TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

AUGUST 17, 2010

The Meeting was called to order at 7:30 p.m. by President Andes. The Salute to the Flag was recited, followed by an Invocation given by Councilman Golinski. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello reminded all present that this is a non-smoking facility and anyone wishing to smoke must leave the premises. She also asked that all cell phones be turned off or muted.

The Clerk advised that Councilman Shaw is away and that Councilman Stecky is present via telephone.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SMITH, STECKY, ANDES
ABSENT: SHAW

ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU, LABOR ATTORNEY KNAPP, POLICE CHIEF WAGNER, TOWNSHIP PLANNER DENZLER.

President Andes noted that a large number of Police Officers, DPW workers and other Township employees are also present.

President Andes welcomed the new Township Administrator, Steve Ward. He said that Mr. Ward is off to a great start and that the Council anticipates many good things will happen under his leadership.

Mr. Andes advised that the first item on the Agenda is R-10-169A - RESOLUTION AUTHORIZING CLOSED SESSION

MOTION TO APPROVE R-10-169A: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

AYES: SMITH, FITZPATRICK, KUSER, GOLINSKI, ANDES
ABSENT: SHAW, STECKY (Telephone connection temporarily lost)

President Andes noted that the Closed Session concerns Contract Negotiations and it will be necessary to empty the Council Chambers. He advised that the Community Room has been left open and there are seats available in there and the public will be notified when the Closed Session is over so they may return to the Council Chambers.

Council went into Closed Session at 7:34 p.m.
The Regular Meeting resumed at 8:21 p.m.

President Andes apologized for the length of the Closed Session.

President Andes noted that, in the interest of the public attending tonight, he is rearranging the agenda and will take the salary ordinances for Introduction first.

ORDINANCE(S) FOR INTRODUCTION:

#11-10 POLICE SALARY ORDINANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED
AN ORDINANCE TO ESTABLISH THE SALARIES AND TERMS OF EMPLOYMENT FOR THOSE EMPLOYEES OF THE DEPARTMENT OF POLICE GOVERNED BY COLLECTIVE BARGAINING OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY BE INTRODUCED AND READ BY TITLE ON FIRST READING

MOTION TO INTRODUCE: MOVED BY MEMBER STECKY, SECONDED BY MEMBER FITZPATRICK

DISCUSSION: No one wished to be heard.

AYES: NONE

NAYS: STECKY, FITZPATRICK, KUSER, SMITH, GOLINSKI, ANDES

ABSENT: SHAW

#12-10 SALARY ORDINANCE FOR CONFIDENTIAL EMPLOYEES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE CONCERNING SALARIES, VACATIONS, HOLIDAYS AND OTHER WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING

BE INTRODUCED AND READ BY TITLE ON FIRST READING

MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER KUSER

AYES: NONE

NAYS: GOLINSKI, KUSER, FITZPATRICK, SMITH, STECKY, ANDES

ABSENT: SHAW

#13-10 SUPERVISORY EMPLOYEES SALARY ORDINANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE CONCERNING SALARIES, VACATIONS, HOLIDAYS AND OTHER WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES' ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

AYES: NONE

NAYS: SMITH, STECKY, FITZPATRICK, KUSER, GOLINSKI, ANDES

ABSENT: SHAW

#14-10 TOWNSHIP EMPLOYEES SALARY ORDINANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE CONCERNING SALARIES, VACATIONS, HOLIDAYS AND OTHER
WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP EMPLOYEES’ ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI
AYES: NONE
NAYS: STECKY, GOLINSKI, FITZPATRICK, KUSER, SMITH, ANDES
ABSENT: SHAW

President Andes asked that the Clerk read Ordinance #15-10 and Ordinance #16-10 since his son works for the DPW and he must recuse himself from voting on those ordinances.

#15-10 DPW SUPERVISORS SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO ESTABLISH THE SALARIES AND TERMS OF EMPLOYMENT FOR THOSE EMPLOYEES OF THE DENVILLE PUBLIC WORKS SUPERVISORY ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER KUSER
AYES: NONE
NAYS: GOLINSKI, KUSER, FITZPATRICK, SMITH, STECKY
RECUSE: ANDES
ABSENT: SHAW

#16-10 DPW EMPLOYEES SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO ESTABLISH THE SALARIES AND TERMS OF EMPLOYMENT FOR THOSE EMPLOYEES OF THE DENVILLE PUBLIC WORKS GOVERNED BY COLLECTIVE BARGAINING OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER STECKY, SECONDED BY MEMBER SMITH
AYES: NONE
NAYS: STECKY, SMITH, FITZPATRICK, KUSER, GOLINSKI
RECUSE: ANDES
ABSENT: SHAW
President Andes noted that the next item on the Agenda is:

PUBLIC HEARING ON MORRIS COUNTY 2010 GRANT APPLICATION FOR
OPEN SPACE LAND PARCELS:
FELS, 26 BROAD STREET
ROCKAWAY 79 BROAD STREET

Mayor Hussa noted that other properties had been proposed but either the deal fell through or the Council did not want to consider them. He said that he feels that the Fels property would be a good one to go forward with for many reasons. The Mayor advised that it is a subdivision of open space that is behind a pipe-fitting warehouse at the end of Broad Street and consists of 5.25 acres.

Councilman Golinski questioned the Mayor’s comment that the Council has approved this property. The Mayor replied that the Council had approved moving forward with it. It was noted that the Council had approved further research and an appraisal.

Councilman Kuser asked for clarification of the Fels property. The Mayor replied that it is the property on the Denville side of the map that he showed to the Council. He noted that it is contiguous with property owned by Jersey City and with the other parcels on both sides of the river, it forms about an 85 acre greenway, extending all the way over to Vanderhoof Avenue. The Mayor added that it is a watershed and offers flood protection because if developed with an office building, it could cause serious run-off into the Rockaway River. He noted the excessive silt build-up in the Rockaway River in that area. Mayor Hussa advised that Mr. Fels wants $400,000 for the property; Denville would contribute $50,000 and we are looking for $400,000 from the County.

Councilman Kuser asked if it is buildable now and is it constrained in any way. The Mayor replied that it is buildable and is not constrained.

Mr. Kuser asked how vehicles would access the property. The Mayor replied it would be on either side of the building and that a road could be put in.

Councilwoman Smith asked if a wetlands delineation has been done on this property or the other property. The Mayor replied that the Fels property is above the wetlands since it is up on a ridge. He said that Rockaway has recently obtained $1 million to acquire 10 acres that are adjacent to this property. The Mayor noted that the parcel is in Denville and would make a nice stand-alone park.

Mr. Kuser asked if it is zoned Industrial and the Mayor replied in the affirmative. Mr. Kuser asked about the tax impact, what the taxes are now. The Mayor replied that the difference between what would be paid now and after the sub-division is $1,500.

Mr. Kuser asked what they pay now in taxes. The Mayor replied that, after the sub-division, Mr. Fels would pay $4,000 on the 2 acres and currently, the taxes are $14,000, so the loss in taxes would be $10,000.

Mr. Kuser asked if the Mayor has a recommendation from the Township Engineer about how this would alleviate flooding. He asked if that is the Mayor’s theory. The Mayor responded that it is.

Mr. Stecky interjected that a water engineer is not needed to spell out that this would be
an advantage to minimize development of that property and take it over and retain it as woodland.
The Mayor agreed that there is no need to have an engineer since the parcel is on a slope going down to the river and any disturbance on the plateau would be a direct impact on the river.
Mrs. Smith noted that with the proper drainage design it can sometimes minimize the impact, so she has to disagree with what the Mayor is saying.
Mr. Stecky said that if this site were to be developed, they would have to find a way to percolate the rain water from the developed site into the ground without discharge to the brook. He said that it would require extensive construction and would be very expensive and would be damaging to the surrounding area.
Mrs. Smith replied that her point was that it can be done but the costs would be the burden of the developer and that is not our concern. Mr. Stecky said that it would be very expensive to develop it.
Both Mr. Kuser and Mrs. Smith asked why we would spend our money to buy it if it is not likely to be developed.
The Mayor replied that it is a beautiful piece of property and has beautiful views of the area.
Councilman Golinski stated that the fact that it is contiguous to other open space and to the river are big selling points to him.

The Mayor moved ahead to the Rockaway property. He said that some of the other opportunities fell apart: the Young property behind the train station, but the asking price exceeded the appraised value; the Schleicher property, the owner wanted much more than the appraised value; Valva property the Council didn’t like and St. Clare’s property is not a mature deal, it still needs work, and that also fell apart.
The Mayor advised that the Rockaway property is adjacent to the Fels property and the Open Space Committee showed interest in it in 2009. He said that they walked the property with then-Mayor Snyder and some Council people from Rockaway and both Denville and Rockaway were interested in preserving it. The Mayor noted that Rockaway was in the process of acquiring property from the Greek Orthodox Church at the time and didn’t want to get involved with this parcel. He advised that there is currently a proposal for 40 townhouses before the Board of Adjustment in Rockaway on this site. Mayor Hussa stated unequivocally that building 40 townhouses in that area would definitely exacerbate the flooding of the river. The Mayor advised that purchasing this property will help curtail the flooding in Denville and that we are applying for full funding, so there is no tax loss. He noted that it is not that unusual for a town to buy property in another town; he said that Jersey City owns a great deal of property in other towns. The Mayor commented that owning that property insures the water quality of the Rockaway River. He cited a purchase of property in Denville by the Township of Parsippany.
President Andes asked the Mayor if he was able to obtain a letter of recommendation
from Rockaway Borough. The Mayor replied that he has not received that as yet, but the Borough Council will be meeting again with all members present to vote and he anticipates receiving that letter at that meeting. Mr. Andes asked for the deadline to submit that letter to the County. The Mayor advised that the date is September 10th. The Mayor added that both owners are willing to share the cost of the appraisals. He said that the properties in the area form a contiguous 85-acre greenway. The Mayor noted that the price could be the sticking point because the appraisal may not meet the asking price of the sellers, in which case, the deal would probably fall through. Councilwoman Smith asked who would own the property. They Mayor replied that Denville would, but we would not annex it to Denville and would not have to pay any taxes on it.

Councilman Kuser asked how we are to acquire this property with no cost to Denville and, why don’t we do it with all open space. The Mayor replied that, in this case, there are other entities who have a good deal of interest in the property. He said that the Morris County Park Commission will be funding part of it and the MUA is also interested.

Councilman Fitzpatrick asked, on a scale of 1 to 10, 10 being the highest, how threatened is the area for development. The Mayor replied it is a 10.

Mr. Kuser asked the Mayor if he thinks that Rockaway will say yes, and will the County say yes. The Mayor responded that he thinks that Rockaway will say yes. Mr. Kuser asked if the Mayor will still support it if the other entities pull out and Denville has to pay for it. The Mayor replied that he would not, but it would be a Council decision, but he would like to see us get the full funding.

Mr. Kuser again asked if he would support it. The Mayor replied that he would bring it to the Council and ask if they would support it. He said that he would support it, up to a certain number, and does think that it would warrant some consideration from the Council.

President Andes commented that, from his point of view, buying property in another town is something that he would never have expected to say yes to. He said, however, that if it prevents even one house from being flooded and spare one family from the burden of pumping out their home, then it would be worth our while. Mr. Andes said that he was doubtful when he saw the newspaper article that said Rockaway will not support it but, since the appraisal is already done and the Mayor feels he can get the letter from Rockaway before the deadline, he feels there is no harm in waiting.

President Andes then opened the Public Hearing on these two parcels only. Carol Spencer, 86 Woodstone Road, spoke in favor of the acquisitions. She noted that, although the property is in Rockaway, the impact is on Denville. Ms. Spencer spoke about the impact that 40 townhouses would have on the traffic at Broad Street and at Woodstone Road. She complimented President Andes on his concern for the flooding of peoples’ homes. Ms. Spencer strongly urged the Council to support the acquisition and the Mayor to do everything possible to acquire them.
Bruce D’Adamo, 6 Wilson Avenue, also spoke about the traffic and supported the resolution.

CLOSE PUBLIC HEARING.

Councilman Fitzpatrick stated that he supports the acquisition because he feels that we need to do something about the flooding issue.

Councilman Golinski thanked the Mayor for his efforts and bravery to go over the border.

Councilwoman Smith commented that, in her mind, if the Council were to adopt this resolution it would be subject to a letter of support from Rockaway Borough that would be amended into the resolution.

President Andes stated that he does not think that the County will even consider our application without that letter. He said that he thinks it is a very pivotal point.

It was noted that the application is already in but the County is waiting for the resolution to memorialize and support the application. Attorney Semrau noted that the resolution doesn’t necessarily mean that the Township is acquiring the property at that price, and the terms of the contract are to be determined. He said that the resolution is to acknowledge and support the two properties.

Mayor Hussa commented that the R-10-169B contains a substantial error, in that, it indicates that the property is 7.24 acres but it is actually a sub-division of that lot and consists of 5 acres.

Councilman Golinski noted that it sounds like a good deal for Denville, regardless of whether Rockaway supports it or not.

Councilman Kuser asked the Mayor if there is any way to add on the Valva property, since all of the other properties fell through.

The Mayor replied not at this time. He said that he is going to go and walk the bottom portion of the property and expressed Denville’s continued interest in it.

Mr. Kuser commented that the letter received from Weichert Realtors stated that the property would sell for no less than $500,000 and no more than $750,000 even if the appraisal was $2.8 million. He said that he feels that it was a major hiccup that the Township did not go after that property. The Mayor replied that the reason is that this Council voted against it. Mr. Kuser commented that he is aware of that but, the letter was not presented to the Council, only to the Open Space Committee.

Mr. Kuser stated that he thinks that the Mayor did a disservice to the Council by not presenting that letter to them. He said that the Mayor told the Council that the property was worth $150,000 per acre and there are 8 acres. Mr. Kuser noted that amounts to $1.2 million and we could have purchased it for $750,000. The Mayor retorted that it was the Council that voted against the property and he recommended the property to them. Mr. Kuser replied that the Council was not presented with all of the facts and were not given the dollar figures and that he was very upset that he was unable to attend that meeting.

There was a discussion concerning the flooding in the Fourth Ward as opposed to the flooding that occurs in the Rockaway River and the Mayor contended that there is no
comparison to the severity of the river flooding. Councilman Golinski interjected that Open Space is not only about flooding. He advised Mr. Kuser that he had voted no on the Valva property at that meeting but had asked at least three times for the prioritized list from the Open Space Committee. Mr. Golinski added that he did not hear any property prioritized and did not hear that we would be basically getting the Valva property at half-price. He said that if he were presented that information now, he would gladly change his vote. Mr. Kuser stated that he is very dissatisfied with the outcome of that property. The Mayor replied that he can 100% guarantee that nothing will be built on that property between now and the time that the Township applies for Open Space funding next year.

R-10-169B RESOLUTION AUTHORIZING AN APPLICATION FOR OPEN SPACE FUNDING FROM THE MORRIS COUNTY OPEN SPACE PRESERVATION TRUST FUND
MOTION TO APPROVE R-10-169B: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GOLINSKI
Clerk Costello noted that the vote will be on the resolution as corrected by the Mayor due to the wrong acreage listed in the resolution. President Andes said that is correct.
AYES: KUSER, FITZPATRICK, SMITH, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

R-10-169C RESOLUTION AUTHORIZING AN APPLICATION FOR OPEN SPACE FUNDING FROM THE MORRIS COUNTY OPEN SPACE PRESERVATION TRUST FUND
MOTION TO APPROVE R-10-169C: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
AYES: FITZPATRICK, GOLINSKI, KUSER, SMITH, STECKY, ANDES
ABSENT: SHAW

LIAISON REPORTS:
Councilman Golinski had no report.
Councilman Fitzpatrick had no report.
Councilman Kuser had no report.
Councilwoman Smith had no report.
President Andes commented that there was a wonderful ceremony dedicating the McCloskey Field this evening. Mr. Andes gave kudos to Don Bogardus and the Recreation Committee for instituting the first ever “Denville Try Harder-athlon” at the James Dyer Park at Cook’s Pond on Saturday; 81 children from ages 4 to 14 participated in swimming, running and biking. Mr. Andes stated that it was a wonderful event.

MAYOR’S REPORT.
Mayor Hussa deferred his report to another meeting, with the exception of a welcome to Administrator Steven Ward at this, his first meeting as the new Administrator. He wished him well and noted that 49 candidates applied and Mr. Ward was clearly the front-runner. The Mayor said the Mr. Ward hit the ground running and has already worked with many of the employees. He advised that there were only complimentary comments from the employees.

ADMINISTRATOR’S REPORT:
Administrator Ward thanked the Mayor, Council and staff for bringing him up to speed on the current issues, challenges and projects in the Township. He said that he hopes to make a very positive contribution now and in the future.

Mr. Ward noted that he has a few items of correspondence that he feels the Council should be made aware of.

He advised that he received a letter from a contractor for J C P & L regarding the trimming of trees and limbs in the right-of-way on Morris Avenue and Cedar Lake Road, starting next Monday.

Mr. Ward noted that he received additional notification from the Morris County Parks Commission that, in conjunction with the New Jersey Division of Fish and Wildlife, they will be implementing a white tail deer management program. He said that part of the program will impact Denville, specifically in the area of Jonathan’s Woods and the Tourne Park. Mr. Ward advised that he has the schedule and will make it available to the members of the Governing Body. He noted that the time-frame is October, November and December.

Administrator Ward reported that the DPW Superintendent, as well as some residents, have expressed some concerns regarding the re-cycling bins in the downtown area. He said that their concern is that users of the bins are not distinguishing between trash and re-cycling and are throwing both into these bins. Mr. Ward advised that he and the DPW Superintendent have devised a more distinct sign system and different lids to differentiate between the two types of container.

The Administrator advised that eighteen (18) No Smoking signs have been placed in the public parks within the last two days. He said that the remainder will be installed shortly.

