

BOROUGH OF WATCHUNG

COUNCIL MINUTES

OCTOBER 20, 2016 – 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 [P] Nehls [P] Gibbs [P] Mobus [P] Sopko [P]

Although not present at roll call Council President Joren arrived at 8:17 PM.

Also present were Attorney Albert Cruz, Administrator Tom Atkins, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 16 members of the public present

PROCLAMATION:

Councilman Black read and presented a proclamation to Health Officer Kevin Sumner, commending him on his recent appointment to the NACCHO Board. (copy attached)

Councilman Nehls said he has known and worked with Kevin for many years and has not met someone with such dedication to his profession and he looks forward to continue working with him. Councilman Nehls also said Mr. Sumner has done a wonderful job for the Borough.

Mr. Sumner thanked the Mayor and Council for this award and said he appreciates this recognition and said he has enjoyed, and will continue to work with the Borough.

Mayor Pote congratulated Mr. Sumner and said many people take the job he does for granted, and added that the Borough has benefited from working with you.

REPORT OF STANDING COMMITTEES:

1. Administration & Finance – Councilman Gibbs reported the Committee met Monday, October 17th and discussed the Lease agreement for Phillips Field with the Board of Education. He said they are just waiting for final agreement from the Board of Education. The Committee also sent the Arts Center lease agreement to them and are waiting for a response. Councilman Gibbs said there was some discussion on the State Health Benefit Plans. There is a new, Voluntary Pilot Insurance program which includes an incentive if a person chooses one of these. The incentive amounts are \$1000 for single, \$1200 for member/spouse, or parent/child, and \$2000 for family. This is a one-time payment and a person must enroll for a 2 year period or money would have to be returned. Councilman Gibbs said PBA negotiations will begin with a meeting scheduled for November 7th at 8 AM. The committee also discussed facility maintenance issues and how to improve them. Councilman Gibbs mentioned some every day savings which have been implemented including a new leased copier which will save \$570 per year and a new phone service which will save approximately \$2500 per year.

2. Police – Council President Joren reported Chief Cina has requested approval to start interviewing for a new patrolman. The Department is down two members with Sergeant Holzheimer retiring and another officer on disability. Council President Joren reported there is a prescription drop off program this Saturday, 10 am to 2 pm at police headquarters. She also said the annual jail cell inspection was performed and it was found satisfactory and the second qualifying round for fire arms had begun.

3. Public Works / Buildings and Grounds – Councilman Nehls reported on October 10th at 4:30 pm Mr. Burns was contacted by the police that a contractor had broken our force sewer main on Route 22 in front of Liccardi Ford. Mr. Burns met with Borough Engineer Tom Herits and Bob Snyder from PARSAs and it was decided to call a contractor to repair the line as soon as possible. The Department of Environmental Protection was also contacted and the Contractor was fined. Councilman Nehls said the Borough will also be pursuing reimbursement from that contractor for all expenses involved in the repair. The repair took three working days to complete. Councilman Nehls also reported the Public Works Department continued to blacktop potholes, repaired Belgian bloc on Scott Drive and Winter Lane, repaired catch basins on High Tor Drive and Carrar Drive and installed the salt spreaders on the dump trucks. He said they also did

quarterly maintenance on buildings and generators have been serviced and load tested by Foley Generator. Councilman Nehls also said fountains at both lakes will be operating until November, weather permitting, and property cleanups will continue until all leaves have fallen. Councilman Nehls said the estimated cost for the salt bin is \$142,000 and discussions continue with the County about sharing the cost. He also said Public Works is down one truck, and the Public Works Committee will discuss possibly purchasing one which could cost about \$190,000. Councilman Nehls then gave an update on the library. He said Mr. Iovino, the architect, gave a proposal, start to end of the project, which included an additional \$192,500. Councilman Nehls questioned Mr. Iovino if this amount is in addition to the \$3.2 million already estimated and Mr. Iovino said it is because his fees were not included in the original estimate. Councilman Nehls asked Mr. Iovino to see where the costs could be cut to bring the amount to the original \$3.2 million. Councilman Nehls then reported the Borough has \$600,000 from an old bond ordinance and a financial commitment by a resolution passed in 2014 for an additional \$1.5 million which would leave approximately \$1 million to raise through donations or fundraising. Councilman Nehls asked for a consensus from the Council on how to proceed. Councilman Mobus said the Borough needs to look at how to come up with the additional monies and also be firm on where the additional \$200,000 Mr. Iovino has added to the cost will come from before moving forward on anything. Councilman Sopko agreed with this. Councilman Gibbs said the Borough should encourage residents to get involved in the fund raising and there should be a plan in place in regard to this. Councilman Black said he has already spoken with a few residents in the hope they may suggest ideas for raising these funds. Mayor Pote said the Borough must be careful with these increases and asked if this was the only thing missing from the estimate. He also said funding by the public is very important. Councilman Nehls said Council members should review the proposal and understand the time frame. He said it would be 3½ to 4 months before even going out to bid. Councilman Mobus said there should be discussions to set a goal for the fund raising. It's a big number and he hopes the Borough gets support from residents.

4. Public Affairs:

Open Space – Councilman Sopko had no report

Environmental – Councilman Sopko had no report – the next meeting is scheduled for October 24th. However, he mentioned an Eagle Scout Project in Indiana to deter geese from areas using a mixture of 95% grape juice. He will get further information on this.

Recreation – Councilman Mobus reported the Commission met on October 5th and they are getting ready for the Harvest Festival on October 29th. He thanked Linda Monetti for all the work she does preparing for this event. He also said the basketball courts have been resurfaced and relined and the pavilion floor is done.

Historical – Councilman Mobus reported the Weekend Journey through the Past was a huge success. He said the Committee met October 12th and they discussed concerns they have regarding the paving blocks in the rear of the building being uneven and some lighting in the same area. Mr. Atkins said Mr. Burns has taken care of both issues. Councilman Mobus also said Lynn Franklin has found a Grant that is available for museums and he has given the information to Mr. Atkins.

Board of Health – Councilman Black reported the Board of Health met last evening and he said Mr. Sumner reported there are no flu clinics scheduled for this year, but there is a rabies clinic scheduled for December 3rd, 9-10 AM at the firehouse on Mountain Boulevard. Councilman Black also said the deadline from the State requiring testing water for lead is May 2017.

5. Fire – Councilman Black expressed his condolences to Pete Martino and his family on the passing of his mother. He said the only discussions were about the building renovations. Mayor Pote thanked Gary Greves for all his work for Fire Prevention week and said the event went very well. He said Gary reviewed many poster entries to determine winners.

6. Laws/Ordinances – Councilman Gibbs reported there are two Ordinances on the Agenda for Public Hearing and two Ordinances being introduced this evening.

REPORTS - OTHER:

7. Engineer – Mr. Herits said he apologizes for going ahead with the repairs to the Mobus Pavilion floor, he thought it had already been approved. He said the contractor agreed to the 2015 price to do the project which saved the Borough about \$1200. Mr. Herits also said with the DOT Trust Fund now in place he will submit plans for the Valley Drive project and once approved it can go out to bid. He said the State Weights and Measures inspection was completed on the calibration site and it was approved for the new radar guns. These guns must be tested at least in the morning and evening. Mr. Herits also said the site and landscape plans have been submitted to Mr. Bennett for the 911 Memorial and he would like to install the stone for the base and cover with dirt and seed until ready to start the project. He also reported he submitted a proposal from GSI on the remaining portion of the rock wall behind the Public Works Building to the Public Works Committee and they will be discussing this. The cost for the work would be approximately \$250,000. Councilman Nehls explained that after GSI did an inspection of the wall they felt there was a possibility of another rock fall which could damage the building and

block the road. Mr. Herits than gave more detail on the salt storage facility. He said Weldon is giving the Borough an area to put a 50' x 100' structure. Mr. Herits said he met with Bob Weldon who said he was happy with the first sketch. Mr. Butler, Weldon's attorney, will be preparing an agreement which will be sent to Mr. Cruz for review. Mr. Herits said the first Borough wide power failure had occurred and all generators kicked on. He also reported plans for the firehouse renovation had been submitted to Mr. Bennett for review and he sent them back asking for changes in few items. Mr. Herits suggests preparing the bid in phases, separate line items for each floor. Mr. Atkins said a resolution will be prepared to authorize going to bid and he will check on the date to receive these. Mr. Herits gave more details regarding the Force Main break caused by a contractor. He explained that Mr. Burns contacted Mike Finne who came out the next morning to do the repairs for the Borough and divert the discharge to a safe place. The cost for work done by Mr. Finne to date is \$78,000. The inspector will issue a report and the contractor causing the damage was fined \$30,000. Councilman Nehls said when speaking to the contractor for reimbursement to the Borough it should include all costs, not just the reimbursement for our Contractor, it should include legal fees, engineering fees, and overtime and any other incidental costs. Mayor Pote thanked Mr. Burns, Mr. Herits, and the DEP for all the work involved in getting this situation corrected.

8. Police Chief –No report.

9. Fire Department – No report.

10. Rescue Squad– Don Monetti reported since the resignation of Logan Taylor he now has been appointed President until the end of the year. He said the Tree of Lights is progressing and the Squad has many new Cadets.

Mayor Pote asked what the next step to get approval to get the base in place for the 9-11 Memorial? Mr. Monetti said the plans are with the Structural Engineer and once the plans are approved by him they will go to Tom Herits and Ed Bennett. Councilman Gibbs made a motion to authorize the engineer to proceed after receipt of the signed and sealed plans and permits. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

11. Emergency Management – No report

12. Attorney – Mr. Cruz had no report

13. Clerk – Ms. DeRocco had no report tonight.

14. Administrator – Mr. Atkins explained that the Governing Body will have to do an emergency declaration by resolution in order for the Borough to hire a contractor without going out to bid for the repairs to the force main break. Mr. Hance will check with Trenton and once they ok this it may be done by Ordinance or resolution possibly fund for either 3 or 5 year period. Mr. Atkins explained Resolution R8 which concerns 495 Watchung Avenue. He said the owners of the property offered to restrict three apartment units to moderate income level. This would give the Borough some credit toward their affordable housing obligation. He said Judge Miller will give credit once final obligations are determined.

Mayor Pote reported he had attended a third meeting with the Coalition group regarding the pipeline. He said he and five other Mayors will be going to Trenton on Monday for a meeting with the DEP. He said they will be questioning whether the Coalition will be notified when permits are filed because they would like to give their input.

PUBLIC PORTION / AGENDA ITEMS ONLY

Lynda Goldschein, Sherwood Drive asked about the property at 495 Watchung Avenue and Mr. Atkins explained the owners approached the Borough in 2016 if we would be willing to work with them and discussions were held. She also asked if the break on Route 22 was where they are doing the sidewalks and Mr. Herits said it was not it was a company doing drilling.

UNFINISHED BUSINESS

A Public Hearing on Ordinance OR: 16/12 entitled "AN ORDINANCE REPEALING OR:15/13, AND ADOPTING AN ORDINANCE AMENDING CHAPTER X, TITLED 'ANIMAL CONTROL', ARTICLE I, TITLED 'DOGS', TO ADD A NEW SECTION 10-19, TITLED 'TETHERING OF DOGS', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG " was held.

Councilman Gibbs moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Sopko, "aye."

With no one from the public wishing to be heard Councilman Gibbs closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Sopko, "aye."

A Public Hearing on Ordinance OR:16/13 entitled "AN ORDINANCE AMENDING CHAPTER XVI, TITLED 'PUBLIC PROPERTY AND RECREATION AREAS', OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG TO ADD A NEW SUBSECTION G TO SECTION 16-1.15, TITLED 'RECREATIONAL USE PROHIBITIONS AND LIMITATIONS' TO ALLOW FISHING AT BEST LAKE AND REQUIRING THAT THE FISH BE RETURNED TO BEST LAKE UNHARMED" was held.

Councilman Gibbs moved a public hearing be held with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

With no one from the public wishing to be heard Councilman Gibbs closed the public hearing and moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

R2:10/20/16 Adoption of OR:16/13 – Revision of Code – Implement Catch and Release Regulation at Best Lake

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NEW BUSINESS
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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, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

Approval of the following Council minutes:
October 6, 2016, Regular and Executive Sessions

Acknowledging Receipt of the following Borough Reports:
Police Activity Report – September, 2016
Bd. of Adjustment Minutes – July 14th, August 11, September 21, 2016

Acknowledging Receipt of the following Correspondence:

- #35 - JCP&L 10/07/16 Notice of Petition and Public Hearing on Approval of Deferred Balances
C: M&C, TEA, Post
#36 - NJ Transit 10/13/16 Notice of Public Hearing re: Senior Citizen and Disabled Resident Transportation Assistance Program c: M & C, Post

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, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

- R3:10/20/16 Authorize Clerk to Advertise for Bids / Firehouse Renovations
R4: Implement Halloween Curfew / October 30, 31, 2016
R5: Authorize Per Diem Expenses - NJ State League of Municipalities Conference
R6: Waive Chapter 2-25 and Purchase Over \$2,000. – Sparta Discount Tire, Inc.
R7: Purchases Over \$2,000. – Communications Specialists (PD – Radio Maintenance)
Atlantic Tactical (PD – Ammunition)
Lawmen Supply Co. of NJ (PD – Ammunition)
Marino Paving Co. (PW – High Tor Repair)
Tilcon NY, Inc. (PW – 2016 Road Resurfacing Program)
P & R Concrete Corp. (Rec – Mobus Pavilion Floor)
Berkeley Heights Tax Collector (Sewer – 2015 Usage)
R8: Authorize Deed Restriction and Agreement – 495 Watchung Ave.
R9: Authorize Incentive to Employees under the State Health Benefits Program

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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.

Introduction of Ordinance OR:16/14 entitled "AN ORDINANCE AMENDING CHAPTER VI, TITLED 'POLICE REGULATIONS' OF THE REVISED GENEREAL ORDINANCES OF THE BOROUGH OF WATCHUNG, TO ADD A NEW SECTION 6-14, TITLED 'PET MILLS PROHIBITED'" Public Hearing to be Held on November 3, 2016.

Councilman Gibbs moved for the adoption of this Ordinance on first reading and directed the Clerk to advertise a public hearing. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R10:10/20/16 Introduction of OR:16/14 – Prohibit Pet Mills within the Borough

Introduction of Ordinance OR:16/15 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING CHAPTER VI, TITLED "POLICE REGULATIONS", TO ADD A NEW SECTION 6-13, TITLED "SALE OF CRIB BUMPER PADS PROHIBITED" WITHIN THE BOUNDARIES OF THE BOROUGH." Public Hearing to be held on November 3, 2016.

Councilman Gibbs moved for the adoption of this Ordinance on first reading and directed the Clerk to advertise a public hearing. Councilman Nehls seconded the motion and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, and "aye."

R11: Introduction of OR: 16/15 – Prohibit Sale of Crib Bumper Pads

Councilman Gibbs thanked the Council for considering this ordinance. He said SIDS is the leading cause of death in infants one month to one year of age and there are approximately 1500 deaths per year in the United States which may be attributed to the presence of crib bumpers. He said the American Academy of Pediatrics recommends nothing be within the sleep area in order to reduce risk. This Ordinance will protect infants who are the most vulnerable members of our Borough.

Councilman Gibbs moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Nehls, Gibbs, Mobus, Sopko, "aye," Black, "abstain."

R12: Waive Chapter 2-25.10 of the Code – Gray's Florist

Councilman Gibbs introduced Resolution R10, and made the following statement: "I am voting in the affirmative for all items on the Bill List, but recusing myself on the purchase of energy commodity, due to my employment with an energy commodity supplier..." Councilman Nehls seconded the motion and upon Roll Call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

R13: Payment of Bills

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PUBLIC PORTION - GENERAL DISCUSSION

Rachel Funcheon, Cedar Road, expressed her disapproval of the Borough deer hunt stating it is inhumane and unethical. She also stated the number of deer in Watchung is much smaller than it used to be. She asked why the deer hunt lasts for 76 days, while the bear hunt is only 6 days and in that 6 day period 500 bear where killed. Ms. Funcheon requested that a list of questions she is giving to the Mayor and Council this evening be put on the agenda for further discussion. She is calling for an end or suspension of the hunt.

Resident, 760 Valley Drive said he supports everything Ms. Funcheon said and is looking for some sort of balance. The Borough should look at how many deer per square mile there are.

Mr. Engelmeyer, 260 Valley Drive said he opposes the deer hunt also – it is inhumane. He said once the deer population goes below a certain level the population will increase because there is more food. Mr. Engelmeyer asked that more information be published.

Lynda Goldschein, Sherwood Drive said there was a survey of residents and most were for the hunt. Council President Joren said out of approximately 1800 surveys mailed out only 681 were returned. Ms. Goldschein said it is an environmental issue. She also is not against an Ariel survey if not too costly.

Mayor Pote explained safety issues are always addressed when obtaining sites for culling and State Regulations are followed with a minimum radius of 450 feet for shotgun. Councilman Nehls said the Council should consider an Ariel survey to get a better picture of the number of deer. He also said there should be some form of compromise but he is against crossbows.

Ms. Cohen, Hill Hollow said ten years ago there was a need for the hunt but there has been no survey in 10 years and it is not needed now.

Ms. Kauffman, Glen Eagle Drive is against the hunt, she enjoys seeing all the wildlife in the area. She is concerned about the safety of the hunt. She does agree with doing another Ariel survey.

Mr. Atkins explained it is very difficult to get sites. The State requires a 450' radius. He explained that if there are 10 properties within that radius and one resident says no than it cannot be used.

Mayor Pote said all the sites are published in the newspapers and on the Borough website.

Ms. Chari, Cedar Road said the number of deer has decreased in the last 10 years, as human population increases the animal population decreases.

Ms. Funcheon, Cedar Road suggested requiring the hunters pay for an Ariel survey and she also said the Wildlife Management Committee membership should consist of half for and half against the hunt. The need for the hunt should be reassessed.

Council President Joren thanked Ms. Funcheon and all the residents in attendance. She said she has consistently voted no each year when a resolution for the deer hunt has been presented. She also agrees that the Wildlife Committee consists of only members who are in favor of the hunt.

Councilman Black said even if the Council is in favor of the hunt the site locations are decreasing. Councilman Nehls asked if Councilman Black would be in favor of an Ariel survey and Councilman Black said he would be but would need to see costs first. Councilman Gibbs said people will not always agree on everything and he is not against nature but he said he has no undergrowth left on his property. He also said he would agree to an Ariel survey but would need to know the cost first.

Mayor Pote said he supports doing an Ariel survey also. He is concerned about the safety and health of residents in the Borough.

Lynda Goldschein, Sherwood Drive asked about the fountains at Best Lake. She said the lights are not working and when she called they said they were waiting for parts. Councilman Nehls said he will check with Bob Burns.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:10 P.M. to the Call of the Chair and to the next scheduled Council meeting 7:30 PM, November 3, 2016.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk