TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

DECEMBER 8, 2015

The Meeting was called to order at 7:30 p.m. by President Golinski. The Salute to the Flag was recited, followed by the reading of the Statement of Compliance with the Open Public Meetings Act by Deputy Township Clerk Kathy Costello. The Deputy Clerk advised that this is a non-smoking facility and requested that all cell phones be silenced at this time.

ROLL CALL:
Present: Gabel, Kuser, Smith, Lyden, Fitzpatrick, Scollans, President Golinski
Absent: None

ALSO IN ATTENDANCE: Thomas Andes, Mayor; Stephen Ward, Administrator; Paula DeBona, Assistant Township Attorney

OPEN PUBLIC PORTION:
Arthur Baggot, 26 Landing Trail, spoke of the invasive nature of bamboo and noted that his neighbor’s plants have grown ten (10) feet onto Mr. Baggot’s property. He cited Assembly Bill #3452 which was introduced on June 26, 2014 but said that he is not sure if it has been passed. Mr. Baggot advised that the bill requires property owners to contain the growth within the boundaries of their own property. He noted that the bill addresses the responsibility of real estate brokers to advise prospective buyers of the existence of bamboo on a residential property. Mr. Baggot commented that a number of towns in New Jersey are considering ordinances to deal with the bamboo issue. He added that it is very expensive to have bamboo removed from one’s property.

Vito Bianco, 9 Beech Place, spoke on behalf of the Denville Historical Society and noted that several other members of the Historical Society are also in attendance this evening. He said that they want to express their support for resolution R-15-267 and ordinance #27-15 which would authorize the acquisition of the “3rd Union Schoolhouse”. Mr. Bianco noted that the historic impact of the building on the history of Denville makes it worthy of their support and the Historical Society would be happy to take the lead in restoring it to its former “grand splendor”.

President Golinski asked Mr. Bianco to point out a few important historical facts about the Schoolhouse. Mr. Bianco advised that William Penn was the first land owner in Denville and he brought a large influx of Quakers to the area. He said that the Quakers assisted slaves who were escaping from the South through various buildings in Denville. He added that this building was used to hold a public debate concerning whether or not Denville should break away from Rockaway Township. Mr. Bianco commented that in 1955 Mildred Gill, a teacher at the school, wrote the first history of Denville and the Board of Education financed the publication of the book. Mr. Bianco added that this building was one of the locations where women in Denville voted for the very first time in 1920.

CLOSE PUBLIC PORTION.

ORDINANCE FOR INTRODUCTION:
#27-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Authorizing the Acquisition of Certain Real Property Located in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $170,000 from the Open Space Trust Fund
Be Introduced and Read by Title on First Reading:
Motion to Introduce: Moved by Member Kuser, Seconded by Member Smith
Discussion:
Mayor Andes noted that he would like to state for the record Administration’s position in regard to the acquisition of this parcel of land and the building. He said that the building has been vacant for about five or six years. The Mayor advised that Administration looked at the property very carefully to determine what purpose the Township might have for it but it just didn’t meet our size needs. He added that the amount of money required to bring it up to code was much more than Administration wanted to endorse.

Mayor Andes noted that he met with the Historical Society and was told that they would take the lead and finance it. He said that they want to use it for an auxiliary museum. Mayor Andes added that, at that point, Administration became more aggressive in its conversations with the Superintendent of Schools. He said that it was always about how much money we were willing to spend and this is a very important part of Denville’s history. The Mayor advised that the price tag is $160,000 plus expenses and Administration feels it is money well spent to preserve a piece of history.

Administrator Ward explained that, after last week’s meeting, everyone was aware that the Board of Education had a contract of sale with a private buyer for the property. He said that the next morning he contacted the private buyer who indicated that he would be willing to sell the property to the Township after he acquired it from the Board of Education. Mr. Ward went on to say that the following morning the private buyer contacted him and stated that he would be willing to voluntarily retract his contract with the Board of Education and the Township could then deal directly with the Board of Education.

Mr. Ward noted that the buyer would like to be reimbursed for the cost of a survey and title work that he incurred. The Administrator said that those costs amount to less than $2,000 and Administration was agreeable to that since they are items that we will be able to utilize. He added that the Mayor and Council and School Superintendent Steve Forte all agreed that this was a positive development. Mr. Ward advised that Mr. Forte will recommend to the Board at their next meeting that they cancel the current contract and enter into a contract for the sale of the property with the Township, for the same purchase price. Administrator Ward stated that a special meeting will be held on December 29th for the public hearing and the vote for potential adoption of the funding ordinance.

Mr. Ward commented that Attorney DeBona and the Board of Education attorney have reviewed the real estate contract and are comfortable with the contract before the Council tonight.

Councilman Fitzpatrick asked what would happen if the Board of Education does not agree with the Superintendent’s recommendation.

Administrator Ward replied that he believes we would then contact the private buyer and offer to purchase it from him. He said that would result in additional cost to the Township.

Councilwoman Smith asked if the purchaser has communicated his wish to retract the contract to the Board of Education.

Administrator Ward replied that his understanding is that the buyer has been in communication with the Superintendent but the cancellation of the contract is dependent upon a contract being signed by the Township and Board of Education.

Attorney DeBona confirmed that the contract will not be cancelled until the Board of Education has agreed to a contract with the Township.

Ayes: Kuser, Smith, Gabel, Lyden, Fitzpatrick, Scollans, President Golinski

BE IT RESOLVED that an Ordinance entitled:
An Ordinance Authorizing the Acquisition of Certain Real Property Located in the Township of Denville, County of Morris, and State of New Jersey and Providing for the Appropriation of $170,000 from the Open Space Trust Fund

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a special meeting of the Municipal Council of the Township of Denville on 12-29-15 at 7:30 p.m. in the evening, prevailing time, at the municipal building in said Township of Denville at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

Motion to Pass on first Reading: Moved by Member Smith, Seconded by Member Lyden
Ayes: Smith, Lyden, Gabel, Kuser, Fitzpatrick, Scollans, President Golinski

R-15-267 Resolution Authorizing the Execution of a Contract for the Acquisition of Real Property for Historic Purposes.
Motion to Approve R-15-267: Moved by Member Scollans, Seconded by Member Smith
Ayes: Scollans, Smith, Gabel, Kuser, Lyden, Fitzpatrick, President Golinski

R-15-268 Resolution Establishing a Special Meeting of the Municipal Council of the Township of Denville
Motion to Approve R-15-268: Moved by Member Kuser, Seconded by Member Gabel
Ayes: Kuser, Gabel, Smith, Lyden, Fitzpatrick, Scollans, President Golinski

President Golinski noted that the Council will now engage in a discussion on bamboo. He thanked Mr. Baggot for his introductory comments stressing the importance of protecting our neighbors from this invasive plant.

Administrator Ward noted that President Golinski brought this subject to his attention in July. He said that since he has been Administrator in Denville he has visited homes where the growth of bamboo has caused neighbor disputes. Mr. Ward added that, to this point, there has been no legislation on a state or municipal level that would enable the Township to assist property owners with this problem.

Administrator Ward advised that the bill referenced by Mr. Baggot was adopted by the Assembly but there is no corresponding bill in the Senate. He said that he has provided the Council with a copy of the Assembly bill as well as a copy of ordinances adopted by Hillside and Emerson.

Attorney DeBona noted that she reviewed several ordinances that utilize five (5) different approaches. She said that Wayne’s ordinance calls for a total ban on the planting of bamboo, with a fifteen (15) day grace period to remove it. Mrs. DeBona added that other towns have a total ban but if it has already been planted it can remain, but must be controlled so it remains on the owner’s property. She said that, among the other towns, there is a wide variety of approaches, including requiring containers.

Councilwoman Smith asked what the difference is between “running bamboo” and just bamboo.
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Attorney DeBona replied that she is not sure but that there is a specific genus mentioned in the Assembly bill and that the type of bamboo that spreads rapidly is known as “running bamboo”. She added that, if an ordinance is considered, it would be wise to specify that it refers to “running bamboo”.

President Golinski advised that he received a recommendation from a resident that the Council reach out to the Morris County Cooperative Extension Agricultural Dept. for clarification regarding the types of bamboo.

Councilwoman Smith suggested that, if there is a grandfather clause, it should include the requirement to contain the existing bamboo.

Councilman Gabel asked if any proposed ordinance would concentrate solely on bamboo or would it include other types of invasive plants.

President Golinski replied that his thought, when this subject came up, was that bamboo is the most invasive and destructive plant. He said that if anyone wants to suggest the addition of other invasive plants for the Council to inquire about, the list can certainly be presented to the Cooperative Extension. Mr. Golinski added that he thinks the biggest threat is bamboo. President Golinski commented that his concern is the grandfathering issue.

Councilman Kuser noted that there is no way to find out who planted the bamboo originally. He said that he would like to hear from a botanist about invasive, destructive plants.

Councilwoman Lyden asked what the reason is for growing bamboo. Administrator Ward replied that it grows quickly and provides privacy between properties, much like a fence.

Councilman Fitzpatrick asked how the Council can address the bamboo that grows along the river. Administrator Ward replied that he would defer to Engineer Ruschke on that because he thinks it is in a protected wetlands buffer area.

Mayor Andes encouraged the Council to adopt an ordinance to put some kind of restriction on growing bamboo.

Councilman Scollans agreed that it is extremely important to have some kind of restriction.

Administrator Ward suggested that the Council might consider passing a resolution to encourage Senator Bucco and the other Senators to take up the Assembly bill in the Senate.

President Golinski recommended that the Council compile a list of plants that they feel may need to be researched and perhaps take pictures of suspected problem areas with bamboo. He said the list can be sent to the Clerk’s Office for consolidation and then invite an expert in the field to come and speak to the Council, in order that the best possible ordinance may be adopted.

President Golinski invited Mr. Baggot to come forward and share any additional information he may have about bamboo.

Mr. Baggot commented that the Assembly bill may provide some very helpful information as the Council researches this subject. He added that any ordinance that is considered must include a provision requiring containment or it won’t work.

Motion to Adjourn: Moved by Member Smith, Seconded by Member Gabel
Ayes: Unanimous

Meeting adjourned at 8:10 p.m.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk