

## **BOROUGH OF WATCHUNG**

### **COUNCIL MINUTES**

**FEBRUARY 21, 2019- 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Balla called the meeting to order at 7:33 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.**

#### **ROLL CALL:**

Gibbs [ A ] Black [ P ] Nehls [ A ] Sopko [ P ] Goodloe [ P ] Eisenberg Knekten [ P ]

There were 21 members of the Public present.

Mayor Balla announced that this evening will be our first official live-stream of our meeting, and he welcomed viewers.

Mayor Balla congratulated Enzo Ruta on achieving the rank of Eagle Scout, commenting that this is a big honor and a nice recognition of his dedication and service.

#### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Sopko said the Committee met yesterday and had preliminary discussion in regard to the 2019 Municipal Budget, and said CFO Bill Hance is diligently working to get this ready for introduction at the end of March. He said they also discussed the recruitment progress on positions that are vacant or will be vacant soon, and also obtaining the services of a company that can provide administrative services for our affordable housing obligations. Councilman Sopko said there was also discussion on the process of any future “informal chat” sessions.

2. Police – In Police Commissioner Gibb’s absence, Councilwoman Goodloe advised that there was nothing to report as the Committee has not met in the last two weeks.

3. Public Works / Buildings and Grounds – In Councilman Nehls’ absence, Administrator Atkins reported that approximately 85 tons of salt was used for Wednesday’s snow event, and there is currently 110 tons left. He noted much of today was spent cleaning out catch basins as the rain had melted most of the salt.

#### 4. Public Affairs:

Environmental – Councilwoman Goodloe said the Commission has not met since the last meeting, however, announced that the date of the annual Watchung-Warren Green Fair has been scheduled for May 11<sup>th</sup> and will be held at the Warren Middle School from 10:00 am to 1:00 pm, and explained that this is an event that you can bring items to be recycled that are not normally collected such as scrap metal, styro-foam, and paints.

Recreation – Councilman Black said the Commission is searching for alternative sites for the Summer Camp, and Coordinator Linda Monetti will be meeting with Round Top from Warren to discuss the possibility of using their facility. Administrator Atkins mentioned that there is another option that is also being considered.

Historical - Councilman Black reported that the meeting scheduled for February 20<sup>th</sup> was rescheduled, due to the snow and will be held on February 27<sup>th</sup> and begin at 7:00 P.M. He also said that Diddy and Amber will be visiting the site of the new Cinema where there will be a replica of the mural, and confirm its location there.

Board of Health – Councilman Sopko said the next meeting is scheduled for February 27<sup>th</sup> and will report on it at the next meeting.

5. Fire – Councilwoman Eisenberg Knekten had no report.

6. Laws/Ordinances – Councilman Black said the Committee met this morning, and several different topics were discussed, such as the air-bnb’s or short-term rentals, and all agreed that a 90-day minimum may help eliminate house rentals. Councilman Black also spoke about the required landlord registration requirement and explained that this is a simple form that is required for anyone who is renting their home. In regard to property maintenance, peeling paint and rust were discussed, and a recommendation

from our Zoning Officer Ed Bennett to amend the fence Ordinance from allowing only 4' fences to allowing 6' fences on back and side yard setbacks, adding that more discussion will continue in regard to deer fencing. Councilman Black said they also discussed the fees for the current tree Ordinance, and explained the fine is for those who remove trees and do not replace them. If a resident does not want to or can't replace a tree, then they are required to pay into the tree bank. He reported the Committee agreed that the \$25.00 application fee should be eliminated and the fee should be upped from \$200. to \$350. and he said there will be an Ordinance introduced on this soon. Councilwoman Goodloe confirmed that eliminating the \$25.00 application fee may encourage residents to comply. Councilman Black also said that the posting of Resolutions and Ordinances along with the Agenda was discussed, however more review was necessary explaining that these documents are considered "drafts" until they are brought to a meeting.

## **REPORTS - OTHER:**

7. Engineer – Tom Herits said he is still waiting to hear back from the DOT in regard to this year's application. He reported improvements on High Tor Drive are complete with the exception of some punch-list items, and that he is putting together a list of roads for this year's program which will include some drainage remediation, and said that he will be adding some work to be done at the schools, per a request from the Board of Education. He explained that they will cover the costs but want to piggy-back on our rates through the co-op. Mr. Herits reported that in regard to the salt storage, as soon as the weather cooperates they will be setting some blocks to put the structure on. He announced that the Terrill Road light will be activated today, and that he is going to stop by the Cinema tomorrow to try to get an opening date.

