

BOROUGH OF WATCHUNG

MINUTES

FEBRUARY 14, 2013

MAYOR'S STATEMENT: Mayor Mobus called the meeting to order at 7:30 P.M. 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

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

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

There were 75 members of the public present, after the presentation, 7 members of the public were present.

SPECIAL PRESENTATIONS

Council President Pote moved the following Resolution:

R1:02/13/13 Honoring John McDonald, Esq. – 2012 Somerset County Attorney of the Year. Mr. McDonald, Borough Zoning Board Attorney, thanked the Mayor and Council.

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

POLICE PROMOTIONS

Council President Pote moved the following Resolution:

R2:02/14/13 Authorize Police Department Appointments:
Lieutenant/Hart
Sergeant/Boyle, Hale, Holzheimer

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

Council President Pote gave a brief synopsis of the background of Andrew Hart, Kenneth Boyle and Timothy Hale and Councilwoman Joren gave a brief synopsis of the background of Arthur Holzheimer prior to each man being sworn in.

Mayor Mobus administered the Oath of Office to Andrew Hart as his sons Jason and Alex held the Bible and his wife Jen stood by his side.

Mayor Mobus administered the Oath of Office to Kenneth Boyle as Chief Wenzel held the Bible.

Mayor Mobus administered the Oath of Office to Timothy Hale as his children, Ian, Sarah, Braedon and Peyton held the Bible and his wife Susan stood by his side.

Council President Pote administered the Oath of Office to Arthur Holzheimer as his wife Tracy and his daughter Alexa and son Vincent held the Bible.

The Mayor and Council congratulated all on these promotions.

REPORT OF STANDING COMMITTEES:

1. **Administration & Finance:** Councilman Franklin reported the Borough received the final revenue report and we have achieved what was budgeted but less than last year. We are ok but the Finance Committee and all departments must be prudent in budgeting for this year. For the deer hunt this year the Borough had 7 sites and there were a total of 50 deer and of these there were 38 Does with 38 fetuses. The hunt was conducted by the Blue Ridge Sportsmen Club of Warren, NJ. The Camp Endeavor and Ness Properties did not yield many deer due to the fact these sites were used for the debris from Super Storm Sandy and the ongoing activity for the clean up.

2. **Police:** Council President Pote congratulated the Police Officers on their new appointments. He also noted that Heidi Skibenes has resigned from the Police Department effective February 28th. She has accepted a position with the Warren County Prosecutors Office. Negotiations are underway with the PBA for their new contract and the Committee will be meeting again on Monday.

3. **Public Works / Buildings and Grounds:** Councilman Nehls congratulated Councilwoman Joren on her award from Somerset County as Outstanding woman in Government/Public Service.
 Councilman Nehls reported the Public Works Committee met on February 11th. They discussed the Johnston Drive sanitary sewer project. Mr. Purcell is working on getting easement agreements necessary for this project. The Borough is also finalizing the agreement with Levin Management. The project is on track to start sometime in the fall of this year. The Committee will be meeting again this Friday, 8 A.M. to discuss roads in the Borough that are in need of repair. There has been no information on the grant for Knollwood Drive as of this date.
 Councilman Nehls also reported Facilities Committee had its second meeting. The Committee discussed ways to make our buildings more accessible to residents during emergencies, and are looking at the generators in our buildings to see what has to be replaced or upgraded. They hope to meet again in 2 weeks to further address communication issues, and possible properties to utilize for shelters and warming stations.

4. **Public Affairs:**
 - Open Space** – Councilwoman Cassidy reported the committee will be meeting on Monday, February 18th.

 - Environmental** – Councilwoman Cassidy reported a meeting is scheduled for the week of February 25th

 - Recreation** – Council President Pote said there is a separate item on the agenda for the Recreation playground program so he will hold his report until that time.

