

The September 24, 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.

Township Clerk Delaney 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 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

There were 14 members of the public in attendance.

PRESENTATIONS. There were no presentations.

REPORTS FROM VOLUNTEERS.

- Matt Columbo, Green Team Advisory Committee, provided status on the Rain Garden grant proposal and the anti-idling campaign.

PUBLIC COMMENT.

- Jay Wanczyk, Historic District Commission Chair, thanked members of the commission for their efforts throughout the year, noting the number of meetings, museums days, and events that are organized and attended throughout the year.
- Peter Balasis, 19 Green View Drive, requested information concerning a letter he received regarding code enforcement. Township Manager Hollberg explained that business equipment stored in front yards of residential properties is prohibited and provided information on the enforcement process.

PUBLIC HEARING - PUBLIC HEARING - Recreation and Open Space Inventory Amendment

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

This is a public hearing on the Township of Pequannock's request TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM TO AMEND THE TOWNSHIP'S RECREATION AND OPEN SPACE INVENTORY (ROSI) PLEASE TAKE NOTICE, that the Township of Pequannock, in the County of Morris, State of New Jersey, will conduct a Public Hearing pursuant to N.J.A.C. 7:36-25.3(h) at the regularly scheduled meeting of Tuesday, September 24, 2013 in the Municipal Building, 530 Newark-Pompton Turnpike, Pompton Plains, said public hearing to begin at 7:00 p.m. or as soon as practical thereafter, at which time and place all interested parties will have an opportunity to be heard concerning the Township's proposed request to the New Jersey Department of Environmental Protection Green Acres Program to remove the following municipally-owned properties from the Township's Recreation and Open Space Inventory (ROSI): Block 1704/Lot 1 (Sunset & Brooklawn) Block 2601/Lot 2 (477 Turnpike) The request to remove these two properties is being made to correct an administrative error which erroneously placed them on the previous ROSI submitted to Green Acres. The draft ROSI is available for public inspection at the Office of the Clerk in the Municipal Building during regular business hours and the Department of Environmental Protection, Green Acres Program Office, 501 East State Street, Trenton, New Jersey 08625, up to and including Tuesday, October 8, 2013. Written comments on the ROSI amendment request may be directed to Jay Delaney, Township Clerk, at 530 Newark-Pompton Turnpike, Pompton Plains, New Jersey 07444. Please send a copy of any comments submitted on this request to the New Jersey Department of Environmental Protection, Green Acres Program, Bureau of Legal Services and Stewardship, Mail Code 501-01 PO Box 420, Trenton, New Jersey 08625-0420. Written public comments will be accepted by the Township during the entirety of the period up to and including Tuesday, October 8, 2013. On or after Wednesday, October 9, 2013 the Department of Environmental Protection may take formal action to approve the proposed ROSI amendment request.

Mr. Delaney reported that no written comments were received.

In response to a request by Councilwoman Winterfield, Open Space Advisory Committee Chairman Frank Spizzirri explained the process for correcting the ROSI.

Mayor Phelan opened the public hearing. There were no public comments.

Frank Spizzirri noted there were no public comments from the audience and thanked everyone for their help.

- **R2013-145**, authorizing the request to the N.J. Department of Environmental Protection (NJDEP) Green Acres Program to remove designated properties from the Township's Recreation and Open Space Inventory (ROSI)

On a motion by Mr. Kohle, seconded by Mr. Vanderhoff, the public hearing was closed and **Resolution R2013-145** was adopted by the following vote:

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

PUBLIC HEARING - Ordinance No. 2013-20, AN ORDINANCE TO AMEND CHAPTER 088 ENTITLED, "FOOD AND BEVERAGE" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK

Mrs. Florance-Lynch questioned the intent of the ordinance concerning the requirement of servers to attend a food handlers training course. Ms. Winterfield requested clarification on the fee for renewal of the certificate.

- Jay Wanczyk, 26 Poplar Avenue, questioned why the ordinance required a fee.
- Christopher Lotito, 84 Madison Street, questioned how the ordinance compared to those of other municipalities and asked if it would provide an advantage to businesses in other communities over Pequannock Township.

Mr. Hollberg suggested the Township's Health Officer attend the next meeting to provide information on the ordinance. The public hearing was carried to the next meeting.

PUBLIC HEARING - Ordinance No. 2013-21, AN ORDINANCE TO AMEND CHAPTER 150 ENTITLED, "INDIVIDUAL SEWAGE DISPOSAL SYSTEM" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK

In response to questions from Mrs. Florance, Mr. Hollberg explained how the ordinance addresses replacement of components and repairs.

There were no public comments.

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.

ORDINANCE INTRODUCTIONS.

Ordinance No. 2013-22, AN ORDINANCE TO AMEND CHAPTER 166 ENTITLED, "SWIMMING POOLS" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK

On a motion by Mr. Vanderhoff, seconded by Mr. Kohle, the ordinance was approved for introduction by the following vote:

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

RESOLUTIONS.

- **R2013-146**, authorizing an Interlocal Agreement between the Township and Morris County for Salting, Sanding and/or Plowing Operations.
- **R2013-147**, awarding a contract for river desnagging and desilting in the amount of \$99,720.00 to Cinelly Group Corp.
- **R2013-148**, authorizing submission of the 2014 NJDOT Safe Streets to Transit grant application for the Newark-Pompton Turnpike Bus Routes Sidewalk project.
- **R2013-149**, authorizing submission of the 2014 NJDOT Municipal Aid grant application for the Sunset Road-Phase V project.
- **R2013-150**, providing municipal consent for the *Petition to Extend License Premises* for the Alcoholic Beverage Control Plenary Retail Consumption License issued to **Tiffs Pequannock, LLC t/a Tiffs**.
- **R2013-151**, approving the special event application for **Tiffs Pequannock, LLC t/a Tiffs**
- **R2013-152**, approving a revised date for the American Prosperity Group/Brainy-Acts special event.
- **R2013-153**, approving payment of itemized claims as set forth on the **September 19, 2013 Bill List**.

In response to questions from Mr. Kohle, Mr. Hollberg provided historical information on the Interlocal Agreement between the Township and Morris County for Salting, Sanding and/or Plowing Operations.

Members of the Council expressed concern about controls for the special event to be held by Tiffs. After a brief discussion, **Resolution No. R2013-150** was modified to provide for approval from the Chief of Police of a plan for monitoring underage and excess drinking, and pedestrian and traffic control.

Mrs. Florance-Lynch requested information on the grant applications. Ms. Winterfield requested information on the extent of the area to be covered the desnagging/desilting contract and on the goals of the Sunset Road-Phase V project.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, **Resolutions R2013-146 through R2013-153** 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.

- Cross River Fiber request for municipal consent - Mr. Hollberg provided background on the request. The Council requested a representative of Cross River Fiber attend a meeting to provide further information.
- A Frame signs - After a brief discussion the council agreed to move forward with the suggested changes to the sign ordinance pertaining to "A Frame" signs.

REPORTS AND NOTICES. There were no reports or notices.

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

- Property Tax Rewards Cards were mailed last week to approximately 5,000 addresses; 757 cards had been registered and total sales on the cards has reached \$6,300 providing \$500 in tax savings. FinCredit indicated that this has been the strongest start they have seen.
- The DEP released guidance on applying for funding under the desnagging program that was announced several months ago. Letters of interest are due by November 30. Pequannock Township will apply for funding under the program and will work with neighboring communities to determine whether a joint application is feasible.
- An informational meeting was held last night for the residents who live in the vicinity of West Franklin Avenue to review the reconstructions project and answer questions. The meeting went very well and the feedback received was very good.
- The Police Department has scheduled several details to actively enforce Yield to Pedestrian laws along the Turnpike. This stepped up enforcement will take place over the next few weeks.
- A statement of the Township's current debt position and comparative information for the past two years has been distributed to the Council.

COUNCIL REPORTS.

Ms. Winterfield

- Requested enforcement of bikers and joggers be included with the Pedestrian enforcement.
- Provided comments on the Resident Survey concerning the Affordable Care Act and the Health Department.

Mr. Vanderhoff:

- Commented on non-crosswalk use by pedestrians.

Mrs. Florance-Lynch:

- Economic Development Committee reports that more businesses are signing up for the Tax Reward program. The Committee was at the Hoedown to provide information on the program.
- Environment Committee also attended the Hoedown. Their next meeting is scheduled for October 9 at 7:30.
- The Morris County Household Hazardous Waste day is scheduled for October 19 from 9 a.m. to 2 p.m.
- The Green Team collected names of 12 people interested in the Rain Garden demonstration and several residents interested in volunteering. They are also hosting Shred day on November 9th from 9 a.m. to 1 p.m.
- The library will need minor roof repair.

Mayor Phelan:

- Commented on the need for sidewalk improvements on the Boulevard as well as Jackson Avenue near the Quick Check and the Railroad Station.
- The Council has received their iPads.

PUBLIC COMMENT.

- Mike Bertuna, 10 Beech Street, requested clarification on the requirement for fencing and screening in the proposed Swimming Pool ordinance; thanked the Council for the proposed increase in pedestrian enforcement; and requested crosswalks be added to the south side of the Turnpike.
- Frank Spizzirri, 35 West Franklin Avenue, thanked Mr. Hollberg and Township Engineer Joe Golden for the West Franklin meeting and commented that he had not located the bill lists on the website.
- Sharon Taylor, 19 Libby Avenue, complimented the Township on the improvements to the Boulevard, Parks and Recreation for the Hoedown, and the Girl Scouts and Boy Scouts on their work noting especially the Luminary project and their projects at Woodland Lake.

EXECUTIVE (CLOSED) SESSION.

On a motion by Mrs. Florance Lynch, seconded by Mr. Vanderhoff, **Resolution R2013-154**, authorizing an Executive Session to discuss Contract Negotiations related to property acquisition and litigation regarding Lucas Construction was unanimously adopted.

The public portion of the meeting was recessed at 8:08 p.m. followed by the Executive Session during which the following items were discussed:

- Litigation – Lucas Construction: Township Attorney Oostdyk provided an update on the status of the litigation; outlined the options moving forward and presented a \$5,000 settlement offer which was not accepted. Township Manager Hollberg reported on a Plan B to have a revised bid ready by October 31.
- Contract Negotiations – Property Acquisition: Township Manager Hollberg reported on the potential use of Morris County Open Space funding. The Manager was provided guidance and acceptable purchase terms and was authorized to negotiate the lowest price possible.

The closed session was completed at 8:43 p.m. at which time the public meeting was reconvened.

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, on a motion by Mrs. Florance-Lynch, seconded by Ms. Winterfield, the meeting was adjourned at 8:45 p.m. without objection.



Joseph J. Delaney, Jr. Township Clerk