

The March 12, 2013 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 mailed 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 David Kohle  
Councilperson Cathy Winterfield

##### Also Attending:

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

##### Absent:

Councilman Jay Vanderhoff

There were 41 members of the public in attendance.

#### **PRESENTATIONS.**

- Proclamations were presented to the Girl Scout of Troops 250 and 1210 in recognition of receiving Bronze Awards; to the Scouts of Troop 661 for receiving Silver Awards; and to Danielle Richards in recognition of receiving the Scout Gold Award.
- Robin Jones outlined the history, features, and procedures of the Community Garden.

#### **REPORTS FROM VOLUNTEERS.**

- Rocco Salluce, Fair Housing Committee Chair, reported there are a number of violations related to Fair Housing and requested inspection and enforcement support.
- Frank Spizzirri, Open Space Committee Chair, discussed with the Council policy and legal concerns related to the use of Open Space Funds. Township Attorney Oostdyk outlined changes in the statutes and local policy which affect the use of Open Space Funds.
- Joe Jorgensen, 14 Myer Place, requested information on the funds earmarked for improving the field at the Steven J. Gerace school, provided historical information on the Open Space fund and the referendum approving purchase of flood plain properties and that use of funding for other purposes was not in the spirit of the original voter approval.
- Tom Andrea, 6 Elm Road, expressed concern for a statement in the state statute referring to the use of Open Space funds.
- Robin Jones, 4 Leveridge Lane, stated that he was involved with these issues since he was on the Environment Commission, wrote the bylaws for the Commission and drafted the language of the referendum, reiterated that the referendum was never intended to fund field improvements, and reminded the Council that there are 8 properties on the river still to purchase.
- Frank Spizzirri provided estimates of the cost of the future acquisitions.
- Joe Jorgenson stated that the Riverwalk project is far ahead of schedule.
- Denise Furfaro, Director of Parks and Recreation, commended the Open Space Committee for their work and stated that there is also great need for athletic field space in the Township
- There was discussion concerning types of fields, their usage, and the Township's recreation goals.

#### **PUBLIC COMMENT.**

- Rocco Salluce, 152 Jacksonville Road, asked for information concerning the use of fields by non-residents, status on the budget, an explanation of the budget transfer resolution, an accounting of FEMA reimbursements, and suggested the Council adopt a resolution opposing the JCP&L rate increase.
- Joe Jorgensen, 14 Myer Place, stated that he was here 6 months ago and asked for status on his tax appeal. In response to his questions concerning Township policy on personnel reprimands, Township Attorney Oostdyk explained that it would be inappropriate to discuss the matter. Mr. Jorgensen objected to the presence of concrete curbs at Woodland Lake and

suggested using Google Earth to view the site in an earlier state.

- Frank Spizzirri, 35 West Franklin Avenue, asked for status on the West Franklin Avenue improvements and suggested that money should have been set aside for field improvements.

**PUBLIC HEARING.** There were no public hearings.

**ORDINANCE INTRODUCTIONS.**

- **ORDINANCE NO. 2013-03**, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 3704, LOT 10 (JAMES MCBRIDE) AND FOR A CONTRACT FOR THE PURCHASE OF BLOCK 4111, LOT 6 (MICHAEL & MARGARET CASSANO)

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

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

Against: None. Abstain: None. Absent: Mr. Vanderhoff.

- **ORDINANCE NO. 2013-04**, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 4116, LOT 19 (AGNES SALIOSKA) AND A CONTRACT FOR THE PURCHASE OF BLOCK 307, LOT 8 (PETER & DIANA ZIMNY)

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

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

Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**RESOLUTIONS.**

- **R2013-56**, authorizing Tax Office refunds, overpayments or cancellations.
- **R2013-57**, certifying that the members of the Governing Body have reviewed the Annual Report of Audit for the Year 2011.
- **R2013-58**, authorizing the transfer of 2012 Municipal Budget Appropriation Reserves.
- **R2013-59**, approving payment of itemized claims as set forth on the March 8, 2013 Bill List.

On a motion by Mr. Kohle, seconded by Mrs. Florance-Lynch, **Resolutions R2013-56 through R2013-59**, were adopted by the following vote:

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

Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**ITEMS FOR DISCUSSION.**

- Extending the prohibition on smoking in public places.
  - Mr. Hollberg provided background on the prohibition
  - Mayor Phelan stated that he opposed the prohibition because the result is to push the problem elsewhere.
  - Mr. Kohle expressed his support.
  - Ms. Winterfield suggested that the extension be for a specific area, suggested that there should be follow up such as education or programs to assist; and stated that she is not ready to support the extension.
  - Ms. Florance Lynch stated that although smoking is unhealthy, she is not ready to support the extension at this time
  - The Council reached consensus that the ordinance should be extended to Municipal Buildings.
- Draft ordinance: signs
  - Mr. Hollberg provided background on the ordinance, pointed out some of the highlights and encouraged interested parties to provide input over the next few months.
  - The council expressed their support for the ordinance conceptually and for moving forward with discussion of specifics.
- Green Team
  - Mrs. Florance Lynch outlined the history of Green Team goals and programs.
  - After a brief discussion the council agreed to move forward with renewing the Green Team by resolution for 2013 and to consider establishing the Green Team by ordinance in 2014.

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

- The demolition of 5 Riverside Drive has been completed. Habitat for Humanity has begun removing appliances and cabinets that were in good condition from some of the houses that have been acquired. Homes in relatively good condition will be used for training by the Police Department & Fire Companies before demolition:

**COUNCIL REPORTS.****Mrs. Florance-Lynch:**

- The Economic Development Committee is hosting a business owners meeting on Monday, March 18<sup>th</sup> to unveil the Pick Pequannock Shop Local and Property Tax Reward program on March 18<sup>th</sup>. The next EDC meeting is scheduled for Wednesday March 27<sup>th</sup>.
- The Environmental Commission meets tomorrow.
- The Flood Committee meeting is scheduled for Thursday.
- The Library Board meets March 20<sup>th</sup>.

**Ms. Winterfield:**

- Asked for status on the Veterans preference resolution; Mr. Hollberg responded that the preference is in place.
- Announced that the County is administering a gun buyback program on March 15<sup>th</sup> and March 16<sup>th</sup>.
- The Historic District Commission met last Wednesday.
- The Teen Advisory Committee participated in the Grains of Hope program.

**Mr. Kohle:**

- The Parks and Recreation Committee met last night. The Farmers Market is beginning June 20<sup>th</sup> at Foothills Park. Parking will be along West Parkway. The Spring Fling is scheduled for April 20<sup>th</sup> at Greenview Park. Tom Andrea will be promoting PV Park at the event. The Committee requested attention to the girls softball field.
- Asked for status on the soil removal in Washington Park. Mr Hollberg provided status.
- The Open Space Committee requested and expense report on the Open Space Fund and a letter on the ROSI (Recreation and Open Space Inventory) report concerning the Library.
- Fair Housing met on the 27<sup>th</sup> and requested enforcement assistance. The committee is organizing a meeting with the Glens.

**PUBLIC COMMENT.**

- Rudy Steinthal, 28 Libby Avenue, asked for status on the paving of West Sunset. Mr. Hollberg explained that West Sunset has not been accepted by the Township as a municipal road.
- Sharon Taylor, 19 Libby Court, suggested the Township hold an Open House for committees and Boards to provide information and solicit members, and update the newsletter.
- Rocco Salluce, 153 Jacksonville Road, asked for information on R2013-57 and suggested the Green Team provide information rather than impose restrictions.

**EXECUTIVE (CLOSED) SESSION.**

- On a motion by Mrs. Florance-Lynch, seconded by Ms. Winterfield, the council unanimously approved **Resolution R2013-60**, authorizing an Executive Session to discuss tax appeals on Eton Centers LLC and 652 Route 23.

The public portion of the meeting was recessed at 10:10 p.m. followed immediately by the Executive Session. The closed session was completed at 10:17 p.m. at which time the Council reconvened the public meeting. Township Attorney Oostdyk summarized the Executive Session discussion. No formal action was taken.

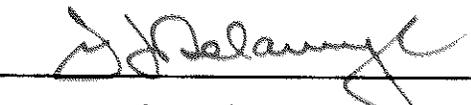
**APPROVAL OF MINUTES.**

On a motion by Ms. Winterfield, seconded by Mr. Kohle, minutes of the January 3, 2013; January 8, 2013; January 22, 2013; and February 12, 2013 meetings were approved by the following vote:

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

Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**ADJOURNMENT.** There being no further business, the meeting was adjourned at 10:19 p.m. without objection.

  
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 Joseph J. Delaney, Jr., Township Clerk