

**BOROUGH OF WATCHUNG  
MAYOR & COUNCIL MEETING MINUTES**

**JULY 15, 2021 | 7:30 P.M.**

***[THIS MEETING WAS HELD VIRTUALLY FOR ALL PARTIES]***

**MAYOR'S OPENING STATEMENT:** Mayor Keith S. Balla called the meeting to order at 7:31 P.M. and stated the following “ *In order to comply with all NJ Executive Orders and to protect members of the public, this meeting will be held virtually for all parties. Public Comments will be accepted through zoom or by email to the Borough Clerk. For those joining through Zoom, please note that upon arrival you are automatically muted. If you wish to speak during the public portion, you will need to click on the “raise your hand” feature. For those joining us through the conference call line, you will need to press \*6 to unmute yourself. 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 the Revised Annual Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough’s website.*”

**SALUTE TO THE FLAG AND A MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.**

**ROLL CALL:**

Robinson [P ] Goodloe [Absent] Eisenberg Knegten [P] Jubin [P] Martino [P] Hayeck [P]

Mayor Balla advised that resolutions R11 and R17 would not be entertained in today’s meeting.

**REPORTS OF STANDING COMMITTEES**

1. Administration & Finance: Council Member Jubin spoke on a possible amnesty program for those residents affected by the late fees incurred from not having paid their special assessment bills on time. It appears several residents noted that said bills were never received.
2. Police: Council President Robinson report on their June 3<sup>rd</sup> committee meeting as well as the lengthy discussion that took place regarding the trucks at Hillcrest. It seems that Truck companies would rather pay the fines issued to cut across Hillcrest and get to their destinations faster. She also reported on other safety initiatives from the police department; discussions took place on national night out and it was reported that the Police Dept. was planning a similar event.
3. Public Works / Buildings and Grounds: Council Member Eisenberg Knegten reported on the committee’s discussion of the Safe Routes to School grant program. Council Member Martino inquired on the location / status of the brush. Administrator James Damato provided a status of it and the work done by the Department of Public Works.

4. Public Affairs:

Environmental: Council President Robinson reported briefly on their may meeting and the current environmental issues, the Styrofoam program, the farmer’s market, and a plastic ban that is on the horizon.

Recreation: Council Member Hayeck reported on the success of the Family Walk that took place and thanked everyone for their input.

Historical: Council Member Martino reminded residents of the upcoming open houses and asked residents to stop by.

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Board of Health: no report provided, but Council Member Jubin also thanked everyone for participating in the Family Walk.

5. Fire: no update provided
6. Laws/Ordinances: no update provided

**REPORTS – OTHER:**

7. Engineer: Malay Patel from CME Associates provided a report on behalf of Engineer Koch and provided a capital status project report. He spoke on the NJDOT 2020 and 2021 grant applications and noted that CME will also be submitting design applications for that, he touched upon the stormwater management plan, and the recommendation submitted for the Ness property.
8. Police Chief: Chief Hart provided a report on the departments June activities and their discussions on controlling Hillcrest truck violations.
9. Fire Department: Assistant Chief Pivinsky provided a report on the departments June activities.
10. Rescue Squad: Council President Robinson provided on the Squad's May and June activities.
11. Emergency Management: OEM Coordinator Carolyn Solon reported on the status of any covid plans submitted, commented on resolution R17 scheduled to be heard on tonight's meeting, and reported on the delta variant.
12. Attorney: Attorney Denis Murphy reported on the ordinances scheduled for tonight's meeting and noted that 3 of the 4 scheduled for tonight also require the Planning Board's review. He also provided an update on the investigation report prepared by outside counsel. Attorney Murphy noted that he was advised outside counsel was redacting the report to make it available to the public and is expecting to receive it shortly. He also recommended that if the property owner was present that he be allowed to speak prior to the adoption of resolution R20.
13. Clerk: Clerk Edith Gil reported on the status of the drop box that would be installed by Somerset County, she also reported on the borough's Instagram account and noted the efforts to reach all community members and on the meeting that took place with the website developers to move forward with the new website. She also encouraged residents to sign up to the boroughs various communication systems via social media, emails, nixle alerts, etc. to ensure receipt of proper communication.

Council Member Hayeck expressed concerns regarding the location of the ballot box and noted concerns on why it could not be located close to a police department.

14. Administrator: Administrator James Damato reported on the latest covid figures and advised that Borough Hall was open for regular business with a mask policy in place. He has received requests for in-person meeting and the borough is looking into improving the necessary technology to allow zoom and in-person meetings. He also spoke on the re-opening of Texier House and the bathrooms at Mobus Field.

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15. Youth Services: Council President Robinson spoke on the grant monies, the Girls Who Code grant, and the potential changes to the bylaws.
16. Planning Board: Council Member Martino spoke briefly on the meetings that have occurred regarding the Bonnie Burn redevelopment application.
17. Municipal Alliance – no update
18. Library Advisory Board: Council Member Martino thanked Administrator Damato for replacing the air conditioner at the library.
19. Traffic and Beautification – no update

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**PUBLIC PORTION / AGENDA ITEMS ONLY**

- 1) Charlie Niess, Dogwood Lane, provided comments on the location of the ballot drop box. He urged that it not be located near the Police station and urged everyone to attend the upcoming farmer market.
- 2) Christine Ead, commented on the concerns raised by not putting the ballot drop box near the police department facility and offered her support.
- 3) Catherine Leigh, thanked the Council for their efforts on dealing with the trucks on Hillcrest.

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**DISCUSSION**

❖ Recreation Commission Proposal

Council Member Hayeck reviewed the written proposal submitted by the Recreation Commission. He briefly reviewed the events that are being planned such as fishing derby, a potential movie night, the harvest festival, and upcoming borough events like Veterans Day Ceremony, the September 11<sup>th</sup> Remembrance Ceremony and the request for a tennis pickle court.

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**UNFINISHED BUSINESS**

Motion to open public hearing on below by Martino/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Public Hearing of Ordinance **OR: 21/05** entitled “**AN ORDINANCE BY THE BOROUGH OF WATCHUNG IN THE COUNTY OF SOMERSET, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 28-106 OF THE WATCHUNG MUNICIPAL CODE.**”

- 1) Charlie Niess, Dogwood Lane, noted that the majority of the Watchung Voters voted in favor of cannabis at the referendum last year.
- 2) Vera Stine, provided the following written comment:

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- a. Thank you for holding the meeting for the residents to share their view points on Marijuana Legislation. I encourage the Council to work together as a TEAM rather than having one member of the Council searching for the pro's & cons to sell and grow marijuana in the Borough. Most important, until the Regulations come out and have been reviewed, I hope the Council will not make any final decisions until that time. Any yes vote before that time would be a personal view point and not one serving the community. You won't by a house without an inspection.

R1: Adoption of Ordinance **OR:21/05** – Prohibiting the Operation of Any Class of Cannabis Businesses and amending Section 28-106 of the Borough Code

Motion to close public hearing and Adopt item above by Martino/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Motion to open public hearing on below by Martino/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Public Hearing of Ordinance **OR: 21/06** entitled an **“ORDINANCE AMENDING CHAPTER 28 ENTITLED, “LAND DEVELOPMENT CHAPTER OF THE BOROUGH OF WATCHUNG”, TO AMEND THE DEFINITION OF “IMPERVIOUS SURFACE,” OF SECTION 28-203, ENTITLED “DEFINITIONS AND DESCRIPTIONS,” TO EXCLUDE DECKS IN CERTAIN CIRCUMSTANCES.”**

No one from the public appeared

Motion to defer further action on above to August 12<sup>th</sup> meeting by Martino/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Motion to open public hearing on below by Martino/ Second by Robinson

