

BOROUGH OF WATCHUNG

MINUTES

AUGUST 16, 2012 - 7:30 P.M.

MAYOR'S STATEMENT: Acting Mayor Debra Joren 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 a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD

ROLL CALL

Joren [P] Black [P] Franklin [P] Pote [P] Nehls [P]
Cassidy [A]

Also present was Borough Administrator Tom Atkins, Attorney Albert Cruz, Police Chief Tim Wenzel, CFO William Hance, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 28 members of the public present.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Franklin reported that even though the Revenue report is showing the Borough is in the “red,” this is normal for this time of year because most of the revenue is received in the fall, and the Borough is in good shape financially. He also said the Borough is still looking into additional shared services.

2. Police – Council President Joren said there will be a report from Chief Wenzel after the standing committee reports. She had no further report to give at this time.

3. Public Works – Councilman Nehls reported interviews to fill the remaining vacant position in the Public Works Department were conducted and that the Borough will be welcoming Anthony Vitelli as a new employee. Mr. Vitelli worked for the Borough previously as a summer employee for Public Works and noted he is also a veteran. He said the trimming of the Knightsbridge vegetation behind guide rails has been completed as well as the cutting of roadside vegetation. Public Works will be repairing potholes and catch basins, painting the Court facility, and continue with roadside vegetation control. Councilman Nehls also reported that tonight’s agenda has the public hearing for the ordinance to authorize the purchase of a new dump truck. He explained this vehicle is needed for plowing in the fall/winter because the old truck has reached the end of its usefulness. The Borough will also be awarding two contracts tonight, one for road improvements and one for janitorial services.

4. Buildings and Grounds – In Councilwoman Cassidy’s absence, Councilman Nehls reported that Community Service participants completed the cleanup of the third floor of the Library and noted that 15 cases of the Watchung plates were found. These are now at the Texier House and the Historical Committee has been notified. The quarterly air filter exchange has been completed and the air conditioning and plumbing repairs are completed in Borough buildings. Mr. Jackson reported Community Service participants have been washing police cars and assisting Traffic and Beautification with weeding the triangles.

5. Public Affairs –

Open Space: Councilman Franklin said the committee does not meet during the summer however, the Committee has asked Borough Engineer Tom Herits to review

Environmental: Councilman Franklin had nothing to report.

Board of Health: Councilman Black said the Board does not meet in the summer and that the next meeting will be in September.

6. Fire – Councilman Black reported that the last meeting was postponed but he is hoping to schedule one in the next week or so. Councilman Nehls asked to be informed when the meeting is scheduled.

7. Laws/Ordinances – Councilman Pote reported there has been no meeting but will schedule one in September. There is a resolution on the agenda tonight for the approval of the non-binding referendum question in regard to the proposed building improvements to the Watchung Library which will be placed on the November 6th General Election ballot.

8. Engineer – Tom Herits reported that the Borough will be awarding a contract to Top Line Construction Corporation tonight for road improvements to Johnston Drive, Hill Hollow Road, Glen Eagles Drive. The Johnston Drive portion of the project is DOT funded. NJ American Water Company will be replacing the water main on Mountain Boulevard when the County begins their improvement project. The DOT announced that their applications for this year are due in October and he will discuss with Councilman Nehls what applications to submit. Mr. Herits said he met with PSE&G today to discuss the right-of-way near Kafka Farms and said PSE&G has agreed to work with us on the Vail Lane and Kafka drainage issues.

At this time Council President Joren requested Police Chief Wenzel to report on a recent incident involving a Watchung resident, a suspected pedophile, arrested in Warren County. She announced she would allow the meeting to be open for questions to the Chief regarding his report.

9. Police Chief - Chief Wenzel said he appreciates and understands the emotions involved, and the concerns the residents have. He provided the following time line of the events to ensure that accurate information is reported to the residents.

On Sunday, August 12th, a Patrick Deck of 50 Lakeview Ave. was arrested at the Land of Make Believe in Hope Township, Warren County. He was arrested for videotaping little boys in the bathrooms. At that time the camera was confiscated and the next morning the Warren County Prosecutors got a warrant to search the home at 50 Lakeview Ave. They removed multiple computers and tapes. Mr. Deck has been charged in Warren County for the incident at the Land of Make Believe. He was released when he posted the \$50,000 bail but was recharged and arrested last night, August 15th, for possession of a weapon by a person who is not permitted to have one because of two prior convictions. He is now back in the Warren County jail and as of this afternoon he is still there with a \$100,000. bail. The investigation is ongoing and sometimes after someone is charged, people from years ago come forward and may result in additional charges. Chief Wenzel stated that although emotions run high in these incidents he cautioned the residents not to take any action against Mr. Deck, but to reinforce safety issues with their children especially regarding strangers. Even though children may know Mr. Deck they should be told to consider him a stranger. This is extremely important. He will have restrictions when he is released from jail – first and foremost absolutely no contact with children and the Chief said he believes he will be monitored with a bracelet and under house arrest. The courts will do whatever they can to protect our children. Chief Wenzel said this is all the information he is allowed to release at this time. He hopes this clarifies what residents have been hearing.

The Chief told residents he has available tonight the actual press releases from the Warren County Prosecutors Office – (the first one), the second one on the subsequent arrest, and a copy of the Citizens Guide to Megan’s Law which although it does not apply, is useful information.

Maria Senatore, Orchard Road, asked if a picture has been or can be released so people know what he looks like, and Chief Wenzel replied that Warren County must release the picture.

Rich Loreti, Lakeview Avenue, asked if being there were two prior convictions in terms of the tier process, doesn’t the tier level come into effect, and Chief Wenzel said if it was determined at the time of prior arrests that the defendant was considered a repetitive or compulsive offender, however, at that time they did not determine that was the case. The second question to the Chief was the protocol in a situation like this with a second offender living within a school district, which Valley View is, there are five or six families living up and down this street. Mr. Loreti said residents in the neighborhood were not notified and he found out about this from a neighbor. He said there should be protocol for notification. Chief Wenzel said it was his understanding that State Police canvassed the neighborhood where they thought children may have been residing and showed a picture of him. Mr. Loreti lives next door, and the neighbors across and down the street the street were not contacted. The Chief said it was not in our jurisdiction or even in Somerset County, it is an ongoing investigation under Warren County and the State Police.

Bruce Ruck, Lakeview Avenue, asked if a photo was available through an OPRA request and Chief Wenzel said yes, but he would have to find out who to request the information from. He said since it is an ongoing investigation they may hold the request. Mr. Ruck said since school was starting in a few weeks if there would be any increase presence of the Police. The Chief responded that at the beginning of the school year there is usually an increase in police presence and said they cannot put a vehicle in front of the suspect’s house because this would be considered harassment by the police. Chief Wenzel assured him that Police would be in the area. Mr. Ruck thanked both Councilman Nehls and Chief Wenzel for getting information out for this meeting.

Councilman Nehls wanted to go on the record that he has 2 daughters going to Valley View School and as a father, has great concern over this. He said as a member of the Council he will expect the Police to be more diligent in that area, and it will be imperative that the residents in the area know the police presence is there. The Borough does not want anything to happen to any child. Councilman Nehls said, as a member of this Council, asked the Chief to make certain this is done.

Chief Wenzel said he thinks Councilman Nehls knows him well enough to know that the schools and the children are and always have been his priority and said he will do what needs to be done.

Cindy Fahs, Lakeview Terrace, asked how the residents would continue to be kept informed and

how the Police plan to be pro-active, and Chief Wenzel advised when information becomes public residents can sign up for Google alerts and Officers can go to the school to talk to the students. He added that Mr. Deck should be under house arrest if released, and monitored with a bracelet.

Marianne Candiloros, Nottingham Drive, asked if the schools will be given a photograph of this person. The Chief said a picture would go to the schools only if he is convicted as Tier 2 offender.

John, Lakeview, asked how the children will be protected from going to Mr. Deck's house at Halloween, and Chief Wenzel said as the time comes closer the Police Department could petition the Court to issue a restriction that Mr. Deck not be allowed to answer the door, and parents

Several residents questioned when or if photos taken of children would be available to them to see if any of their children were photographed, or if they can provide pictures of their children to the police for them to check. The Chief said there was a lot of information to be checked on the confiscated computer and other equipment before they would know more or if anything would be released.

Colleen Stoia, Cedar Road, questioned if the Police Dept. would be checking if there are other

local residents who would fall under this type of arrest and Chief Wenzel explained that all those who have been convicted after Megan's Law went into effect (1994) would definitely be on the list but the Police have no way of checking for anyone prior to 1994.

Councilman Black questioned whether or not we could put something into effect for the upcoming Halloween date, specifically that he not be allowed to participate in this event. Chief Wenzel said he will have to check with the prosecutor on this. Warren County would have to bring that issue to the Judge for a ruling.

Council President Joren informed the parents that there is a Board of Ed meeting coming up on Tuesday and residents can attend and state their concerns and ask questions.

Councilman Franklin stated that residents can go on the internet and see town by town who is listed as a registered sex offender.

Being no further questions, Council President Joren thanked Chief Wenzel for providing answers to the residents' questions and concerns.

REPORTS - OTHER:

10. Fire Department – No report was presented

11. Rescue Squad – President Don Monetti reported the Rescue Squad has three new members currently attending EMT school at UCC. He said they are the first members to go through the new expanded EMT curriculum set forth by the state. Two current probationary members, Allison Diecke and Logan Taylor, are going through the new active test procedures and within the next month they will be the Squad's newest full active members. The Squad is in the process of hiring an outside entity to create a new website for the squad which should be up and running by the end of September. It will feature up to date photos, monthly statistics as well as information on any upcoming events. He said JFK Medical Center has started a new ambulance service with 3 new ambulances and equipment, plus a back up ambulance. Ambulance 601 will be stationed in Metuchen, ambulance 602 will be stationed in Scotch Plains and ambulances 603 will be stationed at JFK, which hopefully will relieve some of the work on the single Plainfield ambulance. Because of this new service Watchung Rescue Squad has moved down to 5th on the call list for mutual aid. Statistics for the month included 33 calls, 1 mutual aid call to Warren and top responders were Allison Dice, Lysandra Plotkin, and Adam Wexler.

12. Attorney – Mr. Cruz had nothing to report.

13. Clerk - Mrs. DeRocco had nothing to report.

14. Administrator – Mr. Atkins explained Resolutions 9-16 are Tax Sale Certificates all pertaining to Monterey Towers where there are 13 units. He said to date 5 CO’s have been issued and 8 have not. The Towers are in the process of being sold and are currently in a receivership.

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UNFINISHED BUSINESS

A Public Hearing of Proposed Bond Ordinance OR:12/10 entitled "**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$175,000.00 FOR ACQUISITION OF A DUMP TRUCK WITH ATTACHMENTS FOR AND BY THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$166,250.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**" was held.

Councilman Pote requested the Clerk produce an Affidavit of Publication and Certification of posting, and moved a public hearing be held with a second by Councilman Nehls. Upon roll call the vote was as follows: Joren, Black, Franklin, Pote, Nehls, “aye”.

The meeting was open to the public for any questions or comments.

With no one from the public desiring to be heard, Councilman Pote closed the public hearing and moved the following resolution:

R1:08/16/12 Adoption of Bond Ordinance OR:12/10 - Purchase of 8 Yard Dump Truck

Councilman Black seconded the motion and upon roll call the vote was as follows: Joren, Black, Franklin, Pote Nehls, “aye”.

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below were unanimously accepted, following a motion by Councilman Black, a second by Councilman Franklin and upon roll call as follows:

Joren, Black, Franklin, Pote, Nehls, “aye.”.

Approval of the following Council minutes:

- July 19, 2012
- June 28, 2012 – Executive Session
- Bid Openings (2) – August 9, 2012

Acknowledging Receipt of the following Borough Reports:

- Open Space Committee Minutes – April 16, 2012
- Planning Board Minutes – May 15th, June 15, 2012
- Recreation Commission Minutes – June 26, 2012
- Police Activity Report – June, July 2012
- Finance Department Revenue Report – June, 2012
- Tax Collector Report – June 2012
- Wildlife Management Advisory Committee – Recommendation for 2012/2013
Community Deer Management Program

Acknowledging Receipt of the following Correspondence:

#38 - PSE&G 7/24/12 Notice of public hearing on petition to revise its weather normalization charge and gas service tariff c: M & C, Post

#39 - Middlesex County Utilities Authority 7/18/12 Resolution consenting to the proposed water quality management plan amendment as submitted by the Somerset County

#40- Township of Berkeley Heights 7/27/12 Notice of introduction and adoption of land use ordinance, in particular conditional uses in the Light Industrial zones c: M & C, TEA, TH, DS

#41- Township of Warren 8/2/12 Notice of Adoption of Land Use Ordinance, specifically addition of a new subsection entitled “Request for Rezoning” c: M & C, TEA, TH, DS

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda items listed below, with the exception of R8, were unanimously accepted, following a motion by Councilman Black, a second by Councilman Franklin and upon roll call as follows: Joren, Black, Franklin, Pote, Nehls, “aye.”

