TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

September 17, 2019

The Meeting was called to order at 7:30 P.M. by Council President Gabel. The Salute to the Flag was recited, followed by an Invocation by Mayor Andes and a Moment of Silence in remembrance of the passing of Senator Anthony Bucco and Mimi Letts, former Mayor of Parsippany. Municipal Clerk Kathryn Bowditch-Leon read the Notice of Compliance with the Open Public Meetings Act and noted that this is a non-smoking facility. The Clerk requested that all electronics be silenced at this time.

ROLL CALL:
Present: Murphy, Buie, Witte, President Gabel
Absent: Bergen, Lyden, Borowiec

ALSO IN ATTENDANCE:
Thomas W. Andes, Mayor; Steven Ward, Administrator; John Jansen, Esq., Township Attorney

PROCLAMATIONS/PRESENTATIONS/CEREMONIAL MATTERS:
Recognition of the Denville Triathlon Committee
Michael Laudati, Chairman of the Denville Triathlon Committee, presented a check to the Denville Fire Department and a check to the Joey Bella Memorial Fund.
Steve Vittori, a member of the Denville Triathlon Committee, announced that Michael Laudati was stepping down as Race Director of the triathlon. He thanked Michael for his vision and leadership for the last 7 years, during which the Denville Triathlon has raised over $145,000 for charities. He then presented a plaque to Michael Laudati.
Mayor Andes thanked Michael for his work and then read a proclamation, which may be found at the end of these minutes, proclaiming September 17, 2019 to be “Michael Laudati Day” in Denville.

LIAISON REPORTS:
Councilman Murphy reported that this week is Restaurant Week in Denville, that the Downtown Denville B.I.D. Executive Committee will meet tomorrow to discuss recommendations made by the parking committee and that Pink Witches Night will be held on October 17th.
Mr. Murphy stated that a presentation on the student learning assessment and graduation and enrollment reports was made at the Morris County School of Technology (MCST) Board of Education meeting and shared the impressive statistics found in the reports. He explained that the B.I.D. is trying to partner with MCST students to allow them to gain practical experience.
He then stated that the Environmental Committee continues to review and comment on applications.
Councilman Buie reported that the Beautification Committee has provided 682 volunteer hours to date and it will hold a gala on March 22, 2020 from 2 P.M. to 5 P.M. at St. Francis Health Resort.
Mr. Buie stated that members of the Green Sustainability Committee attended the Denville Farmer’s Market on September 15th where they demonstrated ways to improve the environment.
Councilwoman Witte reported that the Rivers and Streams Committee will meet tomorrow.
President Gabel stated that the Denville Historical Society’s second yard sale of the year was a success and that work on the two Eagle Scout projects is continuing. He reported that the Historical Society members will be meeting with the architect to review plans for the repairs to the 2nd Union Hill Schoolhouse. He then advised that the Pathways to History tour of Morris County, which includes the Ayres-Knuth farm, will be held this weekend.
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MAYOR’S REPORT:
Mayor Andes provided a few remembrances of the late Senator Bucco and stated that he will be missed. He then stated that the fountain across from Walgreens is operational and that the tulip fountain across from Hunan Taste needs the electrical work to be completed before being operational. He then announced that the First Avenue Streetscape Improvements began today at the First Avenue parking lot. He stated that many of our senior citizens are on a 5-day trip to Niagara Falls and Toronto.

ADMINISTRATOR’S REPORT:
Administrator Ward advised that milling and paving of the next few roads on the 2019 paving list is scheduled for September 24th – 30th and that the travel-way from Gardner Field to the municipal building lot will be milled at the beginning of that week, but the paving of that area will be done on September 30th, which is a school holiday. He stated that the open space tour for the application the Township submitted to Morris County to purchase the AMCHU property, which is located at the corner of Diamond Spring Road and Mary Avenue, was held on Saturday.

CORRESPONDENCE:
All correspondence has been copied and distributed to Council.

OPEN PUBLIC PORTION
Kathy Xanthos (14 Rosewood Lane) explained that she had attended two previous Council meetings where she had spoken about water runoff and flooding issues on her property originating from the Michael Street pocket park. She stated that she was here to answer any questions the Council may have after reading the report submitted by Township Engineer John Ruschke in July.

Councilman Murphy stated that he visited the property during a heavy rainfall and noted that the storm basins on Mabro Drive seem to be working properly and that the topography leads to a natural flow of the water towards Rosewood Lane. He stated that he did observe some water flow through the rock wall on Ms. Xanthos’s property. He stated that it was his opinion that the water runoff problems are historical and due to the topography of the land, not to the construction of the pocket park. He stated that when walking the playground area he noted no additional impervious coverage that would have changed the flow of the water. Ms. Xanthos explained that she experienced no water issues until the park was constructed in January 2019 and stated that it was her belief that proper due diligence was not done by the Township prior to construction of the park. She stated that at a previous meeting a suggestion was made that an independent engineer analyze the design and construction of the park and asked why that had not been done.

Councilwoman Witte stated that she also visited the site and understood that January 2019 was extremely cold and wet, which may have been the cause of the water issues. She stated that there are plans to plant additional trees on the property. Ms. Xanthos stated that she is continuing to experience water issues.

President Gabel stated he visited the site twice and expressed his opinion that the natural topography allows for the water to run towards her property. He stated that it was his belief that the playground area naturally absorbs some of the water flowing over it and that he could not see how the construction of the playground negatively impacted the water runoff.

Councilman Buie stated that he also visited the site multiple times and agreed that the natural path of the water flows towards her property.

President Gabel asked Mr. Ward if any other professionals had reviewed the calculations provided in the report by John Ruschke, to which Mr. Ward responded no. Mr. Ward advised that drainage calculations were provided in the report and that if Ms. Xanthos’s professionals find discrepancies with the calculations, the Township would be open to a meeting.

Ms. Xanthos stated that she could provide the contact information for the two engineers with whom she had spoken. Mr. Ward stated that the Township was satisfied with the report, which also noted that the park
was graded in November/December 2017 and the playground equipment was put a year after that in December 2018/January 2019. Ms. Xanthos explained that heavy equipment was at the Michael Street playground in January 2019, which is when she started experiencing water issues. She asked that the Township assist in providing a solution to the problem.

President Gabel stated that Council Members have had the opportunity to visit the site and expressed that there does not appear to be anything further that can be done. Ms. Xanthos stated that she was disappointed and did not think that was an appropriate response.

CLOSED PUBLIC PORTION

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Murphy asked Mr. Ward if there was an update on the email migration of the Township’s emails, as he is unable to access the Township emails on his mobile device and this is causing problems with his other apps. Mr. Ward explained that John Ciardi is now going desk to desk to individually complete the migration. Mr. Murphy then asked if the Township feels confident that it is not vulnerable to ransomware, to which Mr. Ward stated that Mr. Ciardi is very diligent when it comes to cyber security.

ORDINANCES FOR ADOPTION:
None

ORDINANCES FOR INTRODUCTION:
None

ITEMS FOR DISCUSSION AND/OR ACTION:
None

CONSENT AGENDA:
R-19-177: Resolution Authorizing Release of the Performance Labor and Material Payment Bond and Acceptance of the Maintenance Bond for CMS Construction, Inc. for Work in Connection with the Muriel Hepner Park Pedestrian Bridge Replacement
R-19-178: Resolution Authorizing the Waiver of Fees for Police Services for the 2019 Denville Rotary Denville Runs on Service 5K Race
R-19-179: Resolution Authorizing a 1-Year Extension of Time for a Treatment Works Approval (TWA) Permit for 73 Watchtower Road (Block 70502, Lot 317) in the Township of Denville
R-19-180: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-19-181: Resolution Authorizing Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control

President Gabel asked if anyone from the public or from the Council would like to have any resolutions removed from the Consent Agenda. No one responded.

MOTION TO APPROVE CONSENT AGENDA:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: WITTE, BUIE, MURPHY, PRESIDENT GABEL
NAYS: NONE
ABSENT: BERGEN, LYDEN, BOROWIEC

NON-CONSENT AGENDA:
R-19-182: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and the Board of Education of the Morris Hills Regional District Regarding a Police Security Officer for Morris Knolls High School
MOTION TO APPROVE R-19-182:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: WITTE, BUIE, MURPHY, PRESIDENT GABEL
NAYS: NONE
ABSENT: BERGEN, LYDEN, BOROWIEC
R-19-183: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates
MOTION TO APPROVE R-19-183:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: WITTE, BUIE, MURPHY, PRESIDENT GABEL
NAYS: NONE
ABSENT: BERGEN, LYDEN, BOROWIEC
R-19-184: Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville Township General Trust Fund for Affordable Housing Related Administrative Costs
MOTION TO APPROVE R-19-184:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: WITTE, BUIE, MURPHY, PRESIDENT GABEL
NAYS: NONE
ABSENT: BERGEN, LYDEN, BOROWIEC

MINUTES FOR ADOPTION:
September 3, 2019
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: WITTE, BUIE, MURPHY, PRESIDENT GABEL
NAYS: NONE
ABSENT: BERGEN, LYDEN, BOROWIEC

MOTION TO ADJOURN:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: UNANIMOUS

The Meeting adjourned at 8:27 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk