

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES
May 2, 2019 - 7:30 P.M.**

OPENING STATEMENT: Mayor Keith S. Balla 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.

ROLL CALL

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

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 7 members of the public present.

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Prior to conducting business Mr. Cruz explained a last-minute request was made for a Resolution to authorize the Mayor and Clerk to sign an agreement with Jonson Soils Company to perform sub-surface investigation including four 25' borings at the Borough Municipal Complex on Mountain Boulevard at a cost not to exceed \$6,350.00. The purpose of this is to obtain geotechnical information that the architect for the Library can utilize to determine the suitability of the site and for design work. He said since we adopted a policy with the posting of the agenda and resolutions and ordinances on the website and this arose after the 12:00 deadline he asked for a motion to amend the Agenda to include Resolution R9 under the Non-Consent Agenda and waive the posting on the Agenda. This will be the custom when items arise after the posting of the Agenda on the website and either the Clerk or he will read the Resolution prior to Council considering it.

Councilwoman Eisenberg Knegten moved to amend the Agenda with a second by Councilman Black and upon roll call the vote was as follows: Black, Nehls, Sopko, Eisenberg Knegten, "aye."

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PROCLAMATION:

Mayor Balla read a Proclamation declaring the month of June as LGBTQ Pride month. (copy attached)

Councilwoman Eisenberg Knegten reported Councilwoman Goodloe gave birth on Friday, April 19th to a beautiful baby girl, Hope Breckenridge. Hope went for her very first walk around the lake today. Lindsay, Jim, and Hope are all doing well.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Sopko said the Committee met on April 22nd prior to the Special meeting of April 25th for the public hearing and adoption of the Municipal Budget. There will be a meeting scheduled the week of May 13th prior to the May 16th Council meeting.
2. Police – No report was submitted
3. Public Works / Buildings and Grounds – Councilman Nehls reported there was a meeting on April 26th. The Committee discussed the Lake Fountains repairs with one already repaired and installed. Public Works is looking to install 50 yards of fiber material at the Mobus playground area which will be purchased through the Morris County Co-op at a cost of \$1,200. Councilman Nehls said as part of a lease agreement with the Board of Education for the baseball fields we are in the process and have agreed to purchase 2500 tons of infield fill for Grant field at a cost of approximately \$3000. Councilman Nehls said he is not sure where the money will be coming from and asked Mr. Atkins and Mr. Hance to check on this. Councilman Nehls then reported the tennis courts are in need of repair and to date one quote of \$33,000 has been received. He also reported that Mr. Burns is in the process of getting cost estimates for painting the Library exterior and repair any windows. Councilman Nehls also reported on the Salt Storage shed, he said the capital money is already in place for this. He then reported for engineering that we are moving forward with the work that must be done to remove the dam at Ross Pond and stop the erosion that is occurring on several properties. He said the Department of Environmental Protection has allowed for the Borough Engineer, Tom Herits, to

sign off on this. Councilman Nehls said he hopes this project will be completed by next December. The Borough has appropriated about \$350,000 for this project. The Phillips Bridge has passed inspection, only minor repairs need to be done. He said Maser is moving forward with the sampling of the sediment at Watchung Lake prior to dredging to determine what will be done with the sediment once dredging is done, explaining that it will depend on what is found whether we have to dispose at specific facilities or reuse it or at reuse it at an offsite location. Councilman Nehls then asked Mr. Atkins about the radio antenna if there is a new location determined and Mr. Atkins said it is his understanding there is a location which was worked on between the Borough and the property owner, Weldon. Councilman Nehls said a new antenna is required and the final cost is unknown at this time. He then mentioned R9 stating there were two quotes received, one from Johnson Soils for \$6,350 and the second one from Tericon for \$7,000. He said tonight the Council will be voting on awarding this to Johnson Soils, as Resolution R9.

4. Public Affairs:

Environmental – Councilman Sopko reported on two events, Operation Pride which will be held on May 4th starting at 9 AM meeting at the Texier House; and the Green Fair which will be held in Warren on May 11th, 10 AM – 1 PM.

Recreation - Councilman Black reported the Easter Egg Hunt was a great success with about 350 attending and 3,000 eggs were scattered around. He said Little League Opening Day was postponed due to inclement weather and they are hoping to reschedule to May 11th. Councilman Black also said the summer camp will be held at Round Top in Warren and to date there are 47 children signed up. He also reported the Community Picnic will be held on May 18th and we have received \$2,450 in donations with an additional \$1,400 promised. There have also been many other donations including Forest Lodge supplying the hot dogs.

Historical – Councilman Black reported there will be a presentation by Matt King on this Eagle Scout project at Gods' Acre, Sunday May 5th at 1 PM. In case of rain it will be held at Borough Hall. He also reported the car show held last Sunday raised \$625 to help toward the Mural restoration.

Board of Health – Councilman Sopko had no report – the next scheduled meeting is June 19th.

5. Fire – Councilwoman Eisenberg Knegten had no report.

6. Laws and Ordinances – Councilman Black had no report.

REPORTS – OTHER:

7. Engineer- No report was submitted.

8. Police Chief – No report was submitted.

9. Fire Department – No report was submitted.

10. Rescue Squad – No report was submitted. However, Ms. DeRocco reported the Rescue Squad will be hosting an Open House this Saturday, May 4th – 12 to 4 PM and this will include tours of the building and ambulances in addition to free refreshments and grilled foods.

11. Emergency Management – Mr. Atkins said there is something moving along and he is optimistic he will have a report for May 16th.

12. Attorney – Mr. Cruz asked to address the Council before they consider R7 which is the endorsement of the Borough's Housing Element and Fair Share Plan; and there is an Executive Session this evening on contract negotiations with Crown Castle.

13. Clerk – Ms. DeRocco reported there is a possibility the God's Acre event will be held at the Exempt Hall and if not it will be at Borough Hall. However, she will post updates on the website and Facebook if there are any changes.

14. Administrator – Mr. Atkins reminded Mayor and Council the deadline for the MEL/JIF training is next week, which was extended to May 19th. More than half have completed the training enabling credit for the Borough. Mayor Balla asked what the credit would be if all members complete the training and Mr. Atkins said it would be a total of \$2,000.

Mr. Atkins then reported the Mayor and Council has a report he sent in regards to the resignation of the Tax Clerk and what is being done to alleviate the problem in that Department. The CFO, Bill Hance has an advertisement that will be on the League website and the newspapers. Since this is tax time Mr. Hance will be spending more time in the Tax Department. He noted Resolution R2 – setting the 2019 Sewer Rate, no increase. Mr. Atkins gave a report about Park and Ride, he said he had a lengthy talk with Warren Township Administrator Mark Crane and based on this discussion we need

to assemble a few elected officials to have a caucus here and then he will set up a meeting with Warren to have some of their officials get involved. Mr. Atkins reported Ed Bennett is doing well after his surgery but due to his lengthy recovery time he has been looking to other towns for the possibility of setting up an interlocal agreement and he hopes to have something to report by next week. Mr. Atkins explained Resolution R6 to establish a range for a part time position for a Zoning Officer and separating this position from the Uniform Construction Code Official.

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

Youth Services – Councilwoman Eisenberg Knegten had no report.

Planning Board – Councilman Sopko had no report – the next meeting is scheduled for May 21st.

Board of Education – Councilwoman Eisenberg Knegten reported the Watchung Board of Education met on Wed Apr 24. The Budget for the 2019-20 school year was approved. It is a \$12.93M budget, with an increase of 2.49%. Long-time Industrial Arts teacher Mr. Thomas will be retiring at the end of the school year. Interim Superintendent Bilenker and Interim Administrator Petrone will stay on for the 2019-20 school year. The Board also approved the hiring of a search firm to hire a new permanent Superintendent and the Board is interviewing candidates to fill a vacancy for a term that will expire at the end of this year. Councilwoman Eisenberg Knegten also reported that the Board of Education President, along with Mayor Balla and other representatives, will be traveling to Trenton tomorrow to meet with the Governor's Office to discuss the state of our schools in Watchung. Councilwoman Eisenberg Knegten announced three events upcoming for the Watchung Educational Foundation: May 16th is the 7th/8th grade Dodgeball game at Valley View; June 3rd the Foundation will be hosting a golf outing; and on June 11th there will be a dining event at Water and Wine. She thanked the Council for approving the work for the playground at Bayberry, adding that the Sports Court will be unveiled at the Ceremonial Grand Opening on June 4th by Nancy Lieberman, an esteemed basketball player in both the Basketball Hall of Fame and Women's Basketball Hall of Fame. She reported the anticipated operation for the playground will be middle to end of next week.

Municipal Alliance – No report was submitted.

Library Advisory Board – Councilwoman Eisenberg Knegten reported she along with Mayor Balla and Councilman Sopko met with Library Architect Anthony Iovino yesterday afternoon. They reviewed the scope of the proposed Library, including mixed use meeting space, flexible room partitions, outdoor space, and external access to meeting rooms and bathrooms. Mr. Iovino projects a 6 to 8- month turnaround time at minimum before any news of grant recipients will be announced. He also indicated that he would like to have the soil testing results within the month and expects a 2 to 3-week turnaround time once the testing is completed. She said she is glad to see the soil testing on tonight's agenda and she urges the Council to approve this resolution tonight.

The Watchung Library Advisory Board met yesterday May 1st at 3:30 pm. The Library Branch Manager is working on reconfiguring the upstairs spare office to accommodate group-study space. She also discussed the progress of the State Grant application, and said soon after the meeting adjourned, word came that the state has released a survey to any library or municipality looking to apply for the matching funds grant. She explained it is a brief, one-page survey asking for the basic scope of the project, a projected budget, and a projected square footage. Mayor Balla has stated that he intends to fill out and submit this survey with advice and assistance from the WLAB President. Councilwoman Eisenberg Knegten announced the next Library Advisory Board meeting will be held on Wednesday, July 1 at 3:30 pm, and she said she will echo the public sentiment that these meetings be held, at least occasionally, in the evening. Councilman Nehls said any survey must be approved by the Council and if it is due by May 17th there may have to be a Special Meeting scheduled since our next Council meeting is May 16th. Councilwoman Eisenberg Knegten said this is only an informal survey and would not need to be approved by the Council.

Mayor Balla reported he had attended the Annual New Jersey Conference of Mayors and two of the big items discussed were the Cannabis legislation that was defeated but it is likely the Legislature will put on the calendar again in May or June but if not at that time it will be extended to October. He explained that if this were to get approved, the Borough would then be required to determine if we will "opt in" or "opt out". He said if we do not take action to "opt out", this would then allow the cannabis industry to have establishments in the Borough. The second item was the "Path to Progress" that Senate President Steve Sweeney presented. Mayor Balla said a big part of this presentation was shared services amongst towns with the biggest being the consolidation of shared services of regional school districts which is felt would save millions of dollars.

Mayor Balla announced he has an appointment for the vacancy on the Planning Board. He is appointing Paul Fiorella as Alternate #2 for this position.

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PUBLIC PORTION / AGENDA ITEMS ONLY

Catherine Leigh, Guinard Drive, said she checked other towns to see what times their Library Committees meet and said most meet between 7 P.M. and 7:30 P.M. She asked what has to be done to get the time changed to evenings. She then questioned who was paying for the removal of the tank at the Ness Property, adding that she thought there is an escrow account to cover this. Mr. Cruz explained the Borough pays for this and then we are reimbursed by the Escrow account.

Cori Haveson, Maple Street, said the Library Survey is a casual survey and does not have to be signed by the Mayor or approved by Council. Councilman Nehls responded that if the Mayor signs this it must go before the Council for discussion and approval. Ms. Haveson said this is not a formal document so maybe it could be completed by either the Library Director Hannah Kerwin, or Amy Fiorella, President of the Library Advisory Board. Councilman Nehls asked where they would be coming up with an estimate for this and Ms. Haveson responded it would most likely come from the Architect. Councilman Nehls said any amount that is submitted would still have to come before the Council for discussion.

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

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UNFINISHED BUSINESS

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously accepted as amended, following a motion by Councilman Black and a second by Councilman Nehls and upon Roll Call the vote was as follows: Black, Nehls, Sopko, Eisenberg Knegten, “aye”.

Approval of the following Council minutes:

April 18, 2019 – Special Meeting, Executive Session, and Regular Meeting
April 25, 2019 – Special Meeting

Acknowledging Receipt of the following Borough Reports:

CERT Team Minutes – March 26, 2019

Acknowledging Receipt of the following Correspondence:

#17 - Watchung Planning Board 4/16/19 Two (2) Reports in regard to review of Ordinances
OR:19/04 and OR:19/05, finding both to be consistent with the Master Plan c: M & C

#18- Maryann Amiano 4/23/19 Letter of resignation as Tax Clerk, effective 5/8/19
c: M & C, TEA, WH, RM

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CONSENT AGENDA RESOLUTIONS

Councilman Black moved the following resolutions, with a second by Councilman Nehls and upon Roll Call the vote was as follows: Black, Nehls, Sopko, Eisenberg Knegten, “aye.”

Prior to the vote Councilman Nehls referred to R4, explaining that this Change Order was for a **reduction** of approximately \$23,000.

R1: 05/02/19 Purchases Over \$2,000 – Flemington Department Store (PW- Uniforms)
Blackadar Heating (B&G – Tank Removal/ Ness Prop)

R2: Establish 2019 Sewer Fees

R3: Appointment to Green Team – John Santucci

- R4: Authorize Change Order #1, and Accept Project – Improvements to High Tor / Reivax
- R5: Amend Professional Services Agreement – CGP&H / Affordable Housing
Administrative Services

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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.

Introduction of Ordinance OR:19/07 entitled: "AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12-12.76 ET. SEQ., THEREOF AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES."

Councilman Black moved Ordinance OR:19/07 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. The motion was seconded by Councilman Nehls and upon roll call the vote was as follows: Black, Nehls, Sopko, Eisenberg Knechten, "aye." Public Hearing to be held on May 16, 2019.

- R6: Introduction of OR:19/07 – Amend Code / Min Max Ordinance

Mr. Cruz gave a brief explanation of Resolution R7. He said on April 16, 2017 the Borough of Watchung Planning Board adopted the 2019 Housing Element and Fair Share Plan. The Housing Element is part of the Master Plan and the Planning Board has the responsibility to provide guidance to the Borough on the Master Plan and Zoning for the Municipality. The Housing Element was drafted consistent with the settlement agreement that was entered into by the Borough last year to address its affordable housing obligation. He said the Housing Element has a very good explanation on how the Borough will address the affordable housing in the future. It is an Historical compilation and also how the affordable housing will be implemented. Mr. Cruz then explained tonight the Council is being asked to endorse the plan that was developed by the Planning Board and as a follow up to the settlement agreements of last year.

Prior to moving the resolution Councilman Sopko thanked Mr. Cruz for his assistance through this long and tedious process and added that he hopes he is ready for the next round which is right around the corner coming in 2025.

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

- R7: Endorsement of the Borough's Housing Element and Fair Share Plan – April 2019

Mr. Cruz then reiterated his explanation from the beginning of the meeting on R9 which was not entered on the Agenda before the 12:00 noon deadline the day of the meeting. Either he or the Clerk will read the resolution before moving it and voting on it. Mr. Cruz then read the resolution in full.

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

- R9: Authorizing the Mayor and Clerk to sign an agreement with Johnson Soils Company to
Perform subsurface investigation including four (4) 25' test borings

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PUBLIC PORTION-GENERAL DISCUSSION

Catherine Leigh, Guinard Drive, again came forward to question how to change the time for the Library Advisory Board meetings. She said if it were later move people would be able to attend these meetings. Mr. Atkins questioned if she has asked the members and she responded she did and they said 3:30. Councilman Black said possibly suggesting alternate times. Both Councilmen Black and Nehls agreed a later hour would make it more accessible for residents. Mayor Balla said he will speak to the Library Board members.

Cori Haveson, Maple Street, said the Library survey does not require a signature and there is a line for the estimated cost and one for square footage. She asked what the Architect, Mr. Iovino estimates the square footage to be and Mr. Sopko replied he would not commit to an amount. Ms. Haveson asked if the Architect was given any cost parameters. Mayor Balla said the Architect was given the needs, wants, and the Library report.

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

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

R8: Executive Session: Contract Negotiations-Crown Castle

Mayor Balla called for a 5-minute recess at 8:40 P.M.

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 gave a summary of the Executive Session. The Mayor and Council gave him directions on further negotiations with Crown Castle.

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ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 9:07 P.M. to the Call of the Chair and to the next scheduled Council meeting Thursday, May16, 2019 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance
Deputy Clerk