8. Police Chief – No Report.

9. Fire Department – No Report.

10. Rescue Squad – No Report.

11. Emergency Management – Administrator Atkins announced that there was a meeting with the County OEM Director to discuss a shared-service for OEM coverage, noting that this may be beneficial to the Borough. Mr. Atkins said that he along with the Mayor, Councilman Sopko, and resident Carolyn Solan who works at the County OEM Department, also our CERT Chairperson, attended the meeting. Mr. Atkins added that the appointment of a Borough OEM Coordinator is the Mayor's prerogative.

12. Attorney – Mr. Cruz advised that in regard to Ordinance OR:19/01 which was on the last Agenda however pulled due to a question in regard to the streets, confirmed that the roads for this development (the old O'Connors' property) will be private and not the responsibility of the Borough to maintain, however that Borough will enter into a local services agreement to provide reimbursement to the homeowners association, as required. He said the amendment to the Developments Agreement is being prepared and recommended that the Council move forward with the introduction.

13. Clerk – Mrs. DeRocco had no report.

14. Administrator – Mr. Atkins spoke about the Administration and Finance Committee that was held yesterday, saying that he and CFO Bill Hance sat and discussed the budget and plan to have the budget notebooks out by the end of next week. He said that last week he stopped into a meeting of the Traffic and Beautification Commission, and they had suggested to him that they schedule a joint meeting of T&B, Environmental Commission and the Historical Committee as some of their proposed beautification projects over-lap with those two groups. Mr. Atkins said Councilwoman Goodloe is already on-board with this suggestion, so now it is just a matter of co-ordinating.

Mayor Balla asked for Council Liaison Reports:

Wildlife Management Advisory Committee – No report.

Youth Services Commission – Councilwoman Eisenberg Knegten had no report.

Planning Board – Councilman Sopko said the Planning Board met on the 19<sup>th</sup> and that the discussion on the Housing Element and Fair Share plan had to be postponed as they are waiting for an addendum.

Board of Education – Councilwoman Eisenberg Knegten reported there was a Bd. of Education meeting on the 13<sup>th</sup> and it included a presentation by the Auditor in regard to the District's end of the year fiscal report, year ending June 30, 2018, and the result was that the District was not in the good financial state that the report had indicated. She said the generous donations from Frank Bisignano were discussed – the new playground at Bayberry School is underway and as is the stem lab at Valley View. She said Frank's contributions are greatly appreciated, especially as parents continue to be concerned that children are being kept indoors on nice-weather days and are not receiving adequate recess. Councilwoman Eisenberg Knegten announced the next meeting will be held on February 27<sup>th</sup> at 7:00 PM in the Valley View All-Purpose Room.

Municipal Alliance – Councilwoman Goodloe had no report.

Library Advisory Committee – Councilwoman Eisenberg Knegten reported that she along with Mayor Balla and Councilman Nehls will be attending a meeting tomorrow with Somerset County Library Director of Public Services Christopher Korenowsky to discuss the upcoming grant application process. She announced the next meeting of the Library Advisory Committee will be held on March 6<sup>th</sup> beginning at 3:30 PM upstairs in the Library’s Bi-centennial Room.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Pete Martino, Sunbright Road, questioned the responsibility of paying for fire hydrants as he found out through an OPRA request that the Borough is paying for the fire hydrants at Stone Gate and asked for a clarification in regard to when the Borough pays and when they don’t, in regard to private roads. Mr. Cruz indicated that he does not recall the Stone Gate agreement without looking into it.

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**UNFINISHED BUSINESS**

A Public Hearing of Ordinance OR:19/02 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING SECTION 2-43 TITLED “HISTORICAL COMMITTEE” SUBSECTION 2-43.3 TITLED “POWERS AND DUTIES” TO ADD A NEW SUBSECTION 2-43.3g TITLED “DEVELOP AND MAINTAIN THE 9/11 MEMORIAL” was held.

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

Mr. Cruz explained that this Ordinance came about after the 911 Ad Hoc Committee was disbanded upon completing its mission and the Historical Committee agreed to take on the responsibility of continuing the walkway and maintaining the walkway in the future.

With no one from the public wishing to be heard, Councilman Black closed the public hearing and moved the following resolution, with a second by Councilman Sopko, and upon Roll Call the vote was as follows: Black, Sopko, Goodloe, Eisenberg Knegten “aye.”

R1:02/21/19 Adoption of Ordinance OR:19/02 - Maintain 9/11 Memorial / Historical Commission

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**NEW BUSINESS**

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

Approval of the following Council minutes:

February 7, 2019

Acknowledging Receipt of the following Borough Reports:

Recreation Commission Minutes – December 5, 2019  
Traffic & Beautification Minutes – February 11, 2019

Acknowledging Receipt of the following Correspondence:

- #5 - Township of Green Brook 2/8/19 Notice of Public Hearing on 2/19/19 re: An Ordinance Amending Article 6 “Zone District Regulations” c: M& C, TEA
- #6 - Robert D. Hofmann Jr. 2/1/19 Letter of Resignation as a Patrolman with the Watchung Police Department, effective February 4, 2019 c: M &C
- #7 - NJ American Water 2/6/9 Notice of Petition and Public Hearing re: To Change Levels of its Purchased Water Adjustment and Purchased Wastewater Treatment Adjustment Clauses  
C: M & C, Post

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

R2:02/21/19 Appointment of Member to Volunteer Fire Dept. – Christopher W. Hoffman

R3: Authorize Return of Sewer Overpayments/ 185 Bonnie Burn Road

R4: Authorize Payment of Tax Sale Certificate #18-06 / 624 Valley Road

R5: Authorize Payment of Tax Sale Certificate #18-07/ 325 High Tor Drive

R6: Authorize Final Payment of Accumulated Benefits / Robert Hofmann

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**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Proposed Ordinance OR:19/01 entitled "AN ORDINANCE AUTHORIZING A DEVELOPER'S AGREEMENT AND PERFORMANCE AGREEMENT, AND ACCEPTING AN AFFORDABLE HOUSING DEED RESTRICTION AND DRAINAGE FACILITIES EASEMENT AND AUTHORIZING THE MAYOR AND CLERK TO SIGN EACH" was introduced.

Councilman Black moved Ordinance OR:19/01 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. The motion was seconded by Councilman Sopko and upon roll call the vote was as follows: Black, Sopko, Goodloe, Eisenberg Knegten, "aye." Public Hearing to be held March 7, 2019.

R7:02/21/19 Introduction of Ordinance OR:19/01 – Authorizing Developer’s Agreement and Deed Restrictions / 708 Mountain Boulevard

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

R8: Payment of Bills

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**PUBLIC PORTION - GENERAL DISCUSSION**
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Lynda Goldschein, Sherwood Road, said the problem with the current tree Ordinance is that it does not discourage people from cutting trees down and she said she agrees that the application fee should be waived.

Rachel Funcheon, Cedar Road, said a huge problem with the trees is the clear-cutting that is being done by the developers. She said the Environmental Commission will be working hard to get notices out to all residents so that they are aware of the laws, probably by putting notice in the sewer or tax bills and in the Borough’s newsletter.

Dorothy Addario, Rock Avenue, said the tree removal application as it is now, is daunting. She said she has over 100 trees on her property and it asks to "list" them. She said the application needs to be revised.

Sandy Fechtner, Cardinal Drive, distributed a "memo" to the Governing Body where she outlines some options for the relocation of the Library. One of Mrs. Fechtner’s suggestions was to use property at Phillips Field and relocate some of the ball fields to the Ness Property.

Pete Martino, Sunbright Road, read a prepared statement in regard to the Firehouse Renovation project, bringing attention to the length of time it has taken to get this job completed, and how much over-cost it has run. He cited negligence and said we can’t have this when it comes to the building of a Library. Councilman Black explained that there were many dynamics to this project, particularly the Architect getting sick and then every time there was a change or a question it was difficult to get the Fire Membership to agree. He also said the Contractor was difficult to work with. Mr. Herits added that he did receive a certification of completion from the Construction Office so this project is done, and there is just some paperwork to complete.

Lynda Goldschein, Sherwood Road, indicated she was aware of the problems with this project as she OPRA’s much of this information, and is hoping before the Borough does any more projects like this, someone is in charge.

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**ADJOURNMENT**
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There being no further business to come before the Council, the meeting was adjourned at 8:26 P.M. to the Call of the Chair and to the next scheduled meeting to be held on Thursday, March 7, 2019 at 7:30 P.M.

Respectfully submitted,

Michelle DeRocco, RMC
Clerk