

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
APRIL 4, 2019 - 7:30 P.M.**

**OPENING STATEMENT:** Mayor Keith S. Balla called the meeting to order at 7:37 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 [ P ] Black [ P ] Nehls [ P ] Sopko [ P ] Goodloe [ P ] Eisenberg Knegten [ P ]

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

There were 23 members of the public present.

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**SPECIAL PRESENTATION:**

**WATCHUNG HILLS REGIONAL HIGH SCHOOL BUDGET PRESENTATION**

Superintendent Elizabeth Jewett, Business Administrator Tim Stys.

Ms. Jewett introduced Board Members Peter Fallon and Barry Hunsinger who were also in attendance.

Dr. Jewett highlighted achievements and also said they will be replacing the tennis courts, which are the original courts from 1964. She said these have been repaired many times but it is now time to replace them. She said they continue to have strong security presence at the school, at an annual \$500,000 commitment to the security department. This included four full-time and one part-time security officers and a Township police officer. Dr. Jewett then requested Administrator Stys to explain the financial aspects of the budget.

Mr. Stys explained that the tax impact on an average home in Watchung will be \$277.81 per home – Tax Rate - \$37.01/\$100,000. Council President Gibbs asked if Watchung’s rate is higher due to a change in enrollment? Mr. Stys said the enrollment changes yearly. Mr. Stys said there is more budget information on the district’s website at [www.whrhs.org](http://www.whrhs.org).

Councilman Nehls said the formulas are a State Statute not per individual town. He also said for many years the Borough has questioned if it were possible for Watchung to opt out of the Regional School System but Warren and Long Hill would not allow it. If the Borough could we would be a “sending” town and it would cost much less.

Peter Fallon said the Board cannot change the formula for determining rates since it is a State Statute.

Councilman Black asked what the debt is and what the next big project will be? Mr. Stys said the debt is thirty-four million with a surplus of approximately three million. Mr. Stys said the next big project will be upgrading the Media Center and replacing the electrical panels in the older building which will cost approximately four million and the surplus will be used for these projects.

Mayor and Council thanked Dr. Jewett, Mr. Stys, Mr. Fallon, Mr. Hunsinger for attending our meeting.

## REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Before Councilman Sopko gave his report he announced that he will not be seeking re-election this year and thanked everyone for their support and help during his term. Councilman Sopko then reported the Committee met on March 25 to discuss introducing the 2019 Budget on March 27<sup>th</sup>. Some items discussed were salaries and affordable housing.
2. Police – Council President Gibbs had no Committee report. However, he said Chief Cina has had officers touring the new Cinemark on Route 22 to familiarize themselves with the layout. Chief Cina has received over seventy-five resumes for the two open positions and interviews will begin next week. He also said the Federal DEA – “Operation Take Back” will be on April 28 to collect unused, expired medications. Further details with times and locations will be communicated through Nixel and social media.
3. Public Works / Buildings and Grounds – Councilman Nehls reported the Borough was notified by the Department of Transportation that we were awarded a grant in the amount of \$323,000 for doing various road work projects. He explained that this does not include all the milling and paving the Borough will be doing, this is in addition to. He also said he is looking forward to approving the Resolution this evening to appoint Architect Iovino for the Library and thanked the Library Advisory Committee for their report. He asked for permission to give the report to Iovino and he was told yes. Councilman Nehls said there is a Public Works meeting tomorrow morning and they will be discussing items requested by Little League.
4. Public Affairs:

Environmental – Councilwoman Goodloe reported the Commission met on March 25<sup>th</sup> at which time they discussed the tree removal application and recommendations to simplify and remove some items from the application that is primarily for homeowners who just want to remove a tree with no land disturbance. They specifically would like to remove the calculation requirement regarding the percentage of trees removed and the percentage remaining. The next meeting is scheduled for April 22<sup>nd</sup>. Councilwoman Goodloe said they will begin the Treks program in the fall, there will be bins around town where residents can recycle stretchy plastic.

Recreation - Councilman Black had no report but stated the Summer Camp Registration is open and they are now looking for staff.

Historical – Councilman Black had no report but said the next meeting is April 17<sup>th</sup>.

Board of Health – No report – next meeting is June 19<sup>th</sup>. Councilman Sopko said there is a Blood Drive Saturday at the Exempt Hall, 8 am to 2 pm.

5. Fire – Councilwoman Eisenberg Knegten reported she attended the meeting Monday evening and gave a report of statistics for the month of March, announcing that they responded to 24 calls. Councilwoman Eisenberg Knegten also announced that the Department has received a grant from NJ America Water.
6. Laws and Ordinances – Councilwoman Goodloe had no report.

## REPORTS – OTHER:

7. Engineer- No report.
8. Police Chief – No report
9. Fire Department – No report
10. Rescue Squad – Councilman Sopko read a letter to the Governing Body from the Rescue Squad, addressed to Mayor Balla and Council members: *“Since 1950 the Watchung Rescue Squad has operated as the emergency medical service provider for Watchung. Over the span of 68 years your friends and neighbors have dedicated countless hours of training and volunteering, all in support of the Borough. By providing this critical service to our community, we save lives. Reflecting back over the last 25 years, we have only experienced two mechanical breakdowns while answering emergency calls, one of which occurred a few weeks ago. As history supports this is quite an anomaly, as we purchase industry-leading equipment, and exercise superior standard of maintenance. Traditionally our average on-scene response time is 11 minutes, and falls within the national average of EMS response of 7 to 14 minutes. Thank you for allowing us to discuss our platform to discuss our organization and express our pride in continuing to serve our community, we call home, and sharing our commitment to provide critical medical care. We appreciate the support and compassion the Council has shown, for our volunteer Rescue Squad relies heavily on community volunteers. We welcome the opportunity to partner with the Council to help attract additional new members who are as committed and driven to the community as those who are currently serving. We are grateful to our residents for their unwavering trust and commitment to fund and support us. We live in this*

*community and will continue to provide our community with exceptional and professional volunteer services for years to come. We look forward to the next steps and look forward to working with the Council to develop an even larger pool of volunteers. Signed by the Volunteers of the Watchung Rescue Squad.”* Mayor Balla said he had met with some of the members of the Squad, along with Councilman Sopko and Councilwoman Goodloe, and it was interesting to learn how the operations work, State Statutes they need to follow, and about the rules & regulations that are required, and thanked the Squad for their service to the community

- 11. Emergency Management – Mr. Atkins said he will send the Mayor and Council a report next week.
- 12. Attorney – Mr. Cruz had no report but will address the two Affordable Housing Ordinances on the agenda this evening.
- 13. Clerk – Ms. DeRocco had no report
- 14. Administrator – Mr. Atkins reminded Council instructions were sent to all from the Joint Insurance Fund and the MEL for watching a video. If Mayor, Council and he goes through the video on employment practices the Borough will receive a total credit of \$2000 on the insurance premium. The deadline is May 1<sup>st</sup>.

Wildlife Management Advisory Committee – Council President Gibbs had no report

Youth Services – Councilwoman Eisenberg Knegten had no report

Planning Board – Councilman Sopko read a report from Planning Board Clerk Theresa Snyder, dated April 4<sup>th</sup> regarding the review of the Board of Education playground at Bayberry School. She stated a special meeting of the Planning Board was held on April 2<sup>nd</sup> to review plans for the proposed playground. There were members of the Board of Education present as well as their Attorney at this meeting. Councilman Sopko was asked to convey to the Mayor and Council and the Board of Education that the plans were approved by the Planning Board, and that they found no inconsistencies with the Master Plan and this approval allows moving forward on the project.

Councilman Sopko also reported he attended a meeting representing the Borough of the County Planning Board on April 3<sup>rd</sup> regarding a walk/bike/hike network meeting which is a study being done by consultants to supply existing layout of trails and bike routes in the County and propose linkages to focus on inactivity. He said he will give Ms. DeRocco information to forward to Mayor and Council. The County would like input from the Borough.

Board of Education – Councilwoman Eisenberg Knegten reported the Board of Education met on Wednesday, March 27 and presented the tentative budget which will be reviewed in full at the next meeting. She also reported they should be breaking ground for the new playground at Bayberry School. Plans were signed and sealed by the Borough Engineer and submitted to the Department of Education and the Planning Board approved the project Tuesday evening. Councilwoman Eisenberg Knegten said she hopes all will support the Resolution on the agenda this evening which will allow work on the playground to be done on weekends. She also reported there has been a generous donation made by Gray’s Florist and Councilman Black to “spruce up” the courtyard and the children will be able to participate in the planting and adopt their own garden with their classroom. The next Board of Education meeting is April 10<sup>th</sup> at 7 pm at the Valley View all purpose room.

Municipal Alliance – Councilwoman Goodloe had no report.

Library Advisory Board – Councilwoman Eisenberg Knegten reported the Library Advisory subcommittee submitted their report and recommendation for a future library in Watchung. The full report is available at [SaveWatchungLibrary.com](http://SaveWatchungLibrary.com) and she hopes Councilmembers approve Resolution R11 to move forward with Mr. Iovino to provide a conceptual plan. The next meeting is May 1 at 3:30 pm.

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

Rachel Funcheon, Cedar Road, said she supports R10, which is the appointment of Wendy Robinson to the Environmental Commission. She said she has much experience and would be an asset to the Commission.

Margaret Ellis, Valley Road, thanked the Council in advance for their possible approval of R11 authorizing the Professional Service Contract to Iovino Architects for the conceptual Library plan. She also agrees that the report from the Library Advisory Committee should be forwarded to Iovino.

Catherine Leigh, Guinard Drive, asked if the Library Advisory Committee meetings could be changed to a later time since it is very difficult to make a 3:30 meeting. Councilwoman Eisenberg Knegten said she would support a change in the time and she will look into this. Ms. Leigh said her husband is very interested in being involved in the Library sub-committee or at least, provide input, as he loves Libraries. She said she personally does not love Libraries and really doesn't care if there is one in town or not., but there are many people who want to volunteer to help and it would be nice if we utilized them. Ms. Leigh then read a statement from a resident who was not able to attend and said she was qualified to serve on the Environmental Commission, but had never been called. Ms. Leigh said she personally doesn't care about the environment either, but that the Borough should accept the services of those who volunteer and are willing to serve.

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

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## UNFINISHED BUSINESS

Prior to opening Ordinance OR:19/04 and OR:19/05 for Public Hearing, Mr. Cruz explained what each of these amendments are for, as they are amendments to existing ordinances. He said the Planning Board was not given the opportunity to review these Ordinances prior to this meeting so he is recommending starting the public hearing tonight but also carry it forward to the next meeting on April 18<sup>th</sup> meeting for a second public hearing and vote at that time after the Planning Board has had time to review and comment. The Planning Board will be meeting on April 16, 2019 at 7:30 pm.

A Public Hearing of Ordinance OR:19/04 entitled: **“AN ORDINANCE TO AMEND ORDINANCE OR:18/19, AMENDING AND SUPPLEMENTING CHAPTER XXVIII, ENTITLED “LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF WATCHUNG” TO ESTABLISH MANDATORY AFFORDABLE HOUSING SET-ASIDE.”** was held.

R1:04/04/19                      Adoption of OR:19/04 – Amend Code / Affordable Housing Set-Aside

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 Sopko moved the public hearing and vote be carried to April 18, 2019 with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, “aye.”

A Public Hearing of Ordinance OR:19/05 entitled: **“AN ORDINANCE TO AMEND ORDINANCE OR:18/20, ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE “BONNIE BURN ROAD REDEVELOPMENT AREA”, AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.”** was held

R2: 04/04/19                      Adoption of OR:19/05 – Amend Redevelopment Plan / Bonnie Burn Road  
Redevelopment Area

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, Council President Gibbs moved the public hearing and vote be carried to April 18, 2019 with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, “aye.”

A Public Hearing of OR:19/06 entitled: **“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40a:4-45.14)”** was held

R3: 04/14/19                      Adoption OR: 19/06 – CAP Bank Ordinance

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.”

Margaret Ellis asked for an explanation of this Ordinance and Mr. Atkins provided a detailed explanation.

With no one else 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.”

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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, Sopko, Goodloe, Eisenberg Knegten, “aye.”

Approval of the following Council minutes:

March 21, 2019 – Special Budget Workshop, Regular Session, Executive Session  
March 27, 2019 – Special Meeting

Acknowledging Receipt of the following Borough Reports:

Planning Board Minutes – February 2019  
CERT Team Minutes – February 2019  
Historical Committee Minutes – February 2019  
Building Department - March 2019  
Recreation Commission Minutes – February 6, 2019

Acknowledging Receipt of the following Correspondence:

#14 - Township of Warren 3/21/19 Notice of Public Hearing on 4/11/19 re: OR 19-20  
Amend Code Zoning/Prohibited Uses c: M& C, TEA

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## CONSENT AGENDA RESOLUTIONS

Prior to introducing the Consent Agenda Resolutions, Council President Gibbs moved to table R7 and R10 with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, “aye,” Goodloe, Eisenberg Knegten, “no.”

Councilwomen Goodloe and Eisenberg Knegten requested discussion on the tabled Resolutions and Council President responded, point of order, discussions are not allowed on a tabled resolution.

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, Sopko, Goodloe, Eisenberg Knegten, “aye.”

R4: 04/04/19 Local Government Week

R5: Waive Chapter 2-25.10 of the Code – Sparta Discount Tire

R6: Authorize Payment of Tax Sale Certificate # 18-00001/ 815 Mountain Blvd

~~R7: Authorizing Posting Agendas, Ordinances and Resolutions on the Website~~ TABLED

R8: Authorizing Disposal of Surplus Property / PD- Vehicles, Generators, Mower,  
Parts from Old Lake Fountains

R9: Certifying Compliance with the Equal Employment Opportunity Commission on the  
Consideration of Arrest and Conviction Records

~~R10: Appointment to Environmental Commission Wendy Robinson~~ TABLED

R11: Authorize Professional Service Contract / Arcari - Iovino Architects, PC/  
Conceptual Library Plan

After the vote Councilwoman Goodloe said she was disappointed that R7 appointing Wendy Robinson was tabled without any discussion and felt this is a political move. Councilwoman Eisenberg Knegten agreed. Council President Gibbs stated this is a double standard – other applicants were ignored and timing does not make sense.

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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.

Prior to voting on OR:19/07 Mr. Cruz requested Council pull this Ordinance and refer it to Ed Bennett, the Borough Construction Code Official, for further review to make sure all amendments are addressed and included in the Ordinance.

Council President Gibbs moved to pull R12 on the advice of our Counsel with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, “aye.”

~~Introduction of Ordinance OR:19/07 entitled: “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG THROUGH THE ADDITION OF CHAPTER XXVII(A) ENTITLED “SHORT TERM RENTAL PROPERTY.” Public Hearing to be held on April 18, 2019~~

~~R12:04/04/19 Introduction of OR:19/07 Amend Code “Short Term Rental Property” TABLED~~

Council President Gibbs moved the following Resolution with a second by Councilman Black. Councilman Nehls recused himself from the vote due to a conflict. Upon Roll Call the vote was as follows: Gibbs, Black, Sopko, Goodloe, Eisenberg Knegten, “aye.”

R13: Waiver of Chapter 20, Section 20-1.6g – Saturday Construction

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### **PUBLIC PORTION-GENERAL DISCUSSION**

Catherine Leigh, Guinard Drive, said she would like the Agenda, Resolutions and Ordinance posted on the Website at least two days before the meetings and asked why the Resolution was tabled. Council President Gibbs said the final draft regarding this has not gone to Laws and Ordinances to review and approval before recommending to the Mayor and Council.

Bill Nehls, Brookdale Road, (speaking as a resident and not as a Councilmember) questioned why Resolution 13 was put on the agenda at the last minute since at a previous meeting when Resolutions were presented without appearing on the Agenda, the Borough was sued. He asked if this will be allowed in the future. Mr. Cruz explained that meeting dates are advertised at the beginning of the year and no further notices are required. The law does not require the Resolutions and Ordinances to be advertised ahead of time and said it is consistent with the law.

Lynda Goldschein, Sherwood Drive asked if there is a site for the library? Councilman Nehls responded that the Borough is looking at a site but it must first be tested to see if it is a viable location and if it isn’t there would have to be a plan “B”. Ms. Goldschein also asked if someone could look into having the porta-potty removed from the property at 561 Valley Road. Mr. Atkins said he will talk to Mr. Bennett.

Wendy Robinson, Hill Hollow Road, said she submitted her volunteer application to the Borough long before she decided to run for Council. She then asked about gravel from the deteriorating street that runs on to her property and asked if there is a plan to clean this up?

Councilman Nehls said the Borough does not have street sweepers and if this location is not on the 2019 road work list, they will look at it. Councilman Black asked if anyone has addressed the drainage in that area. He will mention this to Bob Burns at the Public Works meeting tomorrow. Council President Gibbs said if she has noticed more water coming down she should let him know so he can have our Engineer look at this.

Patricia Dunham, Johnston Drive, thanked the Planning Board for the special meeting they held for review of the playground at Bayberry School and expediting its construction. She also thanked Councilman Black for offering his expertise and resources to help improve the courtyard there.

Rachael Funcheon, Cedar Road, was sorry to see Wendy Robinson had not been appointed to the Environmental Commission. She said no one on the Commission was advised of other people who were interested.

Maureen Hemsworth, Cedar Road, said she had received a letter from a resident who had gone to Environmental meetings and was told there were no openings at the time but possibly in January 2019 there would be. She had filled out an application long before Ms. Robinson. She feels all residents should get a fair “shake”. She also asked the Mayor if he had met with other applicants interested in being appointed. Mayor Balla said the Mayor has the ability to appoint people and said he has not met all of the applicants.

Councilwoman Goodloe said she has attended the Environmental Committee meetings since January and there has not been anyone there wanting to be appointed.

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**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 9:25 P.M. to the Call of the Chair and to the next scheduled Council meeting Thursday, April 18, 2019 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance  
Deputy Clerk