TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

NOVEMBER 10, 2015

The Meeting was called to order by President Golinski at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Fitzpatrick. Township Clerk Kathryn Bowditch-Leon read the Statement of Compliance with the Open Public Meetings Act. Clerk Bowditch-Leon advised that this is a non-smoking facility and asked that all cell phones be silenced at this time.

ROLL CALL:

Present: Gabel, Kuser, Lyden, Fitzpatrick, Scollans, President Golinski
Absent: Councilwoman Smith was not present for Roll Call but arrived at 7:31 p.m.

ALSO IN ATTENDANCE:

Thomas Andes, Mayor; Steven Ward, Administrator; John Jansen, Esq., Township Attorney.

LIAISON REPORTS:

Councilman Scollans reported that the Union Hill Schoolhouse has been sold for $160,000, which has been approved by the Board of Education. Mr. Scollans stated that the Board was in talks with the Town Administrator but there was no follow-up so the Board went with the private bidder.

Administrator Ward responded that there was plenty of follow-up and regular discussions were held with the Board of Education. Mr. Ward noted that a letter was sent to the Board of Education, a copy of which was provided to the Governing Body, before the property was listed for sale. He advised that the letter informed the Board that the Township was interested in purchasing the property and asked that the sale be postponed until the spring of 2016 so that the Council might include it in the budget process. Mr. Ward added that Administration was shocked at the Board’s decision to sell without giving the Township an opportunity to bid on it. Mr. Ward noted that no formal price was discussed but the Board did indicate that $150,000 was in the range they were seeking.

Councilman Scollans, continuing his report, advised that there was a discussion at the Board of Education meeting regarding two-tier busing and the effect it will have on traffic and children’s safety walking to school. He noted that the student STAR program and background checks for school volunteers were also discussed. Mr. Scollans stated that he sent President Golinski some information on YouTube.

President Golinski replied that he did receive it but there are still many questions to be addressed and resolved.

Mr. Scollans advised that he attended the CDBG meeting and applications must be completed by January 1. Mr. Scollans asked if leaves are being picked up.

Mr. Ward replied that they are scheduled to be picked up by voting ward.

Mr. Scollans noted that the PRIDE meeting will be held tonight and they are preparing for the Annual Dinner in April.

Councilman Fitzpatrick advised that the Rivers and Streams Committee meeting is being postponed from tomorrow night to next week. Mr. Fitzpatrick noted that the Chamber of Commerce will kick off its “Fun and Games for the Holidays” program on the Friday after Thanksgiving with an Open House at all stores. He added that the Holiday Parade will be held on Sunday, November 29th at 2 p.m. Mr. Fitzpatrick added that Saturday, November 28th is “Small Business Saturday” and he encouraged everyone to support the local shops. Councilman Fitzpatrick asked that everyone check out the web site, movember.com which promotes men’s health. He added that November is “Pancreatic Cancer
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Awareness” month and encouraged the Council to wear purple at the next meeting to support the fight against that disease.

Councilwoman Lyden had no report.

Councilwoman Smith reported that the Senior Citizens meetings are going well and the attendance is increasing. She noted that the Council has been invited to the Seniors Annual Luncheon on December 4, 2015.

Councilman Kuser reported that he has received two (2) letters from Board of Adjustment members advising that they will be stepping down from their positions. He said that the two members are Arthur Korn and Frank Pasucci. Mr. Kuser congratulated Freeholder-Elect Smith, Councilwoman-Elect Witte and Councilman-Elect Murphy and noted that Mr. Murphy’s election creates another vacancy on the Board of Adjustment. He said that there will be three (3) spots to fill on that Board and we need to get the word out to anyone who may be interested in serving.

President Golinski added that anyone who is interested should submit a resume and letter of intent to the Municipal Clerk.

Councilwoman Smith suggested that a press release be placed in the local newspapers.

President Golinski replied that he does not believe there would be time for that since everyone would like to have the positions filled by January 1st.

Councilman Gabel reported that the Morris Hills Regional School Board will meet next week. He noted that the Mayor’s council for People with Challenges will be holding a food drive this Saturday, November 21st at Foodtown. Mr. Gabel said that the list of projects suggested for Boy Scout and Girl Scout Eagle and Gold awards is being maintained. Councilman Gabel called the Council and Administration members’ attention to the green light bulb in front of them. He said it represents a symbol of gratitude and support for our veterans. Mr. Gabel related a story about a veteran and his 8 year old son selling the bulbs and giving the profits to a veterans’ organization.

President Golinski reported that he attended the Scary House Contest judging and the last Recreation meeting. Mr. Golinski commented that the Recreation Committee is so much more than just youth sports; he noted several non-sports activities that the Recreation Committee is responsible for and he thanked the Director and the Committee for their hard work.

Councilman Golinski advised that the Fire Department’s Auxiliary is having a Flapjack fund raiser at Applebee’s on Saturday November 21st and tickets may be purchased in advance at the Main Street Firehouse. The tickets are $10 for adults and $8 for children under 10 years of age.

MAYOR’S REPORT:

Mayor Andes reported that the American Legion will hold a Veteran’s Day ceremony at 6:00 p.m. at the American Legion Post and Saturday night the Legion is having a roast beef dinner.

On Sunday a turkey dinner will be served at the Senior Social.

Mayor Andes noted that the Township has been participating in the Community Rating System of the National Flood Insurance Program. He advised that the Township has recently received some very good news about its rating. (A copy of the Mayor’s letter to the Editor, fully explaining the rating change, and what it means to the Township is attached to these minutes.)

ADMINISTRATOR’S REPORT:

Administrator Ward reported that Administrative budget hearings began yesterday and the budgets that have been received so far are very responsible budgets.

Mr. Ward advised that the revaluation team is finishing up their analysis and the letters should be going out within the next 1 to 2 weeks. He said that meetings will be set up in order for homeowners to ask questions about their assessment. Mr. Ward noted that homeowners are encouraged to attend one of the meetings to be sure that their data is accurate and there are no transpositions or other errors.
He said that the meetings will be held at the old schoolhouse on Openaki Rd.  
Mr. Ward advised that the first supply of deer meat has been provided to the food pantry.  
The Administrator reported that part of the fencing around the tennis courts is being replaced and should be completed in the next few weeks.  He said that the tennis courts are being repaved and how much fencing will be replaced depends on how much funding is left after the paving of the courts.  
Mr. Ward noted that the upper parking lot at Zeek Road will be paved on November 13th.

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

OPEN PUBLIC PORTION: No one wished to be heard.  
CLOSE PUBLIC PORTION.

MATTERS OF OLD AND/OR NEW BUSINESS:  
Councilman Scollans asked for an update on the possible use of YouTube by the Council.  
President Golinski replied that Mr. Scollans had brought this up at the last meeting and provided some additional information, which Administrator Ward is checking.  He said that Mr. Ward has not gotten back to him yet so we are not ready to pursue it at this time.  President Golinski noted that he has some serious concerns about OPRA issues and is very interested in our attorney's assessment of that situation.  He said that when Mr. Ward is ready we will have another discussion about it.  
Mr. Scollans responded that the School Superintendent indicated that he feels that YouTube enhances their situation with OPRA.  
Attorney Jansen stated that the Superintendent’s statement is somewhat counterintuitive and that, based upon his review of several Board meetings on YouTube, particularly the Board’s procedures for going into executive session, there is no comparison between the Board of Education and this Council in terms of transparency.  He said that he will save the rest of his comments for the next discussion of this subject.  
Councilman Scollans stated that he is receiving comments about catch basins and manholes.  He said that there is a catch basin in front of 12 Magnolia that is in bad shape and a manhole that has sunken and causing vehicles to bottom out.  Mr. Scollans added that there is a manhole on Orange Trail that has a barrel sitting on it.  
Administrator Ward replied that he will bring it to the attention of DPW.  He said that they have been pushing hard to get everything fixed before the end of the year.  Mr. Ward stated that he will see that they are on the list but they are done on a first come, first served basis, unless they are in dire need of repair.

ORDINANCES  
#25-15  
BE IT RESOLVED that an Ordinance entitled:  
An Ordinance to Amend Chapter XIV, Streets, Curbs and Sidewalks, of the General Ordinances of the Township of Denville, Regarding Sidewalks in the Downtown Business District on Diamond Spring Road

Be Read by Title on Second Reading and a Hearing Held Thereon:  

MOTION TO READ BY TITLE: MOVED BY MEMBER GABEL, SECONDED BY MEMBER SMITH  
AYES: GABEL, SMITH, KUSER, LYDEN, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI
OPEN PUBLIC HEARING: No one wished to be heard.
CLOSE PUBLIC HEARING.

BE IT RESOLVED that an Ordinance entitled:

An Ordinance to Amend Chapter XIV, Streets, Curbs and Sidewalks, of the General Ordinances of the Township of Denville, Regarding Sidewalks in the Downtown Business District on Diamond Spring Road

Be passed on Final Reading and that a Notice of Final Passage be Published in the 11-18-2015 issue of The Citizen Newspaper.

MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GABEL
AYES: GABEL, SMITH, KUSER, LYDEN, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI

ITEMS FOR DISCUSSION AND/OR ACTION

Proposed Changes to Bloomfield Avenue Parking Lot Regulations

President Golinski commented that Administrator Ward prepared a very clear and comprehensive memo for the Council members. He asked if Administrator Ward would like to give a brief overview of the proposed changes.

Administrator Ward explained that the Mayor had received several calls from downtown business owners about the prime free parking spaces in the Bloomfield Lot being taken up by commuters. He said that he, Chief Wagner and Clerk Bowditch-Leon met and came up with a plan that they feel will accomplish the goals of maintaining the prime spots for the patrons of local businesses while still providing a location for commuters if they choose to use that lot. Mr. Ward noted that the commuters would be notified of the changes and the signage would also reflect the changes. He said that a survey has been sent out with the permit notification for 2016 to determine how many permit spots will be needed for Bloomfield Ave.

There was a lively discussion concerning the hours for free parking and how the various free, permit and overnight parking spots will be identified. There was a question about the Savage Road commercial parking and Clerk Bowditch-Leon explained that a permit is required. She added that the permit holder leaves their personal car in the spot during the day while attending to their business and then parks the truck or trailer in the evening when they are going home. It was suggested that the Savage Road lot restrict the commercial parking lot to a particular area of the lot.

President Golinski asked if it is being suggested that the parking changes be delayed until the Savage Road Lot is also included in the proposed changes. Mayor Andes interjected that the Savage Road lot will be researched over the next six months or so. It was also agreed that the signage directing visitors to parking areas needs to be improved.

President Golinski took a consensus of the Council to determine if they are in favor of the proposed changes:
Scollans - Yes; Fitzpatrick – Yes; Lyden – Yes; Gabel – Yes; Kuser – Yes; Smith – Yes; Golinski – Yes

CONSENT AGENDA:
R-15-235: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $376.46
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R-15-236: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $954.59
R-15-237: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $190.00
R-15-238: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $711.46
R-15-239: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $2,015.18
R-15-240: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $397.32
R-15-241: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $2,198.51
R-15-242: Resolution Authorizing a Refund of a Building Permit Fee in the Amount of $50.00
R-15-243: Resolution Authorizing a Refund of a Building Permit Fee in the Amount of $50.00
R-15-244: Resolution Authorizing a Refund of a COAH Development Fee in the Amount of $41.00
R-15-245: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-15-246: Resolution Authorizing Raffle Licenses in the Township of Denville

President Golinski asked if anyone from the Public or from the Council would like to have anything removed from the Consent Agenda. No one responded.

MOTION TO APPROVE THE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI

NON-CONSENT AGENDA:
R-15-247: Resolution Authorizing the Transfer of Calendar Year 2015 Budget Appropriations
MOTION TO APPROVE R-15-247: MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK
AYES: KUSER, FITZPATRICK, GABEL, SMITH, LYDEN, SCOLLANS, PRESIDENT GOLINSKI
R-15-248: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $37,239.68
MOTION TO APPROVE R-15-248: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH
AYES: SCOLLANS, SMITH, GABEL, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
R-15-249: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $12,069.67
MOTION TO APPROVE R-15-249: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
R-15-250: Resolution Authorizing the Release of Various Performance Bonds
MOTION TO APPROVE R-15-250: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH
AYES: SCOLLANS, SMITH, GABEL, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
R-15-251: Resolution Granting Permission to Accept Bids for a Municipal Building Generator and Transfer Switch
MOTION TO APPROVE R-15-251: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL

Discussion: Councilman Fitzpatrick asked for an explanation of this resolution.
Administrator Ward advised that the Township received a grant for $100,000 from the New Jersey OEM through FEMA to install a generator that will power the entire Municipal Building. He said that bids had been accepted before but all came in well over the budget. Mr. Ward noted that the Township has
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devised another plan and OEM indicated that there may be additional grant funding if the bids come in over $100,000.

AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI

R-15-252 Resolution Authorizing Grant Agreement with State of New Jersey Office of Emergency Management

MOTION TO APPROVE R-15-252: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER KUSER
AYES: FITZPATRICK, KUSER, GABEL, SMITH, LYDEN, SCOLLANS, PRESIDENT GOLINSKI

MOTION TO APPROVE MINUTES OF 10/13/15 AND 10/20/15: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH for 10/13/15, LYDEN for 10/20/15, FITZPATRICK, PRESIDENT GOLINSKI
ABSTAIN: SMITH for 10/20/15; LYDEN for 10/13/15.

MOTION TO ADJOURN: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH
AYES: UNANIMOUS

Meeting adjourned at 8:37 p.m.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk