

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
MARCH 21, 2019 - 7:30 P.M.**

**OPENING 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 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, CFO Bill Hance, Borough Engineer Tom Herits; and Administrative Assistant Regina Angelo.

There were 20 members of the public present.

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**REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Sopko said based on the previous Special Workshop meeting held earlier this evening, there will be a meeting of Administration and Finance on Monday morning to consider anything that still needs to be answered and he will have a report at the next meeting.
2. Police – Council President Gibbs had no report. He mentioned that a personnel matter was tentatively settled and will share the details once the settlement is accepted by the Judge.
3. Public Works / Buildings and Grounds – Councilman Nehls had no report, however, he said he met with an architect this week regarding the library. He said they are looking at a second architect to come in and give a proposal for review. He said we are also looking at geotechnical investigations. He made a statement that although he has announced that he will not be seeking another term, he will still be doing his job for the next year as a councilman. He said he is not giving up any of his duties as a council person until his term is officially over.
4. Public Affairs:

Environmental – Councilwoman Goodloe had no report but advised the Environmental Commission is set to meet for their next meeting on Monday. She reported that she attended a joint meeting held this past Monday with the Environmental Commission, Historical Committee and Traffic and Beautification commission. Those present discussed replacing the “Welcome to Watchung signs”. She said another issue discussed was development of the Ness property and a possible dog park. Councilman Nehls commented that there is a plan that was put together for the Ness property, he asked if that plan will be amended or changed. Councilwoman Goodloe said she does not believe they are aware of the written plan but she will bring it to their attention.

Recreation - Councilman Black reported that the Easter Egg Hunt will be held on April 13<sup>th</sup> at 11:00 A.M. at Phillips Field. He also said the Community Picnic is scheduled for May 18<sup>th</sup>. He said the Summer Camp will be moving forward at the Round top Facility.

Historical – Councilman Black said the Chair Amber Murad attended the meeting Councilwoman Goodloe referred to in her report and she mentioned a rendering will be put together for the proposed “Welcome to Watchung” signs. He mentioned the car show event coming up on April 28<sup>th</sup> at the Texier House. He also said May 5<sup>th</sup> is a ceremony to honor the work done at God’s Little Acre Cemetery, located next to Water and Wine, and all are welcome to attend.

Board of Health – Councilman Sopko reported the Board met on March 20<sup>th</sup> and said the discussion was centered on the legalization of marijuana and the Borough’s response if it is enacted. He also said the Board of Health president spent the day on March 13<sup>th</sup> and 26<sup>th</sup> lecturing to all the seniors at Watchung Hills Regional High School as part of their health class. Council President Gibbs commented on the legalization of marijuana issue, saying it is something we need to be prepared to tackle in the near future. He mentioned the law providing tax revenue benefits from this and is curious what the residents would want. He said we will need to make a decision sooner rather than later.

5. Fire – Councilwoman Eisenberg Knegten read the full report submitted from Chief Pivnichny, read the full report submitted from Chief Pivnichny. She said in the month of February the Department responded to 25 calls for service. She also said fire department members completed their fit testing for the year and recertification in their professional level of CPR.
6. Laws and Ordinances – Councilman Black commented on the status of the Borough’s current Village Center Designation and asked for council support to opt out of this provision with the State Planning Commission. He said this designation serves no real purpose, and perhaps moving these applications to the Planning Board or Bd of Adjustment would streamline the process. He explained that the purpose of this designation was the preservation of the Historical presence along Somerset Street from the triangle down to the Village Green area. Councilman Black said a short term rental ordinance was discussed and said we should be ready to introduce this at the next meeting. Councilwoman Goodloe further explained the proposed ordinance prohibits house swaps or rentals less than 90 days to prohibit short term rentals because they create problems in town such as parties.

Councilwoman Goodloe added that there is a full support of a resolution to post draft ordinances and resolutions on the website before meetings, at the time the Agenda is posted.

## **REPORTS – OTHER:**

7. Engineer- Mr. Herits said he and Bob Burns prepared cost estimates for the 2019 roads and drainage. He said he is still waiting to hear about the DOT applications that were made. He said the Ross Pond application to the DEP is close to getting approval. He said they are working on installing the salt storage area. Mr. Herits said he is working on the relocation of the existing tower currently located on the Weldon property, and that since they will be quarrying that area, the tower needs to be moved.
8. Police Chief – No report
9. Fire Department – No report
10. Rescue Squad – Diddy Addario said the squad hosted a dinner meeting in Watchung at the Exempt Hall. She said the dinner was important and concerning education, certification and ongoing legislation. She said we are well on our way to achieve our goals for the first quarter of the year. She read the January and February rescue squad call statistics.
11. Emergency Management – Mr. Atkins reported he will try and reach out to the County to talk about some of the issues we are waiting to hear from them on.
12. Attorney – Mr. Cruz had no report other than there being Executive Session this evening. He said he would give a brief explanation of Ordinance 19/04 and 19/05 before they were considered.
13. Clerk – Ms. DeRocco had no report.
14. Administrator – Mr. Atkins said from the Joint Insurance Fund and the MEL there have been so many incidents over the last year of cyber liability where ransom-ware infecting towns. He said the Borough is proactive in trying to secure our systems to prevent that from occurring here. He also explained that every year the JIF offers a “credit” to the towns whose governing officials complete an on-line course, and there is an opportunity to successfully receive a two thousand dollar credit if all participate. Mr. Atkins said he will be emailing out the information..

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

Youth Services – Councilwoman Eisenberg-Knegten had no report.

Planning Board – Councilman Sopko said the Planning Board met on March 19<sup>th</sup>. He mentioned the new playground is being installed at Bayberry School and that the plan is in review. He asked Mr. Herits for clarification regarding the process. Mr. Herits said he reviewed the plans already and he is satisfied with what he saw.

Board of Education – Councilwoman Eisenberg-Knegten reported she attended the Board of Education meeting on March 13<sup>th</sup> and said our school rankings are continuing to decline, putting Watchung schools in the lowest quadrant for Somerset County. She announced long time Board of Education member Thomas Sicola submitted his resignation to the Board effective Monday, March 18<sup>th</sup>. She reported the projects at the schools, the STEM Lab and the Playground, are moving forward. She asked for the Commitment of the Council to have these projects ready for the children this school year.

Municipal Alliance – Councilwoman Goodloe said the Municipal Alliance met and are interested in sponsoring a table at the Community Picnic event in Watchung.

Library Advisory Board – Councilwoman Eisenberg Knegten a meeting was held with another architect firm, DMR, on Tuesday morning. She would like to compare the scopes of the projects from the beginning to the end with both architects, this way there are no surprises. She said the next meeting for the Library Advisory Board is Wednesday, May 1<sup>st</sup> at the Library.

Councilwoman Eisenberg Knegten spoke of a recent situation that took place at her home recently, when a visiting friend suffered a severe medical emergency. She said it took the ambulance a very long time to arrive, and then it broke down on the way to the hospital. She said this is not acceptable for the residents of Watchung.

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### **PUBLIC PORTION / AGENDA ITEMS ONLY**

Pete Martino, Sunbright Road, said the Fire Official position is a very important public safety position that has been severely neglected in the past by the over-paid previous Fire Official. He questioned if anyone from the Council was included in the interview process. He asked if anyone from the Council understood the job description of the position. He asked questions regarding the applicants considered for the position. He asked if the applicant was a fire fighter or an EMT. He said we need to treat the Borough like a business.

Mr. Atkins asked if the questions asked could be emailed to him directly so he can respond accordingly.

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### **UNFINISHED BUSINESS**

A Public Hearing of Ordinance OR:19/03 entitled “AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 24-6 ENTITLED “APPLICATION AND TREE REMOVAL/REPLACEMENT;” SECTION 24-8 ENTITLED “DESIGN CRITERIA;” AND SECTION 24-11 ENTITLED “FEES AND BONDS” OF CHAPTER XXIV ENTITLED “TREE PRESERVATION” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG” was held.

R1:03/21/19 Adoption of Ordinance OR:19/03 – Amend Code – Tree Removal Fees

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

Diddy Addario, Rock Avenue, said she has some concerns regarding the increased fee. She said she doesn’t want people mowing down hundreds of trees but a \$350 fee is too much a homeowner who is trying to take down a half dead tree. She also said the application itself is too extensive and is “painful” to fill out. Councilman Nehls agreed with Mrs. Addario. Councilman Sopko added that this Ordinance it doesn’t address the largest concern which is the loss of ash trees. Councilwoman Goodloe clarified that you do not pay into the tree bank fee if the tree is dead, dying or hazardous.

Margaret Ellis, Valley Road, said there is a dead tree on her property and she will just wait for it to fall.

Pete Martino, Sunbright Road, asked for clarification on the ash trees that are still alive, and recommended an amendment to say there will be no charge to take the trees down, if they will eventually fall down from the disease anyway.

Attorney Cruz said the application is not part of the ordinance. He said the focus of this Ordinance is not the application but an adjustment to decrease the application fee and increase tree bank fee, which only kicks in if you cannot replace the tree.

Rachael Funcheon, Cedar Road, commented that the Environmental Commission doesn’t want the \$350 and their intent is to have residents to plant more trees. She said the Commission felt the fee was so low that it was taking the incentive away to the people to pick the option of planting a new trees. She said the intents is for people to plant and replace their trees. She said she will bring the ash tree situation up to the Commission for further discussion. She also said the Commission will work on simplifying the application.

Diddy Addario, Rock Avenue, said the Ordinance doesn't address the trees that aren't really dead. She said she has two huge twin oak trees losing the bark at the bottom and it could potentially be a big problem. She said she is concerned the Ordinance will cause more noncompliance with residents. Councilman Sopko said currently you as a resident cannot determine whether a tree is dying or not.

Council President Gibbs agreed it is a dis-incentive if the fee is too low but his concern is that he does not want Watchung to look like some of the other surrounding towns. He said this is a long-term solution which will prevent the loss of trees. He feels raising the fee makes sense and that the application must be simplified for residents. Councilman Nehls said this application should be geared towards the contractors not the residents.

Councilwoman Goodloe said she will be voting in support of this ordinance. She said the spirit of the Ordinance is to encourage the replanting of trees.

Attorney Cruz reiterated the Council is only voting on a change in the fees regarding the ordinance, nothing else is before the Council tonight.

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, Goodloe, Eisenberg Knechten, "aye." Black, Nehls, Sopko "nay."

Attorney Cruz said in the Borough form of government the Mayor is the one who breaks a tie vote. Mayor Balla voted yes and the Ordinance passed.

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## NEW BUSINESS

Council President Gibbs moved the Consent Agenda items, with the exception of #14. Councilman Nehls seconded the motion and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knechten "aye."

Approval of the following Council minutes:

March 7, 2019

Acknowledging Receipt of the following Borough Reports:

Library Advisory Board Minutes – February 2019  
Police Activity Report – February 2019

Acknowledging Receipt of the following Correspondence:

- #10 - Township of Warren 3/11/19 Notice of Public Hearing on 3/14/19 re: OR #'s 19-11, 12, 14, 15, 16, 17; Amending Code Regarding Zoning Changes c: M&C, TEA
- #11 - Township of Scotch Plains 2/25/19 Notice of Public Hearing on 03/19/19 re: Adopting Redevelopment Plan for Bowcraft Amusement Park c: M&C, TEA, Post
- #12- Township of Warren, 3/18/19 Notice of Public Hearing on 04/11/19 re: OR #19/13 -Amend Code-Zoning c: M&C, TEA, Post
- #13- Township of Bridgewater 3/19/19 Notice of Public Hearing on Ordinance 19-10, Amending Code re: Lot Coverage c: M & C, TEA, Pl. Bd

Council President Gibbs recused himself from the following vote on #14.

Councilman Nehls moved to accept #14, Councilman Sopko seconded the motion and upon Roll Call the vote was as follows: Black, Nehls, Sopko, Goodloe, Eisenberg Knechten "aye."

- #14 - PSE&G 3/11/19 Notice of Public Hearing Regarding Remediation Adjustment Charge c: M&C, TEA, Post

After the vote, Council President Gibbs returned to the dais.

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## CONSENT AGENDA RESOLUTIONS

Council President Gibbs moved the following Consent Agenda Resolutions, beginning with R2 through R11, with a second by Councilman Sopko. Councilman Eisenberg Knegten made a motion to table R11 with a second by Councilwoman Goodloe. Council President Gibbs asked why, and Councilwoman Eisenberg Knegten said there has not been adequate time to make a decision about such an important hire.

Council President Gibbs commented on the candidate selected being highly qualified and explained many candidates were interviewed before the list was narrowed down to 4 finalists. These four were interviewed again by the Administrator, Clerk and CFO. He added that the Borough's hiring process has been followed. Councilwoman Eisenberg Knegten said she is concerned about the process. Councilman Nehls said this is the process the Borough has used for at least the last twelve years and it has been fine. Administrator Atkins elaborated on the hiring process for the fire official position.

Attorney Cruz called for a roll call vote to table the Resolution.

Upon Roll Call the vote was as follows: Goodloe, Eisenberg Knegten "aye;" Gibbs, Black, Nehls, Sopko "nay."

Attorney Cruz suggested to remove R11 from the Consent Agenda and have it voted on separately.

Mayor Balla asked Councilman Gibbs to table R4.

Council President Gibbs amended the Consent agenda to remove R4 and R11 with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, "aye."

Council President Gibbs moved to table R4, explaining that the Borough is seeking another proposal for consideration. Councilman Nehls seconded the motion and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, Goodloe, Eisenberg Knegten, "aye."

