TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

June 9, 2020

The Meeting was called to order at 7:30 P.M. by Council President Murphy. The Salute to the Flag was recited, followed by an Invocation by Councilman Golinski. Council President Murphy read the Notice of Compliance with the Open Public Meetings Act and noted that this is a non-smoking facility. The Council President requested that all electronics be silenced.

ROLL CALL:
Present: Borowiec, Coté, Gabel, Buie, Fahrer, Golinski, President Murphy
Absent: None

ALSO IN ATTENDANCE:
Thomas Andes, Mayor; Steven Ward, Administrator; Frank Perna, Police Chief; and John Jansen, Esq., Township Attorney

It should be noted that the entire Council, Mayor Andes, Administrator Ward and Chief Perna were all in attendance virtually.

PROCLAMATIONS/PRESENTATIONS/CEREMONIAL MATTERS:

Tourette’s Syndrome Proclamation

PUBLIC COMMENT ON THE TOWNSHIP OF DENVILLE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2020 SPECIAL ASSESSMENTS

President Murphy asked if anyone wished to be heard regarding the 2020 Special Assessments. No one wished to be heard.

R-20-95: Resolution Approving the Assessment Roll of the Township of Denville Downtown Business Improvement District

MOTION TO APPROVE R-20-95
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER BUIE
AYES: COTÉ, BUIE, BOROWIEC, GABEL, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

LIAISON REPORTS:

Councilman Borowiec had nothing to report.

Councilwoman Coté advised that the Township is working with BID in regards to the new guidelines following the COVID pandemic. She also mentioned that the BID has been working with Administration in regards to the sidewalk café fees. She mentioned that the Beautification Committee has been actively working around the Town. Councilwoman Coté advised that there is a resolution on the agenda to accept bids for the Phase 1 Denbrook Trial construction project.
Councilman Gabel commended the Beautiful Committee.

Councilman Buie advised that the Green Sustainability would be meeting for the final discussion of their 2020 certification before submitting it. He further mentioned that the Planning Board meeting scheduled for June 10th has been canceled and advised that the next scheduled meeting would take place on July 8th.

Councilman Fahrer mentioned that the Board of Education (BOE) decided to do virtual graduations. He stated that both the staff and students would be participating in racial justice training. He advised that there is a bus driver shortage that the BOE is handling. The Historical Society opened their museum last weekend.

Councilman Golinski discussed the importance of donations to the Fire Department. He mentioned that the donation forms can be found via the website. He also mentioned that the Library meeting was scheduled for 6/11/2020.

President Murphy commended the organizers regarding the Rally that took place. He commented that racism and bigotry comments should not be tolerated by anyone.

MAYOR’S REPORT: Mayor Andes also commented on the rally that took place. He attended the rally and stated that it was a safe experience. He believes 800-1000 respectful individuals attended. He thanked Chief Perna and the Morris County Sheriff’s Department for their attendance. He advised that the Recycling Center will return to regular hours on Saturday, June 13th. He also mentioned that brush pick-up will be extended through the month of June. Mayor Andes stated that Dial-A-Ride will be starting back up for essential services. He mentioned that Cooks Pond will be open for annual pass holders. He mentioned that Fourth of July festivities have been canceled. Lastly, Mayor Andes thanked the Kiwanis for staining the Laudoti Playground at Muriel Hepner Park.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that Public Works has been working to prepare the roads for resurfacing. Paving is tentatively set to begin early July. He addressed the water restrictions that are in place for Indian Lake. He advised that the Township is working with the outdoor dining guidelines that have been issued.

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

OPEN PUBLIC PORTION:
The following statements were received via email.

Liam Eastman—30 Smith Road, Denville—Statement attached.
Jaelen Felton—21 Parks Road, Denville—Statement attached.
Andrea Zeydelis—3 King Hill Court, Denville—Statement attached.

Chief Perna addressed the comments that were received. He advised that racial profiling is against the law. He mentioned that he believes that the Police Department follows their mission statement every single day. He stated that the officers participate in training and listen to what is going on. Chief Perna commended the organizers of the rally. The officers go through a thorough hiring process including but not limited to a variety of trainings. The Denville Police Department is also accredited. There are 112 standards that the Department must meet to become and remain accredited. Chief Perna went on to further provide various statistics of
individuals that have applied to the Police Department. He went into further detail regarding the hiring process, who’s involved, who responds and advised that anyone can apply. Chief Perna thanked the Council for the kind words and stated that the Police Department’s doors are open 365 days a year, 24 hours a day.

Mayor Andes advised that the actions of the officers involved in the George Floyd tarnish the reputation of other officers. He advised that he attended the rally the night before. He mentioned that the rally was a learning experience for him. He stated that we all need to work together and be treated with respect. He mentioned that he will do his best to be an agent for change. Mayor Andes stated that his number one focus is the community of Denville. He advised that there is no place for hate or bias in the Township. Mayor Andes mentioned that he presented the rally organizers with various ideas.

Various Council members commended the Police Department. Councilman Gabel mentioned that he attended the rally and listened to the speakers. He also mentioned that there are many opportunities for the residents to be a part of. Councilman Buie mentioned that he was a special officer for 13 years and the Police Department was always professional. He went on to encourage the residents to attend Council Meetings. Councilman Golinski advised that he has confidence in our Police Department. He also mentioned that all 2020 Council Meetings are on the Township website. He also attended the rally and mentioned that it was a learning experience. Councilman Fahrer stated that he believes in racial equality. He believes the Council members should follow up with any complaints that are received. He also mentioned that he has never heard a negative comment about Denville’s Police Department. Councilwoman Coté stated that the Council has a zero tolerance for racial profiling and bigotry. She went on to ask that the residents keep the Council informed on what is going on.

Administrator Ward pointed out that it has been 9 years since an officer discharged their gun aside from dealing with an animal.

Kristin Pamperin—Owner of the Urban Muse, 82 Broadway, Denville—Ms. Pamperin spoke about Ordinance 09-20 and how it affects the local businesses. She asked the Council to reconsider the permits that are being issued. She believes the permits should be allowed to be shared amongst employees as an attempt to save money for the business owners.

Administrator Ward advised that the Ordinance would be reevaluated in October.

**MATTERS OF OLD AND/OR NEW BUSINESS:** NONE

**ORDINANCES FOR ADOPTION:** NONE

**ORDINANCES FOR INTRODUCTION:**

**Ordinance No. 08-20**

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Adopting a Codification and Revision of the Ordinances of the Township of Denville, County of Morris, State of New Jersey; Providing for the Maintenance of said Code; Repealing and Saving from Repeal Certain Ordinances Not Included Therein; Establishing a Penalty for Altering or Tampering with this Code; and Making Certain Changes in Previously Adopted Ordinances

Be Introduced and Read by Title on First Reading
MOTION TO READ BY TITLE:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FAHRER

AYES: GABEL, FAHRER, COTÉ, BOROWIEC, BUIE, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

BE IT RESOLVED that an Ordinance entitled:

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Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 07-14-2020 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 GABEL, SECONDED BY MEMBER FAHRER

AYES: GABEL, FAHRER, COTÉ, BOROWIEC, BUIE, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

Ordinance No. 09-20
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, to Amend Chapter 8, Parking Lots and Parking Meters, to Modify Certain Parking Regulations Pertaining to the Bloomfield Avenue, Savage Road and First Avenue Parking Lots

Be Introduced and Read by Title on First Reading

MOTION TO READ BY TITLE:
MOVED BY MEMBER BUIE, SECONDED BY MEMBER COTÉ

AYES: BUIE, COTÉ, BOROWIEC, GABEL, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

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MOTION TO PASS ON FIRST READING:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FAHRER

AYES: BUIE, COTÉ, BOROWIEC, GABEL, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

ITEMS FOR DISCUSSION AND/OR ACTION: NONE

CONSENT AGENDA:

R-20-96: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

R-20-97: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to a Street Naming List

R-20-98: Resolution Urging the State of New Jersey to Provide Direct Stabilization Funding to Morris County from the Coronavirus Relief Fund

R-20-99: Resolution Recommending to the New Jersey Department of Transportation the Award of a Contract for the Franklin Road Resurfacing Project (Line Painting) to Denville Line Painting Inc. via a 2020 Morris County Cooperative Pricing Council Contract

R-20-100: Resolution Granting Permission to Advertise and Accept Bids for Denbrook Trail Phase 1 Construction

President Murphy 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 GOLINSKI, SECONDED BY MEMBER FAHRER

AYES: GOLINSKI, FAHRER, COTÉ, BOROWIEC, GABEL, BUIE, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE
NON-CONSENT AGENDA:

R-20-101: Governing Body Certification of Review of the Annual Audit
MOTION TO APPROVE R-20-101
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER FAHRER
AYES: GABEL, COTÉ, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-102: Resolution Authorizing the Cancellation of Stale Dated Checks
MOTION TO APPROVE R-20-102
MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER BOROWIEC
AYES: GOLINSKI, BOROWIEC, COTÉ, GABEL, BUIE, FAHRER, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-103: Resolution Authorizing the Cancellation of Unexpended and Dedicated Balances of General Capital Appropriations
MOTION TO APPROVE R-20-103
MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
AYES: GOLINSKI, GABEL, BOROWIEC, COTÉ, BUIE, FAHRER, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-104: Resolution Authorizing the Cancellation of Unexpended and Dedicated Balances of Sewer Capital Appropriations
MOTION TO APPROVE R-20-104
MOVED BY MEMBER FAHRER, SECONDED BY MEMBER GOLINSKI
AYES: FAHRER, GOLINSKI, BOROWIEC, COTÉ, GABEL, BUIE, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-105: Resolution Authorizing the Cancellation of Unexpended and Dedicated Balances of Water Capital Appropriations
MOTION TO APPROVE R-20-105
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-106: Resolution Waiving the Minimum Separation Distance for Septic System Disposal Fields and Required Septic Profile Pits as Set Forth at N.J.A.C. 7:9A, Standards for Individual Subsurface Sewage Disposal Systems at 20 Vista Way, Block 30602, Lot 14
MOTION TO APPROVE R-20-106
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
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ABSENT: NONE

R-20-107: Resolution Authorizing the Execution of Change Order No. 1 with Interstate Fireworks Inc. for the Celebration of July 4th
MOTION TO APPROVE R-20-107
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-108: Resolution Authorizing the Execution of Change Order No. 1 with Dutchman for the Construction of a Public Works and Fire Department Storage Building
MOTION TO APPROVE R-20-108
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-109: Resolution Authorizing Refund of Recreation Department Fees
MOTION TO APPROVE R-20-109
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-110: Resolution Refunding Fees for 2020 Sidewalk Cafe Licenses and Waiving Fees for Outdoor Dining Permits to be Issued in Accordance with EO150 and Local Emergency Order 4-2020
MOTION TO APPROVE R-20-110
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-111: Resolution of the Township of Denville, in the County of Morris and State of New Jersey, Authorizing a Maintenance Agreement between the Township and the Owners of 54 Thurmont Road (Block 30603, Lot 14) and 60 Thurmont Road (Block 30604, Lot 5)
MOTION TO APPROVE R-20-111
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-112: Resolution Recommending to the New Jersey Department of Transportation the Award of a Contract for the Franklin Road Resurfacing Project to Tilcon New York Inc. via a 2020 Morris County Cooperative Pricing Council Contract
MOTION TO APPROVE R-20-112
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY

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NAYS: NONE
ABSENT: NONE

R-20-113: Resolution of the Township of Denville Extending the Grace Period for a Period of One (1) Month as it Relates to the Deadline, Fees and Penalties Associated with Cat Licensing
MOTION TO APPROVE R-20-113
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-114: Resolution Authorizing the Submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for the 2021 East & West Main Street Resurfacing Project
MOTION TO APPROVE R-20-114
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-115: Resolution Authorizing the Submission of a Grant Application to the Morris County Open Space and Farmland Preservation Trust Fund for the Acquisition of 10 Acres of Property on East Glen Road Known as Block 61402, Lots 1 and 3, Block 61502, Lot 16
MOTION TO APPROVE R-20-115
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-116: Resolution Authorizing the Award of a Contract for the Purchase of Nine (9) Panasonic Toughbook Laptops in Accordance with New Jersey State Contract #89980 LINE #00001
MOTION TO APPROVE R-20-116
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-117: Resolution Authorizing the Award of a Contract for the Purchase of Two (2) 2019 Chevrolet Tahoe All-Wheel Drive Vehicles for the Police Department in Accordance with Educational Services Commission of New Jersey Pricing System Contract No. 17/18-44
MOTION TO APPROVE R-20-117
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

R-20-118: Resolution Authorizing the Award of a Contract for the Purchase of a Stryker Ambulance Stretcher in Accordance with New Jersey Cooperative Purchasing Alliance No. CK04
MOTION TO APPROVE R-20-118
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER GABEL
AYES: COTÉ, GABEL, BOROWIEC, BUIE, FAHRER, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSENT: NONE

MINUTES FOR ADOPTION:
January 14, 2020
February 8, 2020
MOVED BY MEMBER COTÉ, SECONDED BY MEMBER FAHRER
AYES: COTÉ, FAHRER, BOROWIEC, GABEL, BUIE, GOLINSKI, PRESIDENT MURPHY
NAYS: NONE
ABSTAIN: Councilman Gabel abstained from voting on the 3/10/2020 minutes.
ABSENT: NONE

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

The meeting adjourned at 9:17 P.M.

Tara M. Pettoni, RMC
Municipal Clerk
Liam Eastman
30 Smith Rd, Denville, NJ 07834

While I've already emailed Mayor Andes this, I believe this is also an appropriate forum to air what I have to say.

Mayor Andes,

Let me start by saying that I do not represent Black Lives Matter Morristown or the young group of people who organized today's Denville protest and speaking for no one other than myself. Declaring yesterday "A Day of Respecting the Police Officers of our Community" is incredibly tone deaf considering the current political climate that we are in as a nation. Only two weeks ago George Floyd was murdered by a police officer and since then there have been countless videos of police in tactical gear looking like they are about to go to war. They look like they are about to go to war with people who are peacefully protesting police brutality and then escalating the situation with those very same people. There are countless videos and pictures of this that I'm sure you have seen. To look at this visual proof of wrong doing by men and women who are meant to Protect and Serve everyone equally regardless of what they look like and then declare today "A Day of Respecting the Police Officers of our Community" baffles me. All this does is make it seem like Denville is picking sides and it's not the side that believes in equality for all. In a town with a 92.64% white population, approaching the subject from a place of unity and love does not serve the marginalized; it only makes the ruling class feel better about the justified civil unrest across the country without actually discussing the problems at hand. Blacks in New Jersey are 3x more likely to experience uses of force despite making up just 12% of the state's population. I understand that you believe the Denville PD is full of good hearted people, I too have my fair share of good experiences with them, but that really isn't the point. Now is not the time to be celebrating police for doing their job properly, now is the time to be listening to and talking to your marginalized communities in this town and figuring out what they need and how they feel. I'd highly encourage you to reach out to the Morristown chapter of Black Lives Matter to discuss this further as I am no authority on this subject.

Respectfully,
Liam Eastman
Jaelen Felton 21 Parks rd Denville Nj
Questions 1:
Me being a concerned citizen what it’s going to be done with the racial profiling or any future profiling With Denville Police Towards blacks and is there or will There be any new training to avoid situations that may happen like the violence that has been going on around the world recently like death of George Floyd?
Question2:
Why did the mayor wait to make a comment on the violence an death of George Floyd days after death and used a Denville March to piggy back off of with his statement About the death?
Here is my comment for tonight's meeting. I am happy to read it on the call to enter it into the minutes. Please let me know.

Andrea Zeydelis - [Redacted]
3 King Hill Ct, Denville, NJ 07834

Hello my name is Andrea Zeydelis. Today I speak for myself and myself alone. I want to encourage the Town Council to acknowledge the racial tensions that have come to the forefront on the national level and here in Denville. I want to encourage the Town Council to listen tonight and learn that implicit bias is alive and well in this wonderful town. I want my town council to speak out against racial injustice and to denounce White Supremacy because at its core that is what plagues every institution built in this country.

There are many individuals in this town that believe that it is their right to discriminate against an individual because they are black, brown, gay, trans or simply because they are different than them. We pride ourselves on being a "stigma free" community but those words mean nothing without action. This action starts with you.

I am sure many of you got into public office because you were passionate about helping your community. Your community is asking now, will you help us? Will you stand up and speak out when bigotry and racism rears its ugly head? Will you speak up against your own friends and family when it is an uncomfortable and difficult conversation to have? Will you question your own intent when you make generalizations or discriminatory comments? Now is the time to think and act.

I do have specific asks of the Town Council: First as a parent of two children in the school system I would like to encourage the BOE to create a more inclusive curriculum and try to diversify their staff. It is all of our responsibility to ensure our children are educated in the best manner possible including acceptance of diversity.

Additionally and in light of recent events, how is Denville addressing transgressions by Police Officers here in Denville?

What steps have been taken to hold the police department accountable with regard to zero women on the force as well as zero representation of people of color on the force?

Is there an annual report including the number of arrests, stops, use of force and firearms discharged for the Police department? If so, please provide. If not, why not?

In order for any organization to hold themselves accountable they need to have performance measurements in place, this goes for all levels of government. The Town Council is responsible for the safety and well being of the town. If there have been no inquiries into why there is racial injustice in our town then we have not done our duty to protect every resident of Denville.
I encourage the Town Council to look at every committee and ask where are the different opinions? As leader in our community it is up to you to encourage diversity. We need to start asking the hard questions and open up our committees to the residents of Denville. I encourage you to be more vocal about when your council meetings are, invite community members into the conversation and truly listen to your constituents. We are all neighbors, we all love this community, let's all work together to hold each other accountable and make this a truly inclusive community to live in.