

BOROUGH OF WATCHUNG

COUNCIL MINUTES

DECEMBER 12, 2013 - 7:30 P.M.

MAYOR'S STATEMENT: Mayor Pote called the meeting to order at 7:31 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 [A] Black [A] Franklin [A] Nehls [P] Gibbs [P] Beck-Clemens [P]

Also present were Administrator Tom Atkins, Clerk Michelle DeRocco, Deputy Clerk MaryAnn Hance, Chief Finance Officer Bill Hance, and Attorney Albert Cruz. Although not present at Roll Call, Council President Joren arrived at 8:05 PM.

There were 75 members of the public present.

REPORT OF STANDING COMMITTEES:

- 1 Administration & Finance: Councilwoman Beck-Clemens reported for Councilman Franklin and explained that R9 on the agenda this evening is to transfer funds from one account to another and which can be done at the end of every year.
- 2 Police: Mayor Pote asked Acting Chief Cina if he would give his report at this time in the absence of Council President Joren. Chief Cina then reported that the Department has completed the background check for the Dispatcher position and said the new Dispatcher will be starting as of January 1, 2014. Paulina Krawiec is a graduate of Raritan Valley College, and has completed an internship with the Somerset County Sheriffs' Department and is planning to pursue a career in law enforcement and this is a good first step for her. Chief Cina also reported that Black Friday went without a hitch with Walmart having the largest crowd. There was one store in Blue Star who failed to comply with the order of closing because they were newly opened and were unaware of the requirement but closed as soon as they were informed of it. He also said the County wide distracted driving program is continuing with all Police Departments participating. We will be out multiple days in the coming months to try to curb distracted driving and they will enforce it. There will be no tolerance.. Mayor Pote thanked the Police Department for their assistance during the recent snow storm.
- 3 Public Works/Buildings and Grounds: Councilman Nehls reported the Public Works Department was out in full force spreading salt during the recent storm and they have plenty of salt on hand. The Committee had the 1st meeting with one of the entities we are taking over the sewer system for Johnston Drive. Councilman Nehls said he could not attend that meeting but Councilman Franklin did and said the meeting went very well. Councilman Nehls also reported the truck that was destroyed by the rock fall was one that was going up for auction. The Borough is in the process of getting bids to do emergency work on the rock wall. He said URS, an engineering firm who specializes in this type of work, did the initial inspection of the wall and sent information, including the cost to do more engineering work, to Engineer Tom Herits who gave a memo to the Mayor and Council on what has to be done. There are two areas of concern on the wall. A second firm will be sending in their bid for the work but if it is not received Councilman Nehls will recommend we use URS. Councilman Nehls said sections of the parking lots behind the Public Works Building and the Police Department have been blocked off so no one can access the areas.
4. Public Affairs:

Open Space: Councilwoman Beck-Clemens reported the Borough received a report from the State regarding the outdoor recreation plan. This is a plan done by the Green Acres Study Team and it is being distributed to the Planning Board, Open Space Committee and the Recreation Commission for their review. The plan covers years 2013-2017 and gives a history of the spending for Open Space and Recreation in the entire State. The Borough must do this report before getting any Federal grant monies from the National Park Service.

Environmental: Councilman Gibbs had no report at this time. He said there was a meeting on November 25th but did not get the information yet. He will report at the next meeting.

Recreation: Councilwoman Beck–Clemens reported there will be a new event tentatively scheduled for February 9, 2014. It will be a ski trip to Camelback Mountain. She also reported all referees, umpires and coaches background checks and training have been completed and they are certified.

Historical: Councilwoman Beck-Clemens reported that last Saturday the Historical Committee had an open house prior to the Tree Lighting Ceremony. She also reported on Monday the Committee had all four 3rd grade classes, one class at a time, come to the Museum and they conducted a scavenger hunt. It was a huge success. She said this event was hosted by members Diddy Addario, Barbara Diem, Betty Jean Aldrich, Betsy Titus, and Sue Tucker.

Board of Health- No report was submitted

5. Fire: No report was submitted

6. Laws/Ordinances: No report was submitted

REPORTS - OTHER:

7. Engineer: Mayor Pote wished to send condolences to Tom Herits and his family for the loss of his mother.

8. Police Chief- report was given earlier in the meeting

9. Fire Department: No report was submitted.

10. Rescue Squad: Denise Wilson reported Noah Monetti passed his Full Active Member test. He continues to attend college at Rutgers and still comes home to ride his squad shifts. Ms. Wilson reported with Noah the squad now has 12 full active riding members with 5 more adults in training and 7 active cadets in the program. She said the squad has many other members who do not ride the ambulances but are instrumental to the overall function of the squad. She also said the November Drill was for reviewing all the ambulance equipment and scenarios and usage for each. 2014 Drills have already been scheduled. Ms. Wilson also reported that 2 more members have taken the CPR instructor class and they will assist in running CPR classes for the Borough and updated for the Police Department, Fire Department and schools. She also reported even when off the clock our squad members respond to calls. One good example being Adam Wexler who was on vacation last week but heard a call on his pager and responded to the call with the victim having a seizure which turned into a CPR call. Mr. Wexler jumped in with the AED and compressions and brought the young patient back to life and another call Mr. Wexler heard and responded to when the Atlantic ambulance broke down with a patient inside and Mr. Wexler took one of our ambulances to the site and transported the patient and crew. Ms. Wilson said the Tree of Lights was a huge success and thanked all who attended and the Mayor and Council for their continued support.. The squad is already thinking about next year's celebration. She also reported the top responders were Adam Wexler, Jess Ray, and Logan Taylor.

Mayor Pote thanked the Squad for all the work they do and the wonderful Tree of Lights Ceremony.

11. Emergency Management: Administrator Tom Atkins reported that the Annex update information that must be submitted to the Federal Government and the County FEMA will be going out to each of the Annex committee members responsible to update. Mr. Atkins said these will be due by January 15, 2014 so the Annex FEMA plan can be updated.

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

13. Clerk: Ms. DeRocco had no report.

14. Administrator: Mr. Atkins wished to clarify R4 for the Fire Department members, and explained this is part of the criteria for calls answered after 10:00 P.M.

PUBLIC PORTION / AGENDA ITEMS ONLY

Mayor Pote stated this is the public portion for agenda items only and it is his understanding based on a request from Virginia Hartmann representing the Library Study Committee that they would like to speak this evening. Mayor Pote then provided a little context regarding the library and community center in town. He said the current library is considered inadequate by various standards and some in the public. The Borough has a Library Study Committee consisting of 8-10 volunteers who have worked for several years to perform exhaustive research on the future need of a community center and library in Watchung. This group was responsible for putting together with our engineer, an RFP that went out requesting proposals on the redesign of the current library, which resulted in the choosing of an architect, Foreman, who created a preliminary design of a new library, which as part of a non-binding referendum, was defeated by a little over 100 votes in November, 2012. Mayor Pote said earlier this year the Valley Furniture shop closed and the building is now available for purchase and after much study, multiple appraisals, and research, this September there was not a consensus from the voting Council to purchase the site. The primary reason given by Council members was the risks associated with Valley Furniture being documented in a flood plain and flood way, as documented by FEMA. These FEMA documents were created several years ago and did not consider changes to the Best Lake spillway nor possibly Watchung Lake spillway and the major improvement in the flow of water underneath the circle. He said both he and the Council have been discussing other alternatives. Mayor Pote further stated Professional Engineer Saul Seltzer performed a structural review of the Valley Furniture building and after hearing the results and upon official request of the Library Study committee he has provided the opportunity tonight for them to provide their input. He also will be allowing both Saul and Scott Seltzer to speak publicly on their findings. Mayor Pote said he is a strong advocate that we consider all alternatives and ideas as they become available. Mayor Pote stated because this is an agenda item he is allowing a public discussion to take place early in this meeting.

Mayor Pote then set some ground rules for both the public and Council to follow because there are other parts of the meeting agenda that need to be covered including a public hearing on Cedar/Lakeview and he thanked those here for that hearing for their patience. He said first he will request Virginia Hartmann, Chair of the Library Study Group to speak, and then Saul and/or Scott Seltzer. He said he will then ask Ms. Hartmann to direct others from the Committee who would like to speak. Mayor Pote said he will then open the discussion to anyone else in the audience. He said he will give leeway to Ms. Hartmann and the Seltzers to speak, but will enforce the 3 minute rule to the rest of the Group and the public at large. He also requested the Committee not to repeat points and for the public to express their opinions and comments. All who wish to speak are to come forward and state their name and address. Mayor Pote then requested the Council hold any questions they have until after Ms. Hartmann and the Selters have spoken, and then again after the Library Study Group at large has spoken and finally after the public-at-large has spoken, unless it to ask for clarification. Mayor Pote said we need to reach a resolution on this. Mayor Pote also said he is establishing a council subcommittee consisting of Councilman Franklin, who will Chair the subcommittee, Councilman Gibbs, and Councilwoman Beck-Clemens to research options themselves and also work with the Library Study Group. At this time Mayor Pote asked Ms. Hartmann to come forward to give her report.

Ms. Hartmann, Ellisen Road, reported our current library is unsustainable. The Borough Fire Marshal visited the site and was not happy with the setup of how paper supplies etc. are handled. The building itself is not handicap accessible. To fix the old building is not feasible, it is too small. She said a library is access to "free information". She also said the Library Study Committee is committed to raise one million dollars toward the new library. Ms Hartmann also stated they do not feel flooding is an issue at the Valley Furniture site.

Saul and Scott Seltzer, Ridge Road, thanked the Mayor and Council for allowing them to speak this evening. Scott Seltzer then gave a report on their findings at the Valley Furniture site. He said both buildings are wood frame (residential type) and both have lifts. The buildings are well constructed and there is no sign of mold or mildew. There would be both major and minor repairs needed since there is not handicap access to bathrooms, which would require the possible installation of elevators. There are no fire alarms or sprinklers and both the heating and cooling systems would have to be upgraded. The site itself has no illumination in the parking lot. Mr. Seltzer said it is estimated the budget for the structure would be about a half million dollars to bring everything up to code and approximately the same for the site improvements, such as curbs, walkways, lighting, etc. Councilman Nehls then stated there is no guarantee the building won't flood. Mr. Seltzer stated possibly raising the finished floor elevation, there are ways around potential flooding. Councilman Gibbs questioned if the budget amounts have a contingency on the numbers and Mr. Seltzer responded the \$1.6 Million budget could be an addition 20% higher to about \$1.92 Million..

Debra Downs-High Tor Drive said the study committee has come to the Mayor and Council several times regarding the conditions at the library. She said the current library is too small and limits residents full access to everything. A new library could act as an emergency center during storms, etc. She said

the tax impact to residents would be approximately \$50-75/year. She said she hopes the Council understands the needs of the Library and recognizes the opportunity to purchase the Valley Furniture site. She also questioned if we would want to see a CVS or Walgreens at the current Valley Furniture site.

Tamara Benc-Lake View Avenue said the Borough needs a new facility. She said flooding is not a reasonable reason not to consider the purchase of the Valley Furniture property. She questioned why the Borough is willing to pay for curbing but not for a library. She then urged the Council to consider this purchase and move forward.

Frank, a Hillcrest Road resident, said he is a heavy library user and big supporter and he urges the Mayor and Council to improve the library. He also asked if there is a way to have discussions about the library on the website. Mayor Pote said the Borough will make information available as a link to the Library website.

Al Nielsen, Lakeview Terrace stated the Borough definitely needs a larger library there is no room for all the books we already have.

Victor Garber, Scott Drive said we need a new library. There is no place in the current library to even sit down to research for educational purposes or just to enjoy reading there.

Bruce Ruck, Lakeview Terrace said before considering the purchase of Valley Furniture will there be a true evaluation of the property and a complete inspection for environmental issues such as the oil tank, does the tank have any leakage, and or hydraulic leakage from the hydraulic lifts in the building. Councilman Nehls responded that due diligence will have to be done and the Borough would do a thorough investigation prior to any decision.

Michelle Hwang, Johnston Drive said considering the cost for the site is \$1.6 million vs the \$4 million to re-do the current library it makes more sense to purchase Valley Furniture. Mayor Pote clarified the assessed value of the property is \$1.6 million and does not include the approximate amount of \$1.2 million to bring the buildings up to code.

Lucy Hwang, Sequoia Drive questioned what the Boroughs' priorities are and what impact the purchase would have on the Budget. What would this purchase do to other important projects in the Borough. Ms. Hwang said residents should understand the entire budget for the Borough.

Sylvia Seltzer, Ridge Road stressed that our library is too small and many do not even know where it is or how to access it. She does not use the Borough Library because of size and access to it.

Bruce Ruck questioned if anyone has contacted the local and/or County library staff to find out how they would utilize the two separate buildings with the same staff we now have.

Nancy Fechtner, Elsinore Drive said the current library is unsustainable. She stated flood issues are really not an issue and the town needs to do something about the library situation.

Doris Fine, Johnston Drive said the vote on the Referendum was not a true gauge of what residents wanted because not everyone was able to vote and she feels Valley Furniture is too good an opportunity to pass up. She also said we should act before we end up with a Walgreens or CVS in the middle of our town.

Council President Joren addressed the issue of a Walgreens or CVS going on to the Valley Furniture site. She said the Valley Furniture property is zoned for Business Professional and a commercial property could not go there.

Dorothy Addario, Rock Avenue, said she has been on the Library Committee since its inception and did a lot of research on square footage and the 12,000 sq. ft. is a standard. She said our library staff works for Somerset County and it could possibly increase slightly with a new library. She also reported that our library is very busy with a huge volume of material coming in and out. If the Borough decided not to have a library at all we would have to go to other towns and if it is out of the County people would have to pay a fee to utilize those facilities which could be as much as \$100 or more a year to belong to another library system.

Debra Downs clarified several issues that were mentioned by residents. She said as far as how it would be funded bonds would be purchased. Also the question regarding the separate buildings has been discussed by the committee and there are options for usage of the buildings and finally there is a potential savings between the renovation of the old building at 4.2 million and purchase/renovating the Valley furniture site at 3.5 million.

Rebecca Prince, Anderson Road questioned the cost of raising the floor and Councilman Nehls responded that Mr. Seltzer does not recommend this. She also questioned the loss of tax revenue if we purchase the property for Borough use. She asked if the purchase would be voted on by the public or

if it is outside the normal budget. Mayor Pote it would be a Capital Item and voted on by the Council.

Todd Smith, Sunlit Drive asked what the time frame was to purchase the property. He also asked about the possibility of knocking down Valley Furniture buildings and erecting a new one. Mayor Pote said since Valley Furniture is in a flood area any new building would have to stay within the footprint that exists today.

Mayor Pote closed the public portion and asked the Council members for any comments.

Councilwoman Beck-Clemens said she realizes the library needs more space and the Council will study all options.

Councilman Gibbs said he does support the library but that FEMA is a real issue. The Council will have to look at the flood maps and he does not know the process to have FEMA review the maps.

Council President Joren said the Borough does need a library but the Council must look at all sides and options.

Councilman Nehls thanked all residents for coming and said the Council will do something but any action will not be based on tonight's meeting alone. He also said that the site is a flood way not a flood plain and any changes requested by the Borough to FEMA is not an easy process.

Mayor Pote stressed to the Council that we need a resolution and he is appointing Councilman Franklin as chair of a new sub-committee and Councilman Gibbs and Councilwoman Beck-Clemens as members of the committee. Mayor Pote wants the committee to present at least three alternatives by February 1, 2014 for a library and a final decision by second meeting in March.

UNFINISHED BUSINESS

A Public Hearing on proposed Bond Ordinance OR:13/23 entitled "**BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF CEDAR ROAD AND LAKEVIEW AVENUE, PARTLY AS A GENERAL IMPROVEMENT AND PARTLY AS A LOCAL IMPROVEMENT, IN, BY AND FOR THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,075,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**" Was held.

Council President moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

Questions were asked regarding the repayment for the curb improvements because at all the meetings held with residents they were told it was a 20 year payment plan but when the letter was received it stated it was for 10 years.

Councilman Nehls said at all the discussions it was stated it would be for 20 years. Mr. Cruz asked where it states this in the Ordinance. CFO Bill Hance said it is 10 years for curb improvements according to Ordinance under Section 4.

Bruce Ruck, Lakeview Ave, questioned when the project would begin and Councilman Nehls said it was supposed to begin but not sure with the recent snows.

Tom DeFranko, Cedar Road questioned if the loan is for a 10 or 20 year period? If he sells his home in five years would he have to pay the loan off? Mr. Cruz explained it is a lien on the property and it could be negotiated with the buyer and included in the contract at the closing.

