

BOROUGH OF WATCHUNG

COUNCIL MINUTES

FEBRUARY 5, 2015

MAYOR'S STATEMENT: Mayor Pote called the meeting to order 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

Nehls [P] Black [P] Franklin [P] Joren [P] Gibbs [P] Beck-Clemens [A]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco and Deputy Clerk Mary Ann Hance.

There were 14 members of the public present.

PROCLAMATION

Mayor Pote read the Proclamation for Go Red Day for Women / American Heart Association (copy attached)

PRESENTATIONS:

Light Tower Fiber, LLC – Request to install Cable on Poles within the Borough's Right-of-Way

Mr. Liam O'Leary and Mr. Jim Salvato gave a presentation on behalf of a request by Light Tower Fiber, LLC for permission from the Borough to install a Fiber Optic Cable on pole lines from Berkeley Heights to New Providence Road, and continuing on Valley Road, and ending on Mountain Boulevard. They explained this cable is for data transmission only. Councilman Gibbs questioned where the cable would be placed on the pole and Mr. Salvato said it would be above the Verizon line and below the cable lines. Mr. Cruz questioned if there would be any ground apparatus or cabinet on the poles and Mr. Salvato said there would not be. Mayor Pote asked if the company had any future plans to go further if Warren requested these lines and Mr. O'Leary said they do not have any plans for this and if this were to happen they would have to come back for additional approval. While it was the consensus of the Governing Body to approve this request, Mayor Pote said this request should go to the Municipal Engineer for final approval. Mr. Cruz said the company is only asking for Municipal consent and these lines would have very little impact on the Borough. He also said this should be done as an Ordinance and he has a copy of an Ordinance from Chatham that he can follow if authorized by the Mayor and Council.

Somerset County Library System – Brian Auger, Director

Mr. Auger gave detailed answers for the majority of questions he was given prior to this evening's meeting, and declined to give answers to some, citing confidentiality. Mr. Auger handed out copies of a Watchung Library Value of Services Report for 2013. Councilman Franklin asked if this report is only for the Watchung Library and Mr. Auger said it was. Councilman Gibbs had questions regarding new employees and Mr. Auger said there have been no new FTEs (full time employees) hired, only the reorganization of current positions to fill vacancies. Councilman Black said if the Borough were to decide to shut down the current library for one or two years there could be a savings of \$1.5 million that could eventually be saved and put towards a new Library, but Mr. Auger explained the Borough would still have to pay the tax to the County. Mayor Pote suggested the possibility of having family paid cards for residents to use other libraries, and compared the cost. All Council members said the formula the County uses, which is based on real estate valuations, is not a fair system and asked Mr. Auger who could change this formula. Mr. Auger said the State would have to institute any change, but this was the best possible formula. He also said before the Borough would make a decision to withdraw from the County Library System, they should consult with their Legal Counsel. Council President Nehls asked Mr. Auger if he could give a more detailed breakdown of the costs such as the Personnel and Financial services and he said he would supply that information. Mr. Auger and Assistant Director Keith McCoy were thanked for attending.

REPORT OF STANDING COMMITTEES

1. Administration & Finance – Councilman Franklin reported the Committee met this morning and discussed continuing education for the staff. They also discussed Borough banking practices which will be handled by CFO Bill Hance. Councilman Franklin said Mr. Hance will send budget requests to the individual Committees before any recommendations are made by the Administrator and CFO. He said there will be some amendments to the personnel policy manual and once the revisions are ready copies will be given to the Council for review. Councilman Franklin said the Committee discussed summer hours for Borough Staff and explained the staff would work until 7 PM one night each week and then have a half day on Friday. Councilman Franklin said he and Administrator Atkins met with Mr. Rob Walton of Jersey Central Power and Light to discuss a plan to remove the vegetation along the power line poles, and reported that they would starting this in late March, noting that area residents would be notified. Administrator Tom Atkins asked Councilman Franklin if he would like him to prepare a written summary of the Committee meeting discussions for the Mayor and Council and he said yes. Mr. Atkins said he will get something written in the next couple of days, but mentioned this practice could not be followed for other Council Committees.
2. Police - Council President Nehls reported the Committee met on January 20th and he said Chief Cina discussed a security campaign and is in the process of preparing an article for the upcoming newsletter on this. The Committee also discussed the possibility of Chief Cina holding a drill at a Council meeting to discuss security issues with both the Council and residents and a separate meeting with the Borough staff to discuss these issues. Council President Nehls said the Committee also discussed body cameras but since this is being discussed at the State level, the decision for now is to wait and see what the requirements will be. He also said Chief Cina has prepared the proposed budget for the Police Department and a Committee meeting will be set up within the next week or so to go over it with the Chief.
3. Public Works / Buildings and Grounds – Council President Nehls asked Mr. Atkins if there has been any answer from the State regarding the status of our Knollwood Drive/Deer Run grant, in light of the current state of the Transportation Trust Fund, and Mr. Atkins said Mr. Herits received assurance from the DOT that the grant monies will be there. Council President Nehls asked if this means the \$190,000 earmarked for this project is reserved for the Borough and Mr. Atkins said that is what the staff was told, however it is not in writing. Mr. Atkins said the other grant application submitted for Valley Drive is tenuous. Council President Nehls said he had asked Mr. Herits to provide an estimate for the cost for milling and repair of several roads, and the estimate is approximately \$292,000. He added that the cost for the Ross Pond remediation has escalated to between 275,000 - \$290,000. He said the Public Works Committee has discussed the possibility of starting this remediation in 2015, with the engineering, and permitting done and then the actual construction project to start in 2016. Regarding the Library, Council President Nehls said there have been some discussions with the structural engineer and, at the request of Councilman Franklin, he has been in contact with Architect Anthony Iovino to get proposals, and will also get another from Lortech. He also said the Borough has again had problems with the delivery of salt. He said Mr. Burns had to go to a private contractor to get a delivery of salt which resulted in an increase in cost from \$63.00 to \$95.00 per ton. Mayor Pote questioned if the Borough has enough salt for the upcoming storm and Mr. Atkins said Public Works does have enough and they are expecting another delivery in the next 30 hours. Councilman Black asked if there is any way to re-coop the extra cost from the co-op and Mr. Atkins said it is being pursued. Mr. Atkins said the Morris County Co-op is controlled by the Division of Local Government (DCA) and Councilwoman Joren said she would like a letter to go to the DCA from the Mayor and Council to express the Boroughs' discontent.

Councilman Franklin asked, in regard to the Lortech report, if someone had addressed the drainage issue at the site? Council President Nehls said there would be a change in the slope. Mayor Pote said that he, Councilwoman Joren, Council President Nehls, and Administrator Tom Atkins spoke with Mr. Longo and asked many questions. He also said he was very satisfied with all of the answers and clarifications given by Mr. Longo. Mayor Pote clarified that the Library can continue to be used and from his perspective, Mr. Longo also said depending on how the space was to be used there may have to be some appropriate changes made to make the building more structurally sound and also in compliance with regulations such as elevators, wider door openings, stairs, etc.

4. Public Affairs:

Open Space- No report.

Environmental – Councilman Gibbs had no report since the last meeting was cancelled due to the weather conditions.

Recreation – Administrator Tom Atkins said the Recreation Commission would like to plan an Easter Egg Hunt and Parade for March 28th. He said the Recreation Commission would like to have more community events and less trips out of town. The Council was supportive pending any input from the current Liaison, Councilwoman Beck-Clemens.

Historical – No Report.

Board of Health- Councilman Black reported the Board of Health members requested he ask the Laws and Ordinance Committee to consider an Ordinance to include mandatory carbon monoxide detectors for all businesses. Councilwoman Joren asked Councilman Black to bring further information to the February 10th Laws and Ordinance meeting.

5. Fire – Councilman Black reported there was a Committee meeting and the members discussed the Fire Stipend which is based on attendance and participation and said the Committee would like an ordinance in effect with tighter guidelines to follow. He also said there was a concern regarding fire hydrants that become snow covered and there are not enough volunteers to clean them. He said some of the hydrants have tall locator markers on them and the Borough does have enough markers to put on the remaining ones. Councilman Black also said he gave Mayor and Council 911 flyers and would like to have a meeting to discuss just this issue. Mr. Atkins said he would like to have the contract awarded to the Rodgers Group for the Fire Apparatus evaluation at the next Council meeting, February 19th.
6. Laws/Ordinances- Councilwoman Joren said she would like to postpone the discussion regarding the merging of the Planning and Zoning Boards until the February 19th meeting because she would like the entire Council present. All members in attendance agreed with this request.

REPORTS - OTHER:

7. Engineer – No report.
8. Police Chief – No report.
9. Fire Department – No report.
10. Rescue Squad – No report.
11. Emergency Management – No report.
12. Attorney – Mr. Cruz said there is an item on the agenda for Executive session tonight but he recommends to postpone this for the next meeting because of the lateness of this meeting and all members present were in agreement.
13. Clerk – Mrs. DeRocco commended and thanked Linda Monetti for organizing the Go Red Day event and preparing healthy snacks for everyone. Ms. DeRocco also reported that at the annual Legislative Day in Trenton yesterday, Councilman Black was inducted into the Hall of Fame, honoring him for his 20 years of service in government service. Everyone congratulated Councilman Black.
14. Administrator – Mr. Atkins is recommending hiring Attorney Brian Levine, and clarified that he is not the County Freeholder. He also asked if the Mayor and Council have any objections to the request received from Mr. Barret regarding the placement of a bench at Watchung Lake in memory of his wife who passed away. Although he is not a resident of the Borough in his letter he stated he and his wife always walked around the Lake. Mayor and Council had no objections to this request.

Councilman Franklin mentioned the Administration Finance Committee also discussed a request the Borough received offering to buy the Cell Tower Lease and he said there have been several offers over the years and the Borough is not interested in selling the lease. Mr. Atkins said he will include this information in the report for the Mayor and Council.

PUBLIC PORTION AGENDA ITEMS ONLY

Virginia Hartmann, Ellisen Road, said she did review the Lortech report and said the question is not can we make the Library structurally sufficient but if it is a good idea to spend the money on the renovations to a building that was designed as a home. She said the Borough should consider this very carefully. Councilman Franklin said a lot of the questions Ms. Hartmann brought up are questions to the architect not the structural engineer. Council President Nehls clarified that Mr. Iovino has not been hired as the architect, this will be going out for additional quotes.

Dianna Churchill, High Tor Drive, said although Councilwoman Joren commented that the Library only uses the first floor, this is not accurate because they already use three floors and she would like the minutes to be changed to reflect this. Councilwoman Joren then clarified her statement that she meant renovations could better adapt the floors for better space usage.

Tom Roughneen, Pine Lane, asked if the scope of work that will be included in the Architect proposals will be available to the residents for review. Council President Nehls said they will be requesting proposals from two Architects, not just Lortech, and when the proposals do come in they will be discussed by the proper Committees and the Council. He added that the Architects will incorporate the current structure in the design. Mayor Pote said he hopes the architects will give several alternatives.

Ira Dicken, Scott Drive, said Mr. Auger's discussion this evening was interesting, particularly when he said future libraries would see the number of books decrease but programs would go up. Mr. Dicken said the County budget actually does the opposite. Councilman Gibbs said there was some discussion regarding removing the Borough from the County Library system and purchasing library cards for each household at approximately \$185 per card. He said there are approximately 5,865 residents in town and if cards for about 1900 households were purchased the Borough could save about \$500,000.

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilman Black.

Prior to the vote Clerk DeRocco asked Councilwoman Joren if she would like to pull the Council minutes of January 15, 2015 for further review and she agreed.

Council President Nehls then moved the Consent Agenda Items as amended with a second by Councilwoman Joren and upon roll the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

Approval of the following Council minutes:
~~January 15, 2015~~ (Removed for review)

Acknowledging Receipt of the following Borough Reports:
Historical Committee Minutes – December 10, 2014
Recreation Commission Minutes – November 5, 2014
Board of Health Minutes – November 19, 2014
Tax Collector's Report – August, September, October, November, December, 2014 and January, 2015

Acknowledging Receipt of the following Correspondence:

- #6 - NJ American Water 1/22/15 Notice of Public Hearing for filing of Petition for approval to change the level of its purchased water adjustment clause, and wastewater treatment adjustment clause c: M & C, TEA, Post
- #7 - Borough of Tinton Falls 1/20/15 Resolution supporting, recognizing, and honoring the service of Law Enforcement Officers c: M & C, TEA

CONSENT AGENDA RESOLUTIONS:

Council President Nehls moved the following resolutions, with a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye."

- R1:02/05/15 Award Professional Service Contracts – Pl. Board Attorney/ Frances Linnus
Pl. Board Engineer / Maser Consulting, PA
- R2: Authorize Agreement / Board of Health Services – Middle-Brook Regional Health Commission
- R3: Authorize Professional Service Contract – Special Attorney in regard to Tiger Realty/ Brian Levine, Esq.
- R4: Purchases Over \$2,000. – Watchung Service Center (Annual oil changes / all vehicles)
- R5: Authorize 2015-2016 Strategic Plan for Watchung Hills Municipal Alliance Grant
- R6: Authorize Treasurer to Refund Tax Sale Certificate #12-013 – 325 High Tor Drive

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.

Proposed Ordinance OR:15/01 entitled "AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO SIGN A MUTUAL POLICE AID AGREEMENT" Councilwoman Joren moved the Ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

Councilwoman Joren moved the following resolution with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, "aye." Public Hearing to be held on February 19, 2015.

R7:02/05/15 Introduction of OR:15/01 - Authorize Mutual Police Aid Agreement/ Somerset County

PUBLIC PORTION – GENERAL DISCUSSION

No one from the Public desired to be heard.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:14 P.M. to the call of the chair and to the next scheduled Council meeting on Thursday, February 19, 2015 at 7:30 P.M.

Respectfully submitted,

Mary Ann Hance
Deputy Clerk