R2: 03/21/19 Purchases Over \$2,000 – Absolute Fire Protection (FD- Pumper Repairs)  
Zetron (PD- Dispatch Communication Equipment)  
Watchung Bd of Ed. (Rec – Facility Use Fee/Jan.)  
Watchung Bd of Ed. (Rec- Facility Use Fee/Feb.)  
Raritan Valley Community College (M&C- Deer Density Monitoring)  
Stewart Green (M&C -Deer Data Density Collection & Analysis)  
Wireless Com (PD-Installation of Dispatch Comm. Equip)

R3: Authorize Historical Committee Fundraiser/Car Show and Food Trucks

R4: Authorize Professional Service Contract – Arcari + Iovino Architects, PC/  
Conceptual Library Plan (**TABLED**)

R5: Authorize Treasurer to Issue Refund – Tax Overpayment / Connell Corporate Center LLC

R6: Authorize Treasurer to Issue Refund – Tax Overpayment / Connell Corporate Center LLC

R7: Authorize Treasurer to Issue Refund – Tax Overpayment / Connell Corporate Center LLC

R8: Authorize Professional Service Contract – Continuing Housing Services/  
Maser Consulting

R9: Amendment to Developers Agreement – Watchung Associates, LLC

R10: Authorize Summer Camp Program and Amend Fees / Round Top Swim and Tennis Club

Council President Gibbs moved R11 with a second by Councilman Nehls and upon Roll Call the vote was as follows: Gibbs, Black, Nehls, Sopko, “aye;” Goodloe, Eisenberg Knegten “nay”

R11: Appointment of Fire Official/Fire Inspector / Chris Czuba

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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.

Attorney Cruz commented on Ordinances 19/04 and 19/05. He said that these Ordinances are amendments to Ordinances adopted on December 6, 2018 as part of the Affordable Housing Plan and settlement reached earlier in the year. He said OR:19/04 is a technical correction to point to the correct cross references in the Ordinance. He said Ordinance OR:19/05 incorporates the recommendations of the Planning Board into the redevelopment plan.

Introduction 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.” Public Hearing to be held on April 4, 2019.

R12:03/21/19 Introduction of OR:19/04 – Amend Code / Affordable Housing Set-Aside

Councilman Black 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.”

Introduction 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.” Public Hearing to be held on April 4, 2019.

R13: Introduction of OR:19/05 – Amend Redevelopment Plan / Bonnie Burn Road  
Redevelopment Area

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

Councilman Sopko 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.”

R14: Budget Amendment – 2019 Temporary Budget

Councilman Sopko 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.”

R15: Payment of Bills

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

Dorothy Addario, Rock Avenue, said she would like to speak in support of our current rustic signs for “Welcome to Watchung.” She feels the signs represent the rural character of Watchung. She said changing the signs could cause public concern.

Margaret Ellis, Valley Road, asked if the borings have been done yet. She said there is talk about creating a municipal complex and asked how eliminating the Village Center concept would interact with the thoughts about a municipal center. Attorney Cruz said the state of New Jersey proposed a rule extending all Village designations until June 30<sup>th</sup> of next year. He said what is being discussed is commenting to that opposed rule which would allow municipalities to opt out after the rule adoption. He said right now we are just commenting on a proposed State rule. Ms. Ellis asked how the Village Center designation benefits Watchung. Mr. Cruz explained this designation happened in the early 2000’s and it was part of the recommendation by the State Planning Commission for towns to promote town centers. Council

President Gibbs said at the time it was done it made us eligible for potential grants from the State. He also said the Committee functions have been moved to the Zoning Board so it doesn't impact the Borough's ability to oversee any development. Council President Gibbs said there is currently no current benefit.

Dorothy Addario, Rock Avenue, commented that originally the goal of the Village Green Committee was to keep the "green" around where the tree of lights is as open space. She said she was very close to that Committee and that was one of their main concerns along with the pollution of signs.

Pete Martino, Sunbright Road, questioned if the Firehouse was 100 percent ADA compliant yet? He also asked the Council if they were aware that the previous Fire Sub code official got indicted for extortion. Attorney Cruz commented what happened was not related to Watchung. Mr. Martino said short term rentals can be taken care of very easily and as a housing official it comes second nature. He said he was bothered to hear a police officer was bringing a lawsuit against the Borough. He said he doesn't understand how this could come about in such a small town. Attorney Cruz said until the matter is resolved he does not recommend any comment from Councilmembers.

Patricia Dunham, Johnston Drive, thanked the Planning Board and Town Engineer in working to expedite the playground at Bayberry School. She said the parents really want this completed and whatever support the Council can provide is appreciated.

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

Mayor Balla called for a 5-minute recess at 9:20 P.M.

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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."

R16:3/21/19                      Executive Session – Personnel

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.

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### ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:48 P.M. to the Call of the Chair. The next scheduled meeting of the Mayor and Council to be held Thursday, April 4, 2019 at 7:30 P.M.

Respectfully submitted,

Regina Angelo  
Administrative Assistant