

The July 10, 2012 meeting of the Township Council of the Township of Pequannock, Morris County, New Jersey was called to order at 7:30 p.m. in the Municipal Building Meeting Room located at 530 Newark-Pompton Turnpike; Mayor Richard Phelan presiding.

Township Clerk Delaney announced the meeting was being conducted pursuant to the requirements of the New Jersey Open Public Meetings Act with notice included in the annual meeting notice filed in the Office of the Township Clerk, posted on the Township website and in the Municipal Building, published as a legal notice in the Suburban Trends newspaper, and provided to all persons requesting notice and providing payment in accordance with Township policy.

Mayor Phelan led the Pledge of Allegiance which was followed by a prayer and a moment of thanks for those individuals serving our nation.

ROLL CALL.

Present:

Mayor Richard Phelan
Deputy Mayor Melissa Florance Lynch
Councilman Jay Vanderhoff
Councilperson Cathy Winterfield

Absent:

Councilman Edward Engelbart

Also Attending:

David W. Hollberg, Township Manager
Robert Oostdyk, Esq., Township Attorney
Joseph J. Delaney, Jr., Township Clerk
Carol J. Marsh, Deputy Township Clerk

There were 17 members of the public in attendance.

PRESENTATIONS. There were no presentations.

REPORTS FROM VOLUNTEERS. There were no volunteer reports.

PUBLIC COMMENT.

- Mike Bertuna, 10 Beech Street, questioned the Township Manager as to the status of his fence permit and asked about the status of the poles for street signs that are being replaced.

PUBLIC HEARING: Ordinance No. 2012-19, ORDINANCE ACCEPTING THE CONVEYANCE OF A DEED OF DEDICATION FROM KENNETH J. GRIMBILAS AND NANCY L. GRIMBILAS OVER A PORTION OF BLOCK 1601, LOT 2 (249 SUNSET ROAD)

The council expressed their support for the ordinance.

There were no public comments presented.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the ordinance was adopted by the following vote:

For: Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.
Against: None. Abstain: None. Absent: Mr. Engelbart.

PUBLIC HEARING: Ordinance No. 2012-20, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 4603, LOT 2 (CHRISTOPHER & PATRICIA SCOTT); A CONTRACT FOR THE PURCHASE OF BLOCK 4115, LOT 10 (MIKO II, LLC); A CONTRACT FOR THE PURCHASE OF BLOCK 4115, LOT 12 (HECTOR & LISA RIOS); A CONTRACT FOR THE PURCHASE OF BLOCK 4115, LOT 11 (ROBERT BUTLER); AND A CONTRACT FOR THE PURCHASE OF BLOCK 2701, LOT 9 (JAMES CUTILLO)

The council expressed their support for the ordinance.

Rocco Salluce, 153 Jacksonville Road – in response to a question Township Manager Hollberg explained the rationale for acquiring the Route 23 property and explained that, in accordance with guidance from FEMA, which is reimbursing the cost, appraisals are based on pre-flood market values and the contract prices are between 92 and 95 percent of the appraised value.

On a motion by Mr. Vanderhoff, seconded by Ms. Winterfield, the ordinance was adopted by the following vote:

For: Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.
Against: None. Abstain: None. Absent: Mr. Engelbart.

ORDINANCE INTRODUCTIONS.

Ordinance No. 2012-22, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 4116, LOT 11 (JOHN & CHARLOTTE)

MULLEN) AND A CONTRACT FOR THE PURCHASE OF BLOCK 307, LOT 7 (JUAN ARAGONDA)

Township Clerk Delaney outlined the purchase prices and the typographical corrections to the previously distributed version of the ordinance.

The council expressed their support.

On a motion by Mrs. Florance-Lynch, seconded by Mr. Vanderhoff, the ordinance was approved for introduction by the following vote:

For: Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.

Against: None. Abstain: None. Absent: Mr. Engelbart.

RESOLUTIONS.

- **R2012-127**, authorizing the abatement of property maintenance violations at designated properties
- **R2012-128**, authorizing release of designated Escrow Deposits
- **R2012-129**, releasing Driesse Development LLC from Performance Guarantee (83 West End Avenue)
- **R2012-130**, confirming the designated memberships in the Pequannock Township Fire Department
- **R2012-131**, approving payment of the itemized claims as set forth on the July 6, 2012 Bill List
- **R2012-132**, Resolution in Support of Legislation that provides Reservoir Management for Flood Storage (A-267/S-1406 & A-1069)

Mayor Phelan announced resolution **R2012-132** would be held for further review. There was a brief discussion of the resolutions.

On a motion by Mayor Phelan, seconded by Ms. Winterfield, **Resolutions R2012-127 through R2012-131** were approved by the following vote:

For: Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.

Against: None. Abstain: None. Absent: Mr. Engelbart.

ITEMS FOR DISCUSSION.

- **Ordinance No. 2012-21**, ORDINANCE ESTABLISHING THE TOWNSHIP OF PEQUANNOCK EMERGENCY MEDICAL SERVICE DEPARTMENT

Mayor Phelan reported on recent meeting with Chilton Hospital concerning their proposal to add a second ambulance on a trial basis and recommended that the Township go ahead with an agreement on a trial basis and move forward with the ordinance as well.

First Aid Chief Greg Renna explained the likely effect of pending state legislation and expressed support for moving forward with a trial agreement and the ordinance.

The council expressed support for entering into a three month trial with Chilton Hospital and moving forward with the ordinance.

▪ **Water Blending Facility Bids**

Township Attorney Oostdyk outlined the history and status of the Water Blending Facility litigation and explained the council's options concerning the bids for the Water Blending Facility.

Joseph Hocking, Esq., representing Reivax Construction, outlined their legal position.

Mr. Hollberg explained various issues concerning the bid specifications and recommended that the council reject all bids and rebid the project with modifications.

On a motion by Mayor Phelan, seconded by Mr. Vanderhoff, all bids were rejected and the Township Manager was authorized to rebid the project with modifications to the specifications, by the following vote:

For: Mrs. Florance-Lynch, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.

Against: None. Abstain: None. Absent: Mr. Engelbart.

MANAGER'S REPORT. Township Manager Hollberg reported the following:

- Newark Water Supply has received a permit to do restoration on their aqueduct near Beverly Road; the Township engineer will review the scope of work.
- Morris Co. Open Space: The Township has submitted an application for the 2012 round of grants for the acquisition of three (3) homes; at the suggestion of Morris County, we may apply under their Flood Mitigation Program.

- Bills that would have restored funding from Energy Tax Receipts were passed in both houses and subsequently vetoed by governor.

COUNCIL REPORTS.***Ms. Winterfield:***

- Reported that the Parks and Recreation Committee had discussed issues with PV Park and commended the Director for her follow up.
- Asked Mr. Hollberg for status on several road projects. Mr. Hollberg explained that Jersey Central Power and Light needed to move several utility poles before the re-paving of Sunset Road could be completed, and that he would check on the status of line painting at the intersection of Sunset and West Parkway.
- Asked Mr. Hollberg for follow up concerning a resident survey. Mr. stated that he would provide examples for the council and that his intent was to have surveys ready by mid-August

Mr. Vanderhoff:

- Stated that Fire Company No. 1 met and is looking forward to the appointment of a training officer.
- Questioned Mr. Hollberg about the status of the Washington Park soil cleanup. Mr. Hollberg explained that he has received an estimate from the contractor and is waiting for a response from the insurance provider. Additional funding may be needed.

Mrs. Florance-Lynch:

- Announced that the Environment Committee is meeting on July 11.
- The Economic Development Committee is working on another networking event, a new business checklist and a shop local campaign, and is updating their website.

Mayor Phelan:

- Announced that the scheduled sewer assessment meeting has been cancelled pending further discussion.
- Reported the First Reformed Church is planning a one-year observance of Hurricane Irene.
- Inquired on the status of the Township's CRS rating for flood insurance.
- Reminded the public the Army Corp of Engineers is hosting a flood meeting tomorrow evening.

PUBLIC COMMENT.

- Tom Andrea, 6 Elm Road – in response to a question regarding EMS response times, Mayor Phelan explained the circumstances under which lag times occur. Township Manager Hollberg explained that response time during weekdays is being addressed by proposed legislation and explained how a Pequannock Township EMS would respond to other communities in the region.
- Rocco Salluce, 153 Jacksonville Road, inquired about the expected completion date of the Munson sewer project and questioned the difference between Chilton Hospital's EMS business model and the Township's.
- Lou Hebert, 11 Copley Court, questioned the status of PV Park.
- Frank Spizzirri, 35 West Franklin Avenue, reported on the Open Space Committee Meeting.

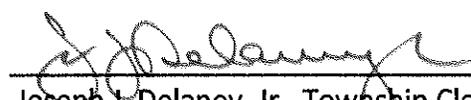
EXECUTIVE (CLOSED) SESSION.

On a motion by Mayor Phelan, seconded by Mr. Vanderhoff, the Council unanimously approved **Resolution R2012-32A**, authorizing an Executive Session.

The public portion of the meeting was recessed at 9:12 p.m. followed by the Executive Session to discuss potential litigation on the Water Blending Facility.

The closed session was completed at 9:19 p.m. at which time the public meeting reconvened. Township Attorney Oostdyk summarized the Executive Session discussions. No formal action was taken.

ADJOURNMENT. There being no further business, on a motion by Mrs. Florance-Lynch seconded by Mr. Vanderhoff, the meeting was adjourned 9:20 p.m. by unanimous vote of the Council.



Joseph J. Delaney, Jr., Township Clerk