Albert Helder, Cedar Road said his property is being used to stage all pipes and a port-a-john and just wanted to know if this is necessary. Councilman Nehls said this may be on the Borough Easement but he will discuss this with the Borough Engineer Tom Herits. Mr. Cruz said it will have to be checked to see if it is on the Borough right-of-way.

Albert Caamic, Valley View Road, asked if residents will have access to their road and driveways during the construction and if there is someone residents can contact at Borough Hall if they have issues. Councilman Nehls said there may be times residents will have to park elsewhere during the construction. Acting Chief Joe Cina said all of this was discussed during the pre-construction meeting with the contractor and residents will have access to their driveways. Mr. Cruz asked if an officer will be required during the construction and Chief Cina that is "wait and see."

With no other residents wishing to be heard Mr. Cruz suggested closing the Public Hearing prior to

voting on the Resolution.

Councilman Nehls made a motion to close the public hearing with a second by Councilman Gibbs and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

Mr. Cruz suggested the Borough adopt the Ordinance as it stands due to time constraints there is not enough time to re-introduce the Ordinance this year. The Ordinance can then be amended, if needed, the beginning of next year. His only concern is he is not Bond Counsel so this will have to be checked with the Borough's Bond Counsel for clarification. Councilman Nehls said the Borough cannot wait to re-introduce because we would lose the \$220,000 grant money from the State which helps offset the cost of the project. CFO Bill Hance checked the useful life of curbing is only 10 years so the repayment would also be 10 years and Mr. Cruz asked him to please check with the Bond Counsel.

Council President Joren then moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

R1:12/12/13 Adoption of Bond Ordinance OR:13/23 - Cedar Road / Lakeview Avenue Road Improvement Project - DOT

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

Approval of the following Council minutes:

November 14, 2013 Regular and Executive Sessions
November 18, 2013 Special Meeting
November 25, 2013

Acknowledging Receipt of the following Borough Reports:

Police Activity Report - October, 2013
Tax Collector's Report - November, 2013
Building Department Report - November, 2013

Acknowledging Receipt of the following Correspondence:

- #83 - Township of Warren 11/22/13 Notice of adoption of two (2) Land Use Ordinances - Residential Height requirements, amendment to non-residential development fees
c: M & C, TEA, DS
- #84 - Virginia Hartmann 12/4/13 Library Study Committee Chair, requesting the Council reconsider the purchase of the Valley Furniture property as the new home for the Watchung Public Library
c: M & C, TEA, AC

CONSENT AGENDA RESOLUTIONS: The Consent Agenda resolutions listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

R2:12/12/13 Authorize Tax Collector to Issue Tax Lien Redemption - 1090 Johnson Drive

R3: Appointment to Fire Department - Samantha Schaller, Racquel Samuels

R4: Authorize Fire Department Service Stipends

R5: Amend 2013 Budget / Insertion of Special Items of Revenue:
State of NJ Body Armor Grant

R6: Appointment of Police Dispatcher - Paulina Krawiec

R7: Award of Bid - Furnishing, Construction, and Installation of Emergency Generators
at Municipal Building, Fire Headquarters, and Police Headquarters

R8: Authorize Clerk to Advertise Public Auction of Surplus Vehicles

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.

Councilwoman Beck-Clemens moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Beck-Clemens, "aye."

R9:12/12/13 2013 Budget Transfers

PUBLIC PORTION - GENERAL DISCUSSION

Doris Fine, Johnston Drive asked if lines could be put on Hill Hollow and Valley Drive. There are times it is impossible to pass on Johnston Drive due to large trucks at homes that are being constructed. Is an Ordinance required for this? Councilman Nehls said she could contact the Building Department to discuss the issue. Councilman Gibbs said there are many landscape company vehicles on the roads and one of them even put mulch right in the middle of the road. He also said if public safety is an issue it could be corrected. Mr. Atkins said if there is a problem Ms. Fine should contact the Police Department. Acting Chief Cina said he will have police patrol the area more frequently.

With no other public wishing to be heard Mayor Pote closed the public portion.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:16 P.M. to the Call of the Chair, and to the next scheduled Council meeting will be held on December 30, 2013 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk