

The July 26, 2016 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 David Kohle presiding.

Township Clerk Carol Marsh 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 distributed to all persons requesting notice in accordance with Township policy."*

Mayor Kohle led the Pledge of Allegiance, which was followed by a prayer and a moment of thanks for those individuals serving our nation.

Present:

Mayor David Kohle  
Deputy Mayor Jay Vanderhoff  
Councilwoman Melissa Florance-Lynch  
Councilwoman Catherine Winterfield

Absent:

Councilman Richard Phelan

Also Attending:

David Hollberg, Township Manager  
Robert Oostdyk, Esq., Township Attorney  
Christopher Tietjen, Asst. to the Twp. Manager  
Carol J. Marsh, Township Clerk

There were 44 members of the public in attendance.

**PRESENTATIONS.**

- Deputy Freeholder Director Hank Lyon presented the 2016 Morris County budget.

**REPORTS FROM VOLUNTEERS.**

- Joe Wells, Open Space Committee Chair, provided status of work on the Riverwalk trails.

**PUBLIC COMMENT.**

- Linda Heffern, 19 Brookside Avenue, reported property maintenance problems at 23 Brookside Drive.

**PUBLIC HEARINGS.** There were no public hearings.

**ORDINANCE INTRODUCTIONS.**

**ORDINANCE INTRODUCTION - Ordinance No. 2016-11, ORDINANCE AMENDING CHAPTER 129 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND REVISING THE RESTRICTIONS ON DOMESTIC ANIMALS IN TOWNSHIP PARKS**

Township Manager Hollberg reviewed the status of the ordinance.

Mr. Vanderhoff suggested a modification to the language regarding penalties for off leash dogs. After a brief discussion members of the Council agreed to introduce the ordinance with the suggested modification.

On a motion by Ms. Winterfield, seconded by Mrs. Florance-Lynch, the ordinance as modified was approved for introduction by the following vote:

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

**RESOLUTIONS.**

- **R2016-137**, authorizing release of designated Escrow Deposits.
- **R2016-139**, authorizing Verizon Wireless to jointly use poles erected within the public right-of-way of the Township of Pequannock by parties that have the lawful right to maintain such poles.
- **R2016-140**, authorizing purchases from designated vendors awarded contracts by the Middlesex Regional Educational Services Commission.
- **R2016-142**, authorizing an application for Treatment Works Approval for Deli Works.
- **R2016-143**, awarding a contract for Village Area Road Reclamation to Reclamation LLC of Hurley, NY for the contract amount of \$291,250.00 in accordance with the bid specifications.
- **R2016-144**, approving payment of the itemized claims as set forth on the **July 22, 2016** Bill List.

On a motion by Mr. Vanderhoff, seconded by Mrs. Florance-Lynch, **Resolutions R2016-137, R2016-139, R2016-140, R2016-142, R2016-143, and R2016-144** were adopted by the following vote:

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

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

- Regulations regarding the keeping of chickens
  - Mr. Kohle provided background for the modifications being considered.
  - Victor Alfieri, 9 Woodlot Court, Wayne, NJ, reported his involvement in the keeping of residential chickens in Wayne, provided information on various aspects of raising chickens, encouraged the Council to allow the keeping of chickens by residents, and offered to provide assistance and information.
  - Chip Turner, 35 Hopper Avenue, stated he has no problem with residents raising chickens as long as the standard are abided by, and requested the council consider the size of the property and issues with rodents.
  - Tony Topps, 29 Prospect Avenue, commented on the benefits of raising chickens and expressed support for the proposed updates.
  - Robbie Jones, 600 Turnpike, stated he is a 3<sup>rd</sup> generation keeper of chickens, cautioned residents to be aware of issues with hawks and rodents, and commented raising chickens is great for kids.
  - Jeannette Turner, 35 Hopper Avenue, questioned why are revisions being discussed when current rules are being violated, reported problems with rodents, and expressed support for the Health Department having access for inspections.
  - Jennifer Van Varick, 41 Hopper Avenue, distributed information on chickens to the Council, and reported on the benefits to families and the community.
  - Alexander Van Varick, 41 Hopper Avenue, reported his family loves their chickens, and stated he helps clean the coops regularly.
  - Mr. Hollberg reviewed some of the outstanding issues and requested members of the Council contact him with any questions and suggestions for a draft ordinance.
  - Mr. Oostdyk reviewed technical aspects of regulating the ordinance as a health issue versus a land use issue.
  - Jeff Van Varick, 41 Hopper, reported some towns allow municipal inspections and treat chickens as pets which are licensed similarly to dogs and cats.
  - Mr. Hollberg stated modifications to the regulations should specifically address the keeping of chickens on residential properties rather than farms.

#### **REPORTS AND NOTICES.**

- CFO Certificate of Determination and Award (\$4,115,000 Sewer Utility Bond Anticipation Note)
- CFO Certificate of Determination and Award (\$1,550,000 Notes)
- Township of Hanover – Request to endorse and support the passage of Assembly, No. 3686 – Designated as “Ralph and David’s Law”

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

- Work on Sunset Road is underway with new curbs and sidewalks being installed. The project is on target to be completed before school starts.
- Village area curbs are about halfway complete. An additional information sheet has been sent via email and posted on the website regarding the curbs and road work. This was prepared in response to numerous inquiries regarding the width of the roads which, at 24 feet, are the same size they have always been.
- Based on below average rainfall and high water usage it is likely that NJDEP will announce a drought watch relatively soon. A drought watch does not call for specific measures but does ask for voluntary efforts to reduce nonessential water use.

**COUNCIL REPORTS.**

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

- Library Board meets tomorrow at 7:30 p.m.
- Requested status on plans for the Business District.

***Mr. Vanderhoff:***

- Requested information regarding the contractor who appears to have interrupted his paving work at the Route 23 jug handle.
- Suggested the Township consider some of the water features in use in Lake Hopatcong.

***Ms. Winterfield:***

- Skateboard Park Committee meets Saturday. Mr. Hollberg will be in attendance.
- Questions the reason for survey work being done on Sunset Road on Sunday.

***Mayor Kohle:***

- Questioned why curb aprons in the Village are lower than driveways.
- Dedication of the Gazebo to Tucker Platt is tomorrow night.
- Police Department presentation on scams is tomorrow at 10:30 a.m.

**PUBLIC COMMENT.**

- Darlene Mulligan, 39 Sunset Road showed picture of her driveway meeting the curb on Sunset Road.

**APPROVAL OF MINUTES.**

On a motion by Mr. Vanderhoff, minutes of the June 14, 2016, June 28, 2016 and July 15, 2016 meetings were unanimously approved.

**EXECUTIVE (CLOSED) SESSION.**

On a motion by Ms. Winterfield, **Resolution R2016-145**, authorizing an Executive Session to discuss Property Acquisition and Litigation was unanimously adopted.

The public portion of the meeting was recessed at 8:21 p.m. followed by the Executive Session during which the following items were discussed:

- Property acquisition: The Township Manager updated the council on the status of contract negotiations regarding acquisition of the Bogert property.
- Litigation: The Council was updated on the status of the Atlantic Health Tax Appeal and the

Cedar Crest Village Tax Appeal and on recent Court decisions in those cases. The Council was also provided status on the case of Handel vs. the Township of Pequannock.

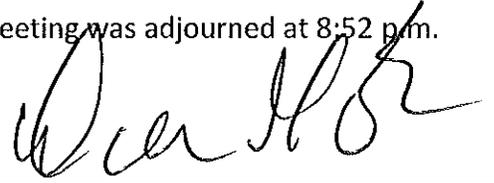
The closed session was completed at 8:51 p.m. at which time the public meeting was reconvened.

Township Attorney Oostdyk summarized the Executive Session discussion. No formal action was taken.

**ADJOURNMENT.** There being no further business the meeting was adjourned at 8:52 p.m. without objection.



Carol J. Marsh, Township Clerk



David G. Kohle, Mayor