

The May 14, 2013 meeting of the Township Council of the Township of Pequannock, Morris County, New Jersey was called to order at 7:00 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
Peter Correale, Township Health Officer
Robert Oostdyk, Esq., Township Attorney
Joseph J. Delaney, Jr., Township Clerk

There were 137 members of the public in attendance. Following the presentations, 25 members of the public remained.

PRESENTATIONS.

- Awards were presented to the winners of the Poison Prevention Poster Contest.
- Doug Cook was honored as the 2013 Citizen of the Year.
- May 19th to May 25th was proclaimed as Emergency Medical Services Week.

REPORTS FROM VOLUNTEERS.

- Stacy Ann Webb, Teen Advisory Committee Adult Advisor, reported on the May 4th event, invited everyone to the committee meetings on the 4th Thursday of each month at 7:30 p.m. and announced their membership drive.

PUBLIC COMMENT.

- Sharyn Van Why, 15 Leeland Avenue, requested that the salaries for Dial-A-Ride drivers be reviewed.
- Don Pordon, 71 Mandeville Avenue, expressed concern that the Stephen J. Gerace School Field improvements will expand existing nuisances.
- Henry Samek, 4 Misty Court, requested status on the waterfowl and bacterial issues at PV Park and on progress made concerning shared services. Mr. Samek also requested an apology from the Township Attorney.

PUBLIC HEARING - 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)

There were no public comments offered. On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the ordinance was adopted by the following vote:

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

PUBLIC HEARING - 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

There were no public comments offered. On a motion by Mr. Vanderhoff, seconded by Mr. Kohle, the ordinance was adopted by the following vote:

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

ORDINANCE INTRODUCTIONS.

- **Ordinance No. 2013-08, ORDINANCE REPEALING CHAPTER 107 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK ENTITLED "MASSAGE, BODYWORK, AND SOMATIC THERAPY ESTABLISHMENTS"**

Mr. Hollberg explained that the affected establishments will be regulated by State statute.

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

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

- **Ordinance No. 2013-09**, ORDINANCE APPROPRIATING \$493,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY

Ms. Winterfield expressed her opposition to funding the proposed field improvements at the Stephen J. Gerace School and requested that the item be separated from the ordinance.

Mrs. Florance-Lynch stated that she would like also like to separate the improvements.

The Council agreed to introduce a revised ordinance with funding for the field improvements removed. Mr. Delaney read the ordinance title which was revised to reflect the removal of the field improvements project.

- **Ordinance No. 2013-09**, ORDINANCE APPROPRIATING \$232,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY

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

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

- **Ordinance No. 2013-10**, AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AND APPROPRIATING THE SUM OF \$571,000 FOR FINANCING THEREOF.

The Council expressed their support of the ordinance.

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

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

- **Ordinance No. 2013-11**, ORDINANCE APPROPRIATING \$261,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY

The Council discussed various aspects of the project and agreed to consider the ordinance for introduction following the May 15th meeting of the Joint Study Committee.

RESOLUTIONS.

- **R2013-81**, approving Change Order No. 1 for the 2012 Water Quality System Improvements Project PEQ016.961, increasing the contract with Reivax Contracting Corp. \$59,486.33 to a revised contract price of \$1,390,865.33.
- **R2013-82**, approving Change Order No. 2 for the 2012 Water Quality System Improvements Project PEQ016.961, increasing the contract with Reivax Contracting Corp. \$1,548.33 to a revised contract price of \$1,392,413.66.
- **R2013-83**, approving Change Order No. 3 for the 2012 Water Quality System Improvements Project PEQ016.961, increasing the contract with Reivax Contracting Corp. \$21,410.33 to a revised contract price of \$1,413,823.99.
- **R2013-84**, authorizing payment of \$15,682.25 to Steven Yennie for Accumulated Leave.
- **R2013-85**, authorizing a 2013 Municipal Alliance Grant application in the amount of \$2,000.00.
- **R2013-86**, urging the State of New Jersey to adequately fund its comprehensive tobacco control program in FY2014 and subsequent years.
- **R2013-87**, authorizing the filing of a time extension of the Treatment Works Application with NJDEP.
- **R2013-88**, approving payment of itemized claims as set forth on the **May 9, 2013 Bill List**.

In response to questions from the council, Mr. Hollberg explained the change orders noting that approximately \$50,000 of the total was due to the cost of extending the water main on Mountain Avenue. The Council discussed the impact of Resolution R2013-86.

On a motion by Mrs. Florance-Lynch, seconded by Mayor Phelan, **Resolutions R2013-81 through R2013-88** were adopted by the following vote:

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

▪ **R2013-89, adopting the 2013 Municipal Budget.**

On a motion by Ms. Winterfield, seconded by Mr. Kohle, the **2013 Municipal Budget (Resolution R2013-89)** was adopted by the following vote:

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

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

ITEMS FOR DISCUSSION.

▪ **Sign Ordinance**

- Mayor Phelan suggested service stations on Newark-Pompton Turnpike not be permitted to use digital signs and that digital signs on public buildings be used for emergency messages and limited to Town Hall, the High School and the fire houses.
- Ms. Winterfield expressed hesitation about the appearance and effectiveness of digital signs.
- Mr. Vanderhoff stated that the ordinance as presented is a good start and needs continued work, noting that the Planning Board frequently grants variances for signs greater than permitted in the C2, C3, and C4 districts and requires electronic messages be static for one hour. Mr. Vanderhoff also suggested the ordinance reflect what has been approved in the C2, C3, and C4 zoning districts.
- There was a general discussion concerning the use of digital signs on municipal facilities.
- Mrs. Florance-Lynch expressed concern about overdoing electronic signs and suggested they be limited, questioned the use of "feather signs" and expressed support for allowing "A" frame and other temporary signs for businesses.
- Mayor Phelan suggested real estate signs be limited and fees not be charged.
- Mr. Hollberg suggested a yearly permit for Real Estate signs.
- The Council agreed to provide comments and suggestions for consideration at a later date.

▪ **Fair Housing Ordinance** - Mr. Oostdyk provided background on the ordinance.

Councilmembers expressed their support.

▪ **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**

The Council expressed their support for the ordinance.

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

- Welcomed Joe Golden, the new Township Engineer who started last Monday.
- NJ DOT grant awarded for \$185,000 for improvements to Jefferson Street.
- Town-wide garage sale on May 18th.
- Kayak and Paddle board rentals are now available at Woodland Lake. The lake is opened afternoons and weekends until Memorial Day and every day after that.
- An updated project status report has been distributed. Other information will be reported or tracked at the Council's request.

COUNCIL REPORTS.

Mr. Kohle:

- Paddle boats and Kayaks are available at Woodland Lake.
- There were approximately 150 participants in the Fishing Contest.
- Spring Fling was a success. Next year it will be moved to Washington Park and will begin after the Little League Parade.
- There will be "Cabana boys" at PV Park this year.
- Town-wide garage sale is scheduled for May 18th.
- Miles for Mike 5K Run is this Sunday, May 19th.
- New bathrooms for Greenview Park should be delivered by the end of the month.
- A new shed will be placed at Woodland Lake for selling small supplies.

Mayor Phelan:

- Commented on the number of events taking place this year.

Mr. Kohle:

- Open Space and the Parks & Recreation Committees held a joint meeting on May 6 to start working together on the use of newly acquired riverfront properties.
- Fair Housing will meet on May 29th.

Ms. Winterfield:

- The Teen Advisory Committee is looking for members. They are considering a Great Adventure trip this summer.

Mr. Vanderhoff:

- Requested that necessary action on the Sewer project be placed on the agenda as soon as possible.
- Congratulated the Fire Companies for completing Standard Operating Guidelines.

Mrs. Florance-Lynch:

- Environmental Commission is waiting for a decision on their ANJEC grant application for \$1,500 for outreach and publicity.
- Questioned procedures for disposing of unused asphalt.
- Congratulated Tom Andrea for establishing environmental clubs at the 3 elementary schools.
- Library Board met on 17th; staff will be in schools to promote the summer reading program.
- The Green Team is collecting materials for educational programs. They will be working with Tom Andrea.
- Flood Committee is looking for volunteers to assist in mapping the river.
- The Economic Development Committee is signing businesses up for the Tax Reward Program. Columbia Bank and the Pequannock Coalition will sponsor the 7500 cards to be provided to Pequannock Township residents.
- Reported that Community groups have asked if the rolling sign that is currently on Jackson Avenue could be moved to different locations.
- Invited anyone interested to attend "A Chorus Line" at the Barn Theater on Thursday, May 23rd at 7PM to benefit the Deborah Hospital Foundation.

PUBLIC COMMENT.

- Tom Andrea, 6 Elm Road, reported on the new environmental clubs in the schools, questioned the grouping of projects in O#2013-11, asked for clarification of the rules for political signs and suggested the council consider past issues concerning real estate signs.
- Frank Spizzirri, 35 West Franklin, suggested a location for the rolling sign, reported on issues concerning the Riverwalk, questioned the consideration of term limits for committee members, and asked for status on West Franklin Avenue. Questioned the Capital Improvement Budget and the \$109,000 cut from the Open Space tax.

EXECUTIVE (CLOSED) SESSION. On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the council unanimously approved **Resolution R2013-90**, authorizing an Executive Session to discuss the Handel Property litigation. The public portion of the meeting was recessed at 9:29 p.m. followed by the Executive Session at 9:31 p.m.

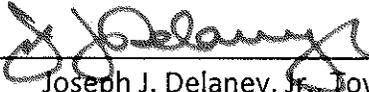
The closed session was completed at 9:42 p.m. at which time the Council reconvened the public meeting. Township Attorney Oostdyk summarized the Executive Session discussion. No formal action was taken.

APPROVAL OF MINUTES. On a motion by Mr. Kohle, seconded by Mayor Phelan, minutes of the March 12 and March 26, 2013 meeting were approved by the following vote:

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

Against: None. Abstain: Mr. Vanderhoff (on the March 12 minutes) Absent: None.

ADJOURNMENT. There being no further business the meeting was adjourned at 9:40 p.m. without objection.



Joseph J. Delaney, Jr. Township Clerk