R2:08/16/12 Purchases Over \$2000 – Oswald Enterprises, Inc.; Meyer & Depew Company; Galbraith Landscape Const. Inc.

R3: Certify General Fund 2012 - 2013 Tax Levy: Watchung Board of Education

R4: Certify General Fund 2012 – 2013 Tax Levy: Watchung Hills Regional Board of

Education

R5: Authorize Submission of Grant Application for 2013 – Watchung Hills Regional Municipal Alliance

R6: Authorize the CFO to Purchase Diesel Fuel and Motor Gasoline – Morris County Co-Op Contracts #1, 12

R7: Authorize Expansion of Contract – Maser Consulting/Continued Housing Advisory Services

Council President Joren request to withdraw R8 and Attorney Cruz stated this resolution will be considered at the Council meeting of September 27, 2012.

~~R8: Authorize Assignment by Tax Sale Certificate #2-2010 – Weldon Materials, Inc. Block 7601, Lot 1 known as Bonnie Burn Road, Old Mill Race~~
WITHDRAWN

R9: Authorize Tax Redemption - Certificate #8-2010, Block 4501, Lot 109

R10: Authorize Tax Redemption - Certificate #11-2010, Block 4501, Lot 109

R11: Authorize Tax Redemption - Certificate #15-2010, Block 4501, Lot 109

R12: Authorize Tax Redemption - Certificate #16-2010, Block 4501, Lot 109

R13: Authorize Tax Redemption - Certificate #17-2010, Block 4501, Lot 109

R14: Authorize Tax Redemption - Certificate #18-2010, Block 4501, Lot 109

R15: Authorize Tax Redemption - Certificate #19-2010, Block 4501, Lot 109

R16: Authorize Tax Redemption - Certificate #20-2010, Block 4501, Lot 109

R17: Authorize Public Works to Recycle Surplus Metal/Rubber

R18: Authorize Appointment to Public Works - Anthony Vitelli

R19: Award of Bid – Maverick Building Services/Janitorial Services

R20: Award of Bid – Top Line Construction Corporation/Improvements to Johnston Drive, Hill Hollow Road, Glen Eagles Drive

Mr. Dwyer said he met with Administrator Atkins, Engineer Herits and Clerk DeRocco and other PSE&G representatives at the site. He explained there will be ten towers replaced in Watchung. PSE&G plans to start the work November 11th and complete by December 16th. They are requesting the Borough waive the “no weekend work” ordinance in the event it is necessary. PSE&G would work Saturdays (a maximum of 6) and would like to start work by 8 AM. The time frame could change slightly if other areas are delayed or if there is a weather problem. PSE&G does work with the residents and the Police Department.

Clerk Michelle DeRocco questioned if they would be working nights and if so would they be using bright lights. Mr. Dwyer responded that they would not be bringing lights in.

Tom Herits stated they may have to close Johnston Drive when going toward Mount Saint Mary and PSE&G will have to work with the Police Department if this is necessary. Councilman Pote asked if there will be expected power interruptions, and if there are any safety issues when pulling down the old towers, will residents be asked to leave the area, including the farm animals? Mr. Dwyer stated there will be no power outages and residents will not be required to leave and regarding the farm in the area (Kafka), they have already vacated the area. Councilman Nehls asked if the actual work would start at 8 AM and Mr. Dwyer said they just start mobilizing at that hour. PSE&G has worked in other towns with no issues coming up. Councilman Franklin mentioned there is very little noise. He has a tower in his yard and the only complaint he has is that the tower is “raw steel” and it is a solid object.

Councilman Black asked Mr. Dwyer about the new tower height; the voltage increase, and whether the electro-magnetic field would increase. Mr. Dwyer said the poles will be normal height of 149 ft.; the voltage would increase from 138,000 to 230,000 volts; and the electro-magnetic field would decrease.

Councilman Nehls moved the following resolution:

R23:08/16/12 Waive Chapter 20 of the Code – Saturday Construction / PSE&G North Central Reliability Project

Upon roll call the vote was follows: Joren, Black, Franklin, Pote, Nehls, “aye.”

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PUBLIC PORTION

Mary Ciccolella, Johnston Drive questioned how long Johnston Drive would have to be closed for the mono-pole replacements and Mr. Herits said most likely just for a few hours. Clerk DeRocco said she will contact Mr. Dwyer to get additional information.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned to the call of the Chair and to the next scheduled Council meeting to be held on September 13, 2012 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk