

**BOROUGH OF WATCHUNG
MAYOR AND COUNCIL
MINUTES**

NOVEMBER 1, 2018 - 7:30 P.M.

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:35 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 and a MOMENT OF SILENCE FOR THE VICTIMS OF THE PITTSBURG SYNAGOGUE SHOOTING, and also for the mother and mother-in-law of residents Hans and Phyliss Juette, Mildred Scrima who recently passed at age 102.

ROLL CALL:

Gibbs [P] Black [P] Nehls [P] Mobus [P] Sopko [P] Alberto [P]

Also Present were Administrator Tom Atkins, Attorney Albert Cruz, CFO Bill Hance, Clerk Michelle DeRocco and Administrative Assistant Regina Angelo.

There were 60 members of the public present.

DISCUSSION:

Inclusion of Library in Community Center Plan

Mayor Pote said the meeting will begin this evening with a discussion on the inclusion of a Library in the Community Center plan, and turned the meeting to Library Sub-committee member Dave Mobus.

Councilman Mobus said tonight we plan to discuss new variation of the plans for the Watchung Library. He stated that this is not a compromise plan, rather it's a plan that we think will satisfy the residents and all of the stakeholders in regard to the Library.

There are two key components to this plan, one is that it will continue to enable us to have our own Library in Watchung, and we will not incur any new debt. This plan is being recommended by the Library Sub-Committee consisting of myself, Council President Gibbs and Councilman Nehls. We are anticipating unanimous support from the Council and we are hoping for support from the Mayor as well. You are probably wondering how we got here, based on the recent resolutions and decisions, rhetoric that you've heard about the Library. There have been many years of debate, there has been a lot of arguing, a referendum, there have been plans, scrapped plans, compromises, there's been support for the Library, and no support for the Library. There have been petitions for it, petitions against it, architectural plans for a 17,000 sq. ft building, revised new plans for a 9,000 sq. ft building, purple signs, purple doors, lead paint, etc. This has been the single most divisive controversy that our town has ever had. The current situation and the current consensus that the Council has been operating under is that in order to construct a Library on the existing site is just way too expensive. The cost to reconstruct the existing Library, in our opinion, through diligent research we have done on the cost of Library re-construction would exceed five-million dollars. The Council does not feel that the State Library Bond Fund would be receptive to any large form of money for Watchung so we don't think it would be prudent to expect matching funds on such a large expenditure. We passed a Resolution that would authorize the eventual closing of the existing Library, and what to do with that property after the closing at this point is not certain. The ideas that were mentioned such as exploring re-development options, creating a village center, perhaps renting the building out, etc., there are a lot of possibilities of what we can do with that space if it were no longer a Library. The current Library is in a sad state of disrepair. Estimates for substantial cosmetic repairs are at about \$250,000. The Council feels that the building is in such a state of disrepair that it would not be feasible to cosmetically repair the building. The current Council plan has been to develop a Community Center, move the majority of the programs that are currently run at the current Library to the Community Center and ask the residents to utilize Libraries that are within the Somerset County Library System, which would largely be the Library in Warren which is 2.3 miles from the Watchung Circle. Our current plan has been one based on the financial impact to our town if we built a new Library on that site and the practical matter of other available Libraries that can serve our needs. It has been our plan to build a Community Center utilizing the building that currently houses the Exempt Firemen, expanding and improving that building so that it could accommodate all of those needs, which our discussions have been everything other than traditional library serves such as taking out books and movies. The plan has been the plan that we have been currently working under. There have been comments that people want to see what the Community Center is going to look like, that we are talking about it but not showing anyone anything. By the time we had heard that comment, we had already undertaken to get an architect to provide us with a rendering of what a Community Center would look like on that site. Much appreciation to Councilwoman Alberto who took it upon herself to get that

rendering done, at no cost to the Borough, to help us have a vision of what that would look like. You've probably all have seen it – it is not here tonight because I took it out of my car and left it in my garage and forgot to bring it back, I apologize for that. It is a very attractive looking building and in talking with the architect who happens to be an architect with expertise in libraries and community centers their comment was that this building could be built large enough to accommodate both a Library and a Community Center and in fact the rendering had that amount of sq. footage in it. In fact it had about 8000 sq. ft in total, with 4000 sq. ft in the lower level and 4000 sq. ft in the upper level. In working with the Sub-Committee and having this rendering discussions ensued and made a lot of sense to us that we could expand it so that it is large enough to accommodate all of our needs. The building would have this expansion and the Library could be situated on the second floor, with entrance from the ground level to the back of the building and the lower level would accommodate the Community Center, an Office of Emergency Management, our Recreation Office, and we would be looking to put in a digital resource center. What we would have to do is go back to the Exempts and ask them to make a further sacrifice on this building – we have been discussing this plan with them, and they have been receptive and willingly going along with the plan. Expanding the plan would be a significant sacrifice for them, and we would need to significantly commemorate them and memorialize them in this building, we would give them a conference room as a way to preserve their history and the history of the building. That is basically the plan. The two components are that we could make the building large enough to accommodate the Library and it would not cause us to incur any new debt. The way that this would work is that the maximum cost of the edition, would be about 4000 sq. feet, so a 4000 sq. foot edition would not cost more than \$2 million dollars on that site, so that is a \$500. per sq. foot builder's estimate that we received from the architect. The money would come from 3 different sources: an existing bond ordinance from 2001 which was designated for building improvements, so we have \$500,000 set aside. The balance would come from donations, which we understand that residents have expressed interest in donating towards a Library and others who expressed willingness to donate towards a Community Center as well as a digital resource center. So by combining the Library and a Community Center in an integrated building we would be able to attract more sources of donations. There are also two sources of grant funds we can apply for – the State Bond fund, which as I stated earlier we don't anticipate that we would be able to get a lot of money from that, but certainly feel that it would be worthwhile to apply for it. The other could be FEMA, so we would need an Office of Emergency Management in the building which we currently have a problem for space, and this would allow us to accommodate the OEM Manager. The Exempt Hall has a massive generator, and can currently serve as a shelter or a warming/cooling center, as we needed during Hurricane Sandy. So the fact that we will be using the building for OEM, and emergency center, would make us eligible to apply for FEMA grants. We think we would be able to raise the whole \$2 million dollars from these 3 sources. So, adding an additional 4000 sq. feet to the existing 4200 sq. foot building would give us a building large enough to accommodate all of the described uses. It would be a multifunctional building and it would round out our municipal complex. If you saw the rendering you would see how it will integrate with this building, the sidewalks would join up, and the area behind the Exempt building would accommodate parking, we would need adequate space for employees and visitors. So why do we think this is a good idea, and why is the Library Sub-committee making this recommendation? The Mayor and Council are committed to taking all of our residents needs into consideration and ultimately making decisions that we feel that best suits the majority of our residents. It is possible that in cases such as this we may have the ability to satisfy the needs of all of our residents. This plan would bring the town together, giving us both a Library and a Community Center by creating an inclusionary environment that would include the seniors, school-age children, and pre-schoolers. We would also have needed additional office space for our Office of Emergency Management, and a Recreation Office. We would be able to have a state-of-the art digital media center giving our children the best available resources needed for them to grow both socially and academically and enhance their ability to perform better educationally. Our most important residents will benefit the most, and those are our children. It's good to have our own town library particularly if we can do it cost-effectively and without new debt, and we can do this. The building will improve the overall appearance of the municipal complex and promote a sense of community pride. This building would be symbolic of what Watchung is all about and that is community. It is time to put our differences aside and work together to make Watchung the best that it could be. The town is only as good as the people who live in it, and Watchung could be better. We will own a debt of gratitude to our Exempt Firemen who are the current residents of this building. They will be provided with a conference room for their meetings and full access to the community space for their events. We will honor their generosity and preserve their history. They are representative of what has made Watchung great for so many years, and that is the values of our volunteers. These men and women served our town for many years, and they still do so today. They deserve our respect and admiration. This plan will not only create a new community facility, it will also free up the land where the Library stands, and this property could be developed into a long-sought after village center which could include things such as restaurants, shops, bakery, offices, bagel shop. It could be any place for residents to come together to meet in an inclusive environment. There are very few towns that have the beautiful scenery surrounding that Watchung has, surrounding our Lakes. That particular area has the ability to transition from run-down and unkept, to fresh new, and inviting. This plan is far more than saving the Watchung Library. We're talking about saving Watchung. Thank you.

Council President Gibbs, said on the behalf of the Library Sub-committee I would like to offer the following resolutions: "That the Library Sub-committee and Administration are authorized to work with an architect to develop detailed renderings and floor plans, including cost estimates, for an addition to the existing Firemen's Exempt Hall; and that the Library Sub-committee and Administration are authorized, upon completion of the renderings and floor plans, to prepare and submit such applications as may be necessary to State and Federal departments for matching funds, grants, or other sources of revenue to assist in the realization of a Library in Watchung." Councilmember Nehls seconded this motion.

Mayor Pote, noting that there is motion on the table, and a second, said that he will open this portion of the meeting for comments and questions from the Public, however, he asked the Council for their comments first.

Councilmember Nehls said as part of the Sub-committee he does support the proposed plan. He said he hopes this alleviates some of the divisiveness this town has been living with and said he believes it is necessary for this town not to incur any new debt and that is how he went through with this process and said he supports this plan as it is and will vote yes on the Resolution.

Councilmember Alberto said she believes this plan is a great compromise and said she will be voting yes on the Resolution.

Councilmember Black said this is what he has been saying all along, and hopes this plan will come to fruition. He said he is happy to see this and looks forward to working with everyone.

Councilmember Sopko said he believes this plan has merit and will be supporting it moving forward.

At this time, Mayor Pote opening the meeting to the Public.

Mike Santucci, Mountain Boulevard, said he agrees that this has been a very polarizing issue and he is happy to see we are now open to getting some bond money. He said he is happy to hear what is being said tonight, and asked if the Exempts own the building. Councilmember Mobus explained the town owns the property, and the Exempts own the building. Mr. Santucci asked if the Exempts are on board with the new plan because he had heard they were not. Councilmember Mobus said it was true that they were in discussion with the original plan, and that he is confident they will be able to work (the new plan) out.

Martin Carroll, Valley Road, said he likes Libraries, harmony, and he liked everything Councilmember Mobus had said, however, the problem is the timing, it is a week before the election and there may be a concern that the Council will flip back after the election. He said the Council has been flipping back and forth for years, and for example, just this afternoon Councilmember Alberto posted anti-library statement from Mr. Wellbrock and said the timing can be suspect. He said (to the public) that if they want a Library it would be more prudent to vote for the people who have been consistently supportive of a Library and not for the people who have voted against it in the past.

Paul Fiorillo, Washington Drive, said he was happy to hear the presentation tonight, and asked Councilmember Mobus – when he said he didn't think Watchung would get money or a lot of matching funds from the State, if there was any specific reason to believe that? Councilmember Mobus said there is some sentiment that we feel and we have gotten some information from the County Library Commission that Watchung may not be a good candidate. He said we are going to apply for the grant. He said in the previous plan, the re-build of a 9,000 sq. ft. Library on that property was going to cost between \$450. and \$500. per sq. ft. and total rebuilding costs would be somewhere around 5 million dollars so we felt that if we went to the State Library fund with that figure that we probably wouldn't have gotten a chunk of the money for that project. We felt as though they would be giving money to towns that were more "at risk" or going to the trend of building bigger libraries. No one on this Council dislikes Libraries – the only concern we had of re-building a library on the current site was debt, it was a practical matter and a financial matter. Mr. Fiorillo said the new plan seem unrealistic that we can fit 8,000 sq. feet on that property, and it looks to him like there may be 25 parking spaces at the most. Councilmember Mobus said the parking lot could be expanded for 50-60 spaces, everyone will not be there at once. and that the architect assures that this plan is very feasible. Councilmember Mobus added that this will be a traditional Community Center, a 8,000. sq. ft. facility that is integrated. He said we are looking at a smaller library that would fit the needs of our community. It will be modern and efficient, with a slant towards technology, rather than books. We want to be the model for the State, this will be absolutely fantastic Councilmember Black added that this has been a learning experience for the Council, and that many factors have added to the changes over the years, the Council has changed, the economy has changed, and after looking for alternate sights, there were not many options. This plan offers a new versatile position, and will tie in our center with a beautiful view of the Lake. Council President Gibbs explained that when you apply for the matching funds grant, you must be willing to commit to the entire cost so when we apply for the funds, we have to be able to fund the entire amount, whether we get the grant or not.

Dr. Richard Steinfeld, Nottingham Drive, thanked the Sub-committee for this compromise. He said people on both sides have to realize that in order for this project to go forward, you have to give a little to get a little. He said he is concerned because the original resolution was announced at a meeting without it being put on the Agenda and was not publicized, so he said he is requesting that a clause be put into this Resolution that in the event that there is a major change, or the plans need to be scrapped that it will be placed on the Agenda so that the public is afforded the chance to make their feelings heard.

Victor Garber, Scott Drive, asked who is responsible for the maintenance of the Exempt Hall now, and Councilmember Mobus said currently it is the Exempts but when we take it over it will be our responsibility, he said we are working out the details. Mr. Garber said these are tenuous circumstances, you are presenting something that is not concrete. Councilmember Mobus said he is confident that this work out. Mr. Garber said this is the same Council who voted against a referendum, are we getting a commitment? Council President Gibbs added that the intent is also to get the County Library System involved. Now we have two resolutions on the table that can get this plan to move forward.

Lynda Goldschein, Sherwood Road, there is no 2001 bond, confirming that she spoke with CFO Bill Hance. Councilmember Nehls said it does exist, he had a copy in front of him. Attorney Cruz explained the details of a consolidated bond ordinance that contains a whole series of debt. He said Mr. Nehls is referring to an appropriation made in 2001, which was rolled into the bond issue, and is paid off. Mrs. Goldschein said if this bond is paid off, how can Mr. Hance use this to pay for the Fire Department renovation overage. Council Present Gibbs explained the bonding process to Mrs. Goldschein.

Elaine Perry, Hill Place, said timing is everything, and this is a democracy, and she is for whatever it takes to bring everything together. She said she is exciting that someone is doing something. She said she has seen it all, and in the past, things were burned. She is happy to see the Library has not burned. She said although Watchung is a very beautiful place to live, however it doesn't always offer what other towns offer. She said she is exciting that someone is doing something.

Virginia Hartmann, Ellison Road, questioned the Council's commitment to the matching fund grant, coming up with this scheme right before the election. She said we had plans, pictures, and then in April decide to close the Library, why should she believe the Council and this plan now. She said the same day she received campaign literature in the mail saying how horrible it was that the Democrats want a Library, Councilmember Black called her up and told her that he got everyone together and now we will have a Library. She said she got the same phone call three years ago. Councilmember Black said the conversation was a positive one about the Library, he said the dynamics of the Council have changed. Councilmember Mobus reiterated that this new plan will not create new debt, and that is the difference.

Keith Balla, Shawnee Drive, said there have been two votes to close the Library, there has been continuous claims by those in power, that Watchung cannot afford a Library. All along there have been cost and budget over-runs on the renovations to the Fire House project, with no accountability at the expense of the taxpayers. The Council spent 6 years discussing Library renovations with no resolve other than a late-night vote to close the Library. Watchung needs a positive change in the culture of the elected officials, who serve the residents, they have been coming, for years, and in particular the last 7 months, they have been telling you they want a voice and want to be part of the solutions that they have been denied. The best resources for our community are our residents, young and old – we have the intelligence, honesty, integrity, and experience to restore Watchung to be a desirable town to live, work, and educate our children. We are here to make change happen for a better Watchung, that is by the people and for the people, and with the help of all of the people in the community.

Doris Fine, Johnston Drive, said to the Council that no matter what they do, they will not be able to make everyone happy. She said this plan is the best compromise. She said stop (referring to Facebook comments from both sides) – the town has been divided enough.

Tom Franklin, Wildwood Terrace, questioned when the building is separated into a first and second floor, is the County going to maintain the Library portion and municipal staff maintain the other portions. Councilman Mobus said those details have not yet been worked out. Mr. Franklin said this plan is inadequate, that you are trying to cram a Library into a building that is not meant to be a Library and the County will have a problem funding a Library that is not meant to be a Library. He said this is a last minute effort before the election to bail yourselves out because you smell defeat. He said he doesn't buy any of it. Councilman Black reminded Mr. Franklin that they had spoken about the Library recently and said he was not in favor of the current site, and now he is denouncing this site.

Dr. Steinfeld, Nottingham Drive, said the residents' concerns about the timing of this proposal are valid. He suggested that tonight, the Council should draft a proposal saying that this current proposal will be voted on at the next meeting, in two weeks – after the election, so that the concern about the election will be obviated.

Council President Gibbs clarified that the recommendation is not to take the current Library, and cram it into a new building. We are looking to create a modern Library and will be consulting with the Somerset County Library System (SCLS)- there may be books, there may be computers, there may be meeting spaces, but it will not be the old Library. He said he understands that people want to move forward and he said he wishes he can do a bond ordinance tonight, but we can't. There has to be logical steps first.

Ashley Cohen, Hill Hollow, wanted to clarify if this is a Council meeting or a campaign rally.

Margaret Ellis, Valley Road, said the "library people" have been saying for months that they want a full service library in Watchung, and don't care where it is. She said she is guardedly optimistic and the Governing Body should be able to understand if their plan is met with skepticism. Councilman Gibbs reminded Ms. Ellis that when they voted in July, it was a 5 to 1 vote. He said he anticipates a 6-0 vote this evening, and this doesn't happen overnight. Ms. Ellis said she hopes this comes to fruition.

Mike Santucci, Mountain Boulevard, said anyone who has been part of an organization knows that when there is a lack of communication, that void is usually filled with conjecture or rumor. He asked the Board respectfully -give us as much information as possible.

Victor Garber, Scott Drive, asked if the April resolution is now void? Mr. Cruz explained that the Resolution said there will be no funding for a Library, alternative solutions would be sought, and what to do with the property if the Library was to close. He said what was said then, and said again in July, and what is being said tonight is not inconsistent.

Hans Juette, Elsinore Road, said he would hate to see us build something that we don't want. He said his concern is that we will build something that does not reflect "Watchung." He said he doesn't understand why we think the State will not give us money. He said let's build it and build it right, let's make Watchung proud again.

Jen Scharff, Woodledge Road, said the people who want a Library have worked very hard, but so has the Council. She said you have to compromise, maybe you won't get what you want but be happy that we are moving in the right direction.

Virginia Hartmann, Ellison Road, said she might go along with this new plan, however, she does not believe the Council. She said it happened before, when without notice it was "surprise – we are voting to close the Library." She said she keeps hearing that we are not going to get the money. Warren and Peapack-Gladstone are applying for the money – did their people tell them that they won't get it? She said as far as the site, the new Library can be built wherever, they just want a Library that is not in disrepair and one that serves their needs. Mrs. Hartmann said the last time money was given out for Libraries, the people who requested funding received 80% of what they asked for. Councilmember Mobus said we are going to try to get the money. He said he understands how this looks before the election, and frankly thought this should be introduced after the election but did not want it to delay any longer. He said he doesn't see this as a compromise, he sees it as everyone is getting what they want.

Martin Carroll, Valley Road, said organizing to try to make the town a better place, is not divisive.

Lynda Goldschein, Sherwood Road, said this plan could be mute if an agreement with the Exempts isn't agreed upon, and asked if the Council would exercise eminent domain. Councilmember Mobus said we have been to the table with the Exempts.

Pete Martino, Sunbright Road, commended the Council for choosing the Exempt Hall site, and Councilmember Black said "this was your idea, Pete, thank you." Mr. Martino said he has heard reference to FEMA and shelters, and explained a shelter is much different than a warming center. And, you don't want your OEM office where your shelter is to be. Mr. Martino questioned not bonding any of this, and Administrator Atkins explained that ultimately potential development of a Village Center could bring in revenue. Councilmember Mobus said we may have to bond to apply for the funding.

Maryann DeNicholas, Rock Road East, thanked the Council for their time and said her personal interest was no new debt, and feels this is a good compromise. She said she trusts the Council is making the best decision.

Tom Franklin, Wildwood Terrace, said the County has no incentive for Watchung to provide a Library, as it would be costly after staffing it and filling it. They would much rather just take our \$827,000. and put it towards the other Libraries. Mr. Franklin said he understands how no one wants to bond because it will incur new debt, and recently he read a list of projects that needed to be done such as dredging the Lake, walking trails, an ice rink – all projects that would have to be bonded, and asked how an ice skating rink could take precedent for debt over an institution for learning. Councilmember Black said this has nothing to do with politics, this is a viable plan. He reminded Mr. Franklin on the steps that were taken to purchase the Ness Property and the reasons why. He spoke about the fact that out of every tax dollar the Borough only has \$.27 cents to run the entire town.

Cori Haveson, Maple Street, said it sounds like the Borough intends to keep the Library open for now, and continue with the branch contract because by continuing with the branch contract, by way of having a building, the Library contract will be uninterrupted. Councilmember Alberto confirmed that this is true. Ms. Haveson said the SCLS will have to continue to pay the \$1.2 million dollars that it costs to staff, materials, and the computers, for the Library, and asked if Brian Auger (SCLS) was aware of this, and Council President Gibbs said he is. Ms. Haveson said she heard that the Exempt members will be asked to give up their alcohol and asked if this is true. Council President Gibbs said alcohol is not allowed in Borough buildings, and explained that when the current facility is rented out by the Exempts there are permits, etc. that need to be obtained.

Mayor Pote said to his Council that moving forward, these Resolutions need to be seen by Mayor and Council prior to the meeting and, when possible, the public needs to see them as well. Whether they are good or draft Resolutions, they need to be seen ahead of time, in writing. He said if we want to build trust or keep trust, we need to call things as they are: he said he respectfully disagreed with the Counsel who said earlier in the meeting that these resolutions could be interpretive at best and not apply to the Exempt Hall, when the fact is that when we heard those Resolutions in April, and then again in July, where the wording was "Resolution considering anew not to spend public funds on the construction of a new Library or reconstruction of same and to seek alternative Library services for Borough residents," yes this could be twisted as "not applicable" to the Exempt Hall, but let's just call it as it is and move on; it was Council's intent that we were closing our Library in terms of shared services, we were moving those shared services to Warren. Okay, maybe now you've changed your minds. Mayor Pote said: "moving on..." – that he was very encouraged to what he has seen and heard here in terms of "library services" now being included. He also said we had talked about this back last December – the concept of a technology resource center – and that we are moving on into the 21st century and doing a lot more things than books. He said he expects this Council and others, to work together to ensure that this commitment is met. Part of this was the Sub-committee he had appointed and said that next week, he was going to assign three members of the public to this group. He said he had discussed the new plan with

Councilmember Mobus on Saturday and stated then that the “devil is in the details,” that there has to be a specified timeframe, that we need to think of how space is allocated and what it all costs. If we intend to apply for any State funding we need this all established. The Mayor said it is a bold statement to say “no new debt” (Mobus) and said he’d rather just say let’s see what we get when we put these pieces together. Mayor Pote said the fact is that there are a lot of questions unanswered and we owe it to ourselves and to the people out there (public) to get those details. Mayor Pote said let’s move forward, and make sure the details are there so we know what we are getting into.

Mayor Pote called for a Roll Call on Council President Gibb’s verbal motion and the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye.”

REPORT OF STANDING COMMITTEES:

1. Administration & Finance- Councilman Sopko provided data on property values in Watchung. He said he compiled this data using reliable sources and did not cherry pick the data. He said first he researched the GSMLS data which is the most commonly used forum to list properties in the area for Watchung. He said he looked at all of the numbers in a period of time. Councilman Sopko also said he looked back three years at our average residential tax assessment in town. He said the data showed it’s diminishing in percentage increase each year but it’s still going up each year. He said this comparison is a good way to look at the overall town. He exclaimed the data is showing you can’t look at one single number you have to look at a trend from all the different angles. Councilman Black commented on four homes that can’t sell for the asking price and they are being asked to take less. He said the moderately priced homes are a hot commodity right now and the larger homes are plummeting at a faster rate. He said the bigger homes that can’t sell result in tax appeals flooding in. Councilman Sopko said the Tax Assessor has to be able to support that data but the point is things aren’t as bad as someone is saying they are.
2. Police – Council President Gibbs commented that police are moving forward with purchasing the equipment appropriated for the hand-held mobile radios and others that needed to be replaced. He said one interesting thing is there is a firm who will handle scheduling and processing of all the police overtime which we currently do in house. He said this proposal won’t cost the Borough much and it will make up a lot of our administrative time. He said he feels that this is an excellent solution. Council President Gibbs said the change in our zip code will not correct our crime statistics. He said even if we had five different zip codes it’s still the Borough of Watchung. He also spoke on the amount of service calls, comparing this year to last year. He said every time an officer makes a stop that’s a service call. He said two things we can explore going forward is taking shop-lifting out of the category of larceny. He said we looked at the statistics and we are lumped in closely with Trenton and Camden because of that, so hopefully some federal legislation can change it. He also said there was talk about a sub-station and what we learned is that people are still going to shop lift even if there is a police officer in the store. He said the incidents of shop-lifting are tied to the opioid crisis. He said if we can’t somehow address that issue, nothing will solve the shoplifting. He said not many communities can be characterized as small as semi-rural with a large shopping center and these statistics distort what is really happening in our town. Councilman Black commented if there was any way to get companies like Target and Walmart to bring back their internal security systems. Council President Gibbs commented that the policy on lost prevention is store by store. Councilman Nehls thanked the police for their presence, patrolling the area and keeping the kids and parents safe in the community. Council President Gibbs thanked all volunteer services for participating in the trunk or treat. Mayor Pote commented that there were many less vandalism situations this year compared to a year ago.
3. Public Works / Buildings and Grounds – Councilman Nehls had no report.
4. Public Affairs:
 - Environmental – Councilwoman Alberto had no report but said the Committee is meeting at the end of the month.
 - Recreation- Councilman Mobus had no report.
 - Historical- Councilman Mobus had no report.
 - Board of Health – Councilman Black said the next meeting is scheduled for November 28th at 7:00 P.M.
5. Fire – Councilman Black had no report but said the Fire Chief will submit his report later on in the meeting.
6. Laws/Ordinances – Councilman Black has no report but said they are trying to coordinate another meeting.

REPORTS - OTHER:

7. Engineer – No report.

8. Police Chief – No report.

9. Fire Department – Chief Pivnichny thanked everyone for attending Fire Prevention Sunday. Mayor Pote commented that the Fire Prevention program was a learning experience about what our volunteers do. He commented on the access for the proposed apparatus that the Department is seeking. He said he is extremely confident that this apparatus could fit on all roadways in Watchung. He said there has never been one instance where every single vehicle was out the door every time. Councilman Mobus said the delay in this purchase has gone on for too long and did not want to lose the pricing referenced. He would like to go ahead with the Fire Committee’s recommendation and purchase the vehicle. Mayor Pote said we need to get certain information in front of the Fire Sub-committee and then the full Council as quickly as possible. Councilmember Nehls suggested a meeting be put together sometime next week to discuss this further so a resolution can be put on the agenda for the next meeting. Councilman Black said he spoke to the Chief in reference to this and will try to schedule something for the morning.

10. Rescue Squad – No report.

11. Emergency Management – Mr. Atkins said the Emergency Operating Plan will be updated by the end of the year. He also said FEMA will be providing additional documentation to try and seek reimbursement from the March 2018 ice and snow storms and we are working on that and hope to get some money back for our tax payers.

12. Attorney – Mr. Cruz said in regard to the Keep a Library in Watchung verses the Borough of Watchung case, the next case management conference is scheduled for November 15th, 2018 and there is no executive session this evening.

13. Clerk – Ms. DeRocco said she attended a meeting with the Somerset County Clerks and with the County Clerk Steve Peter and there are a few changes to the election law this year. Mail-in ballots will be accepted by the County Clerk up to 3pm on Monday, November 5th. Mail-in ballots and provisional ballots will be counted and tallied by Tuesday, November 13th, therefore if there is a close election we may not know who the winners are until the latest November 13. She said none of our totals are official until they are certified by the County Clerk. There will be a link provided by our County Clerk on our webpage and Facebook page which will be updated as the numbers are counted and changed. She also said if anyone is interested in being a poll worker, there is still time to be trained and sign up.

14. Administrator – Mr. Atkins said the Council Personnel Committee asked him to do an investigative report dealing with a few issues such as making alternations to municipal property and proper procedures for placing things on municipal property. He announced that there will be a number of key municipal staff leaving the Borough through retirement. He said our first two job announcements will be on the League of Municipalities tomorrow which will be our Construction / Zoning official and our Plumbing official.

Chief Finance Officer Bill Hance reported that this past week there was a note sale and interest rates are going up, and we got a 2.37 increase on a note. Mr. Atkins said temporary finance rates are going up.

PUBLIC PORTION / AGENDA ITEMS ONLY

Rachael Funcheon, Cedar Road, read a letter from a group of residents who are against the culling of deer save the deer” group. She said it makes it look like the council is all on auto pilot and doesn’t care what the people have to say. She said they have fundamental objections to the forest health study conducted. She said it’s clear his (Dr. Kelly) totals yield false totals of our deer population. She said his findings don’t support his conclusions and we feel the Environmental Commission should have conducted the study. She said we researched names of other biologists and they were not considered. She said there was a lack of objectivity in the report. She said there is a strong objection to the use of bow hunting creating greater safety issues and we feel the ordinance banning bow hunting should remain enforced. She feels the hunt should be postponed this year re-evaluate conditions for next year.

Ray Miller, Valley Road, said he was asked in January to be a part of the Wildlife Committee and accepted because he was under the impression, he was going to be a person to add some compromise to the situation with the deer hunt. He said he now understands the hunt length is going to be increased. He said the crossbow has been debated numerous times and it is barbaric and inhumane. He commented if we do vote for a hunt this year, he hopes we don’t extend the time or consider bow and arrow. He asked if we could go back and compromise on the time frame of the hunt. Mr. Atkins stated that cross bow is not even on the table this year.

Pete Martino, Sunbright Road, asked if the Council reviewed the ISO, insurance rating report yet. He also asked if the mutual aide agreement was reviewed. He also asked if there has been a final cost come up with and if the fire company is going to put money into this. He said he received the answers back to his questions and he wasn’t impressed. He also said none of the ex-chiefs have been contacted on this purchase. He said we should wait to purchase the right piece of equipment. Councilman Black said we may be able to have some of the ex-chiefs come to a Fire Committee meeting.

Hans Juette, Elsinore Drive, said if there are questions about the culling he will be happy to answer them. He said they (Wildlife Advisory Committee) has not put their annual report of recommendations together. He said because there were questions raised on the forest health evaluation proposal, it had been

taken off the agenda twice. He said this Committee works very hard to get the Council the best information on counts. He said we asked Ray Miller for alternate names but we were running out of time and the only person we had was Dr. Kelly. Mr. Juette said there was any bias in the decision to go with him.

Lynda Goldschein, Sherwood Drive, said she is a big proponent of having the culling because when you skip one year, the numbers explode. She said they haven't been able to do anything with contraceptive regarding the deer. She said her only complaint is there has to be a company better than Blue Ridge. She said they are irresponsible and don't tell you when they are hunting. She doesn't believe they run a tight ship.

Doris Fine, Johnston Drive, asked what weapons does the Borough of Watchung currently allow regarding the deer hunt? Mr. Atkins said the DEP regulates this criteria. He said for the 2018- 2019 hunting season, starting on November 19th through Thanksgiving weekend does only may be hunted with a muzzle loader. He said November 26 deer, male and females can be hunted and shotgun is also permitted and he believes the closing date is February 10th. Ms. Fine asked the Council again to please clarify what weapons are allowed. Council President Gibbs said we do not allow bow hunting. She also asked how they physically counted the deer. Council President Gibbs responded there was an aerial survey done and Dr. Kelly and his students did a count in April of 2018 and found 179 to 248 deer. She said she believes the environment is more important sometimes which is why she supports the hunt. She also does not believe Blue Ridge is running a tight ship.

Paul Michaelis, High Tor Drive, said the ground survey done by Dr. Kelly was done on three sites totaling one third of the area of the community. The number generated from this ground survey multiplied by three compared to the aerial survey, you will find they are in good agreement. There is no question on the density, the question is how you arrive on that number. He said the two numbers came out quite close.

Ray Barratt, Valley Road, said last year the actual aerial survey physically saw and pinpointed 165 deer and this year they physically saw 100 deer. Mr. Barratt said the number of deer is low now it's below 165. He said he can't see any basic logic in saying we need a longer period of time for the hunt, we don't need to add increased danger to the hunt. Mr. Barratt said we all want to work together and do deer management. He said his first request is to skip the hunt this year, don't increase the time period from 8 weeks back to 12 weeks, and to do something creative and long term for next year's hunt.

Anano Rangarajan, Valley Drive, said he is glad to hear that openness and transparency is important for the public to have. He said as of now the public has not seen the deer hunt resolution. He said he feels like the deer hunt has been rushed through. He said we saw the Wildlife Management report and the study sent only two days ago, it's a solution looking for a problem. He said we are by no means a rural community and the data shows we are the 5th most urbanized city in Somerset County. He said this report only focuses on one aspect of environmental degradation which is wildlife. He said this report looks at 1/3rd of the data and it's just fuzzy math. He said the math is taken on 1/3rd of the township. He asked that the hunt not be voted on today.

Hans Juette, Elsinore Drive, said the spotlight deer survey has been used by biologist trained PhDs and it's a commonly accepted method of counting. He said you can think of it as quite similar to any kind of polling in a 2 or 3 or 5 percent deviation from accuracy. He also said they get a lot of comments or allegations about improper use and he wishes people who criticize would produce experts who are in the field and publish information in the field.

Ashley Cohen, Hill Hollow Road, said she as well as the Environmental Committee have come up with with the names of other experts who could perform the study, however, they were not asked. She said you cannot say that he (Dr. Kelly) is not biased, as he is a proponent of the hunt. She said there have been many violations (by Blue Ridge Sportsman) and those are just facts.

Paul Michaelis, High Tor Drive, said there has been a lot of emotional discussion about this deer hunt. He said he feels like the Wildlife Advisory Committee was established because the town was going downhill. He said the deer problem does exist He said he is not going to fence his property as he has too many acres. He said the numbers from the aerial count and the search light survey correlate remarkably well. He said the problem really boils down to we have to many deer in the community. He said we have to replace the trees.

Rachael Funcheon, Cedar Road, said they are not criticizing the spot light survey technique. She said the deer were here 50 or 60 years ago and the town has been over-built which is mostly responsible for the environmental loss in the town. she said our abundant wildlife gives us our rural feel. She asked if the Council has seen the recommendation of the Wildlife Committee, which they have not but noted they are planning on voting anyway. Council President Gibbs said the resolution is identical to prior years. She asked if the Council should have a chance to have the information be put before them. She asked if the Council has read the seven page report. Councilwoman Alberto said she would like to see hunt go back to the time period it was. Councilman Nehls commented on the change of the timeframe for the hunt, and said this deer management resolution was not provided to the residents.

Anano Rangarajan, Valley Drive, said it's scientifically wrong to use fuzzy mathematics to come up with the deer count numbers. He said there is a DEP expert on forest health assessment in Berkeley Heights and the DEP would provide 75 percent of the cost of rebuilding the forest in a town, all we have to do is ask for it. He said let's be consistent and have an open study done and let's come to the proper solution. He requested the hunt be postponed for this year.

The Mayor called for a five-minute recess.

Hans Juette, Upper Drive, said there has been a lot of questioning whether this forest health evaluation has been rushed. Ray Miller was given all the information we had, all the emails - full transparency, and Rachel is getting the information from Ray. Mr. Juette said he was starting to try and get the information to the Council back in July and doesn't understand why the evaluation was pulled to get information. He said in June or July they asked Ray to get another name as a vendor and got no response. Mr. Juette said their aim is to get the most accurate and unbiased information possible. He said the advocates against culling have not produced one bit of scientific information, the count is the count and it is accurate.

Ray Miller, Valley Road, said he did make phone calls and send emails to a number of sources and no one got back to him. He said a few names were passed around but according to Hans' Committee they could not wait any longer to get the count done. He said there was an effort made, and names supplied, but it wasn't in a timely fashion. Council President Gibbs said Councilmember Nehls attempted to get an alternative but that did not pan out either. He said there was a time constraint for the evaluation to get done. He said for next year we are happy to recommend the Committee to another assessment and come forward with additional names.

Rachael Funcheon, Cedar Road, said she spoke to four or five environmental organizations in central New Jersey and there are many consulting firms around in the area which do rapid ecological assessment of places. She said she did submit five names in advance when the study was done. She asked why the Wildlife Committee is handling this issue as all they deal with is deer, when it is the Environmental Commission who deals with trees in our towns. She also said the vote is being rushed not the environmental study.

Hans Juette, Elsinore Drive, said the Environmental Commission was asked a year ago to get involved and do some studies and tell us about the deer effect. He said the Commission wasn't interested in doing this.

Ray Barratt, Valley Road, said he is a little confused on the process of procedure. He said he asked for a copy of the deer management resolution and was told he was not allowed to see it prior to the Council meeting. He asked if the resolution on for adoption tonight was the same as last year's resolution or the year before. He recommended we take a week or two to breathe and this be reconsidered later on.

Attorney Cruz commented that the Clerk's response to the resident's email request for the resolution prior to the meeting is consistent with the appellate division decision which says the agenda is the only item that needs to be released to the public. He said resolutions change and then you're guided by a resolution that was issued and changed and there will be questions. He commented that the Clerk followed the applicable law articulated by the Government Records Council. He also said the agenda package is distributed to the Mayor and Council at the same time the agenda is posted on the website. This resolution is under Non-Consent Agenda which means it is voted individually and discussion is allowed. He said he supports the Clerk's decision.

Mr. Barratt asked Mr. Cruz to clarify if the deer management resolution on for tonight's agenda, asking if it is the same as last year's resolution. Attorney Cruz said it is the same except a few instances.

Mr. Cruz suggested to bring the resolution up to this portion of the meeting and have a decision made on it and then proceed with the rest of the meeting.

Council President Gibbs moved the following Resolution:

R5:11/01/18 Authorize 2018-2019 Deer Management Program/ Warren Blue Ridge Sportsmen, Inc.

This Resolution was seconded by Councilmember Mobus. Mayor Pote asked if there was any further discussion.

Councilwoman Alberto moved to amend the Resolution to change the time period to allow hunting from 12 weeks to 8 weeks.

Councilman Mobus asked if we delayed the start of the hunt last year, and Administrator Atkins said yes the start time was delayed. Council President Gibbs asked the Administrator to work with our Agent to determine which 8 weeks the hunt would be.

Councilman Black commented last year he said he wouldn't vote for a hunt this year if the culling process resulting in the same number or within the same number, unless we increased our sites. Councilman Black said he keeps hearing our residents say Blue Ridge is deficient and for that he has to vote "no."

Council President Gibbs said he will agree to amend the resolution to the 8-week time period.

Mayor Pote commented that we have a growing problem on our hand with the deer. All the data shows the numbers are up. He said you can shorten the amount of time to cull, and then we are just increasing the number of deer that will go un-culled, and it is getting away from us.

Council President Gibbs said last year we amended the Resolution to address safety concerns, and have met multiple times with Blue Ridge to advise them that all of the program rules are the exact same ones of last year. All notices will go out, and we have asked Maser Consulting to measure the sites. Council President Gibbs said safety is critical and he has committed to ensure the program is run properly. He

said the numbers do not lie, and said he goes back to the aerial survey and the counts and they are consistent. He said it is not our goal to eliminate the wildlife but we need to get down to a number that protects the environmental health of our town is critical. He acknowledges the deer are not the sole issue. Council President Gibbs said it is about mitigating the damage and protecting our environment not just killing the deer. He said a suggestion was made that we determine an acceptable amount of deer as a goal, and we should work toward this for next year.

Attorney Cruz commented we are voting on the resolution as just amended

Upon Roll Call the vote was as follows: Gibbs, Mobus, Sopko, Alberto, "aye;" Black, Nehls "nay."

UNFINISHED BUSINESS

A Public Hearing of Ordinance OR:18/16 entitled "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER XXVIII ENTITLED "LAND DEVELOPMENT", ARTICLE 900 ENTITLED "APPLICATION FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG BY REPEALING SECTION 28-902 ENTITLED "GUARANTEES, START OF CONSTRUCTION PURSUANT TO AN APPROVED PLAN, AND INSPECTIONS" AND REPLACING WITH NEW SECTION 28-902 ENTITLED "IMPROVEMENTS, GUARANTEES, START OF CONSTRUCTION AND INSPECTIONS." was held.

Councilman Black asked Attorney Cruz to expand on the above Ordinance. Attorney Cruz said this Ordinance is consistent with the Master Plan. This Ordinance is to implement the law that was adopted earlier this year.

Councilman Black moved a Public Hearing be held with a second by Council President Gibbs and upon roll call vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

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

R1:11/1/18 Adoption of Ordinance OR:18/16 – Amend Code / Land Development

NEW BUSINESS

CONSENT AGENDA: The Consent Agenda Items listed below were unanimously accepted, following a motion by Council President Gibbs and a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

Approval of the following Council minutes:

October 18, 2018

Acknowledging Receipt of the following Borough Reports:

Watchung Board of Health Minutes – May 16, 2018
Watchung Planning Board Minutes – September 18, 2018
Building Department Report – October 2018

Acknowledging Receipt of the following Correspondence:

None

CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Gibbs and a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye."

R2:11/01/18 Waive 2.25.10 of the Code and Purchase Over \$2,000. – Sparta Discount Tire, Inc.

R3: Authorize Stipulation of Settlement/ 861 Johnston Drive

R4: Adopting the Regulations of P.L. 2016, Chapter 29 Electronic Funds Transfers and Vendor Certification (N.J.A.C. 5:30-9A.6)

NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed an acted

upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

R5:11/01/18 Authorize 2018-2019 Deer Management Program/ Warren Blue Ridge Sportsmen, Inc. **(This resolution was addressed earlier in the meeting.)**

Discussion - Best Practices Check List

Administrator Atkins said everyone received a copy of this checklist prepared by himself and Bill Hance with an attached explanatory cover note. He said the state initially implemented this years ago to tell towns to do a certain percentage of these things or their state aide may be cut. He said we received a 97 percent score on this. Mr. Atkins said there were 24 questions that didn't apply to us and only applied to opportunity zones, old urban enterprise zones. Mr. Atkins said this checklist has been distributed to the Council and is documented in the minutes.

PUBLIC PORTION - GENERAL DISCUSSION

Martin Carroll, Valley Road, said the other day, at about 8:30 am, while putting up campaign posters he saw coming down Hillcrest Road a loaded car carrier, screeching the breaks along the way. He said there was a Police Officer parked at Best Lake parking lot, and he spoke to him about the car-carrier that had just come down Hillcrest. The Police Officer responded that he was busy doing something else. Mr. Carroll suggested that video cameras be installed to catch these type of violators. Mayor Pote said our Police Commissioner will inquire about this situation.

Lynda Goldshein, Sherwood Drive, said she is upset with the library mess but is also concerned about the fiscal mismanagement and truthfulness of the governing body. She said one of the big issues is the money pit the fire house renovation is. She asked where the money was coming from and said the job was supposed to be completed in 60 days and 15 months later is still not complete. She also commented that the Ness Property is contaminated. Councilman Nehls commented we haven't spent any money on remediation and we have been doing our due diligence regarding. Councilman Black commented that the Ness Property is being remediated and we held nothing back from the public on that process. He said regarding the Fire House renovations there were some setbacks with the building which caused the process to take longer. Mrs. Goldschein asked if we do background checks on our employees before we hire them, as between the fire official who is currently serving a prison term, and the employee from the tax office who was stealing money, this is a record that our small town should not be proud of.

Doris Fine, Johnston Drive, asked Mr. Cruz to advise her who owns the Bonnie Burn sewer connection. Attorney Cruz said he has informed the potential developer and these are issues for him to spend time on. Ms. Fine asked if the developer has to pay more money for taking down the amount of trees that they are proposing, and Mr. Cruz said that would be addressed in the re-development plan for that property. She also commented on what the Toll Brothers are doing in Upper Saddle River, saying that the creeks are being destroyed and the damage of them will cause excess flooding. She said before we go through with to look at what is going on in other townships. She said at some point the environment in Watchung has to be considered.

Frank Bisignano, Jared Court, said this will be a fact-based discussion on schools, housing value and your responsibility. He commented on Watchung's low school rating statistics. He said the last three years was the worst performance that we have ever had and encouraged all to look at this, and he said he will talk about the Council's responsibility. Mr. Bisignano said he wants it on the record, without going through his resume, that Councilman Sopko's evaluation on housing values was statistically flawed. He added that we want happy talk, we want a fact-based analysis. He said lastly, he heard from Mr. Black today, that there was a contract to oversee and partner with the schools, that was never implemented. He said in the past, it was the Police Chief, the School Superintendent, and the Mayor's responsibility to deal with problems together.

Margaret Ellis, Valley Road, asked the Council to take a look at comparable homes over the past years in Watchung and other relevant communities and see for the same homes was it selling for more or less in other towns.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 12:05 A.M. to the Call of the Chair and to the next meeting scheduled to be held on Monday, November 19, 2018 at 7:30 P.M.

Respectfully submitted,

Regina Angelo, RMC
Administrative Assistant