

**PEQUANNOCK TOWNSHIP COUNCIL**

Regular Meeting ▪ July 27, 2010

The Regular Meeting of the Township Council of the Township of Pequannock was called to order at 7:30 p.m. on Tuesday, July 27, 2010 in the Court Room in Town Hall located at 530 Newark-Pompton Turnpike; Mayor Edward Engelbart 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 mailed to all persons requesting notice and postage-paid envelope in accordance with Township policy."*

Mayor Engelbart led the Pledge of Allegiance which was followed by a prayer and a silent minute of thanks.

**ROLL CALL**

**Present:**

- Edward G. Engelbart, Mayor
- Louis A. Skvarca, Deputy Mayor
- Joseph L. Jorgensen
- Nicholas Kapotes

**Also attending:**

- David W. Hollberg, Township Manager
- Robert H. Oostdyk, Jr., Township Attorney
- Jay Delaney, Township Clerk

**Absent:**

- Joel D. Vanderhoff

**PRESENTATIONS**

There were no presentations.

**PUBLIC COMMENTS**

James Speciale, 115 Jackson Avenue, provided background on the property owned by his father and requested a written response to his family's offer to sell the property to the Township. Mayor Engelbart indicated the request would be referred to the Open Space Advisory Committee.

Steve Zahner, 26 Van Riper Avenue, inquired on the status of his request to extend the ballfield hours. Mayor Engelbart responded the matter is under review.

Jerry Piro, 82 Madison Street, reported observing fill being dumped at Public Works; inquired as to the ownership of the Senior Citizen House and the 30 minutes time limit on public comments.

**PUBLIC HEARINGS**

**2010 Morris County Open Space Trust Fund Application**

Mayor Engelbart opened the public hearing on the Township's 2010 Morris County Opens Space Trust Fund Application for acquisition of the following properties:

- Block 3708, Lot 4, 123 North Pequannock Avenue (Gidi);
- Block 4604, Lot 3, 17 Riverside Drive (Shutz);
- Block 308, Lot 2, 44 Harrison Road (Berkshire);
- Block 4115, Lot 14, 35 Pequannock Avenue (Fayo);
- Block 4116, Lot 7, 66 Pequannock Avenue (Weir);
- Block 4603, Lot 1, 1 Riverside Drive (Hunt);
- Block 4116, Lot 18, 42 Pequannock Avenue (DaCosta);
- Block 4116, Lot 23, 32 Pequannock Avenue (Nechiporenko/Soldatenkov);
- Block 2701, Lots 2, 3 & 12, State Route 23 (Shotmeyer)

Manager Hollberg noted the application for funding has been submitted and this public hearing is required as part of the application process.

David Dixon, Esq., 512 Newark-Pompton Turnpike, representing John and Carlo Covello, the owners of 48 acres on Carlson Place adjacent to the Speciale parcel, did not object to the application but criticized the process for not including his client's property which remains available for purchase. Mr. Dixon noted the Township had previously expressed interest in acquiring the property which is better suited for acquisition than the smaller properties being acquired which are located in the flood plain. Mr. Dixon noted the Covello property is a large unimproved parcel adjacent to other public lands and urged the Council to consider this property for future open space applications.

Frank Spizziri, 35 West Franklin Avenue, Chairman of the Open Space Advisory Committee, disagreed with Mr. Dixon's characterization of the properties to be acquired as a "waste of money" and pointed out these properties are the current priorities. He suggested the Covello property be again submitted to the Open Space Committee for review.

There being no additional public comments, on a motion by Mr. Jorgensen, seconded by Mr. Skvarca, the public hearing was closed by the following vote:

For: Mr. Jorgensen, Mr. Kapotes, Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

### **Ordinance No. 2010-13**

Mayor Engelbart opened the public hearing on **Ordinance No. 2010-13**, entitled "ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK TO ESTABLISH A FLOOD CONTROL ADVISORY COMMITTEE"

Anthony Franchino, 21 Lyman Avenue, Pequannock, suggested that people living in the flood area should be on the committee.

There being no further comments the public hearing was closed and on a motion by Mr. Jorgensen, seconded by Mr. Skvarca, the ordinance was adopted by the following vote:

For: Mr. Jorgensen, Mr. Kapotes, Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

### **ORDINANCE INTRODUCTIONS**

**Ordinance No. 2010-15**, ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PEQUANNOCK AND REGULATING ENCROACHMENTS, OBSTRUCTIONS, OR ENCUMBRANCES IN THE RIGHT OF WAY.

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

For: Mr. Jorgensen, Mr. Kapotes, Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**Ordinance No. 2010-16**, ORDINANCE AMENDING THE ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR A PAY PLAN, FRINGE BENEFITS, AND PROVIDING FOR PERSONNEL RULES AND REGULATIONS FOR EMPLOYEES IN THE TOWNSHIP OF PEQUANNOCK."

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

For: Mr. Jorgensen, Mr. Kapotes Mr. Skvarca, Mayor Engelbart.

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

**Ordinance No. 2010-17**, BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$641,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$615,000.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Township Manager Hollberg explained the ordinance, together with Nos. 2010-18 and 2010-19, provide the funding authorization for 2010 capital projects and capital purchases now that the annual budget has been adopted. The three ordinances categorize the various projects based on the funding source with Ord. 2010-17 authorizes \$615,000 debt for improvements to Washington Park and West Franklin Avenue. Ordinance 2010-18 is fully funded from the Capital Improvement Fund for various projects which include the road Public Works Department security, drainage and sidewalk improvements; police and fire equipment; and road resurfacing. Ordinance 2010-19 is also fully funded from the capital reserves with prior year funding set aside for the scheduled replacement of equipment. This year the equipment includes computers in the library and Town Hall; computers and AC compressor at the library; vehicles; Public Works chipper and material spreader; and fire department pagers.

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

For: Mr. Jorgensen, Mr. Kapotes Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**Ordinance No. 2010-18**, ORDINANCE APPROPRIATING \$620,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK IN THE COUNTY OF MORRIS, NEW JERSEY.

In response to a question from Councilman Kapotes concerning the use of revenues generated from the sale of surplus equipment, Mr. Hollberg explained that state budget and accounting rules do not allow for the direct use of that cash to purchase replacement equipment but the revenues can be used indirectly to offset the appropriation for the new equipment.

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

For: Mr. Jorgensen, Mr. Kapotes Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**Ordinance No. 2010-19**, AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PEQUANNOCK, IN THE COUNTY OF MORRIS, NEW JERSEY AND APPROPRIATING THE SUM OF \$197,000.00 FOR FINANCING THEREOF.

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

For: Mr. Jorgensen, Mr. Kapotes Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

## RESOLUTIONS

**R2010-090**, Authorizing Refunds, Overpayments or Cancellations from the Tax Office.

**R2010-091**, Authorizing the sale of surplus items through GovDeals pursuant to State Contract.

**R2010-093**, Authorizing the costs of maintaining properties to be charged as a lien as per the Certificates of Maintenance (35 Village Road and 39 Cedar Road).

**R2010-095**, Approving the Alcoholic Beverage Control Special Permit for Social Affair Application of Pequannock Township Engine Co. #1.

**R2010-096**, Awarding a contract for Emergency Water Main and/or Storm and Sanitary Repairs to John Garcia Construction.

**R2010-097**, Awarding a contract for 2010 Emergency Tree Removal, Trimming and Grinding to J. Ringen Tree Experts, Inc.

**R2010-098**, Authorizing payment in the amount of \$17,893.14 to Dolores J. Sweeney for Accumulated Leave.

**R2010-099**, Confirming the designated memberships in the Pequannock Township Fire Department.

**R2010-100**, Authorizing execution of a Bulk Water Purchase Contract with the City of Newark.

**R2010-101**, Approving payment of itemized claims as set forth on the check/register bill list dated July 27, 2010.

At the request of Mr. Kapotes, Manager Hollberg provided background information on R2010-96 and 97 explaining the contracts are for emergency repairs in the event such services are needed with the actual costs based on time and materials in accordance with the contract bid amounts.

***Resolutions Questions and Comments:***

Mayor Englebart invited public questions or comments concerning the resolutions.

Tom Andrea, 6 Elm Road, inquired regarding R2010-096 if there is a back-up in the event the company awarded cannot perform the required work.

Anthony Franchino, 41 Mandeville Avenue, requested explanation of R2010-100 and questioned if the new agreement includes plans for water mixing. In response, Township Manager Hollberg reported the resolution authorizes an updated contract for the water purchased from Newark which continues the relationship that has existed for many decades with clarification of permitted maximum volumes to be purchased and is a precursor to approval for water mixing.

On a motion by Mr. Kapotes, seconded by Mr. Jorgensen, the resolutions were adopted by the following vote:

For: Mr. Jorgensen, Mr. Kapotes Mr. Skvarca, Mayor Engelbart.  
Against: None. Abstain: None. Absent: Mr. Vanderhoff.

**ITEMS FOR DISCUSSION**

Township Manager Hollberg requested direction regarding the recent request to extend the Washington Park ballfield lighting from the existing 7:30 p.m., Monday through Thursday, to 9:00 p.m. which would allow for two full games. Mr. Kapotes expressed his opposition to any extension. After discussion, it was agreed to schedule the matter for further discussion and provide notification to the neighbors to solicit comment on the proposed change.

**MANAGER'S REPORT**

Township Manager Hollberg presented his report. (copy attached)

**COUNCIL REPORTS**

Councilman Jorgensen reported on the recent Environmental Commission meeting, discussions regarding well-head protection and noted an existing vacancy; stream and ditch inspections are on-going; suggested consideration of early warning lightning system for Washington Park and the availability of weather alerts.

Councilman Kapotes reported no Library Committee meeting this month; Fair Housing will be proposing ordinance changes. In response to Mr. Kopotes' request, the Township Attorney provided a COAH (Council on Affordable Housing) update and indicated since the township is not presently under COAH jurisdiction the Fair Housing Committee is able to modify the township's affordable housing rules. In response to Mr. Kapotes questions, Manager Hollberg reported on the siren upgrade plans; river "de-snagging" efforts; and the planned auction of township-owned residence on Pequannock Avenue.

Councilman Skvarca reported on the last Planning Board meeting during which subdivisions were approved on Highland Avenue and the Turnpike. Mr. Skvarca complimented the Public Works Department and Director Bill Pereira on the clean-up after the recent storms and expressed the need for a bucket-type truck to provide necessary tree trimming. In response to Mr. Skvarca's questions, Manager Hollberg reported on the "No Parking" sign on the Turnpike and unresolved parking issue along West Parkway at the school.

Mayor Engelbart announced a public meeting of the Passaic River Basin Flood Task Force on July 28<sup>th</sup> at St. Mary's Center, Pompton Lakes and noted the July 21<sup>st</sup> article in *The Record* on protecting homes from flood waters, including elevating structures. The Mayor also announced the Historic District Commission effort on the planned installation of an historic marker at the Reaction Motor Development and Test Site and its role in the development of rocket motor technology between 1943 and 1946. The Mayor reported on the recent acquisition of a painting of the area by noted painter Jasper Cropsey which is displayed in the library.

#### **PUBLIC COMMENT**

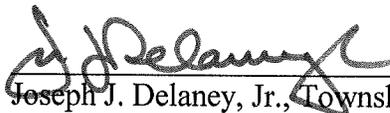
Jerry Piro, 82 Madison Street, requested details on the planned recreation fields at Washington Park and suggested a survey of all property owners before a community pool is constructed. Manager Hollberg reported the plans include the addition of a full-sized soccer/lacrosse field and a 90' ballfield if necessary DEP permits can be obtained.

Frank Spizziri, 35 West Franklin Avenue, commented on the number of kids skateboarding around the train station and suggested posting signs prohibiting loitering. Mr. Spizziri noted the need for repairs on the west side of Oak Avenue.

Tony Franchino, 21 Lyman Avenue, suggested obtaining a grant for Police enforcement of the new pedestrian safety laws; commented on the behavior of kids outside the CVS store and the need for trimming trees along the Turnpike.

#### **ADJOURNMENT**

There being no further business, on a motion by Mr. Jorgensen, seconded by Mr. Kapotes, the meeting was adjourned at 9:13 p.m. by unanimous vote of the Council.

  
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Joseph J. Delaney, Jr., Township Clerk

Minutes Approved: September 28, 2010