

The August 27, 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:

"Pursuant to 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.

Present:

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

Absent:

Councilman David Kohle

Also Attending:

David Hollberg, Township Manager
Robert Oostdyk, Esq., Township Attorney
Joseph J. Delaney, Jr., Township Clerk
Michael Simone, P.E., Consulting Engineer

There were 9 members of the public in attendance.

PRESENTATIONS. There were no presentations.

REPORTS FROM VOLUNTEERS. There were no reports from volunteers

PUBLIC COMMENT.

- Alberta Alleva, 75 West Parkway, requested the Council consider a shared-service arrangement with Lincoln Park for recreation programs; and suggested the Township provide Green Mountain bus trips. Mayor Phelan suggested bringing the request to the Parks and Recreation advisory committee.
- Henry Samek, 4 Misty Court, stated that he did not understand violation letters sent by the Township concerning snow plows and trailers parked in driveways.
- Pete Balasis, 19 Greenview Drive, objected to a letter he received concerning equipment in his driveway
- Rocco Salluce, 153 Jacksonville, requested status on the lot next to the gas station on the Turnpike.
- Tom Molica, 12 Saddle Drive, requested status on the TV cameras and suggested inserting an additional showing of the Board of Education meeting.
- Matt Colombo, 86 Mountain Avenue, suggested the Township consider instituting "pay-as-you-throw" trash collection fees when the existing contract expires.
- Rocco Salluce, 153 Jacksonville, reminded the Council the Township previously let each property owner negotiate individual agreements for trash collection, and commented on the status of the cameras.

PUBLIC HEARING - Ordinance No. 2013-17, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 4106 LOT 3 (STEPHANIE DROZD)

- Henry Samek, 4 Misty Court, questioned why the Township was acquiring property so far from the River. Township Manager Hollberg explained the reasoning for the property acquisition and reported that 75% of the cost was paid for by FEMA and 25% by Morris County.

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. Kohle.

ORDINANCE INTRODUCTION - Ordinance No. 2013-18, AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ALONG WEST FRANKLIN AVENUE IN AND BY THE TOWNSHIP OF PEQUANNOCK, COUNTY OF MORRIS, STATE OF NEW JERSEY AND APPROPRIATING THE SUM OF \$15,000 FOR FINANCING THEREFOR.

In response to questions from Ms. Winterfield, Township Manager Hollberg explained the ordinance provides financing for sewer components for the next phase of sewer installations

and that Ordinance No. 2013-19 provides financing for the water related improvements in the same project.

On a motion by Ms. Winterfield, 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. Kohle.

ORDINANCE INTRODUCTION - Ordinance No. 2013-19, BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF WATER MAINS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$140,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

On a motion by Mrs. Florance-Lynch, seconded by Ms. Winterfield, 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. Kohle.

Mayor Phelan stated that items for discussion would be considered at this time.

ITEMS FOR DISCUSSION.

- Bid Withdrawal Request - Lucas Construction Company, Inc. (Village Area Sewer Contract 14-1 project). Township Attorney Oostdyk outlined the circumstances of the withdrawal request and summarized the statutory requirements that would have to be met in order for the bid withdrawal request to be approved. Members of the council expressed their opinion that the criteria had not been met. Mayor Phelan stated that the resolution regarding this matter would be considered separately.

RESOLUTIONS.

- **R2013-125**, authorizing payment of claim to Rosanna Drew Oliviero.
- **R2013-126**, authorizing the Township Manager to attend the Tax Sale and bid on properties within the Township's Affordable Housing Program.
- **R2013-127**, authorizing the reinstatement of installment payments for special assessment at 25 Roosevelt Street, Block 4110, Lot 10.
- **R2013-128**, authorizing release of designated Escrow Deposits.
- **R2013-129**, authorizing release of the Performance Bond posted by Cifelli & Son General Construction, Inc. for the Sunset Road Improvements (Phase IV) project.
- **R2013-130**, authorizing execution of a contract for employee health screening services to DPM USA, LLC d/b/a Healthfair.
- **R2013-131**, authorizing the purchase of two (2) diesel generators from Warshauer Generator, LLC, an approved State of New Jersey Cooperative Purchasing Program vendor.
- **R2013-132**, approving payment of itemized claims as set forth on the **August 21, 2013 Bill List**.

In response to questions from Ms. Winterfield regarding bill list items, Township Manager Hollberg explained the Sewer Assessment inter-fund and outlined the Employee Wellness Program.

Mr. Vanderhoff questioned the location of the two generators.

Mrs. Florance-Lynch expressed her support of the Employee Health Screening Services.

On a motion by Mrs. Florance-Lynch, seconded by Mr. Vanderhoff, **Resolutions R2013-125 through R2013-132** were adopted by the following vote:

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

- **R2013-133**, denying the request by Lucas Construction Group, Inc. to withdraw its bid for the Village Area Sewer Project and awarding the contract to Lucas Construction Group, Inc.

On a motion by Mayor Phelan, seconded by Ms. Winterfield, **Resolution R2013-133** was adopted by the following vote:

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

REPORTS AND NOTICES. There were no reports or notices.

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

- Work by Morris County to remove the rails from the railroad crossing at Newark Pompton Turnpike has been completed.
- Work on the Boulevard paving project by Morris County will begin next week with curb and ramp replacement followed by milling and paving from Lincoln Park Road to Cooper Road.
- Bids for the West Franklin Improvement project will be opened this Thursday, anticipating a bid award on September 10th.
- Bids for river desnagging and debris clearing along the Pequannock and Pompton rivers will be advertised this week and bids will be opened on September 19. After legislative action, NJDEP has announced additional funds will be made available through the grant process for desnagging projects in the Passaic River basin. Pequannock Township will apply for additional funding once the grant applications are available and we will begin the process of obtaining permits to work in other sections of the river.
- All documentation has been submitted to NJOEM for over \$1.1 Million in reimbursements for acquisitions made under the Severe Repetitive Loss (SRL) Grant program. An additional 5 properties are scheduled for closing in the coming weeks.
- A dedication ceremony for the Water Blending Facility will be held on Saturday, September 14 at 10:00 a.m.
- The Township has received a \$20,000 grant from the New Jersey Forestry Service to support our Community Forestry Plan. The Shade Tree Commission will develop the specific plan for the use of these funds.
- Pequannock Township will "go pink" in October for Breast Cancer Awareness month. Township employees will show their support by wearing pink on Friday, October 18.
- Our Township Fireworks will be this Sunday, September 1 at 8:00pm at the High School Field.

COUNCIL REPORTS.

Ms. Winterfield:

- Requested an update on the Board of Public Utility review of the Cablevision contract and the status on the resident survey.

Mayor Phelan:

- Requested status update on the Pick Pequannock mailing.

Mr. Vanderhoff:

- Complimented Public Works for their work on Alexander Avenue.
- There was no Planning Board meeting.
- Shade Tree Commission is developing a 3 year plan for the use of the grant.
- Questioned if a Stop & Shop is being constructed on Route 23.

Mrs. Florance-Lynch:

- Questioned target Newsletter Date – Mr. Hollberg stated the target is September 1.
- Economic Development Committee meets August 28 at 7:30 p.m.; finalizing the details of the tax reward program.
- Flood Control Advisory Committee meeting is September 12.
- Environmental Commission meets September 11.
- Green Team met with Township Engineer on August 26 concerning Rain Gardens; will be at the Hoe Down to provide information to residents on Rain Gardens; next meeting is scheduled for September 23 at 7:00 p.m.
- The Library Board is scheduled to meet September 18.
- Senior Citizen Advisory Committee meets September 3.

Township Manager Hollberg:

- Requested all committees review the Town Calendar for updates. Ms. Winterfield requested information for the Morris County special needs program be added to the calendar.

Mayor Phelan:

- Wished Mrs. Florance-Lynch Happy Birthday next Thursday.
- Requested an update on Council iPads.
- Reported that Flood Insurance rates are increasing to actuary rates over the next few years and immediately for new owners. The Council will encourage people to elevate their homes.
- NJ Monthly rated Pequannock #14 of 100 in the State.
- Noted the 2-year anniversary of hurricane Irene.
- Announced an MIA/POW Remembrance on September 20 at 4:00 p.m. in front of Town Hall.

PUBLIC COMMENT.

- Ken Hardaker, 8 Brookside Avenue, requested information concerning the cost of delaying the Village Area Sewer project, including cost of the project and the cost to homeowners.

- Rocco Salluce, 153 Jacksonville Road, requested information on the paving of the railroad tracks and the cost of the generators approved for purchase in Resolution R2013-131; questioned if the Pequannock Newsletter is an official publication.
- Henry Samek, 4 Misty Court, noted that an increase in generators affects gas supplies; and suggested setting aside \$500,000 in surplus for 10 years to finance a community pool.
- Jeff Mauriello, 13 Wren Place, announced he is working on a petition requesting a dead end where Van Dyk meets West Parkway. The petition has the support of 100% of Wren residents and 76% of Van Dyk residents.
- Lou Hebert, 11 Copley Court, questioned if there will be a September 11 Service.

EXECUTIVE (CLOSED) SESSION. On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, the council unanimously approved **Resolution R2013-134**, authorizing an Executive Session to discuss potential litigation related to the Lucas Bid withdrawal request, property acquisition, and a sewer appeal.

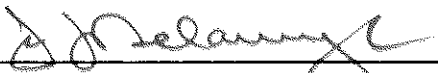
The public portion of the meeting was recessed at 8:15 p.m. followed by the Executive Session at 8:20 p.m. during which the following items were discussed:

- Litigation – Lucas Construction. Project engineer Michael Simone joined the closed session for this discussion. Township Attorney Oostdyk and Township Manager reported on the litigation and the Township's position and strategy under various scenarios.
- Property Acquisition – Jefferson Street. Township Manager Hollberg reported on the status of negotiations; Council members expressed their support for acquisition which is generally dependent on the purchase price and funding source. Mr. Hollberg was authorized to continue discussions with the owner and explore funding options.
- Litigation - sewer appeal. Township Attorney Oostdyk reported on the status of sewer assessment issues and was provided authorization to seek settlement of outstanding issues.

The closed session concluded at 8:47 p.m. at which time the Council reconvened the public meeting and Township Attorney Oostdyk summarized the Executive Session discussion. No formal action was taken.

APPROVAL OF MINUTES. There were no minutes presented for approval.

ADJOURNMENT. There being no further business the meeting was adjourned at 8:48 p.m. without objection.



Joseph J. Delaney, Jr., Township Clerk