

The March 9, 2021 meeting of the Township Council of the Township of Pequannock, Morris County, New Jersey was called to order at 7:00 p.m. The meeting was held via Zoom Webinar; Mayor Kyle Russell 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. Information on remote access was posted on the bulletin board, front door and accessible entrance of the Municipal building and on the Township's website."*

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

Present:

Mayor Kyle Russell  
Deputy Mayor Melissa Florance-Lynch  
Councilwoman Ryan Herd  
Councilman David Kohle  
Councilman Richard Phelan

Absent: None

Also Attending:

Adam Brewer, Township Manager  
Robert Oostdyk, Esq., Township Attorney  
Carol J. Marsh, Township Clerk

There were 7 members of the public in attendance via ZOOM.

Mr. Brewer provided information on procedures for public participation in the meeting.

**PRESENTATIONS.** There were no presentations.

**REPORTS FROM VOLUNTEERS.** There were no reports from volunteers.

**PUBLIC COMMENT.**

- Randy Shamber, speaking as a member of PROPEL (Pequannock Residents Of Pride, Equality and Leadership), reported on the formation of a Social Equity Council to address issues of marginalized people in the community and beyond. Reported the committee's inaugural meeting is scheduled for Monday April 5<sup>th</sup>, at 8:00 p.m., announced members of the community who will be serving on the Social Equity Council, thanked the Township Council for their advice on the steps to be taken in forming the committee and invited a member of the council to participate in the organization.
- Robert Flynn, JCP&L Regional External Affairs Consultant, 30 Elm Street, Morristown NJ, provided an update on the completion of the Reliability Plus Program, and on the acquisition of a safety trailer and on future demonstrations of potential safety hazards and responses.

**MANAGER'S REPORT.** Township Manager Adam Brewer reviewed the Manager's report for the meeting, providing information on agenda items, and suggested an outdoor promotional swearing in for the Police Department prior to the 6 pm prior to the May 11<sup>th</sup> meeting.

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

**ORDINANCE INTRODUCTIONS.**

**ORDINANCE INTRODUCTION - Ordinance No. 2021-04, AN ORDINANCE TO AMEND CHAPTER 123 THE CODE OF THE TOWNSHIP OF PEQUANNOCK AND PROHIBIT PUBLIC URINATION AND DEFECATION AND PUBLIC NUDITY**

On a motion by Mrs. Florance-Lynch, seconded by Mr. Phelan, the ordinance was approved for introduction by the following vote:

For: Mrs. Florance-Lynch, Mr. Herd, Mr. Kohle, Mr. Phelan, Mayor Russell

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

**RESOLUTIONS.**

- **R2021-81**, confirming the designated membership in the Pequannock Township Fire Department (Caropreso).
- **R2021-82**, authorizing a Temporary Emergency Appropriation for Operating Purposes.
- **R2021-83**, authorizing the use of Three-Year Average Revenues for the 2021 Municipal Budget.
- **R2021-84**, authorizing cancellation of outstanding checks
- **R2021-85**, authorizing an expenditure from the Pequannock Township Open Space, Recreation, Farmland and Historic Preservation Trust Fund.
- **R2021-86**, authorizing an application to the Morris County Community Development Block Grant (CDBG) Program
- **R2021-87**, authorizing submission of an application to the Morris County Historic Preservation Trust Fund Program and approving matching funds in the amount of \$5,980.00 for a Preservation Plan for the Pompton Plains Train Station.
- **R2021-88**, authorizing submission of an application to the Morris County Historic Preservation Trust Fund Program and approving matching funds in the amount of \$80,491.00 for a Construction Grant for the Martin Berry House rehabilitation
- **R2021-89**, authorizing the Municipal Alliance Grant application for the fiscal year 2021.
- **R2021-90**, authorizing the execution of a developer's agreement between the Township of Pequannock and Sem Home Builders LLC and Frances Semeraro.
- **R2021-91**, authorizing Tax Office refunds, overpayments or cancellations.
- **R2021-92**, approving payment of the itemized claims as set forth on the **March 4, 2021 Bill List**.

On a motion by Mr. Herd, seconded by Mrs. Florance-Lynch, **Resolutions R2021-81 through R2021-92** were adopted by the following vote:

For: Mrs. Florance-Lynch, Mr. Herd, Mr. Kohle, Mr. Phelan, Mayor Russell

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

**ITEMS FOR DISCUSSION.** There were no discussion items.

**REPORTS AND NOTICES.** There were no reports or notices.

**COUNCIL REPORTS.**

***Mrs. Florance-Lynch***

- Economic Development Advisory Committee has been working on a business inventory list. The Committee Chair has met with the Township Manager to discuss a number of items.
- Pequannock Coalition (Municipal Alliance) reported holding discussions regarding how to continue certain programs despite a decrease in funding.
- Flood Control Advisory Committee plans to meet March 11<sup>th</sup>. The chair has been distributing

reports on weather conditions.

- Parks and Recreation Advisory Committee met on March 2<sup>nd</sup>. Food Truck Tuesday was very successful.

**Mr. Herd:**

- Cub Scout Pack 144 is hoping to participate in the Mayor's River Cleanup when it is rescheduled.
- Open Space Advisory Committee met last night. The committee remains concerned about access points to the Rail Trail.
- First Aid and Rescue Squad recognized its 70<sup>th</sup> Anniversary of providing medical care to the community. During the month of February, the squad responded to 56 calls. The fund drive is still underway. Donation requests have been mailed to residents. The squad welcomed new member Ricky Greff to the Friday night crew. The Squad is in need of new members. Information is posted on [pequannockems.org](http://pequannockems.org).

**Mr. Kohle:**

- Fire Co. No. 1 met last Friday night. Chief Bell has been working with the Township Clerk on updating Township ordinances and on the Fire Department Annex for Mutual Aid documents. There were 20 calls and 2 drills last month.
- Fire Co. No. 2 will meet this Thursday night.

**Mr. Phelan:**

- No report.

**Mayor Russell:**

- Congratulated Ricky Greff and Joe Caropreso on their Fire Department memberships.
- Mayor's River Cleanup has been rescheduled for October 23<sup>rd</sup>.
- On a phone call with other Morris County Mayors regarding COVID vaccines, it was stated Morris County is number 2 in the state with about 30 percent of residents vaccinated. Pequannock is at about 33 percent. As of last week about 4,000 Pequannock residents have been vaccinated. New Jersey has received about 70,000 doses of the J&J vaccine. There have been internal discussions about how to reach home bound senior citizens.
- Congratulated patrolman Ken Hunt on his retirement.
- Read a statement by Chief Comune regarding issues with recently enacted marijuana legalization related to the notification of parents of a first instance of underage possession of marijuana or alcohol.

**PUBLIC COMMENT.** There were no public comments.

**APPROVAL OF MINUTES.**

On a motion by Mr. Phelan seconded by Mr. Kohle, minutes of the February 23, 2021 meeting were unanimously approved.

**EXECUTIVE (CLOSED) SESSION.**

Mr. Oostdyk explained the procedure for entering closed session and stated no official action would be taken following the closed session.

On a motion by Mr. Phelan, seconded by Mr. Kohle **Resolution R2021-93**, authorizing an Executive Session to discuss Potential Litigation of Carbone v. The Township of Pequannock, matters of Attorney Client Privilege, Property Acquisition and the Sale of Public Property at 90 Village Road was unanimously adopted.

The public portion of the meeting was recessed at 7:34 p.m. followed by the Executive Session during which the following matters were discussed:



- Potential Litigation and Attorney Client Privilege (Involves a claim for payment of work from a Mr. Carbone.) The Council was updated by the Township Manager and Township Attorney regarding the claim who were given direction in terms of continuing discussion.
- Four property related matters were discussed. First, regarding a request for the Township to provide an easement to address a driveway in a public right of way: Direction was given and the Township will be moving forward with a public action at a future date. A second matter was a request to grant an easement for a fence in a public right of way. The Council determined that was not consistent with our policy and did not authorize proceeding with that matter. Third, the matter of a public bid on property sale and a decision to be made as to whether or not to accept that bid. A decision was made to move that forward to a Council open session action to award that bid. Finally there was a discussion of a potential property acquisition and the manager was given direction not to pursue the acquisition.

The closed session was completed at 8:02 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, on a motion by Mrs. Florance-Lynch, seconded by Mr. Herd, the meeting was adjourned at 8:03 p.m. without objection.

  
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Carol J. Marsh, Township Clerk  
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Kyle Russell, Mayor