 - Historical** – Council President Pote reported the Historical Committee did not meet this month. Everything except the largest items are now at the Texier House and members of the Committee have had 6 work sessions. They have sorted and categorized all paper materials and unframed pictures, files have been set up for the “business” of the Committee. The shelf by the back window (where residents used to pay taxes) has been removed, trimmed and ready for the stained glass window when it is restored. An anonymous donor has funded the restoration of the stained glass which came from the “Castle”. The Committee has mailed the CAPES grant application, which if approved, would provide professional evaluation of our collection and advice on how best to preserve, display and catalog the materials. The budget for 2013 has been completed and submitted to the Borough. The Committee is working with Walter Pennett on his Eagle Scout Project, “History of Sports in Watchung” exhibit. Our newest members, Richard and Elaine Stomber bring professional experience in archiving and museums to the Committee and were instrumental in helping us understand the CAPES application and how to measure the collection for this Grant. The diorama of old Watchung is in need of restoration and would like anyone who could help to contact the Committee.

 - Board of Health** – No report was presented

5. **Fire** – No report was presented

6. **Laws/Ordinances:** Councilwoman Joren reported there will be a meeting on Monday, February 18th at 9 A.M. She will give a report at our next meeting. There is an Ordinance being introduced this evening to add two members to the Historical Committee.

Mayor Mobus congratulated Councilwoman Joren for being named as one of Somerset County’s outstanding women.

REPORTS - OTHER:

7. **Engineer:** No report was presented

8. **Police Chief:** No report was presented

9. **Fire Department:** No report was presented

10. **Rescue Squad :** Denise Wilson reported the rescue squad had a total of 27 calls in January. Squad members, Jessica Ray and Liana Sa recently passed their ambulance driving test and will soon become full members. The top responders for the month were Adam Wexler, Logan Taylor and Jess Ray. The Squad is continuing to revamp and redesign the new website to make it easier to make donations, and to get information and they are now on Twitter. On February 8th

Captain Wexler initiated a snow standby in response to winter storm Nemo. No calls were reported during the standby.

11. **Attorney :** No report was presented. There are two items in Executive Session this evening.
12. **Clerk:** Mrs. DeRocco congratulated Councilwoman Joren on her award. She also reminded everyone Newsletter articles are due by the end of February.
12. **Administrator:** Tom Atkins reported he attended a JIF meeting this morning and will send a report to everyone. Resolution R9 on the agenda this evening appointing a Special Tax Counsel is only for if our regular Tax Counsel has a conflict and cannot take a case. To follow up on the report Councilman Nehls gave we have two temporary debris management areas which were approved by the State. The site at Camp Endeavor is finished as far as clean up and the only thing remaining to be done is to remove the equipment. The other location at the Ness Property has an estimated four times as much debris. Mr. Atkins will be meeting with Councilman Nehls, the Public Works Committee, Bob Burns and CFO Bill Hance to put together bidding documents to receive bids to begin to tackle the Ness Property debris.

Mayor Mobus reported he attended a Public Service Electric & Gas meeting held at the Hilton in Iselin. Some of the topics discussed included the fact that many of their structures are over 100 years old, especially substations and power plants. The utilities right-of-way along different routes has become overgrown with trees and brush. The Borough needs to tell them what has to be trimmed. Another item discussed was replacement of poles and the reason for not replacing them with metal or cement poles. The reason for this is the concern for the potential for more serious or fatal automobile accidents. His portion of the after Sandy review was the annexes with 13 of them being made and they will be meeting next week. Last week he went to the 21st annual Mayors day in Trenton sponsored by the League of Municipalities. Several items they will be working on this year are the restoration of the Energy Tax, catching up on the pension contributions, Police and Fire Department arbitration, Cap restriction reform and the COAH and Housing Trust Fund.

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UNFINISHED BUSINESS

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NEW BUSINESS

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CONSENT AGENDA: The Consent Agenda items listed below were unanimously accepted, following a motion by Councilman Pote, a second by Councilman Nehls and upon roll call as follows: Pote, Franklin, Joren, Nehls, Cassidy, "aye".

Approval of the following Council minutes:
January 24, 2013

Acknowledging Receipt of the following Borough Reports:
Building Department Report - January, 2013
Recreation Commission Minutes - January 17, 2013

Acknowledging Receipt of the following Correspondence:

- #4 - Gabriella Galano 1/18/13 Urging action to reduce the deer population in an effort to reduce the risk of lyme disease c: M & C, TEA, Wildlife Advisory Comm.
- #5 - NJ American Water 1/24/13 Notice of petition and public hearing to change the levels of its purchased water adjustment clause, seeking an increase of 0.40% c: M & C, TEA
- #6 - Township of Warren 1/26/13 Notice of public hearing on proposed Ordinance 13-01, amending Zoning Ordinance to add the Central Jersey Resource Center as an affordable housing agency C: M & C, TEA, AC, DS
- #7 - Watchung Hills Regional High School 1/31/13 Resolution supporting President Obama's gun control initiatives c: M & C, TEA
- #8 - Big Brothers Big Sisters of Somerset County 2/6/13 Requesting the Borough's participation In their "Mayor's Challenge" at Strike N' Spare Lanes on April 20th to "Bowl for Kids' Sake" c: M & C
- #9 - Leisa Hudson-Hamill 2/7/13 Email supporting a new Library for Watchung c: M & C, TEA
- #10 - Ptl. Heidi Skibenes 2/5/13 Letter of resignation from her position with the Watchung Police Department, effective February 28, 2013 c: M & C, TEA, JR

#11 - Holly O'Byrne 2/7/13 Requesting to place white ribbons on the trees around the Borough in an effort to bring awareness to the Watchung Hills Regional High School's "White Out Against Bullying" program c: M & C, TEA

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below, with the exception of R8 and R10 which were pulled for further discussion, were unanimously adopted following a motion by Councilman Pote, and a second by Councilman Nehls and upon roll call the vote as follows: Pote, Joren, Nehls, Cassidy, "aye".

- R3:02/14/13 Authorize Treasurer to Refund Tax Overpayment - Block 6402, Lots 4 & 5 /Sisters of Mercy of New Jersey
- R4: Authorize Treasurer to Refund Tax Overpayment - Block 4313, Lot 2 / Free Acres Association Inc. c/o Venter
- R5: Authorize Expansion of Contract - Maser Consulting / Drainage Improvements to Mountain Drive
- R6: Purchases Over \$2,000. - Samzie's Uniforms (2)
- R7: Opposing Proposed Changes to the Open Public Meetings Act (OPMA)
- R8: Accepting Proposed Eagle Scout Service Project / Create Sports History Display for Historical Museum - Walter Pennett
- R9: Authorize Professional Service Contract / Special Tax Counsel - Richard M. Conley
- R10: Authorize Return of Interest Due - 2012 4th Quarter Tax Payments / Superstorm Sandy
- R11: Authorize Discharge of Lien / Curbing - 24 Joan Drive

Council President Pote asked if anyone wished to discuss R8. Mayor Mobus wished to recognize Walter and thanked him for the presentation he made to Councilman Pote and himself. Councilwoman Cassidy wished to thank Walter Pennett for the Eagle Scout Project he is working on. Council President Pote also thanked the Historical Committee and two of the members who were in the audience this evening, Barbara Diem and Sue Tucker, Walter and his father John Pennett. This will entail much research and work for the project and a great contribution to Borough History. Being no further discussion Councilman Pote then moved the resolution be approved with a second by Councilman Nehls and upon roll call as follows: Pote, Franklin, Joren, Nehls, Cassidy "aye".

Councilman Pote then asked if anyone had questions or comments on R10. Councilwoman Cassidy stated she had requested this be pulled for further discussion. She wanted to know if there was something more the Borough could have done to communicate more information to residents. She would like to see all late fees returned. Administrator Tom Atkins said the properties that are on this resolution for refunds were due to problems with the post office. There were three or four others discussed at our meeting in December and they were not recommended for a refund. Councilwoman Cassidy questioned if any of those on the Resolution complained about the Boroughs' correspondence. Mr. Atkins said none of them had this complaint. Councilman Franklin noted the Tax information was posted on the Boroughs' website by November 6th or 7th and members of the Rescue Squad and Public Works put fliers out to all residents, door to door. Councilwoman Cassidy asked how many residents were late paying their taxes and Mr. Atkins said he will check and give an answer. Being no further questions Councilman Pote then moved the resolution be approved with a second by Councilman Nehls and upon roll call as follows: Pote, Franklin, Joren, Nehls, Cassidy "aye".

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NON-CONSENT AGENDA : 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.

Proposed Ordinance OR:13/01 entitled "**AN ORDINANCE GRANTING A TWENTY (20) YEAR NON-EXCLUSIVE FRANCHISE TO CROSS RIVER FIBER, INC., FOR THE USE OF A LIMITED PORTION OF THE BOROUGH OF WATCHUNG'S PUBLIC ROAD RIGHTS-OF-WAY FOR THE PURPOSE OF TELECOMMUNICATIONS TRANSMISSION SERVICE.**" was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

R12:02/14/13 Introduction of OR:13/01 - Authorize Use of Public Rights of Way / Cross River Fiber

The motion was seconded by Councilman Nehls and upon roll call the vote as follows: Pote, Joren, Nehls, Cassidy, "aye". Public Hearing to be held on February 28, 2013.

Proposed Ordinance OR:13/02 entitled “AN ORDINANCE AMENDING CHAPTER II, TITLED “ADMINISTRATION”, SECTION 2-43, TITLED “HISTORICAL COMMITTEE”, BY CHANGING SECTIONS 2-43.1 AND 2-43.2 TO PROVIDE THAT THE HISTORICAL COMMITTEE SHALL CONSIST OF NINE (9) MEMBERS.” was introduced. Councilwoman Joren moved the ordinance be given its first reading. So ordered. Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

R13:02/14/13 Introduction of OR:13/02 - Amend Code - Historical Committee Membership

The motion was seconded by Councilman Nehls and upon roll call the vote as follows: Pote, Joren, Nehls, Cassidy, “aye”. Public Hearing to be held on February 28, 2013.

Proclamations: Supporting:

“White Out “ Day in the Borough (copy attached)

Councilman Nehls read the Proclamation commending and supporting the efforts of the students of the Watchung Hills Regional High School and proclaiming Friday, March 8th as “White Out” day in the Borough and all citizens of all ages to unite and wear white to say “not in our schools and not in our community”.

“Read Across America Day” in the Borough / March 1, 2013 (copy attached)

Councilwoman Cassidy read the Proclamation in support of “Read Across America Day”

Mayor Mobus said he will be reading three books on that day at the Bayberry School. He has enjoyed doing this and looks forward to it every year.

Proposed Summer Playground Program/Brook Hill Swim Club

Council President Pote reported on the proposed summer playground program at Brook Hill Swim Club. The Recreation Commission has been discussing rejuvenating the program for 2013. At the last Council meeting he reported the Commission would like to propose the program be run at the Brook Hill Swim Club. The Council requested Council President Pote get further information from the Commission with the following information now being presented:

The liability issue was discussed and it was determined that the Boroughs’ JIF policy would cover the program. The Borough wanted the program to be self funding and a model has been developed by the Recreation Commission and Director that explores the possibility of a \$250 fee per child for six weeks. This model assumes we would get approximately 75 participants for the program. They are looking at possibly hiring the summer counsellors and a director through the organization who provides the lifeguards for Brook Hill. The Commission is continuing to work with Brook Hill to determine pool hours, tennis courts, etc. However, Brook Hill Board has not yet met or approved this program. All the Commission processes and procedures have been updated and must now be approved by the commission and then to the Administration and Finance Committee for final approval and they would also like the labor counsel to review.

Councilwoman Joren questioned the Recreation minutes of January 17 stating a fee of \$200 per child-has this changed? Council President Pote said after further discussion they had not included an item in the cost and raised it to \$250. Councilwoman Joren also said it was stated in the minutes that there was \$4,000 in the budget to run the program and an additional amount was included for the staff. When was this added to the budget? We have not even discussed the 2013 budget yet. Mayor Mobus asked CFO Bill Hance if the Recreation Commission has a second account and he said they have a trust fund. Mr. Hance thinks they mean they have put this amount in their requested budget. Councilman Nehls questioned how the children would get to the swim club and he was told the parents would have to bring the children there and pick them up the same way they did when the program was held at Mobus Field. Councilman Nehls just wanted to go on record again that he does not like the idea of using a private entity for the program. He does not feel the Borough should be subsidising a private entity. Mayor Mobus questioned if there was a place for the children to go if it rains. Council President Pote said the Commission is working on that with Brook Hill. One option would be to have a tent constructed and another alternative was in the locker rooms. John Pennett than came forward to explain where the change area is. This is a very small area and could only be used as a temporary short term solution. Councilwoman Cassidy would like to see what comes to the Finance Committee. Mr. Pennett said everything would be determined after further discussion with Brook Hill to iron out the details. The Commission is still in process of determining what resources would be needed. The Commission would like to have everything in place, if the program is going forward, by the end of April. Council President Pote asked Mr. Pennett to come back to our February 28th meeting with further updates, if any.

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Mayor Mobus requested the Public Portion be opened prior to the Executive Session. If anyone wished to be heard to please come forward.

PUBLIC PORTION:

Lynda Goldschein, Sherwood Drive said she was happy to hear Councilman Franklin's report on the deer hunt and she asked if the Borough is considering Bow Hunting for next year. It would increase the time for the hunting season and with the 150 foot minimum the Borough could get a lot more sites. Councilman Franklin said the Borough has to explore all options and the Mayor said the Council will look into that. She then questioned if any deer had been taken from the Elsinore Site and Administrator Tom Atkins said there were five. Councilwoman Joren wanted to reiterate her opposition to members of the committee contacting residents; she has had complaints from some that they are being harassed.

NON-CONSENT AGENDA RESOLUTIONS: The Council reserves the right to take official action on items discussed in Executive Session.

Council President Pote offered the following resolution:

R14:02/14/13 Executive Session:

Contract Negotiations - Negotiation of Terms and Conditions of Anonymous Gift

Litigation - Tax Appeal: 680 Mountain Boulevard, LLC v. Watchung Borough, Docket Nos: 018476-2012, 018482-2012- Block Block 301, Lot 30 / 676-680 Mountain Boulevard

Councilman Nehls seconded this motion and upon roll call the vote was as follows: Pote, Franklin, Joren, Nehls, Cassidy, "aye".

Upon return to the regular session at 10:00 P.M., all Council Members previously in attendance were again present.

Councilman Nehls stated that sometimes the Borough has to take the advice of our experts and he has faith in Marty Allen and Ed Kerwin and suggested we adopt this resolution as presented by Borough Attorney Albert Cruz. Councilman Franklin is in agreement with Councilman Nehls regarding this. Councilwoman Cassidy stated she is not comfortable with this, she feels as though we are giving up too much future revenue.

Councilman Franklin moved the following resolution.

R15: Authorize Stipulation of Settlement - 676 - 680 Mountain Boulevard

Councilman Nehls seconded this motion and upon roll call as follows: the vote as follows: Pote, Franklin, Joren, Nehls, "aye", Cassidy,"No".

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:10 P.M. P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held February 28, 2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk