

The October 9, 2012 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 Deputy 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.

Councilman Engelbart noted the recent passing of former Mayor C. Tucker Platt and recognized his many service contributions to the community.

ROLL CALL.

Present:

Mayor Richard Phelan
Deputy Mayor Melissa Florance Lynch
Councilman Edward Engelbart
Councilman Jay Vanderhoff
Councilperson Cathy Winterfield

Also Attending:

David Hollberg, Township Manager
Robert Oostdyk, Esq., Township Attorney
Jill Hartman, Township Planner
Carol J. Marsh, Deputy Township Clerk

Absent: None

There were 22 members of the public in attendance.

PRESENTATIONS. There were no presentations.

REPORTS FROM VOLUNTEERS. Members of the Parks and Recreation Advisory Committee, Kristin Carr (Chair), David Kohle (Vice Chair), Tom Andrea, and Jan Vanderhoff presented a request for capital repairs to the PC Park berm. Township Manager David Hollberg and the Township Council discussed various aspects of the procedures for submitting funding requests and issues concerning the maintenance of PV Park.

PUBLIC COMMENT.

- Rocco Salluce, 153 Jacksonville Road, asked for clarification concerning lifeguards at PV Park, questioned the increase in taxes on a residential property that is in a flood zone, and thanked the council for remembering former mayor Tucker Platt.
- Christopher Lotito, 84 Madison Street, commended the Shade Tree Commission.
- Dave Cox, 269 Sunset Road, asked for status on the street light that he reported out and commented that others were also out.
- Chris Scott, 5 Riverside Drive, asked for status on the sale of his house, objected to paying taxes and utilities on a vacant residence and asked that the Township consider compensating him for lost time.
- Henry Samek, 4 Misty Court, remembered Tucker Platt; asked how a commercial property could be assessed without a profit and loss statement; and objected to actions by the Township concerning a property owner.
- Mike Bertuna, 10 Beech Street, described a public urination incident in the property next to his house and asked when the required privacy trees would be planted.
- Pat Scott, 5 Riverside Drive, asked what the next steps were concerning the purchase of her property. Mr. Hollberg stated that the closing would be scheduled in approximately 3 to 4 weeks as soon as funds are transferred from the state.
- Chris Scott, 5 Riverside Drive, reminded the council that maintenance of purchased properties is the responsibility of the Township. Mr. Hollberg suggested that the Council consider the long term plan for the properties.

PUBLIC HEARING - Ordinance No. 2012-23, ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF BLOCK 307, LOT 2 (JAMES LUKIEVICS) AND A CONTRACT FOR THE PURCHASE OF BLOCK 307, LOT 1 (EVELYN NEUNTEUFEL)

There were no public comments presented.

On a motion by Mr. Vanderhoff, seconded by Mr. Engelbart, **Ordinance No. 2012-23** was adopted by the following vote:

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

Against: None. Abstain: None. Absent: None.

ORDINANCE INTRODUCTIONS - Ordinance No. 2012-24, AN ORDINANCE AMENDING CHAPTER 189 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND ESTABLISHING A NEW ZONING DISTRICT TO BE KNOWN AS THE C1A COMMUNITY BUSINESS DISTRICT AND REGULATIONS GOVERNING THE C1A COMMUNITY BUSINESS DISTRICT.

- Township Manager David Hollberg provided a brief overview of the ordinance.
- Mayor Phelan described the process for adopting a Zoning ordinance, noting that if the Planning Board were to find the ordinance to not be in compliance with the Master Plan four votes would be required for adoption.
- Mrs. Florance Lynch expressed concerns about traffic and trucks in the storage yards.
- Mr. Engelbart stated that he is not comfortable introducing the ordinance and that the current usage is unattractive; questioned if the Township should introduce a new commercial zone; and suggested further discussion of the ordinance is needed.
- Mr. Vanderhoff commented that the ordinance would bring some uniformity to the area; suggested that the properties are not likely to be converted to residential; and that the ordinance was a step toward improving the area.
- Ms. Winterfield observed the area is a mixed-use community and expressed concern about the hours of operation, the size of the outdoor storage areas, traffic, and its proximity to a school.
- Mr. Hollberg suggested that the council send a list of concerns to the Planning Board.

Mayor Phelan opened the discussion to members of the public.

- John Potenza, 435 Turnpike, expressed objections to the current usage of the site, stating that it was not pre-existing and objecting to an increase in elevation and flooding and the removal of vegetation on the site. Mr. Potenza expressed concern that the ordinance would allow a large building and too much impervious cover.
- Donald Bruno, 5 Bruno Lane, Chairman of the Zoning Board of Adjustment, explained the Board's position on an application in the area and expressed concern about increased traffic.
- Rocco Salluce, 153 Jacksonville Road, asked if Township regulations required a berm around commercial property in a residential zone.
- Chris Scott, 5 Riverside Drive, stated the prior owner did not abandon the property; outlined various aspects of the current use of commercial properties in the area and stated a solution would not be easy.
- Henry Samek, 4 Misty Court, reported that a superior court judgment allowed the storage yard to remain and suggested the Council structure the ordinance before it is sent to the Planning Board for review.
- Bruce Vitcavich, 136 West Parkway, stated this is not the right location for the current operation and questioned why this is being forced
- Mr. Vanderhoff reminded the council that an ordinance is a guideline for a site plan.

The motion by Mr. Vanderhoff, seconded by Mayor Phelan to introduce Ordinance No. 2012-24 was defeated by the following vote:

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

RESOLUTIONS.

- **R2012-163**, authorizing Tax Office refunds, overpayments or cancellations.
- **R2012-164**, authorizing release of designated Escrow Deposits.
- **R2012-165**, authorizing hiring preferences for Veterans within the Township.
- **R2012-166**, amending the 2012 Township Council Meeting schedule.
- **R2012-167**, approving payment of the itemized claims as set forth on the **October 5, 2012 Bill List**.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, **Resolutions R2012-163 through R2012-167** were adopted by the following vote:

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

ITEMS FOR DISCUSSION.

- Best Practices Worksheet (previously distributed). There was no further discussion.

- Group Health Plan modifications. Mr. Hollberg outlined the choices of plans and the kinds of coverage that would be available to Township employees.
- Proposed parking amendments. Mr. Hollberg explained the proposed amendments to the Township's parking ordinance and expressed his support of the changes.

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

- A new reverse 9-1-1 system has been implemented by the County which will offer more flexibility in how emergency information is disseminated to residents. All residents should sign up for the service to include their cell phones. The link to access the service can be found on the OEM and Flood Information pages of our website. Residents who have previously logged their cell numbers should sign in and update their contact information.
- A new performance management and reporting system to be implemented over the next two months will track our progress in various aspects of service delivery and performance. We will be able to track our performance metrics not only against internal goals, but also against benchmarks and other communities' actual performance data.
- Data for the Chilton EMS service for the first two months of the trial period has been reviewed and call volume is up significantly. The initial indication is that a second ambulance can be justified. An additional meeting will be held at the end of the trial period to discuss Chilton's proposed direction moving forward.

COUNCIL REPORTS.

Mrs. Florance-Lynch:

- Central Region Flood Basin Committee will be meeting on Monday October 29th in Little Falls to share information and develop common goals.
- Environmental Commission raffled off a kayak at the Hoe-Down. The next meeting is scheduled for October 10th.
- The next Green Team meeting is scheduled for October 16th and hosting a shred day at Town Hall on Saturday, December 1st.
- Economic Development Committee is hosting a Business Networking Event on October 24th from 5 to 7 at the Senior Center, and working on Grand Openings with local business owners. A Grand Opening for Coverage Specialists Inc. will be held on November 3rd at 9:30 at 580 Route 23 North.
- Library Board meeting is scheduled for October 17th.
- The next Flood Committee meeting will be on October 11th.
- There is a free computer class for Senior Citizens on Tuesday October 16th at 11am; a sign-up sheet is located at the Senior Center.

Mr. Vanderhoff:

- Shade Tree Commission has not met.
- Planning Board meets next Monday.
- Questioned the Township Manager about the status of funds that were to be provided annually by the DEP for river de-snagging.
- Took exception to the wording of a letter to the editor from a member of the Central Flood Board.
- Fire Company No. 2 is holding a fish and chip dinner on October 25th at the Fire House from 4:30 to 7:30; tickets can be purchased at the door.
- Fire Company No. 1 is planning a beefsteak dinner for November 3rd.

Mr. Engelbart:

- The Library is hosting a presentation on Reaction Motors by the Historic Commission on Monday at 2 p.m.
- The Historic Commission would like authorization to use the Township's Wi-Fi Network.
- Requested DPW assistance in replacing the lights at the Railroad Station.
- Thanked Ms. Winterfield for bringing a guest speaker to Tuesday's Historic District Meeting.
- On October 20th and 21st, the Railroad Station will be open to the public along with 12 other sites in Morris County.

Ms. Winterfield:

- Asked for status on compliance information concerning Fair Housing.
- Teen Advisory committee is planning a Fall Fever event on October 27th in Greenview Park.
- Asked Mr. Hollberg to follow up with JCP&L concerning street lights that are still out.
- Suggested the Township consider providing information concerning the reverse 911 system in the tax or water bills.

Mayor Phelan:

- Requested update on the status of CRS.
- November 6th will be the 1st Council meeting in November
- There will be a half-marathon in town on October 20th.

PUBLIC COMMENT.

- Frank Spizzirri, 33 West Franklin Avenue, reminded Mr. Hollberg that work has not started on West Franklin reconstruction yet and thanked Ms. Marsh for filling in for Mr. Delaney.
- Henry Samek, 4 Misty Court, objected to youths throwing a football near the train station on Columbus Day; questioned his tax bill; and reminded the Council that the prior owner of 441 Turnpike had proposed a mixed use building.
- Rocco Salluce, 153 Jacksonville Road, suggested the Township weigh paper at the shredding event and questioned if the recycling program resulted in an increase or decrease in garbage.
- Mike Handel, 22 Foothills Drive, owner of 441 Turnpike – in response to his objection to the Zoning Board's position on the proposed ordinance and suggestion the Council obtain information from the applicant, Township Attorney Oostdyk noted the Council is considering an ordinance change rather than a Zoning Board application.
- Mike Bertuna, 10 Beech Street, inquired as to the screening requirements in the proposed zoning ordinance and in response to a question regarding the replacement of trees on his neighbor's property was advised the planting would be in accordance with the site plan requirements.

EXECUTIVE (CLOSED) SESSION.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance Lynch, the council unanimously approved **Resolution R2012-168**, authorizing an Executive Session to discuss personnel status.

The public portion of the meeting was recessed at 10:21 p.m. followed by the Executive Session.

The closed session was completed at 10:28 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. The Minutes for the September 11, 2012 and September 25, 2012 meetings were approved by unanimous vote of the council.

ADJOURNMENT. There being no further business, on a motion by Mrs. Florance-Lynch, seconded Mr. Vanderhoff, the meeting was adjourned at 10:29 p.m. without objection.



Carol J. Marsh, Deputy Township Clerk