

The April 23, 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 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.

Present:

Mayor Richard Phelan  
 Deputy Mayor Melissa Florance Lynch  
 Councilman David Kohle  
 Councilman Jay Vanderhoff  
 Councilwoman Cathy Winterfield

Absent:

None

Also Attending:

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

There were 76 members of the public in attendance.

Mayor Phelan announced that the Public Hearing on Ordinance No. 2013-01 will be rescheduled.

**PRESENTATIONS.**

- Jay Wanczyk, Historic District Commission Chair and Commission member Jane Costello accepted donation of a clock to the Historic District Commission from former Mayor Marlou Belyea who also recounted some of the history of Pequannock Township. Mr. Wanczyk introduced Township Historian Ed Engelbart and members of various committees present at the meeting.

**REPORTS FROM VOLUNTEERS.** There were no reports from volunteers.

**PUBLIC COMMENT.**

- Edita Birnkrant, New York Director, Friends of Animals, objected to the planned shooting of geese and ducks and suggested alternate measures that the Township might consider.
- Ilona Oosterwyk, 6 Chestnut Court, member of the Parent Board of the Pequannock Piranhas Swim Team, thanked the Township for their support of the Piranha Swim Team and stated her support for taking measures to keep the water and surrounding areas clean and safe.
- Bill Sigler, 35 West Parkway, 50 year resident of Pequannock Township, stated that his family has used the lake for 50 years and encouraged the council to continue to take measures to control the geese and ducks.
- Carol Angelillo, 9 Wren Place, stated that she has 2 children who use the lake and supports taking measures the administration deems necessary to keep the lake clean.
- Dave Perkowski, 12 Daria Drive, 49 year resident, stated his objection to the prospect of a goose and duck hunt at PV Park, thanked the Mayor and Deputy Mayor for their consideration of the use alternate measures suggested by Ridgewood, and stated his belief that new animals will come and that the hunt will fail. Mr. Perkowski volunteered to assist the Township in implementing alternate measures.
- Merilee Cichy, Regional Director of the League of Humane Voters of New Jersey representing district 40, and founder of Keep Life in the Park expressed a desire to keep the pond clean, noted that the lake is an ideal environment for waterfowl, suggested that killing is not the answer to the problem, and suggested alternate approaches be used.
- Joe Wells, 5 Washington Street, provided a contact from Morris County Parks who he stated had managed the waterfowl at other locations.
- Kathleen Caputo, 101 Boulevard, acknowledged the proliferation of geese, stated that shooting is not a solution because other birds will come back and suggested the Township consider alternates such as audible sirens and the use of herding dogs.
- Valerie Kaye, Communications Director, Friends of Animals, and resident of New Jersey urged the council to reconsider their plans to kill the geese and ducks. Ms. Kaye expressed disagreement with the assertion that the waterfowl are the source of pathogens that cause human illness and stated that people should be educated to not provide food for the ducks

and geese.

- Kelly Delia, Dogwood Lane, reported her observation of fecal matter from sources other than waterfowl, and the condition of the lake after flooding. Ms. Delia stated that current measures are working, volunteered to assist in keeping the lake clean and suggested that further observation is needed.
- Jeff Stupski, 27 Jacksonville Road, reported that he has been working on problems at the lake since 2006, described some of the measures that have been taken to control the geese, and noted that all of the measures used so far have failed.
- Denise Goll, 94 Jackson Avenue, animal shelter volunteer, noted the humane approach the Township has taken to animal issues in the past and asked that the council consider alternate methods of controlling the geese.
- Penny Perkowski, 12 Daria Drive, stated that hunting is not a long term solution since other birds will come back.

#### **PUBLIC HEARING - 2013 Municipal Budget.**

Township Manager David Hollberg summarized the municipal budget stating that there is a net zero percent increase in the municipal tax levy. Mr. Hollberg noted the decrease in health insurance cost, increased revenues due to contributions from employees for health insurance, a decrease in employee pension costs for the PERS, stable cost in operating and salary and wage accounts, and \$300,000 dedicated to flood control improvements. Mr. Hollberg also stated that the Township will issue no additional general obligation debt this year, and stated that 2019 is the target date for eliminating general obligation debt.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the budget hearing was opened by unanimous vote of the council.

- Rocco Salluce, 152 Jacksonville Road, questioned the creation of additional positions. Mr. Hollberg explained the staffing requirements, noting that staff has been decreased by 16 positions over 5 years and there is additional workload.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the budget hearing was closed by unanimous vote of the council.

#### **ORDINANCE INTRODUCTIONS.**

- **ORDINANCE NO. 2013-06**, AN ORDINANCE ESTABLISHING MINIMUM AND MAXIMUM SALARIES AND PAY RATES FOR DESIGNATED OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF PEQUANNOCK FOR THE YEAR 2013

Mr. Hollberg reviewed the ordinance, stating that there are other components to the overall change in the way compensation is managed.

Mayor Phelan explained the rationale of performance based evaluations and customer service. Members of the council expressed their support for performance based evaluations.

- Alberta Alleva, 75 West Parkway, questioned who develops the goals, and suggested that the departments should participate in the development of their goals.
- Henry Samek, 4 Misty Court, stated that other towns have had no salary increase for several years.

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

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

#### **RESOLUTIONS.**

- **R2013-76**, authorizing Tax Office refunds, overpayments or cancellations.
- **R2013-77**, approving *Festivals, Carnivals, Exhibitions & Shows Application* (Apple Chase 5K/10K Run).
- **R2013-78**, approving *Festivals, Carnivals, Exhibitions & Shows Application* (Holy Spirit Carnival).
- **R2013-79**, approving payment of itemized claims as set forth on the **April 19, 2013 Bill List**.

On a motion by Mr. Kohle, seconded by Mrs. Florance-Lynch, **Resolutions R2013-76 through R2013-79** were adopted by the following vote:

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

#### **ITEMS FOR DISCUSSION.**

- Enforcement of Clothing Bin Regulations - Mr. Hollberg provided background on the statutory process for the issuance of clothing bin licenses. On a motion by Mayor Phelan, seconded by Mrs. Florance-Lynch, the council authorized the Township to proceed with the investigation of the clothing bins located at the Clock Tower Shopping Mall by the following vote:  
For: Mrs. Florance-Lynch, Mr. Kohle, Mr. Vanderhoff, Ms. Winterfield, Mayor Phelan.  
Against: None. Abstain: None. Absent: None

- **Ordinance No. 2013-05**, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (Scheduled public hearing: May 14, 2013)

There were no comments from the council.

- **Ordinance No. 2013-07**, AN ORDINANCE PROVIDING FOR THE ACQUISITION OF AN EMERGENCY SUPPORT VEHICLE FOR THE FIRST AID SQUAD BY THE TOWNSHIP OF PEQUANNOCK, COUNTY OF MORRIS, STATE OF NEW JERSEY AND APPROPRIATING THE SUM OF \$180,000.00 FOR FINANCING THEREOF (Scheduled public hearing: May 14, 2013)

First Aid Squad Chief Renna thanked the council for their support of the ordinance.

There were no comments from the council.

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

- The blending facility project is moving along; blending water should begin in May on a limited basis to start the transition before heavy summer usage begins.
- Final work on the Mountain Avenue location will be completed this week and the restoration of that area will begin early next week.
- FEMA has scheduled a meeting to review Hurricane Sandy claims. Hopefully the process will be completed within a month so that we can receive our reimbursements before the end of the year.
- Final work on Sunset Road will begin this Friday to be completed early next week.
- Work on the Village Area Sewer Project is being completed. A second Route 23 crossing will save money in the long run. The bid specs will need to be modified.
- We have looked at the potential of servicing PV school with sewers and are recommending that the bid specs be modified to include servicing PV school as an alternative.
- The original design of sewer service for Spa 23 and other properties in the area is no longer the most cost effective and alternatives are being reviewed to determine which is the most cost effective.

#### **COUNCIL REPORTS.**

##### ***Mr. Kohle:***

- The Little League Parade and the Parks and Recreation Spring Fling were both well attended.
- The Fair Housing Committee meeting scheduled for tomorrow has been postponed.
- A joint meeting of the Parks and Recreation and Open Space Committees is scheduled for May 6<sup>th</sup>.

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

- Requested that trees which floated in during Hurricane Irene be removed while PV Park is drained down.
- Noted problems with the gutters at the Railroad Station during last week's rain.
- The Shade Tree Commission is waiting for a written report from the arborist before making recommendations to the Council.
- Fire Engine Company 1's floor is finished and is curing.
- Requested status of the Facilities Committee.

##### ***Ms. Winterfield:***

- Provided information on the Community Garden shed.
- Provided the Council with draft procedures for Boards and Commissions discussion at the next meeting.
- The Teen Advisory Committee has organized a Wagon Fest for Pequannock Teens on Saturday May 4, from 8 to 10 p.m. at the Senior House.
- Requested information on the Town Survey.

##### ***Mrs. Florance-Lynch:***

- Reported damage to the PV Park fencing.
- The Environmental Commission met on the 10<sup>th</sup>. a grant application to ANJEC for \$1,500 for publicity and outreach. The next meeting is Wednesday, May 8<sup>th</sup> at 7:30.

- The Library board met on the 17<sup>th</sup>. The library staff will be promoting the summer reading program in the elementary schools. The next meeting May 15<sup>th</sup> at 7:30.
- The Economic Development Committee meets April 24<sup>th</sup> at 7:30.
- The next Senior Advisory Committee meeting will be May 7<sup>th</sup> at 10:00 a.m. They will be holding their anniversary dinner this Saturday at the Senior House.
- The Green Team will hold their meetings on the 4th Monday at 7:30 except this month the meeting will be on the 5<sup>th</sup> Monday.
- The Flood Committee met on the 11<sup>th</sup> and requested information on various grants related to flooding and sewer projects. The next meeting is Thursday, May 9<sup>th</sup>.

**PUBLIC COMMENT.**

- Kiernan Heck, 22 Fairview Avenue, provided suggestions for deterring ducks and geese.
- Dave Cox, 269 Sunset Road, reported that Pequannock is a national flyway for fowl and they won't go away.
- Henry Samek, 4 Misty Court, suggested the Council contact John Festa, South Orange Health Officer, about the methods used for controlling ducks and geese and for controlling bacteria in the water.
- Chris Scott, 11 Slingerland Avenue, reported on deer hunting in the south end of town.
- Rocco Salluce, 153 Jacksonville Road, requested that revenue over the budgeted amount be applied to the budget. Mr. Hollberg explained that this was already the case.
- Denise Goll, 94 Jackson Avenue, requested information about the area affected by Ordinance No. 2013-01 and about status on the sewer project on her street.
- Glenn Thompson, 3 Stuhr Place, provided information on hunting season, suggested that the comments of people who swim in the lake be given extra weight and reported that the Sunset Valley Golf Club has successfully used egg addling to control the goose population.
- Jeff Mauriello, 13 Wren Place, objected to traffic in his neighborhood related to Chilton Hospital and other factors.
- Chris Scott, 11 Slingerland Avenue, added information about local hunting and the over population of deer.
- Louise Marchese, 16 Roland Road, suggested the Township close the lake and open a pool.

**EXECUTIVE (CLOSED) SESSION.** On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch the council unanimously approved **Resolution R2013-80**, authorizing an Executive Session to discuss litigation concerning Tax Appeals. The public portion of the meeting was recessed at 9:33 p.m. followed by the Executive Session at 9:40 p.m.

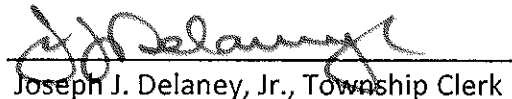
Township Attorney Robert Oostdyk provided the Council with a status report on pending tax appeals. The closed session was completed at 9:42 p.m. at which time the Council reconvened the public meeting. No formal action was taken.

**APPROVAL OF MINUTES.** On a motion by Mr. Kohle, seconded by Mr. Vanderhoff, minutes of the February 26, 2013 meeting were unanimously approved.

Mr. Vanderhoff requested the Township Manager instruct the Township Attorney to send a letter to Mr. Piacosta.

**ADJOURNMENT.** There being no further business the meeting was adjourned at 9:42 p.m. without objection.

Approved: June 25, 2013

  
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 Joseph J. Delaney, Jr., Township Clerk