

The July 24, 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.

The Township Clerk read the following statement for inclusion in the meeting minutes:

*"In accordance with the requirements of New Jersey's Open Public Meetings Act, notice of this meeting was included in the Annual Meeting Notice which was filed in the Office of the Township Clerk; posted on the Bulletin Board in the Municipal Building; published as 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 Edward Engelbart  
 Councilman Jay Vanderhoff  
 Councilperson Cathy Winterfield

Absent:

None

Also Attending:

David Hollberg, Township Manager  
 James Bryce, Esq., Township Attorney  
 Joseph J. Delaney, Jr., Township Clerk  
 Carol J. Marsh, Deputy Township Clerk

There were 22 members of the public in attendance.

**PRESENTATIONS.** There were no presentations.

**REPORTS FROM VOLUNTEERS.**

Frank Spizzirri, 35 West Franklin Ave, Open Space Advisory Committee Chairman, reported that New Jersey Green Acres had approved the Pequannock Township Open Space and Recreation Plan update and that the Township may continue to use Green Acres funding to acquire open space.

**PUBLIC COMMENT.**

- Christopher Lotito, 84 Madison Street, requested the Badaan Liquor License discussion be rescheduled until September.
- Frank Spizzirri, 35 West Franklin Avenue, questioned the status of the West Franklin Avenue repaving.

**PUBLIC HEARING: Passaic River Coalition request for Morris County Open Space Preservation Grant**

Michael Reinhardt and Matthew Polsky, representing the Passaic River Coalition outlined the Coalition's goals and described how the acquisition of Block 902, Lot 12 near Jackson Avenue will further those goals and the goals of Pequannock Township.

Frank Spizzirri, Pequannock Township Open Space Advisory Committee Chair, questioned if there would be an agreement which specified that the property would be integrated into the Township's Riverwalk project.

Councilman Engelbart agreed that there should be a formal easement between the Township of Pequannock and the Passaic River Coalition for use of the Riverwalk and requested copies of the presentation material.

Councilperson Winterfield asked for clarification of the Coalition's overall plan and asked if the Coalition would be willing to provide access to the property for the equipment necessary for de-snagging efforts.

Councilman Vanderhoff expressed support for the acquisition as long as the Township's requirements were accommodated.

Councilwoman Florance-Lynch expressed support for the acquisition and echoed the concerns of Ms. Winterfield.

Mayor Phelan agreed the Township's need to have access to the property as part of flood control maintenance measures.

Fred Baldinger, 56 Brookside Avenue, questioned the impact on Aquatic Park.

Christopher Lotito, 84 Madison Street, inquired about the status of existing debris.

Mr. Reinhardt stated the site was inspected with no unusual amounts of debris or ATV tracks found and assured the council that the Coalition fully supports an easement agreement to

encourage public use of the property with full integration into the Riverwalk project and supports ongoing de-snagging efforts.

The council expressed support of the project as long as the Township's concerns were addressed.

On a motion by Mr. Vanderhoff, seconded by Mr. Engelbart, the public hearing was closed by the following vote:

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

**PUBLIC HEARING: License Renewal - Alcoholic Beverage Control Consumption License issued to Mounir N. Badaan.**

Michael Rubin Esq., 1330 Hamburg Turnpike, Wayne Township, representing the applicant Mounir Badaan, outlined the license history and the renewal procedure.

Mayor Phelan objected to the statement in the affidavit submitted to the NJ Division of Alcoholic Beverage Control (ABC) that the council was in support of the project. Mayor Phelan stated that he is not in favor of the project and noted the current council has not expressed their support. Councilmembers Winterfield and Florance-Lynch expressed their agreement with the Mayor's position.

Township Attorney Bryce suggested the applicant reapply to the ABC for the Special Ruling and revise item 17 to reflect that the Township had received the water permit and item 19 to reflect the support of prior councils.

Mr. Rubin stated his position the application was legally correct but agreed to revise the affidavit for Mr. Bryce's review and submission to the Division of ABC.

Mayor Phelan invited comments from the public. There were no public comments presented.

On a motion by Mrs. Florance-Lynch, seconded by Mr. Engelbart, the hearing was closed by the following vote:

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

**PUBLIC HEARING: 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)**

There were no public comments presented.

Members of the council expressed their support for the ordinance. On a motion by Mrs. Florance-Lynch, seconded by Mr. Engelbart, the ordinance was adopted by the following vote:

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

**ORDINANCE INTRODUCTIONS.**

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

Chief Greg Renna, representing the First Aid Squad, expressed the Squad's support for the proposed ordinance.

Councilman Engelbart stated that he supports the ordinance, but has concerns about the revenue and suggested that the accounts be regularly reviewed.

In response to Councilperson Winterfield's questions, Township Manager Hollberg assured the council that he would be closely analyzing the revenues and expenditures for the program, that there would be minimal impact on insurance rates since the service itself is currently in existence, and explained that standards for qualifications were appropriately addressed in administrative code rather than in legislation.

Councilman Vanderhoff expressed his support for the ordinance and noted that the Township has historically been on the forefront of providing such services.

Councilwoman Florance-Lynch agreed that the Township should take the lead on providing this service.

Mayor Phelan stated his support for the ordinance as it is and agreed that it should be reviewed in an appropriate period of time.

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

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

#### RESOLUTIONS.

- **R2012-133**, authorizing liens on designated properties for costs associated with the abatement of property maintenance violations
- **R2012-134**, authorizing release of designated Escrow Deposits
- **R2012-135**, authorizing Tax Office refunds, overpayments or cancellations
- **R2012-136**, confirming the designated memberships in the Pequannock Township Fire Department
- **R2012-137**, approving payment of the itemized claims as set forth on the **July 20, 2012 Bill List**
- **R2012-139**, rejecting all bids and authorizing amendments to the bid specifications for the Water Quality System Improvements Project (Water Blending Facility)

Mayor Phelan stated that R2012-138 would be considered separately and that R2012-139 is an addition to the agenda.

On a motion by Mrs. Florance-Lynch, seconded by Mr. Vanderhoff, **Resolutions R2012-133 through R2012-137 and R2012-139** were approved by the following vote:

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

- **R2012-138**, consenting to the proposed Morris County Water Quality Management (WQM) Plan Amendment

Councilperson Winterfield expressed concern with the process and with the documentation that accompanied the resolution

Township Manager Hollberg provided background information and suggested the Council invited representatives from the County and the Township Health and Engineering Departments to discuss the plan.

On a motion by Mr. Vanderhoff, seconded by Ms. Winterfield, **Resolution R2012-138** was tabled by the following vote:

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

#### ITEMS FOR DISCUSSION.

- ***Courage to Connect*** - Councilperson Winterfield provided a brief overview of the goals of Courage to Connect NJ. The council agreed to schedule a meeting for September 19, 2012 with Ms. Winterfield coordinating the date.

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

- Thanked the Department of Public Works for completing the PV Park retaining wall.
- Stated that the Township has received the renewal application for CRS (Community Rating System) and believes that the Township's efforts will result in an improved rating from the current 7.
- Little League State Tournament Championship will be held at Washington Park this weekend on Friday, Saturday, Sunday, Monday and Tuesday if required. There will be local teams participating and we expect a lot of activity.
- Triathlon will take place early Sunday morning
- Department of Public Works has completed a 300 foot section of water pipe through an easement on the Perrin property.
- Tax Bills will be mailed middle to late next week; the actual payment date will be extended to a date in August.
- Asked the council to consider direction for property that has been purchased for open space; an inventory and information on the maintenance requirements for various types of parks will be provided.

#### COUNCIL REPORTS.

##### ***Mr. Vanderhoff:***

- Commended the DPW on their work on the jug handles on DOT property.

- Inquired about the status of the soil at Washington Park. Mr. Hollberg stated that we have submitted an insurance claim and are waiting for the response.
- The Fire Department is meeting next month
- The Shade Tree Commission has bids out for stump removal; spring tree trimming is complete; in-house tree trimming is continuing.
- Suggested that the Township begin to negotiate with the County Freeholders concerning trash tipping fees.

**Mr. Engelbart:**

- Asked about PV Park issues.
- Commented on the Library's concern about changes in the school hours.
- Asked about the status of COAH funds. Mr. Hollberg explained some of the issues, and noted that we have worked with Habitat for Humanity to identify properties for rehabilitation.
- Asked the DPW for assistance to restore lighting in the Historic District.
- Commented on the lack of enforcement concerning smoking ban next to the Museum.
- Concerned about trash from businesses contributing to trash in nearby public spaces.
- Requested a second garbage can for the museum property.

**Ms. Winterfield:**

- Announced that there will be a Fair Housing meeting on July 25, 2012 at 7/25
- There will be an ad hoc Teen meeting August 2<sup>nd</sup>; the committee is planning several events
- Asked for the status of the community survey.

**Mrs. Florance-Lynch:**

- Thanked Mr. Hollberg for removing the recycling bins on the Turnpike and asked that there be enough garbage cans available.
- Environment and Green Team met; they will want input on how to use of the Township's open space.
- Green Team has completed their work on the Energy Audit with sustainable Jersey and are interested in receiving the inventory of the vehicle fleet. The Green Team and the Environment Committee are preparing for the upcoming Hoe-Down.
- The Flood Committee is working on the petition drive for Reservoir Management Legislation petition and will be at the Shop-Rite on August 10, 11, 12.

**Mayor Phelan:**

- Announced approx. 1,000 signatures have been collected on the Reservoir Management Petition with a goal of 10,000 and thanked the volunteers who are helping with the drive.
- Asked that PV Park be open from 3 to 7 on August 26 for an event observing to 1 year anniversary of Hurricane Irene.
- Asked that organizations which contribute to the Township be reimbursed for Hoe Down registration fee if they attend the event.
- Asked about the status of the senior parking spots.

**PUBLIC COMMENT.**

- Mike Bertuna, 10 Beech Street, has a notarized letter and looks forward to his permit being approved, objected to the lack of action on the damaged fence and expressed dissatisfaction in dealing with the Township management.
- Louise Marchese, 16 Roland Road, Corresponding Secretary of the Woman's Club, noted that the Woman's Club gives generously to various Township causes and would appreciate consideration for fees for the Hoe Down being reimbursed.
- Lou Hebert, 11 Copley Court, questioned the policy on the placement of vendors and non-profit organizations at the Hoe Down; expressed support for the proposed EMS and questioned whether the Township would have access to insurance for charity cases.
- George McCabe, 6 Park Avenue, expressed support for Mr. Handel's proposal for the property on Newark-Pompton Turnpike between Tilly and Park Avenue and noted Mr. Handel is a good neighbor.

**EXECUTIVE (CLOSED) SESSION.**

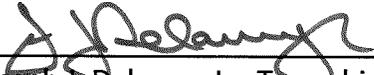
On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the council unanimously approved **Resolution R2012-140**, authorizing an Executive Session.

The public portion of the meeting was recessed at 9:23 p.m. followed by the Executive Session to review the status of the pending Handel litigation.

The closed session was completed at 9:34 p.m. at which time the Council reconvened the public meeting. Township Attorney Bryce summarized the Executive Session discussions. No formal

action was taken.

**ADJOURNMENT.** There being no further business, on a motion by Mr. Vanderhoff seconded by Mrs. Florance-Lynch, the meeting was adjourned at 9:35 p.m. by unanimous vote of the Council.



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Joseph J. Delaney, Jr., Township Clerk