Administrator Ward stated that there has been the practice of Department Heads submitting a monthly report. He said that, at a recent Department Head Meeting he suggested that, unless there is an emergent matter that requires attention, the practice be changed to a “Department of the Month” system. Mr. Ward noted that this would give the Council a more in-depth report on each department on a rotating basis and be more beneficial to the Governing Body and the public. He said that it is something that he would like to try and see how it works out, if there is no objection from the Council.

OPEN PUBLIC PORTION:
Charles Botti, 73 Mt. Pleasant Turnpike, suggested that ordinances that have been
introduced, be posted on the web-site before the public hearing. He noted that the web-
site has been improved this year and it would give the public an opportunity to read the
details of the ordinances.
Attorney Semrau replied that, once the ordinances are introduced and before the public
hearing, they are printed in the newspaper and are available in the Clerk’s office at no
charge. He said that he would defer to the Administration about posting them. It was
agreed that the time to post them would be after introduction.
Gerry Idec, 1 East Longview Trail, stated that his objection to buying property for open
space is that Denville seems to own an awful lot of open space in Denville, but they
keep it a secret. He suggested that the location of the parks be printed on the Town
calendar so that the public can make use of these open space areas. Mr. Idec
complained that the Township takes the taxpayers’ money and doesn’t advertise what it
was used for or where the properties are that have been acquired.
President Andes commented that he does not agree with that and asked the Mayor for
his comments.
Mayor Hussa replied that commitments have been made regarding signage and
upgrades at Hollstien Lake, but these things take time to accomplish. He said that the
town just closed on two properties on Casterline Rd, comprised of about 1 ½ acres, and
there is a plan to have a grand opening, similar to what was done at Jonathan’s Woods,
after the area has been cleaned up. The Mayor stated that it will happen as soon as
possible. Mayor Hussa noted that the Township just received a grant in the amount of
$25,000 and that the grant is being used for upgrades to Muriel Hepner Park. He said
that this Administration has plans to open up some of the parks that the public is
unaware of.
President Andes suggested that a list of open space properties be put on the web site.
Mayor Hussa agreed to put a listing of all major parcels on the web site, listed under
“Parks”.
Mr. Andes noted that some of these properties are just wooded land and have not been
developed at all.
Franz Fuertges, 109 Ford Road, spoke about residents of Ford Road receiving
notification concerning the water supply.
The Mayor interjected that it is in regard to Cedar Terrace and that he spoke with Mr.
VanDyke about it. Mr. Fuertges replied that he is speaking of Ford Road not Cedar
Terrace. Mr. Fuertges advised that he has his own water supply at his home and has a
nursery there. He said that his question is whether he will be forced to pay for town
water or will he be able to continue using his well water. The Mayor replied that, unlike
hooking up to the sewer, Mr. Fuertges would have an option as to whether or not he
would like to hook up to town water. Mr. Fuertges commented that he is under the
impression, from what his neighbors have told him, that there is no choice about
hooking up to the water. The Mayor responded that he has not seen the letter and that
it was sent out by Kathy Ward, the Utilities Supervisor. He suggested that Mr. Fuertges
touch base with Mrs. Ward in order to clear the matter up.
President Andes thanked Mr. Fuertges for his work on the planting of the flowers in front of the building. He said that it looks beautiful.

Mike Dzurney, 99 Woodstone Road, thanked the Mayor and Council for having the signs posted that prohibit motor vehicles around the lake at the end of Woodstone Road. He said that they are between 80% and 90% effective but more signs are needed. Mr. Dzurney cited motorcycle and ATV traffic from the other side of the lake and racing taking place up by the water tower. Mr. Dzurney also requested signs prohibiting swimming and littering. He also asked that attention be directed to the parking situation at the end of Woodstone Road.

The Mayor asked Mr. Dzurney to get with him “off line” to explain what additional signs he would like to see installed. The Mayor said that, since the signs are produced in-house it is not a problem to create more signs. He asked for a written request as to what signs they would like to have and the areas in which they would like to have them placed. Mr. Dzurney thanked the Council for passing the no-smoking in public parks ordinance. He noted that it concerns not only the littering of cigarette butts but pollution as well.

Mr. Dzurney then spoke of an issue regarding pollution from an open burning pit, burning construction debris, pressure-treated lumber, at the end of Woodstone Road. Mr. Dzurney stated that he had sent the Mayor a letter concerning this matter. The Mayor responded that Mr. Dzurney was told to report that as soon as it happened. Mr. Dzurney advised that he has done that and is working with the Police Department as we speak. He said that he filed a complaint with the Health Department two months ago and nothing was done about it.

The Mayor commented that he agrees with Mr. Dzurney that something should be done and noted that the Police Chief is present tonight. He asked the Chief if he had any comments.

Chief Wagner said that he has not confirmed this but, he believes that the Fire Official is either preparing to, or has issued, a summons for open burning to Mr. Hollstein. Administrator Ward interjected that he is not sure it is the same property, but he did see a copy of a letter that went out to a property owner concerning open burning. President Andes noted that the Fire Chief is present and asked for his comment. Chief Crothers confirmed that a letter was sent and that the Fire Official is working with the Police Department to resolve the issue.

Mr. Dzurney asked if the Fire Official’s letter is public record. Attorney Semrau replied that it is. Mr. Dzurney asked how he might obtain a copy of that letter. He was advised to go to the Township Clerk’s office and request it.

Brian Walsh, 380 Franklin Road, commented that the Council is spending money for property in another town and he already lives in this town and lives next to an eyesore at 378 Franklin Road. He said that the census taker told him that it is not abandoned because the owner pays the taxes but that it is uninhabitable because the roof is caving in. Mr. Walsh added that, as far as he knows, there are no residential property maintenance requirements in Denville.
President Andes advised Mr. Walsh that the Council is aware of that property and that Mr. Walsh’s Councilman is the one who requested that a property maintenance ordinance be formulated.

Mr. Andes explained the process for introducing an ordinance and advised that, if the ordinance passes introduction tonight, there will be a public hearing and a vote to adopt it on September 7th.

Mary Larson, 146 West Glen Road, asked for the status of the Police Station renovation.

President Andes advised that there will be a presentation by Administrator Ward in a few moments.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Golinski stated that, in light of the charges that have recently been filed against Mark Weiss of the NJ Bow Hunters, he would like to request that Mr. Weiss be removed as the coordinator, manager or liaison of the Denville deer hunt, until such time as the charges have been resolved.

Mayor Hussa noted that Mr. Golinski had spoken to him the other day and he told Mr. Golinski at that time that Dennis Steckert is the coordinator for Denville. The Mayor advised that Mr. Weiss has assured him that he will be exonerated of the charges that have been leveled against him.

POLICE STATION UPDATE:
Administrator Ward advised that the Police Department renovation was the first issue presented to him last week when he took up his new position.

He said that he met with the Mayor, John Ciardi and Marie Goble who brought him up to speed by presenting, discussing and explaining the various options and alternatives that have been presented. Mr. Ward noted that he and the Mayor co-drafted a memorandum with recommendations. He said that he will summarize those and then Mrs. Goble will make a brief presentation concerning the financial impact and Chief Wagner and/or Mr. Ciardi may have some additional comments.

Mr. Ward stated that there are two options, rather than phases, that can be used to approach this project:

Option 1 - Provides renovation to the men’s locker room and provides expansion for a future evidence storage area. Based on the Engineer’s estimates the cost will be approximately $755,000. This includes construction costs, administration fees, architectural and engineering fees as well as a 15% cost contingency. Mr. Ward advised that the 15% is put in to allow for a possible difference between the estimated and actual costs.

Option 2 - Provides for an expansion of the building providing for additional
administrative office space for the facility. The estimated cost is $1.283 million with an additional cost estimate of $74,000 to provide aesthetic improvements, including new carpet, ceiling tiles, painting the facility and replacing some windows and doors in the existing building.

Administrator Ward noted that the discussions that were held focused on three areas:

- Budgetary impact
- Potential future Police services
- Current working environment conditions.

Mr. Ward said that he will defer discussion of the budgetary impact to Mrs. Goble, while adding that he has noted that the Township has been very conservative and responsible with its borrowing in the past. He stated that, with the recommendations being provided, we will continue to have a conservative and responsible amount of outstanding debt. Mr. Ward noted that, regarding future Police services, with the new cap from the State and the uncertain financial environment, many municipalities including our own, have been looking to shared services as a means to improve the efficiency of operations. He said that there are no current discussions regarding Police shared services but it is obviously an area that will be explored. Mr. Ward advised that, considering the need to correct the current working conditions, the recommendation is to proceed with Option 1: Renovations to the locker room facility, providing storage area for an evidence room, as well as providing the new carpet, ceiling tiles and painting of the facility. He noted that, based upon the architect’s estimate, the cost would be $830,400. Administrator Ward stated that, in discussing this with Mrs. Goble, the direction they are seeking from the Governing Body, after discussion and questions, would be that, if this option is acceptable, the Council authorize having the Bond Counsel draft an ordinance in the amount of $850,000. He advised that there will be additional fees for issuing the debt and for Bond Counsel fees.

Mr. Ward then turned the discussion over to Mrs. Goble.

CFO Goble stated that, at the last meeting regarding this subject, the Council President directed Administration and the Police Chief to come up with a viable plan that they felt they could support and present to the Council. Mrs. Goble noted that she has examined every possible way to handle this, and any future projects, while taking the financial impact into consideration. The CFO advised that, before discussing the Police project, she would like to explain our current debt structure. She said that, due to that structure, we will have a 1 cent per year tax increase in 2011 and 2012, whether we do something in the police station or not. Mrs. Goble noted that the Police project would not have a direct impact on what will happen, as opposed to the amount of debt that we now have, and the restructuring of our current debt. She advised that we have bonds that will expire in 2012; we have approximately $6 million in short term notes that will eventually have to be turned into bonds. Mrs. Goble commented that, historically, we have capital projects that amount to $900,000 to $1 million, depending on how much road paving we do, what we purchase or what we don't purchase.
The CFO advised that, with the agreement of our Auditor, the $850,000 option is the better way to go at this time. She commented that, should we acquire a shared services agreement somewhere down the line, there could be some cost-saving at that time.

Mrs. Goble stated that, in analyzing this, she finds that in 2013, following the 1 cent increase in the two previous years, we will be in a position where we can start paying back the debt that we have and convert the short-term notes to long-term bonding. She said that we would have a bond sale in 2013 with the first payment due in 2014. CFO Goble advised that they tried to average it on a factor of what they thought would be a comfortable debt service level and pay that off in a ten-year time frame, because that would probably be the lifetime of the bonding that we would go for. She noted that our payments, including interest and principal, starting in the year 2013 to 2023 would be $860,000 per year. Mrs. Goble commented that taking notes during that time was also considered; payments of $100,000 - $120,000 in short term notes could also be managed. She said that, when the ten years is up, we would have another bond sale and go through the entire process again.

Mrs. Goble stated that whether or not we do the building, we would still have to have a bond sale. She said that the only difference would be that we would be adding on the cost of the building to the bond sale. Mrs. Goble noted that, if they had recommended the entire $1.2 million project, they would still have to go out for bonding but, the term would be longer and the payments higher. She said that, taking in the over-all picture, a commitment has been for so long and something must be done. Mrs. Goble noted that we cannot keep talking about how much more this will cost us because our taxes will have to go up due to the debt we already have. Councilman Kuser asked what the current interest rate is for a note and for bonding. Mrs. Goble replied that the current rate for a note is .50, but you cannot go out for a long term on that. She said that eventually you have to turn you notes into a bond and she does not know the current bond rate. Councilwoman Smith asked, whether we go for $800,000 or $1.8 million, will the impact on the taxpayer be the same. Mrs. Goble answered in the affirmative, noting that it would just be structured differently. Mrs. Smith commented that the bond then might be for twelve or fifteen years instead of ten years. Mrs. Goble replied that is correct. Mrs. Smith re-stated that, whether or not the project is done and whichever option is chosen, the impact on the taxpayer will be the same. Mrs. Goble said that also is correct. Mrs. Goble stated that she would like everyone to understand that our debt limit is so low that we have .22% of our equalized valuations and the State allows municipalities to have 3.5% so we are not even at 1/4% of what is allowed. Councilwoman Smith recapped Phase I versus Phase II versus doing the entire project. She commented that doing Phase I now and doing Phase II with upgrades later, the current total cost, as the current proposal goes, is $2,113,500.00. Mrs. Smith noted that, if we did everything now under Option III instead of doing the phasing, the cost
would be $1.8 million. She commented that it is $281,400.00 more to phase it than to do it all at once. Councilwoman Smith said that the only reason that she has heard to phase the project would be because, if there was some future merger of Police Departments, we would need more room. She commented that she thought that Option III provided us with enough room for a future merger with a municipality of a reasonable size. Mrs. Goble replied that it was not the available room that was being considered but, rather, the possibility of charging some of the costs to another municipality that wished to merge with us. Mrs. Smith responded that there is no reason that we could not charge that anyway, even if the project had already begun. Mrs. Goble said that it is a lot harder to do that after the fact. Mrs. Smith stated that we could figure the cost of what the debt might be into the cost of a merger with another town. Mrs. Goble agreed that could be done. Mrs. Smith noted that would be more reasonable than asking another town to pay for a portion of the cost of the expansion. She said that we could go ahead now and save $281,000, hopefully take advantage of lower interest rates and do it all in one and save the extra cost of doing bonding at different times, which has not been incorporated into this cost. Mrs. Smith added that it would save the taxpayer money overall by doing it as one project and noted that $281,000 is almost a tax point. Mrs. Goble advised that the thinking was also that in these economic times they were trying to be conservative and spread it over a five year period. Mrs. Smith responded that Mrs. Goble has told her that whichever we do, the impact is the same to the taxpayer and it is just a matter of whether the bond is for ten or twelve year. Mrs. Smith asked Mrs. Goble, as a financial expert, what the benefits are for phasing the project. Mrs. Goble replied that she was charged with presenting something to the Council that they all felt strongly about. She advised that the outcome of all of the discussions with the Mayor, Administrator, Police Chief and John Ciardi was that the best thing to do was the phasing and to start with the $850,000.

Mr. Ward interjected that, although there would not be an immediate impact on our debt obligation, the difference between the $850,000 and the $1.8 million is based on our borrowing power over the years in Mrs. Goble’s future projections. Mrs. Goble said that is correct, it will extend the debt two more years and, in 2023 we would have to roll any notes that were taken into a new bond, and that would have an impact. Mrs. Smith interjected that, based on her financial background, it would be a minimal impact. Councilwoman Smith stated that she has not been in favor of phasing from the beginning. She noted that the Chief has stated that, if we do one phase, he will be back the next month to request that the next one be started because it has taken so long to get this far. Mrs. Smith contended that the longer we wait, and the more we spread it out, the more it is likely to cost.

President Andes stated that Mrs. Smith’s comments are all correct and, without going into more detail, he agrees with her, to some extent. He said that we have an issue that needs to be addressed and it has been going on for 2 ½ years; Mr. Andes stated that a decision must be made. President Andes commented that in order to bond for the money to do this, there must be five affirmative votes to pass a bond ordinance, as well
as the Mayor’s approval. Mr. Andes noted that there were so many divergent opinions regarding how this project should be accomplished that there were never five votes for bonding. He said that he asked at the last meeting for one, solid recommendation from the Mayor and his staff in order for the Council to vote yes or no on that one recommendation. Mr. Andes added that they have been given that recommendation this evening. He spoke about the 2.5% cap imposed by the Governor and the fact that the “wasted money factor” is composed partially of items that wear out anyway and must be replaced at some point. President Andes noted that the Administration is asking the Council to authorize them to go forward and start the process for securing a bond for Phase I at $850,000. Mr. Ward interjected that it would then come to the Council for final approval. Mrs. Goble added that they did not want to go to the Bond Counsel unless they knew that it would get that final approval from the Council.

President Andes asked Chief Wagner if he had any comments to make. Chief Wagner thanked the Council for their patience and persistence with this. He said that he knew after last month that they were charged with putting something together and getting a recommendation from the Mayor. He said that he has remained committed, during this entire process, to the fact that what he asked for in the beginning is what he ultimately needs. The Chief commented that the plan that is being recommended is good and he is not upset or disappointed by it. He said that he is glad that we have made it to this point but, it is not the whole thing. The Chief said that he doesn’t want anyone to think that, because we have done this, we are done. He noted that it does not address the space or technological issues or the offices that are in holding cells. The Chief commented that it does fix the locker room problem, it cleans the building and makes it more presentable. He said that he is pleased for now but, there is much more that is needed.

President Andes asked Mr. Ciardi for his comments. Mr. Ciardi stated that he feels the same as Chief Wagner does. He said that it is a good project and accomplishes a lot of the goals but leaves a big portion out. Mr. Ciardi noted that the added part on the front of the building for the administrative offices is not the full part of Phase II. He said that they are really in need of a training room and more office space, which is not addressed in Phase I. Mr. Ciardi noted that those things continue to be a problem but, it is a good solution for now.

Mayor Hussa stated that the recommendation is in the report, crafted by Mr. Ward. He said that he doesn’t want to add much to the report but agreed that it would be nice if we could do the whole thing. The Mayor noted that he thinks if we get started with this, it will fall into place if we give it some time. He said that there are rumblings out there about shared services and he agrees with Mrs. Goble that we could use this as a little bit of leverage to help us craft a shared service in the future and give the other town an opportunity to help pay for it. The Mayor commented that he likes the plan, he approves of it and he hopes that the Council will approve it tonight.

President Andes then took a consensus of the Council to move forward with this plan:
Golinski     Yes, move forward
Stecky No, not a good time.
Smith No, wasting $281,000 and not completing project is the wrong way to go we should go with the full project.
Kuser Yes
Fitzpatrick Yes
Andes Yes
Shaw Absent

President Andes noted that, unfortunately, there are only four votes and we do not know how Mr. Shaw would vote. He said that he will bring this up at the next meeting and asked Mr. Ward to bring Mr. Shaw up to speed on the plan when he returns. Mr. Andes asked that Mr. Ward explain what has transpired at this meeting and how the vote went.
Mr. Ward asked, if Mr Shaw is in concurrence, would the Council feel comfortable with Mr. Ward proceeding to Bond Counsel, or would they want to discuss it at the next meeting.
President Andes replied that the Attorney feels it would be appropriate for Mr. Ward to proceed, if Mr. Shaw is in concurrence. He asked Mr. Ward for a memo apprising the Council of Mr. Shaw’s intention regarding the plan.

ORDINANCE(S) FOR ADOPTION:
#21-10 EMERGENCY REPLACEMENT OF AIR CONDITIONING SYSTEM IN COMPUTER SERVER ROOM
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE APPROPRIATING THE SUM OF $35,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE FOR EMERGENCY REPLACEMENT OF THE AIR CONDITIONING SYSTEM IN THE TOWNSHIP’S SERVER ROOM
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GOLINSKI
OPEN PUBLIC HEARING: No one wished to be heard.
CLOSE PUBLIC HEARING.
AYES: KUSER, GOLINSKI, FITZPATRICK, SMITH, STECKY, ANDES
ABSENT: SHAW

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE APPROPRIATING THE SUM OF $35,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE FOR EMERGENCY REPLACEMENT OF THE AIR CONDITIONING SYSTEM IN THE TOWNSHIP’S SERVER ROOM

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BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 8-25-10 ISSUE OF THE CITIZEN.

MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK

AYES: GOLINSKI, FITZPATRICK, KUSER, SMITH, STECKY, ANDES

ABSENT: SHAW

ORDINANCE(S) FOR INTRODUCTION:

#22-10 PROPERTY MAINTENANCE REGULATIONS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE TO ADD A NEW SECTION “PROPERTY MAINTENANCE” OF CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

DISCUSSION: Councilman Stecky commented that this is one of the ordinances that should be published very soon on the web site. He said that he has a lot of concerns about this ordinance and is going to vote no.

Councilman Fitzpatrick noted that he is not a fan of overbearing government but he feels that this ordinance gives us some much-needed guidelines.

Mr. Stecky stated that, in his opinion, the Council started out in a relatively simple path to just identify ways to handle some of the distressed properties here. He said that he is anxious to hear the public reaction to this because he feels it is over the top.

Mayor Hussa commented that the spirit of what the Council is trying to do is good and achieves what we want to do, but the devil is in the details and he thinks it needs to be work-shopped. President Andes reminded the Mayor that it has been work-shopped. The Mayor replied that we hadn’t discussed some of the new changes.

Mr. Golinski noted that Mr. Denzler had sent a copy to the Council with the changes highlighted and gave them the opportunity to respond to him, in writing, with any questions or changes they might have. Mr. Golinski asked Mr. Stecky if he had presented any questions to Mr. Denzler. Mr. Stecky replied that he did not wish to go into details at this time but he just believes that conceptually, this is the wrong thing to do. He said that is his opinion and he would like to hear the opinion of the public, who would have to live under this ordinance.

Mayor Hussa said that he will put his objections in writing to the members of the Council for their consideration.

Councilwoman Smith agreed that some of the items may be “over the top” but we can always modify it. She said that the real key is how do we provide our Court, Police and other professionals with the means to deal with the situations in town. Mrs. Smith noted that she expressed concerns in the Work Shop Meeting regarding the harshness of some items, but she would like to give the ordinance a chance. She commented that, if Township Council 8-17-10
we find that it causes unnecessary hardships to the good citizens of Denville, we can modify it later. Mrs. Smith stated that she feels that certain situations need to be dealt with now.

President Andes advised that the Health Officer stated at the workshop that he needed an ordinance with some teeth in it in order to correct some of the violations in town, such as the one that the gentleman spoke of on Franklin Road.

Councilman Kuser commented that the house next door to Mr. Walsh is the “poster child” for this ordinance.

President Andes asked for a Roll Call on #22-10

AYES: KUSER, SMITH, FITZPATRICK, GOLINSKI, ANDES
NAY: STECKY
ABSENT: SHAW

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO ADD A NEW SECTION “PROPERTY MAINTENANCE” OF CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE PASSED ON FIRST READING
AND 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 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 ACCORDING TO LAW
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, GOLINSKI, ANDES
NAY: STECKY
ABSENT: SHAW

#23-10 SIGN REGULATIONS
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND SECTION 19-5.909 “TEMPORARY SIGNS” OF CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK
DISCUSSION: Councilman Kuser commented that he had asked for this ordinance. He said that he had several complaints from constituents regarding temporary signs

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popping up all over town. Mr. Kuser noted that it is not just local businesses and that it
includes political signs as well. He stated that he does not think that signs should be put
on public property, unless it is for a charitable organization in town, trying to raise money
to benefit Denville. Mr. Kuser asserted that he feels the Township really needs to get
tough on these signs.
Councilman Stecky interjected that he feels that it is pollution that should be eliminated.
President Andes asked Mr. Denzler if it is permitted for realtors to erect a sign on the
day they are holding an open house. Mr. Denzler replied that it is allowed. Mr. Golinski
clarified that it would only be one at the location.
AYES: KUSER, FITZPATRICK, SMITH, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND SECTION 19-5.909 "TEMPORARY SIGNS" OF
CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF
DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE PASSED ON FIRST READING
AND 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 9-7-10 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 ACCORDING TO
LAW
Attorney Semrau suggested that, since the land use ordinances must go to the Planning
Board for a consistency examination, all of the land use ordinances be put on the 9-21-
10 agenda rather than that of 9-7-10. Township Clerk Costello agreed and the correction
was noted for all land use ordinance being introduced this evening.
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER GOLINSKI,
SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, KUSER, SMITH, STECKY, ANDES
ABSENT: SHAW

#24-10 OUTDOOR LIGHTING REGULATIONS
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO ADD A NEW SECTION “OUTDOOR LIGHTING” TO CHAPTER
XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE,
COUNTY OF MORRIS, STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY
MEMBER FITZPATRICK
DISCUSSION: Councilman Kuser noted that the Environmental Commission requested this ordinance and worked with Mr. Denzler to craft it.
AYES: GOLINSKI, FITZPATRICK, KUSER, SMITH, STECKY, ANDES
ABSENT: SHAW

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO ADD A NEW SECTION “OUTDOOR LIGHTING” TO CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE PASSED ON FIRST READING
AND 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 9-21-10 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 ACCORDING TO LAW.
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

#25-10 REGULATING STORAGE OF COMMERCIAL VEHICLES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND SECTION 19-5.711 “STORAGE OF COMMERCIAL VEHICLES” OF CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
DISCUSSION: None.
AYES: FITZPATRICK, GOLINSKI, KUSER, SMITH, STECKY, ANDES
ABSENT: SHAW

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND SECTION 19-5.711 “STORAGE OF COMMERCIAL VEHICLES” OF CHAPTER XIX, LAND USE OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY

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BE PASSED ON FIRST READING
AND 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 9-21-10 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 ACCORDING TO
LAW
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED
BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, FITZPATRICK, KUSER, STECKY, ANDES
ABSENT: SHAW

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

CONSENT AGENDA:
R-10-170  RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP
          OF DENVILLE
R-10-171  RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC
          LIQUOR LICENSE
R-10-172  RESOLUTION AUTHORIZING REFUND OF RECREATION
          DEPARTMENT FEES
R-10-173  RESOLUTION AUTHORIZING THE EXECUTION OF A SITE ACCESS
          AGREEMENT CONTINUATION WITH EXXON MOBIL CORPORATION
          FOR ACCESS TO A CERTAIN PORTION OF TOWNSHIP PROPERTY
          LOCATED AT 27 WEST MAIN STREET
R-10-174  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
          REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
          $2,532.87
R-10-175  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
          REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
          $881.08
R-10-176  RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL
          SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN
          PROPERTIES IN THE TOWNSHIP OF DENVILLE
MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER KUSER,
SECONDED BY MEMBER SMITH
AYES: KUSER, SMITH, FITZPATRICK, STECKY, GOLINSKI, ANDES
ABSENT: SHAW
R-10-177 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF A BACKHOE AND TRAILER FOR THE DEPARTMENT OF PUBLIC WORKS TO JESCO, INC.
MOTION TO APPROVE R-10-177: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

R-10-178 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF TWO (2) AMBULANCE VEHICLES TO FIRST PRIORITY EMERGENCY VEHICLES
MOTION TO APPROVE R-10-178: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, FITZPATRICK, KUSER, STECKY, ANDES
ABSENT: SHAW

R-10-179 RESOLUTION AUTHORIZING CHANGE ORDER #2 RELATIVE TO DCM CONTRACTING, LLC.
MOTION TO APPROVE R-10-179: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

R-10-180 RESOLUTION AUTHORIZING CHANGE ORDER #3 RELATIVE TO PM CONSTRUCTION CORPORATION
MOTION TO APPROVE R-10-180: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, FITZPATRICK, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

R-10-181 RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE HOVNANIAN , PEER PLACE ROUTE 10 TOWNHOUSE PROJECT SUBJECT TO THE POSTING OF A TWO YEAR MAINTENANCE BOND
MOTION TO APPROVE R-10-181: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, STECKY, GOLINSKI, ANDES
ABSENT: SHAW

R-10-182 RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BIKE ROUTE PROJECT
MOTION TO APPROVE R-10-182: MOVED BY MEMBER FITZPATRICK, SECONDED
BY MEMBER STECKY
Councilman Golinski asked for clarification that this resolution is only approving the application for a grant, not approving the start of any work. The Mayor replied that there is a proposal but the Township is not committed to any individual item on that proposal. He said that we are committed to up-grading, but if a particular item in the proposal proves to be problematic, it does not have to be done. The Mayor stated that, in concept, it’s an upgrade and makes the road safer and decreases our liability. President Andes commented that he spent a good deal of time on Friday with the Mayor and Mr. Ward. He said that he had grave concerns about the initial, hearsay part of the resolution. Mr. Andes noted that he is very pleased with the position that the Mayor has taken, which is to not upset a hornet’s nest. He said that the Mayor’s intention is to make the roadways as bicycle-friendly as possible. President Andes advised that he would encourage the Council to vote for this resolution and would encourage the Mayor to come back to the Council, if and when we get the grant, and give a detailed presentation on what the grant will be used for. Councilman Kuser asked if the Council will have a chance to vote on this should any modifications be made. President Andes noted that the Council will have to vote to accept the grant money, if we are awarded the grant. He told the Mayor that, if he gets the grant, he should bring a plan to the Council before they vote to accept the money. The Mayor replied that the Council already has a tentative plan. Mr. Andes said that he thinks that the Council would like the “nuts and bolts” plan. AYES: FITZPATRICK, STECKY, KUSER, SMITH, GOLINSKI, ANDES ABSENT: SHAW

MOTION TO APPROVE MINUTES OF 2-16-10, 6-22-10, 7-13-10 AND 7-26-10: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK AYES: GOLINSKI, FITZPATRICK, KUSER for all but 6-22-10, SMITH for all but 6-26-10, STECKY, ANDES ABSTAIN: KUSER for 6-22-10, SMITH FOR 6-26-10. ABSENT: SHAW

President Andes asked for a motion to go into Closed Session and advised that action may, or may not be taken after the session. R-10-183 RESOLUTION AUTHORIZING CLOSED SESSION MOTION TO APPROVE R-10-183: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER AYES: SMITH, KUSER, FITZPATRICK, STECKY, GOLINSKI, ANDES ABSENT: SHAW Council went into Closed Session II at 10:27 p.m. Meeting resumed at 11:00 p.m. There was a unanimous motion to adjourn.
MEETING ADJOURNED AT 11:02 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Township Clerk