato and after reviewing the proposals felt Marmic Associates was the one that would meet our needs. The agreement will be for one year starting either December 1st, or January 1st. Mr. Damato said if the Borough is not happy with the results the agreement can be cancelled at anytime. Councilman Sopko questioned if this is the same firm used in Warren and Mr. Damato said it is and comes highly recommended by Warren Administrator, Mark Krane. Councilman Gibbs said this is very timely after the recent incident of ransomware affecting the Livingston School district. Mr. Damato also stated this will save the Borough a significant amount of money as opposed to the “employee” option.
2. Police – Council President Gibbs had no report other than to highlight that the reduction of thefts year to date in the Borough. He then requested permission to read the following:

“Thank you, Mr. Mayor. This evening I am announcing my resignation from the Borough Council effective at the conclusion of tonight’s meeting. Tonight marks my 6th year, 7th month, and 28th day as a member of this Council. For the numerologists out there, that’s 79 months, 28 days or 2,433 days I have given in service to my community. While not the longest among us here (keep on trucking Mr. Black), much has happened in those 2,433 days that requires me to return to my priority, my family.

My decision to resign is not political whatsoever, election results or otherwise, and no false interpretation should be read into my announcement tonight. And no, I have not moved to Summit. When I was appointed on March 28, 2013 following the death of Mayor Jerry Mobus, my daughter was 6 months old, my son had just turned 5 and I was 2,433 days younger. Today, Rya is 7 and a 2nd grader, Kal is closer to 12 than he is 11 and in 6th grade. Robyn, my partner in crime, has fought and won her battle with breast cancer against which we remain forever diligent, a battle both sister and father fought and won over the years. My father-in-law, Arthur, passed away in 2016 after an unfortunate accident and having lingered for over 3 months under dubious hospital care. My brother underwent his 1st kidney transplant and my mother underwent a 2nd kidney transplant after the kidney I donated almost 24 years ago finally failed many years after it was expected to. It literally is not a cliché when I say a piece of me has died. As my children continue to grow, and as

Robyn and I continue to chart our journey together with our family, there will undoubtedly be more to endure. Did I mention I'm 2,433 days older?

It is simply time for me to focus on the celestial objects within my personal solar system. I am grateful and honored to have been able to represent Watchung's residents and I am proud of the concrete accomplishments I have been able to contribute to during my time here on the dais. I say "contribute" because none of us individually can act alone and I give due credit to some of my current and former Council members for our collective efforts to save the Borough millions of dollars that otherwise would have been spent, like the rock wall berm behind the DPW facility, assisting our volunteer emergency services to increase volunteerism and utilizing our DPW crew to serve as our day time fire response team, working with our wonderful corporate citizens in Watchung to improve our public spaces, reducing our debt service by refinancing existing bonds at advantageous rates, and of course, attaining a AA+ bond rating and moving the Borough ever closer to that coveted AAA bond rating through fiscal prudence and adoption of sound written fiscal policies.

Although I am very proud of these accomplishments, I know much more needs to be done. I have faith that our schools will return to their position of prominent excellence, that Watchung Lake will be dredged and restored to its innate picturesque beauty, that the Ness Property will one day soon be a showcase public space that our residents can enjoy for years to come, that our community will finally get the Library/Community Center that many have fought so many years for, that our roads will be safer and less congested than they are today, and that our residents find a way to come together again in common cause for a Watchung that, since 1926, has stood for being a premier place to live, work, and play.

I'd like to thank former Governor Don DiFrancesco for his unwavering trust in me; his friendship and that of the entire DiFrancesco family means a great deal to me. I'd also like to thank the Hunsingers for their support these last 2,433 days. We may not have agreed on the "what" or "how" at times, but our goal of moving Watchung forward was always the same. To my past fellow Councilmembers Deb Joren, Diana Beck-Clemens, Tom Franklin, Dave Mobus, Maria Alberto and Mayor Stephen Pote, I say thank you for your teachings, explanations, and above all, patience, as I navigated this role. To our Borough staff, thank you for your service to our community, for being the day to day face of all of us up here on the dais, for keeping the machine running during even the most difficult times. And to my current peers on the Council and Mayor Balla, I say thank you and good luck as you tackle what lies ahead of you. If you need a sounding board or any input I can provide, you have my number. Please do not hesitate to dial it and I apologize in advance for not answering if I'm watching the latest animated movie at the Watchung Cinemark Movie Theater with my family or enjoying a moment in my own Fortress of Solitude.

I'd like to give thanks to our police department, fire department, DPW, rescue squad, the volunteers who serve on our community boards and commissions, and our other elected officials, past and present. Without these individuals' commitment and sacrifice, we'd all be in a much more difficult spot than we are today. It is also important to acknowledge our residents who have generously given their time and financial resources to make Watchung a better place, thank you for all that you do for our community.

Finally, there are no words to express my love and gratitude to my family who have endured 2,433 days and nights of having their husband and father not present 100% of the time. I don't think anyone but one's spouse and children truly understand the time commitment we all give to our community. I will never get those 2,433 days and nights back, and that's ok, but I will make sure that I will be present and accounted for going into the future. Thank you, Robyn, Kal, and Rya for your love and support.

Life's story is more than the chapter we're currently reading. It's an amalgamation of multiple characters, timelines, and decisions. The chapters I've read so far foreshadow a great Novel, one that is filled with health, adventure, happiness, loss, regret, hopefully only a little anger, and of course, love. I'm only 17,649 days through that Novel, it's what led me to where I am today, and that ain't such a bad place to be. To borrow from my generation's long list of movies with questionable redeeming value, and in the words of Bill and Ted, these last 2,433 days has been a most "excellent adventure".

In closing, I'd like to say to all of you up here on the dais and to our residents, Lech L'Shalom, which in the Hebrew religion means "to walk toward peace" or "go to peace". It is in this spirit that I say not a permanent goodbye but rather a temporary farewell."

Thank you.

3. Public Works/Buildings and Grounds - Councilman Nehls said although Rob and he have not always agreed on everything they always compromised and he will be sorely missed. Councilman Nehls said he completely understands he wishes to spend more time with family, and said he missed many years with his family and that is one reason he, himself decided not to run for another term.

Councilman Nehls then gave the following report from Robert Burns:

Leaf Bag Pickup began on November 4th and is ongoing, all salt spreaders are installed on trucks for winter Season, the new salt bin site has 400 tons of Salt and we have about 80 tons in the building at the garage, and the Holiday Banners have been installed on the Lamp Posts.

Unfortunately, someone damaged the Salt Bin gate at the new site on New Providence Road, a new one is on order (A police report was filed)

Roads

A Catch Basin was repaired (260 Valley Drive); pothole repairs are continuing; and dead trees were removed on Lakeview Terrace, Washington Drive, and Old Somerset Road (Preditor).

Buildings & Grounds

The fountains were removed for the season by Solitude; sidewalks were repaired at the Texier House; and the tent was removed at the round Top Swim Club.

Property cleanups including removal of dead flowers from the triangle and at Borough Hall and the "Tree of Lights" at the Village green was trimmed by Caffrey Tree.

All sprinkler systems have been blown out for winter; and water was shut off for the season at Mobus & Phillips Fields. Bold Electric installed electric service in the pole barn.

Public Affairs:

Environmental – Councilwoman Goodloe had no report.

Recreation - Councilman Black reported on the event Mrs. Monetti will be running for the Holiday Lights and Snow Sculpture Contest. The Holiday Lights contest will start December 1st and end January 10th; and the Snow Sculpture Contest will end March 1st. Councilman Black then said it has been an honor to serve with Council President Gibbs. We need more people like him.

Historical – Councilman Black had no report but asked permission from the Mayor to have Amber Murad come forward to give a brief report. Ms. Murad said the Commission met last week and they have decided to send Holiday Cards to all residents to let them know the Museum is open. She also stated the 9-11 Memorial Walkway will be installed in the spring.

Board of Health – Councilman Sopko said it has been an honor to work with Rob who's approach to Borough business was first and foremost in the best interest of its' residents, and financially the Borough is the best position in many years. Councilman Sopko said the next Board of Health meeting will be held December 11, 2019 at 7:00 pm.

5. Fire – Councilwoman Eisenberg-Knegten had no report
6. Laws and Ordinances – Councilman Black stated the Council will not be moving forward on the fence ordinance 19/19 this evening. It has been determined to this must be reviewed by the Planning Board. Mr. Cruz explained that this Ordinance is part of the Master Plan and therefore must be reviewed by the Planning Board prior to presenting to the Council for vote. Mr. Cruz also explained that Ordinance 19/17 regarding the short-term rental which was on a prior agenda is just clarifying certain items.

REPORTS – OTHER:

7. Engineer- Tom Herits reported the salt storage bin by Weldon has approximately 400 tons and only 1/3 full. He also said he is waiting for a response from the DOT on the grant application. Mr. Herits also stated there is a pre-construction meeting Wednesday for the recent contract awarded; and soil borings were taken in the location where the new tower will be constructed. Mr. Herits said AT&T will be installing new equipment on the tower behind Borough Hall and there will be a crane in place for a few days during the installation.
8. Police Chief – No report.
9. Fire Department – No report
10. Rescue Squad – No report
11. Emergency Management – OEM Coordinator Carolyn Solon came forward and gave a report on recent CERT activities and those in the near future. Ms. Solon then gave a presentation on an opportunity for the Borough to participate in a Grant through Rutgers, NJ Agricultural Station, Water Resources program. This grant would not cost the Borough anything, and Rutgers would supply all necessary plants etc. to install Rain Gardens. The Borough would choose locations and Rutgers would do Perc tests to see if the location is suitable. Councilwoman Eisenberg Knegten would want T&B to be heavily involved if this project were to be done and Councilwoman Goodloe agreed. Councilman Black said he is glad to see the County and Ms. Solon are taking this initiative. Councilman Sopko asked if the DEP would be involved in the project and Ms. Solon was not sure.

12. Attorney – Mr. Cruz reported that the AT&T lease allowed access for and maintenance of the cell tower and that the Mayor and Council were being informed of the need to place a crane in the upper parking lot between Borough Hall and the Exempt Hall for three to four days to install equipment on the tower resulting in the loss of several parking spaces. He said all necessary plans were given to the Construction Department along with an Insurance Certificate and Hold Harmless agreement. The stairway will remain open and there will be someone nearby to insure safe passage to them. Mr. Cruz then stated there is an Executive Session on the agenda this evening.
13. Clerk – Ms. DeRocco said it has been an honor and privilege to work with Council President Gibbs. She said he was always a calming, sensible, and mediating voice on the Council and she will miss him.
14. Administrator – Mr. Damato reported the Deer Management Program will be starting shortly and all the information will be posted on the Borough Website, Facebook and Channel 15. Also, all property owners within the 550' radius of the culling sites (Ness Property, and BNE Bonnie Burn Road property) are being mailed a letter with all the dates and any other important information.

Mr. Damato explained that an insurance claim has been filed for the Salt Storage gate damage. There is a \$2,500 deductible and the total cost to replace will be \$3,800, final cost to the Borough will be \$1,300.

Wildlife Management Advisory Committee – Council President Gibbs had no report.

Youth Services – No report

Planning Board – Councilman Sopko reported the Planning Board met on November 19 and heard two applications. The Learning Experience requested and was granted a continuance; and BNE could not be heard due to the steep slope ordinance which must be further reviewed.

Board of Education – Councilwoman Eisenberg Knegten reported the new Valley View principal, Karen Kidd will be starting after the holidays; and the first full time district employee permanent Business Administrator, Rich Pepe started on November 4th. She also stated the 3 new board members were sworn in and Superintendent George Alexis has completed one month in the district.

Municipal Alliance – Councilwoman Goodloe said the Municipal Alliance is working with schools for a care package drive.

Library Advisory Board – no report

Mayor Balla said he attended the November 11th Veterans Day Ceremony at Valley View School and the honoree was Bob Meyers, who spoke his personal experience. He is an Author and historian. He said the program was very nice and in attendance were residents, students and faculty. The Choral Ensemble and band performed. Mayor Balla said on November 12th he attended the Wildlife Committee meeting and also one to accept a check, Five Thousand Dollars for the Watchung Youth Services Committee. He also met with the members of the Exempt Firemen on November 14th to discuss another proposal for the location to build the new library; and on November 19th and 20th he attended the League of Municipalities Conference where he was a speaker for the program presented by the Rutgers Eagleton Institute and earlier today he met with the Borough Administrator and the County Engineer and Freeholder Gallagher to discuss the safety issues on Valley Road and Mountain Boulevard.

PUBLIC PORTION / AGENDA ITEMS ONLY

Ray Barratt, Valley Road, said although Councilman Gibbs and he did not always agree on things he appreciates all the time and effort he has given to the Borough.

Margaret Ellis, Valley Road, thanked Councilman Gibbs for serving the Borough with intelligence and integrity.

With no further public wishing to speak the public portion was closed.

UNFINISHED BUSINESS

A Public Hearing 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." was held.

R1: 11/25/19 Adoption of Ordinance OR: 19/18 – Amend Code "Residential Rental Property Registration"

Councilman Black moved a public hearing be held with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, "aye."

With no one from the public wishing to be heard, Councilman Black closed the Public Hearing with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, "aye."

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"

R2 : 11/25/19 ——— Adoption of OR:19/19 — Ordinance amending Chapter XXVIII titled "Land Development" Section 28-502, titled "Fences and Walls" of the Revised General Ordinances of the Borough of Watchung TABLED

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below 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 Knegten, "aye".

Approval of the following Council minutes:

November 7, 2019 – Regular Session

Acknowledging Receipt of the following Borough Reports:

Fire Prevention Report – November 14, 2019
Board of Adjustment Minutes – October 10, 2019
Historical Committee Minutes – October 9, 2019

Acknowledging Receipt of the following Correspondence:

None

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, Sopko, Goodloe, Eisenberg Knegten, "aye."

R3:11/25/19 Purchases Over \$2,000 – A&M Industrial, Inc. (FD- Equipment)
The Rodgers Group, LLC (PD – Police Accreditation Services)
The Rodgers Group, LLC (PD- Training Programs)
Turn Out Uniforms (FD- Uniforms)
First Battalion Firefighting (FD- Charger for Infrared Camera)
Denville Line Painting (B&G – Traffic Striping)
Lawsoft, Inc. (PD – Support & Maintenance)

R4: Authorize Reduction of Performance Guarantee / Seritage SRC Finance LLC

R5: Authorize Shared Services Agreement Extension / Municipal Court

R6: Waive Chapter 20 of Code - Saturday Construction / Valley View School Heating Unit

R7: Appointment of IT Support Consultant / Marmic Associates

R8: Authorize Insertion of Special Item of Revenue (Chapter 159) / 2019 Budget:
State of NJ Body Armor Grant
Alcohol Education, Rehabilitation & Enforcement Grant
Somerset County Historic Grant
Clean Communities Grant

R9: Authorize Council Members Elect to attend the Executive Session

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.

Councilwoman Goodloe made a motion to table R10 with a second by Councilman Black and following discussion the vote was as follows: Gibbs, Sopko, "no", Black, Nehls, Goodloe, Eisenberg Knegten, "aye." Mr. Cruz said the motion carried.

Council President Gibbs and Councilman Nehls questioned the reason to table this. Councilwoman Goodloe said this needs further discussion by the Laws and Ordinance Committee, the 90-day period is overbroad and restrictive. Councilman Nehls asked if this was the one previously pulled at the last meeting as well and Councilwoman Goodloe said it was. Council President Gibbs questioned even with the two items that were carved out and she said yes.

Proposed 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." was introduced.

R10: ~~Introduction of Ordinance OR 19/17 Amend Code / Short Term Rental Property~~ TABLED

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

R11: Waive Chapter 2-25.10 of Code / Grays Florist

Councilman Sopko 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."

R12: Payment of Bills

PUBLIC PORTION-GENERAL DISCUSSION

John Malchow, Mountain Boulevard, wished everyone a Happy Thanksgiving and thanked Council President Gibbs for his service to the Community and also thanked Richard Brown.

With no further public wishing to speak the public portion was closed.

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, Sopko, Goodloe, Eisenberg Knegten, "aye."

R13: Executive Session: Personnel
Litigation – 833 Mountain Boulevard/Block 201, Lot 17.

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 at 9:36 P.M. all Councilmembers previously present were still in attendance with the exception of Councilman Black who excused himself prior to the Executive Session.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 9:35 P.M. to the Call of the Chair and to the next scheduled Council meeting Tuesday, December 10, 2019 at 7:30 P.M.

Respectfully Submitted,



Mary Ann Hance

Borough of Watchung