

The June 8, 2021 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 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.*

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 14 members of the public in attendance.

**PRESENTATIONS.** There were no presentations.

**REPORTS FROM VOLUNTEERS.**

- Randy Shamber, Pequannock Residents of Pride, Equality and Leadership (PROPEL) President, thanked the Council for their proclamation recognizing PRIDE month, presented members of the Council with PRIDE flags, requested the Council consider flying a PRIDE flag at the Municipal building, noted the names of Morris County municipalities that fly the PRIDE flag, and as an alternative suggested placing flags in the garden in front of the Municipal building.
- Raine Osmanski, PROPEL Equity Council member, thanked the Council for the PRIDE proclamation and provided status on recent activities of the PROPEL Equity Council.

**PUBLIC COMMENT.**

- Nick DeStefano, 28 Greenwood Avenue, requested status on the Rail Trail, expressed concern about damage caused by recent fireworks and about the use of profanity on signs, thanked the Council for the PRIDE proclamation, and stated he would be providing information on zoning regulations which may negatively affect home elevation projects.
- Ann Marie Finnen, 166 Boulevard, showed the Council a PRIDE sticker to be displayed by local businesses and read a list of Township business that are participating.

**MANAGER’S REPORT.** Township Manager Adam Brewer reviewed the Manager’s report for the meeting, providing status on measures being taken related to parking challenges near the intersection of Newark Pompton Turnpike and Prospect Avenue, reviewed agenda items, and reported on the increase in membership and on improvements being made at PV Park.

**PUBLIC HEARINGS.**

**PUBLIC HEARING - Ordinance No. 2021-06; AN ORDINANCE TO AMEND CHAPTER 189 “ZONING,” SECTION 7 “SUPPLEMENTAL REGULATIONS,” SUBSECTION 040 “REGULATIONS PERTAINING TO ALL**

DISTRICTS" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK TO INCLUDE A NEW PARAGRAPH "M" TO PROHIBIT CANNABIS ESTABLISHMENTS AS USES WITHIN THE TOWNSHIP (*carried from 5/11/2021 and 5/25/2021*).

Mr. Oostdyk provided information on progress being made on a related ordinance to be introduced at the next Council meeting and recommended Ordinance No. 2021-06 be voted down by the Council in anticipation of the new ordinance.

On a motion by Mr. Phelan, seconded by Mr. Kohle the Public Hearing was opened without objection

There were no public comments.

On a motion by Mr. Kohle, seconded by Mr. Phelan, the Public Hearing was closed without objection.

On a motion by Mr. Herd, seconded by Mr. Kohle, the ordinance was defeated by the following vote:

For: None.

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

Abstain: None. Absent: None.

**PUBLIC HEARING - Ordinance No. 2021-11; AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK REGARDING ADMINISTRATIVE CONTROL OF THE POLICE DEPARTMENT; RULES AND REGULATIONS.**

On a motion by Mr. Herd, seconded by Mrs. Florance-Lynch the Public Hearing was opened without objection

There were no public comments.

On a motion by Mr. Herd, seconded by Mrs. Florance-Lynch, the Public Hearing was closed without objection.

On a motion by Mrs. Florance-Lynch, seconded by Mr. Herd, the ordinance was adopted by the following vote:

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

Against: None. Abstain: Mr. Kohle. Absent: None.

#### **ORDINANCE INTRODUCTIONS.**

**ORDINANCE INTRODUCTION - Ordinance No. 2021-12; AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP OF PEQUANNOCK (BLOCK 4606, LOT 2) NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

Township Manager Brewer reviewed the ordinance.

On a motion by Mr. Kohle, 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.**

- **R2021-140**, approving the designated special event permit application (First Aid Squad)
- **R2021-141**, Providing for the Insertion of a Special Item of Revenue in the 2021 Budget Pursuant to NJSA 40A:4-87 (Chapter 159, P.L.1948) (Clean Communities)

- **R2021-142**, authorizing Estimated Tax Bills in Accordance with P.L.1994, c.72 for Third Quarter 2021.
- **R2021-143**, approving the renewal of the designated Alcoholic Beverage Control Licenses (8 Licenses)
- **R2021-144**, clarifying occupancy limitations under the policy allowing temporary outdoor seating for restaurants during the pandemic shutdown of retail and commercial businesses in the Township of Pequannock.
- **R2021-145**, authorizing the use of the Educational Services Commission of NJ Cooperative Pricing System for the purchase of a 4700SB Western Star Chassis.
- **R2021-146**, authorizing the use of the Educational Services Commission of NJ Cooperative Pricing System for the purchase of a Hook Loader and Accessories from Tony Sanchez Ltd., ESCNJ Approved Quote# BD74 to be matched with the 4700SB Western Star Chassis.
- **R2021-147**, confirming the assignment from Rehan Ramadan to Hossam Youssef for sale of public property, no longer needed for public use, located at 90 Village Road, Block 2306, Lot 20 in the Township of Pequannock
- **R2021-148**, authorizing a professional services agreement in an amount not to exceed \$27,500 between the Township of Pequannock and Newmark Knight Frank Valuation & Advisory, LLC, for Appraisal Services Associated with the Route 23 Sewer Project.
- **R2021-149**, authorizing the execution of a Quit Claim Deed releasing ownership unit from affordability controls (Block 2202, Lot 2 Qual. C109).
- **R2021-150**, approving payment of the itemized claims as set forth on the **June 3, 2021** Bill List.

After discussion, members of the Council requested resolution R2021-144 be voted on separately.

On a motion by Mr. Kohle, seconded by Mr. Herd, **Resolutions R2021-140 through R2021-143 and Resolutions R2021-145 through R2021-150** were adopted by the following vote:

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

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

On a motion by Mr. Herd, seconded by Mr. Kohle, **Resolution R2021-144** was defeated by the following vote:

For: Mr. Herd, Mr. Kohle.

Against: Mrs. Florance-Lynch, Mr. Phelan. Abstain: Mayor Russell. Absent: None.

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

- **Proclamations:** Members of the Council requested the administration reach out to the American Legion regarding the Council's involvement in the selection committee for Citizen of the Year. Members of the Council also expressed agreement for continuing the format currently used for common proclamations and having the Mayor determine the format for special proclamations through the year.

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

#### **COUNCIL REPORTS.**

##### ***Mrs. Florance-Lynch***

- Flood Control Advisory Committee will meet Thursday June 10<sup>th</sup> at 7:00 p.m.
- Economic Development Advisory Committee will meet on June 23<sup>rd</sup> at 7:30 p.m.

##### ***Mr. Herd:***

- Wished everyone Happy Memorial Day.
- Expressed appreciation to the volunteers of the Fire Companies and First Aid Squad for their assistance at the Rotary Club 5K.

**Mr. Kohle:**

- Commented on a Great Memorial Day Parade.
- Fire Co. No. 1 met on June 4<sup>th</sup>.
- Fire Co. No. 2 will meet this Thursday.
- Expressed hope that efforts to improve parking issues on the Turnpike will be extended to nearby side streets.

**Mr. Phelan:**

- No report

**Mayor Russell:**

- Eighth Grade Graduation is scheduled for June 17<sup>th</sup> and the High School for the 18<sup>th</sup>.
- Eagle Scout ceremony for Edward and Jacob Roby is June 12<sup>th</sup> at 6pm in Greenview Park.
- Environmental Commission meets tomorrow night.

**PUBLIC COMMENT.**

- Lorraine Mott, 6 Prospect Ave, questioned if R2021-144 was approved and if its failure meant the occupancy of Tavern 5 could be increased. Mr. Brewer responded the approvals granted by the Planning Board are still in effect. Ms. Mott expressed appreciation for efforts being made to improve parking conditions on the Turnpike and concern about the consequences for Prospect Avenue.

**APPROVAL OF MINUTES.**

On a motion by Mr. Kohle, seconded by Mr. Herd, minutes of the May 25, 2021 meeting were unanimously approved.

**EXECUTIVE (CLOSED) SESSION.**

On a motion by Mr. Herd, seconded by Mrs. Florance-Lynch **Resolution R2021-151**, authorizing an Executive Session to discuss matters of Attorney Client Privilege was unanimously adopted.

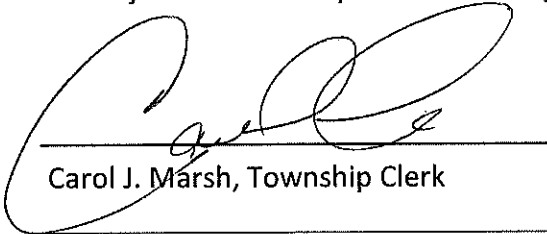
The public portion of the meeting was recessed at 8:08 p.m. followed by the Executive Session during which the following took place:

- The Council discussed the legal ramifications of the potential cannabis ordinance and direction was given to the Township Manager and Township Attorney.

The closed session was completed at 8:20 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 Mr. Herd, seconded by Mr. Kohle, the meeting was adjourned at 8:21 p.m. without objection.



Carol J. Marsh, Township Clerk



Kyle Russell, Mayor