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Public Hearing of Ordinance **OR: 21/07** entitled **“ORDINANCE REPEALING SECTION 2-44 OF THE CODE OF THE BOROUGH OF WATCHUNG AND DISSOLVING THE WILDLIFE MANAGEMENT ADVISORY COMMITTEE.”**

R2: Adoption of Ordinance **OR:21/07** – Repealing Section 2-44 of the Borough Code and Dissolving the Wildlife Management Advisory Committee

No one appearing

Motion to close public hearing and Adopt above by Martino/ Second by Hayeck

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [N] Martino [Y] Hayeck [N]

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Motion to open public hearing on below by Martino/ Second by Hayeck

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

Public Hearing of Ordinance **OR: 21/08** entitled “**AN ORDINANCE TO AMEND ORDINANCE NOS. OR:20/06, OR:19/015 AND 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.**”

R3: Adoption of Ordinance **OR:21/08** – Adopting the Amended Redevelopment Plan identified as the Bonnie Burn Road Redevelopment Area

No one appearing

Motion to close public hearing and Adopt above by Martino/ Second by Robinson

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

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**NEW BUSINESS**

**REPORTS & CORRESPONDENCE:**

Approval of the following Council Minutes:

Regular Meeting Minutes	March 18, 2021 April 1, 2021 April 15, 2021 May 6, 2021
Special Meeting Minutes	April 22, 2021 May 12, 2021

Acknowledging Receipt of the following Borough Reports:

Youth Services Commission Minutes	April 13, 2021
Planning Board Meeting Minutes	April 20, 2021 May 18, 2021
Environmental Commission Meeting Minutes	May 24, 2021
Construction Report	June 2021
Fire Prevention Bureau Report	June 2021
Police Department Activity Report	June 2021
Green Team Meeting Minutes	June 4, 2021
CERT Meeting Minutes	June 22, 2021
Engineer Status Report	July 9, 2021

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Acknowledging Receipt of the following Correspondence:

- #32- Borough of North Plainfield, 6/20/21 re: Ordinance No. 21-5 “*An Ordinance to Amend Revise and Supplement Chapter 22, Land Development, General Provisions*” and Adding § 22-115.33, *Commercial Recreational Adult use Cannabis Operations, Permitting Certain Classes of Cannabis Businesses in Specified Zones within the Geographical Boundaries of the Borough of North Plainfield.*” This Ordinance permits commercial recreational adult use cannabis operations in certain zones. c: M&C, PB, JD
- #33- Tamara Benc, President of Watchung Library Advisory Board, Letter to Somerset County Library Commission Regarding Eliminating Library Fines 6/20/21. c: M&C, JD
- #34- Berkeley Heights, 6/23/21 re: Adoption of Land Use Ordinance No 9-2021 “*Prohibiting the Operation of Any Class of Cannabis Businesses Within its Geographical Boundaries and Amending Section 6.4.1 of Land Use Procedures*”. c: M&C, PB, JD
- #35- Township of Green Brook, 6/25/21 re: Notice of Public Hearing to Consider Application Concerning Block 158.01, Lot 49, plus property in Watchung known as Block 16.01, Lot 11.01 located at 14 Cain Circle. This application is for a type “C” Dimensional Variance. C: M&C, JD
- #36- Jersey Central Power & Light 7/6/21 re: Notice of Filing & Public Hearing, Adjustment of Solar Renewal Energy Certificates Financing Component, Proposed Increase in Rider RRC Charges, Hearing on July 22, 2021. c: M&C, JD
- #37- Township of Scotch Plains, 7/1/21 re: Notice of Public Hearing/ Final Adoption, OR 2021-16, Ordinance Amending Chapter XXIII Entitled “Zoning” of the Township of Scotch Plains Ordinance to Amend the B-2 Business Zone Ordinance in Order to Update and Clarify the Permitted Primary Uses and the Permitted Secondary Uses and their Respective Bulk and Design Standards in the B-2 Business Zone District. C: M&C, JD, PB

Motion to Accept above by Robinson/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [N] Martino [Y] Hayeck [Y]

Discussion took place on the subject of Special Assessments. Council Member Jubin provided a brief update on the households that receive a special assessment, CFO Bill Hance commented on the process that should have occurred to collect the assessments. An amnesty program to eliminate the late fee from property owners was discussed and will be further reviewed.

Council Member Hayeck brought forth a motion to petition the county to consider allowing Watchung to place the ballot drop box at the police station, second by Council Member Jubin.

Council Members commented on the proposed location of the drop box and offered other locations. There were several exchanges regarding the county’s position on the location and Attorney Murphy was asked to provide written legal guidance on this matter.

Council President Robinson motioned to table the above, second by Council Member Eisenberg Knegten.

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [N] Martino [Y] Hayeck [Y]

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**CONSENT AGENDA RESOLUTIONS:** The resolutions listed below were adopted by one motion.

- R4: \*Authorizing Purchase Orders over \$2,000 – FD - El Coronado (2021 Firemen’s Convention)  
PD – CEI Office Casey’s Executive Int. (office partitions, delivery & inst.)  
DPW-Aquaclear, LLC (2021-2022 lake mgmnt/ algae and weed control)
- R5: Authorizing Online Tax Sale Hosting Services / Realauction.com, LLC
- R6: Authorizing Refund of Overpayment – 289 Mountain Blvd
- R7: Authorizing Tax Lien Redemption of Certificate #19-00001 – 15 Blue Wolf Trail
- R8: Authorizing Bill List
- R9: Authorizing Clerk to Issue Raffle License #658 – Sisters of Mercy of the Americas
- R10: Authorizing Appointments of 2021 Summer Camp Director and Counselors
- R11: ~~Opposing the Gibbstown Logistics Terminal and Liquefied Natural Gas Shipments~~  
*Item removed at commencement of meeting*
- R12: Authorizing Extension of the Time of the Designation of the Conditional Redevelopers  
of the Bonnie Burn Road Property

Motion to Adopt\* above by Robinson/ Second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

\*For R4, CM Martino and Hayeck [Abstain]

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**NON-CONSENT AGENDA ITEMS:**

- R13: Authorizing Award of Contract for Financial Advisory Services and Assistance Relating to the Bonnie Burn Road Redevelopment Project - Phoenix Advisors, LLC
- Motion to Adopt above by Jubin / second by Eisenberg Knegten  
RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]
- R14: Authorizing Approval to Submit Grant Application, MA-2022 and Execute a Grant Contract with the New Jersey Department of Transportation for the Improvements to Johnston Drive, Scott Drive, & Old Somerset Road
- Motion to Adopt above by Eisenberg Knegten / second by Jubin  
RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]
- R15: Authorizing Field and Facility Permit Application for Use of Mobus Field – Zumba with Julie
- Motion to Adopt above by Hayeck / second by Jubin  
RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

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R16: Authorizing the Appointment of P/T Electrical Sub-Code Official – John F. McManus

Motion to Adopt by Jubin/ second by Robinson

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

R17: Item removed

R18: Authorizing the Appointment of F/T Laborer/ Driver Step A – Joseph Buro

Motion to Adopt by Eisenberg Knegten/ second by Hayeck

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

R19: Authorizing the Appointment of Principal Public Works Manager/ Engineer – James Hutzelmann

Motion to Adopt by Eisenberg Knegten/ second by Jubin

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

R20: Declaring a Public Nuisance and Authorizing and Directing the Abatement of Said Nuisance –  
131 Cedar Road

Motion to Adopt by Jubin/ second by Robinson

RC: Robinson [Y] Goodloe [Absent] Eisenberg Knegten [Y] Jubin [Y] Martino [Y] Hayeck [Y]

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**PUBLIC PORTION - GENERAL DISCUSSION**

No one appearing

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**ADJOURNMENT**

Upon no further business, the meeting ended at 10:10 P.M. to the Call of the Chair. The next meeting of the Mayor and Council is a regular meeting scheduled to be held on August 12, 2021 at 7:30 P.M.