

**BOROUGH OF WATCHUNG  
MAYOR AND COUNCIL  
MINUTES  
NOVEMBER 19, 2018 - 7:30 P.M.**

**OPENING STATEMENT:** Mayor Stephen K. Pote called the meeting to order at 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 MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD AS WELL AS FOR THOSE WHO PERISHED IN THE CALIFORNIA WILDFIRES AND THOSE WHO HAVE LOST EVERYTHING AND ALSO A MOMENT OF SILENCE FOR CATHERINE SCHLEY, A 53 YEAR RESIDENT OF WATCHUNG AND FORMER EMPLOYEE AND TREASURER FOR 25 YEARS UNTIL HER RETIREMENT IN 1995.**

**ROLL CALL**

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

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

There were 30 members of the public present.

---

---

**REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Mobus reported the last meeting was October 26<sup>th</sup> and the Committee discussed the results of the Park and Ride Survey which closed on November 15<sup>th</sup>. He and said there were 139 responses, mostly for New York City. The County Ride Wise Program Director will provide the Borough with the survey results in the next couple of weeks which will give a better understanding of what the demand might be and how it would relate to regular ridership. Councilman Mobus also said the bus company would require a minimum of 25 riders as is the case with Warren. He has been in contact with Warren’s Council person who said the response has been less than expected which could lead to a coordinated arrangement with Warren if they need more riders to fill their bus. Councilman Mobus also reported the Committee discussed the Fire Apparatus purchase and the purchase of the Police Department equipment for 911 and dispatch.
2. Police – Council President Gibbs had no report.
3. Public Works / Buildings and Grounds –Prior to Councilman Nehls report Mayor Pote mentioned the snow storm last Thursday. He said Watchung was the only avenue out and the Borough roads were clear. He thanked the Public Works employees for a job well done and also Fire Department, Police Department and Rescue Squad for being on alert if their assistance was needed. Councilman Nehls mentioned the Borough does not plow county roads but even though we are not supposed to, public works plowed Bonnie Burn Road. Mr. Atkins said many residents commented that our roads were great and the Public Works crew did a great job. Councilman Nehls said salting started at 1:30 and by 2 pm all plows were out doing the roads, salting and plowing until completed. Six inches of snow fell on Thursday and additional one inch of Friday morning. All roads were cleared of snow and catch basin were opened for the melting snow. Sidewalks at all Borough buildings, school path, walkways around the lake and the library were cleared. Pothole repairs are ongoing, dead trees have been removed on Stanie Brae Drive; and leaf bags pickup continues. Councilman Nehls also reported the sprinklers on the lakes have been shut down for the winter and the bathroom at Mobus Field is closed. Council Nehls said milling and paving is ongoing on Ellisen, Lakeview, and Parlin with milling on November 26<sup>th</sup> and paving on November 28<sup>th</sup>. The Police parking lot need repaving with an approximate cost of \$60,000 and also the lower parking lot at Borough Hall where the charging station was installed. He also said one of the mower decks needs repair which will cost \$5,200. Councilman Nehls said other projects for next year will be to get prices to remove barn debris and removal of other buildings at the Ness Property; the Ross Pond removal (\$350,000 has already been bonded for this); and replacement of the Police Department roof. Bob Burns will get quotes for the roof. Councilman Nehls said the Mayor and Council must discuss the removal of tree debris over 6” inch diameter from residential property. He said this has always been the case but recent storms have raised new concerns.

4. Public Affairs:

Environmental – Councilwoman Alberto had no report – the next meeting is scheduled for November 26<sup>th</sup>.

Recreation – Councilman Mobus had no report.

Historical – Councilman Mobus reported the meeting was held on November 14<sup>th</sup> but he was not able to attend. He then read a report from Diddy Addario. The Weekend Journey through the Past was a huge success with 79 people attending from Morris, Warren, Union, and Essex County and one from New York. He said Amber Murad headed and organized the event and some staff from the cultural and heritage society also attended and stated this was one of the best local museums that had seen. The Committee will be participating in the Festival of Trees, which is being organized by Betse Titus. Councilman Mobus also reported that Chris Vander Fliet received a 2018 Good Scout award and he, along with Mayor Pote, Diddy Addario and Amber Murad attended the award center and ceremony. He said the Committee is working on the 2019 budget and it should be completed by the deadline. A final report on the grant received for the Mural is due to the County on January 3<sup>rd</sup> and Materials Conservation is working on the Mural and said they will meet the deadline. Councilman Mobus said some members are going to go to Philadelphia to do further negotiation and planning. He said Materials Conservation has been working on another Sears mural in Long Island and they sent pictures of this. The Committee will not make recommendations on where our Mural will go until some of the Borough plans are solidified. He further said the Committee is diligently working on downloading our documents to our own drop box and also continue sorting of documents and are working to upgrade the signs at all of the exhibits. The video, Reflections of Watchung, has been very popular at the Museum. Councilman Mobus said the Museum received a very interesting World War One artifact from a Watchung resident which is an example of trench art from a box made from a shell of a World War One Battle Ship which the Committee is researching now and will be adding this to the World War One collection with credit given to the donor. Councilman Mobus reported Diddy Addario is stepping down as chair of the Committee and Amber Murad will be the new Chairperson. He said it has been an honor to work with such a fine group of volunteers, and particularly thank Barbara Diem, Betty Jean Aldrich, and Diddy Addario who have served as Chairperson during his tenure as Council Liaison. Their dedication in serving the Community has been exemplary and he is honored to have had the opportunity to work with them. Each of these ladies have served the Community for many decades and their outstanding work creating a museum the residents should be very proud of. He is very glad Amber Murad has agreed to take over as chairperson and Diddy Addario has agreed to stay on to assist in any way needed.

Board of Health – Councilman Black had no report – the next meeting is scheduled for Wednesday November 28<sup>th</sup> at 7 PM.

5. Fire – Councilman Black reported there is a resolution for the purchase of the Fire Truck on the agenda. He also reported Mr. Herits will give a final inspection of the Fire House project.

Councilman Black asked if it is the intent to move forward with the grant application to the State for the Library matching funds. Tom Herits said Kelsey Howard informed him the rules and regulations will be forthcoming from the State most likely the first quarter of 2019. She also said that both the State and County Librarians have told her applicants seeking money should have a committee to discuss this prior to submitting the application.

6. Laws/Ordinances – Councilman Black had no report.

**REPORTS – OTHER:**

7. Engineer- Tom Herits reiterated Councilman Nehls report on the milling and paving and High Tor drainage is complete and is also being prepped for milling and paving. He also reported all Department of Transportation requests have been submitted and permits for Ross Pond were submitted and he has received comments and concerns from the Department of Environmental Protection. Mr. Atkins asked if there is anything significant and Mr. Herits said he can address all concerns. Mr. Herits said there will be a walk through of the Fire House on Wednesday, November 28<sup>th</sup> to finalize the project.
8. Police Chief – No report was submitted, however Council President Gibbs said there is a letter of resignation on the Agenda this evening from Officer Christopher DePalo effective as of November 8, 2018. He will be going to work for Edison Township but he had nothing but praise for the Watchung Police Department. The Department will now start the process of looking for a replacement.
9. Fire Department – Assistant Chief DeSandolo reported that Berkeley Heights loaned their apparatus, which is like the one being purchased by us, to the Borough so we could take it around town to make sure it could access all streets and there were no problems. He also said the Department was on stand by during the snow storm in case they were needed.

10. Rescue Squad – Diddy Addario gave statistics for August, September and October. She also reported elections were held at the November meeting to select administrative and operations officers for 2019. The Squad is also preparing for this year’s Tree of Lights ceremony being held on December 1<sup>st</sup>, she said the work detail had to wait until this coming Saturday, November 24<sup>th</sup> to hang the lights due to the snow storm last week.
11. Emergency Management – Gary Greves said OEM is in the process of updating the OEM Manual which is being done by Carolyn Solan and should be completed in the next three weeks. Mr. Herits reported he had met with the State Police Friday and they inspected the generators at the Department of Public Works building and the East End Fire House. He said we are in the process of preparing the paper work for submission for final reimbursement for those generators.
12. Attorney – Mr. Cruz reported on the “Keep a Library vs The Borough of Watchung” litigation with the following set schedule: November 15, 2018 - Case Management Conference; November 20, 2018 – Borough’s Trial Brief; and January 4, 2019 - Trial. On November 8, 2018 Judge Miller called an unscheduled Case Management Conference and stated he was aware of the election results and it was his strong recommendation that the previous schedule be adjourned until the newly elected officials have time to assess the litigation. Judge Miller anticipated by adjourning the previous schedule it would save both legal expenses and judicial time. In anticipation that the Mayor and Council agree to his recommendation, Judge Miller rescheduled the Case Management Conference for January 25, 2019. Mr. Cruz said his strong suggestion to the Mayor and Council is to not object to this request and if they agree he will convey this to Judge Miller. The Mayor and Council agreed. Mr. Cruz said there is no Executive Session this evening.
13. Clerk – Ms. DeRocco reported every year the Governing Body provides an appreciation dinner for all members of Boards, Committees and employees for the volunteer work they do all year, which will be held on December 7th. She noted the invitations were a little late however will be in the mail tomorrow.
14. Administrator – Mr. Atkins said Resolution R3 on this evening’s agenda is for insurance coverage for the Middle Brook Regional Health Commission which has been discussed by our Governing Body and he did get approval by the Committee to bring this to the Council on one condition. There will be a savings to the Commission if they are included on our policy, which they will pay for. Mr. Atkins said there will be a savings to Middle Brook in their payment and quality of coverage. Mr. Atkins, through Council President Gibbs, said to tell Middle Brook half of the savings be set up in a self-insured retention account to handle small claims that might arise. He said Middle Brook has agreed to this stipulation and they appreciate the Borough’s willingness to work with them and assist.

Mayor Pote thanked all the ladies, Diddy, Barbara, Betty Jean for all their work on the Historical Committee and the Historical Museum. He also thanked all who participated in the Veterans Day Ceremony and we honored our former Mayor Al Ellis. He said the Ellis family were very pleased and wished to express their gratitude to the town for taking the time to honor him as a Veteran.

Mayor Pote also said both he and Councilman Mobus attended the League of Municipalities Conference. He said both attended one session with Shelia Oliver who spoke about Affordable Housing and her comments were generally that things were going extremely well as far as what Municipalities are doing. They also heard from Senator Sweeney who stated he is not interested in any legislative changes for Affordable Housing.

---

**PUBLIC PORTION / AGENDA ITEMS ONLY**

Tom Franklin, Wildwood Terrace, asked about the Ordinance on the Route 22 Overlay. He wanted to know if it has been changed. Mr. Cruz explained this is part of the Fair Share Housing from 2008 and 2010 which includes part of Mt. St. Mary’s and Liccardi Ford and is part of the current Fair Share Housing Agreement and only updating and making technical changes have been made.

Lynda Goldschein, Sherwood Drive, questioned information regarding removal of logs over 6 inches is that just for residential removal? Councilman Nehls said yes, and that anything on Borough property would be removed. She also questioned the fencing on the over \$2000 resolution and asked why it is at Weldon she does not understand how this is helping the Borough. Councilman Nehls said this is for the salt storage area and this alleviates Public Works Employees coming back to Somerset Street for salt. Mr. Atkins said it is a much more space with about 1.3 acres making it easier to move around and also to comply with future DEP mandates. Ms. Goldschein then asked about the Great Blue Lake Pond Management fee and Councilman Nehls said both lakes were treated and Mr. Atkins said he thought the exact cost was \$3,318. Councilman Nehls said there will be a contract next year to have the lakes monitored. Ms. Goldschein asked about the Ordinance for Accessory Apartments. Mr. Cruz explained this is a change in the existing Ordinance from a conditional use to a permitted use. He said a permit for an accessory apartment could be approved and issued by the Zoning Officer as opposed to going to the Planning Board and Board of Adjustment.

Denise Cohen, Hill Hollow Road, asked where Ross Pond was and Mr. Herits said it is off Washington Drive.

Ray Barrett, Valley Road, would like a discussion on Resolution R2. He said when they made their presentation last year it was the general agreement that they wanted more balance on the WMAC. Appointing this person at this time seems to be an unnecessary step to take. He would like all to discuss this and put it on hold. Councilman Nehls said he has already advised Council President Gibbs that he will request this be pulled for separate discussion.

Pete Martino, Sunbright Road, said he submitted more questions regarding the purchase of the fire apparatus and there should be more discussion before making such a large purchase. He said the Fire Department deserves better. Councilman Nehls responded that there was a Fire Committee and the Fire Department members gave their suggestions on what they wanted and the Council is going with their suggestion. Councilman Black said there were no issues getting the vehicle to all our roads.

Ms. Goldschein complimented Public Works on the great job they did removing the snow. She asked if any private contractors were used and Mr. Atkins said there were none used.

---

---

**UNFINISHED BUSINESS**

NONE

---

---

**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously accepted as amended, 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:

None

Acknowledging Receipt of the following Borough Reports:

Library Advisory Board Minutes – September 12, 2018  
Wildlife Management Advisory Committee Minutes – May 29, 2018, July 13, 2018

Acknowledging Receipt of the following Correspondence:

#36 - JCP&L 11/02/18 Notice of Public Hearing for Verified Petition for Approval of Infrastructure Investment Program c: M&C, TEA, Post

#37- Christopher DiPalo 11/6/18 Letter of Resignation as a Member of Watchung PD effective 11/8/18 c: M&C, TEA, WH

---

---

**CONSENT AGENDA RESOLUTIONS**

Council President Gibbs moved the following resolutions as amended with a second by Councilman Nehls and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, “aye”.

Prior to the vote Councilman Nehls requested resolution R2 be pulled for separate discussion and vote.

R1:11/19/18 Purchases Over \$2,000 – Herbert Lutz & Company, Inc (FD- UST Required Testing)  
Great Blue Lake & Pond Management (PW- Treatments & Permits)  
Gold Type Business Machine Inc (PD- Info Cop Annual Licenses)  
OSI Technology (PD – Police Software Maintenance)  
Challenger Fence Inc (PW- Salt Storage Facility Fencing)  
Approved Fire Protection Co. (PW – Sprinklers at PD)  
Craig Zaikov (Recreation – Basketball Uniforms)

R2: Appointment of Member to Wildlife Management Advisory Committee –  
Diana Canellis

R3: Designation of Middlebrook Regional Health Commission as an Additional Insured Entity under JIF Coverages

Councilman Nehls requested Resolution R2 be held until the January meeting when the new Mayor and Council members are in place for any decisions. He said he does not know Ms. Canellis position on the Borough of Watchung

deer hunt. Councilman Black agreed with Councilman Nehls. Councilman Mobus said he does know Ms. Canellis and said he does not know her position on this but she would be open to all views. Council President Gibbs said appointments have been made all the time and we have never questioned an individual before. He stated that the Wildlife Management Advisory Committee can only advise the Mayor and Council. The final decision is the responsibility of the Mayor and Council. Councilman Sopko agreed with Council President Gibbs. Councilman Mobus is concerned about the level of scrutiny for someone who wishes to volunteer their time. Mayor Pote said Ms. Canellis is a very capable and can be fair and objective and he has the authority to appoint a person until December 31<sup>st</sup>.

Mr. Cruz stated since it looks as though there may be a tie vote he requested he be given a few moments to review the ordinance for the Wildlife Management Advisory Committee prior to the motion and vote. Once Mr. Cruz looked at the code for this Committee he stated if there is a tie the Mayor would be deciding vote.

Council President Gibbs moved resolution R2 with a second by Councilman Mobus and upon roll call the vote was as follows: Gibbs, Mobus, Sopko and Alberto, "aye,"; Black, Nehls, "no."

---

---

### NON- CONSENT AGENDA

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

R4:11/9/18 Authorize Transfers / 2018 Budget

Prior to introducing the following four Ordinances Mr. Cruz requested permission from the Mayor to provide an overview of each of these Ordinances to show the inter-relationship between them, what they are and how they operate. Mr. Cruz explained there are a couple of technical corrections that must be made and stated he would address these before each is adopted.

The first Ordinance is an amendment to the existing Accessory Apartment Ordinance which changes Accessory Apartments from conditional use on County roads and United States highways to permit uses and allows the Zoning Official to issue zoning permits if the requirements of the revised ordinance are met. This was an agreement with Fair Share Housing.

The second Ordinance for a proposed Route 22 Overlay Zone for the front of Mt. Saint Mary's property along Route 22 and the adjoining Liccardi property has been in effect for approximately ten years. This Overlay Zone is part of the Borough's current Housing Element and Fair Share Plan. The proposed Ordinance would implement that portion of the Housing Element & Fair Share Plan making certain changes to implement the Superior Court approved settlement.

The third Ordinance is a municipal wide set-aside Affordable Housing Ordinance. This Ordinance only applies if the Council changes a zone or district or the Board of Adjustment grants a use variance for a development of five or more units or six or more units to an acre. This is a new Ordinance, however, as a matter of policy it has already been implemented in the one instance that circumstances fitting this ordinance arose.

The fourth Ordinance is a redevelopment plan for the Bonnie Burn Road property. He explained that a redevelopment plan is similar to a mini master plan for a property and also serves as the zoning ordinance for the property containing requirements such as front, side, rear set-backs, and building heights. In addition, a redevelopment by law requires certain mandatory elements such as consistency with the Borough's Master Plan, relationship of the redevelopment ordinance to local zoning, land use and building requirements. He said this particular property was declared an area in need of redevelopment by the Council based on the Planning Board recommendation based on a non-condemnation, and a relationship of the redevelopment Master Plans of other municipalities. This must also show the layout of the buildings.

Mr. Cruz said all of these Ordinances were recommended by the Borough's Affordable Housing Subcommittee, after their review, to the Council that these should be adopted. If approved this evening the Planning Board anticipates reviewing them tomorrow, November 20th. If introduced tonight these Ordinances will be the subject of a public hearing December 6, 2018 before the Council. At that time the Borough Planner and the Redeveloper of the Bonnie Burn property will be present to make a presentation. Mr. Cruz said these Ordinances do not grant approval to any development. Developers must be approved by the Planning Board and notice to adjoining property owners and the normal or regular Planning Board process. All of these Ordinances are part of the settlement agreement with the Superior Court.

As stated, at different meetings, this Settlement Agreement required much work on the part of the Borough's professional staff, Affordable Housing Sub-committee, Planning Board and Council.

These Ordinances are being proposed now to meet the Court's overall schedule for compliance.

Mr. Cruz stated if these Ordinances are introduced this evening these will be posted on the Borough's website tomorrow morning. As indicated as each is introduced there are a couple of minor corrections to be made and will be addressed individually, there is no change to the first ordinance for the accessory apartments.

Proposed Ordinance OR:18/17 entitled: "AN ORDINANCE THAT AMENDS THE BOROUGH OF WATCHUNG LOW AND MODERATE INCOME ACCESSORY APARTMENT REQUIREMENTS TO PARTIALLY MEET THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS, TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF LOW AND MODERATE INCOME ACCESSORY APARTMENTS INSTEAD OF CONDITIONAL USE APPROVAL AND SETTING FORTH APPLICABLE REQUIREMENTS, PROCEDURE AND PROGRAM ADMINISTRATION." was introduced.

Councilman Black moved Ordinance OR:18/17 be given its first reading. So Ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Council President Gibbs and upon roll call the vote was as follows: Gibbs, Nehls, Sopko, "aye"; Black, Mobus, Alberto, "no." Mr. Cruz explained with a tie the Mayor has the tie breaking vote. Mayor Pote, "aye." Public Hearing to be held December 6, 2018.

R5: Introduction of Ordinance OR:18/17 – Amend Code / Low and Moderate Income Accessory Apartment Requirements

Proposed Ordinance OR: 18/18 entitled: "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII, ENTITLED "LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF WATCHUNG" TO ESTABLISH A ROUTE 22 AFFORDABLE HOUSING OVERLAY DISTRICT." was introduced.

Councilman Black moved Ordinance OR:18/18 be given its first reading. So Ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Council President Gibbs and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, Alberto, "aye." Public Hearing to be held December 6, 2018.

Prior to the vote Mr. Cruz had a technical correction on this Ordinance in section one the next to the last sentence at the bottom reads New and the word Jersey should be added after the word New to read New Jersey, Law Division.

R6: Introduction of Ordinance OR:18/18 – Amend Code / Affordable Housing Overlay District

Proposed Ordinance OR: 18/19 entitled: "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXVIII, ENTITLED "LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF WATCHUNG" TO ESTABLISH MANDATORY AFFORDABLE HOUSING SET-ASIDE." was introduced.

Councilman Black moved Ordinance OR:18/19 be given its first reading. So Ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Council President Gibbs and upon roll call the vote was as follows: Gibbs, Black, Nehls, Mobus, Sopko, "aye;" Alberto, "no." Public Hearing to be held December 6, 2018.

Prior to the vote Mr. Cruz requested a technical correction in Section one last line the word Jersey should be inserted after the word New to read New Jersey, before Law Division.

R7: Introduction of Ordinance OR:18/19 – Amend Code / Mandatory Affordable Housing Set-Aside

Proposed Ordinance OR: 18/20 entitled: "AN ORDINANCE ADOPTING A "REDEVELOPMENT PLAN" FOR A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT CONSISTING OF BLOCK 7402, LOTS 19.01 AND 19.02 AND BLOCK 7403, LOTS 5 AND 10 AND FURTHER IDENTIFIED AS THE "BONNIE BURN ROAD REDEVELOPMENT AREA", AS SHOWN ON THE BOROUGH OF WATCHUNG TAX MAP IN ACCORDANCE WITH N.J.S.A. 40A:12A-7." was introduced.

Prior to the reading of the Proposed Ordinance Mr. Cruz explained in Section 4 page 16 in the second paragraph last sentence, Fair Share Housing would like it to read: the controls will be in accordance with UHAC after the first 30-year period unless and until the Borough choses to release the restrictions in accordance with UHAC.

Councilman Black moved Ordinance OR:18/20 be given its first reading. So Ordered. Councilman Black moved the Ordinance be adopted on first reading and the Clerk be directed to publish the ordinance and notice of public hearing. The motion was seconded by Council President Gibbs and upon roll call the

vote was as follows: Gibbs, Nehls, Sopko, “aye;” Black, Mobus, Alberto, “no.” Mr. Cruz again explained with a tie the Mayor has the tie breaking vote. Mayor Pote, “aye.” Public Hearing to be held December 6, 2018.

R8: Introduction of Ordinance OR: 18/20 – Redevelopment Plan / Bonnie Burn Road  
Redevelopment Area

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

R9: Payment of Bills

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

R10: Award of Contract/Houston-Galveston Area council – E-1 Pumper/Absolute Fire  
Protection Co., Inc.

---

---

### **PUBLIC PORTION-GENERAL DISCUSSION**

Joel Cohen, Hill Hollow Road, questioned an easement on the east side of Valley Road. The stream there is causing problems when there are heavy rains and is asking if something could be done about this. Mr. Herits said letters have been sent to the Zoning Officer and have previously contacted the owners of the property. There is now a new owner and he will be in contact with them. Councilman Nehls said we may have to have our Borough Attorney look at the legal authority. Mr. Herits will make an attempt to contact the new owner to discuss this issue. Mr. Cruz said the property owner has legal rights and he would have to know exactly what the easement is.

Martin Carroll, Valley Road, wished to apologize to the Council about statements he made at the last meeting which may have been condescending or offensive, and apologize especially to Ms. Alberto. Councilwoman Alberto did not understand what he was speaking about but accepted his apology.

Phyllis Juette, Elsinore Drive, read a letter addressed to the Mayor Pote, Council President Gibbs, and Watchung Borough Council Members from the Coalition to save Watchung Library requesting the Borough Council rescind the two resolutions adopted on April 19, 2018 and revised on July 19, 2018: to cease providing local library services for our residents and to abandon plans to renovate or replace the Watchung Library. This action would remove any contradiction to Council’s current proposed plan to acquire the Firemen’s Exempt Hall for conversion into a full-service Library/Community Center.

Tom Franklin, Wildwood Terrace, said split votes on the COAH issue are a concern. He said the Borough should not fight this – do not litigate against the State. Councilwoman Alberto asked if he thinks we should sit back and see what happens with the next round in 2026. Mr. Franklin just suggests the Borough should just be careful. Councilwoman Alberto said we as a town should go to Trenton to rally against this. Councilman Nehls also agreed we should protest to the Assembly and Senate and have them revisit the possibility of regional contributions. Councilwoman Alberto when she was in Trenton all Mayors begged COAH to come back. They were told the reason towns don’t want affordable housing is because they are racist. Mr. Cruz said Fair Share Housing has made public policy for all of New Jersey. Mayor Pote said this is a very sensitive time for this issue and should work with Trenton to change policy and where timing can be improved.

Hans Juette, Elsinore Drive, asked Mr. Cruz what our next round commitment will be which he feels could be 400 more units if the overlay zone is put on. Mr. Cruz said the Borough agreed on 396 this round and with the vacant land adjustment it was brought down to 53 units. He said the unmet need never goes away and there will be new assignments in 2026. Mr. Juette said the Borough could have a worse case scenario and we would have to build 2000 more apartments. Mr. Cruz said he should not make any assumptions.

Lynda Goldschein, Sherwood Drive, had questions about the Library/Community Center as to who is on the Committee doing the negotiations with the Exempts. It is Councilmen Nehls, Gibbs, and Mobus. Mayor Pote also said both the old and new administration will continue from here. The first item is to get an agreement with the Exempts and there have been many conversations. Ms. Goldschein asked if there is a time frame and Mayor Pote not at this time.

Martin Carroll, Valley Road, asked what will happen if the Exempts say no and if there is a backup plan? Council President Gibbs said this site offers the best opportunity and there is no plan B at this time. The old site is not an option since there are too many problems with the site.

Ms. Goldschein suggested the possibility of trading 1 and 1/2 acres for 3/4 acre at the Camp Endeavor site.

---

---

**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 9:50 P.M. to the Call of the Chair and to the next scheduled Council meeting Thursday, December 6, 2018 at 7:30 P.M.

Respectfully Submitted,

MaryAnn Hance  
Deputy Clerk