TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

September 3, 2019

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

ROLL CALL:
Present: Murphy, Buie, Witte, Bergen, Lyden, Borowiec, President Gabel
Absent: None

ALSO IN ATTENDANCE:
Thomas W. Andes, Mayor; Steven Ward, Administrator; John Jansen, Esq., Township Attorney; Frank Perna, Police Chief and Members of the Denville Police Department

PROCLAMATIONS/PRESENTATIONS/CEREMONIAL MATTERS:
Administration of the OATH OF OFFICE to Brian Williams, Promotion to Sergeant
Chief Perna congratulated Sgt. Williams and provided a brief resume and personal background information on him, which information is attached to these minutes.
Sgt. Williams was joined in the front of the Chambers by his wife, Dana, and their two daughters Leah and Aimee.
Municipal Clerk Bowditch-Leon then administered the Oath of Office to Sgt. Williams.

Administration of the OATH OF OFFICE to Daniel Fernandez, Promotion to Sergeant
Chief Perna congratulated Sgt. Fernandez and provided a brief resume and personal background information on him, which information is attached to these minutes.
Sgt. Fernandez was joined in the front of the Chambers by his wife, Amanda, and their two sons Danny and Luke, and his parents Chief Butch and Karen Fernandez.
Municipal Clerk Bowditch-Leon then administered the Oath of Office to Sgt. Fernandez.

Administration of the OATH OF OFFICE to Richard Duda, Promotion to Sergeant
Chief Perna congratulated Sgt. Duda and provided a brief resume and personal background information on him, which information is attached to these minutes.
Sgt. Duda was joined in the front of the Chambers by his wife, Kelly, and their two children Ava and Liam, and his parents Rick and Linda Duda.
Municipal Clerk Bowditch-Leon then administered the Oath of Office to Sgt. Duda.

Administration of the OATH OF OFFICE to Julian Mehlan, Police Officer
Chief Perna congratulated Officer Mehlan and provided a brief resume and personal background information on him, which information is attached to these minutes.
Officer Mehlan was joined in the front of the Chambers by his parents Bruce and Lorraine and his grandmother, Theresa Matronardi.
Municipal Clerk Bowditch-Leon then administered the Oath of Office to Officer Mehlan.

Administration of the OATH OF OFFICE to Kevin Pisano, Police Officer
Chief Perna congratulated Officer Pisano and provided a brief resume and personal background information on him, which information is attached to these minutes.
Officer Pisano was joined in the front of the Chambers by his father Mikael, his brother Mike, his grandmother Helen Pisano, his grandmother Pat McMillin and his girlfriend, Rosalie Dineen.
Municipal Clerk Bowditch-Leon then administered the Oath of Office to Officer Pisano.
LIAISON REPORTS:
Councilman Borowiec had nothing to report.
Councilwoman Lyden had nothing to report.
Councilman Bergen had nothing to report.
Councilwoman Witte reported that the Rivers and Streams Committee met and that George Strother and Bob Plumb canoed down the Rockaway River and noted that the river looks good through Denville, but that it is in poor condition once into Boonton Township, past Peace Pipe Country Club. She stated that they have asked if the Mayors and Administrators from both municipalities could meet to discuss future clean-ups. She then reported that some current officers of the Senior Citizens Association are leaving but the slate is filling up for the upcoming election.
Councilman Murphy stated that the Downtown Denville BID has awarded a contract to provide new steps, handrails and sidewalk as well as a few more parking spaces along the Upper Bloomfield Avenue parking lot next to Veggie Heaven. He stated that it will hopefully be completed before the end of the year.
President Gabel reported that the Council will soon be receiving the 3rd quarter statistics from the Fire Department. He explained that the Denville Historical Society is currently working with two Eagle Scouts in order for them to complete their projects. He stated that the Historical Society is reviewing possibilities for future projects at the old school house.

MAYOR'S REPORT:
Mayor Andes reported that the Notice to Proceed was given for the First Avenue Streetscape Project. He explained that the contractor has 120 days to complete the project, which is scheduled to start in mid-September.
Mayor Andes stated that the DPW is scheduled to start work at the fountain across from Walgreens and that the tulip fountain across from Hunan Taste has been repaired. He reported that the advertisements to “Shop Denville”, “Explore Denville” and “Dine Denville” are now being shown on the billboard.

ADMINISTRATOR'S REPORT:
Administrator Ward advised that the milling and paving of Barnes Pass, Walnut Street, Rockaway Avenue, Elm Street, Maywood Avenue, Woodland Road, Larsens Drive, Wetmore Drive, Ivy Crest Lane, a portion of Parks Road and the pass-through from the Gardner Field parking lot to the municipal parking lot are tentatively scheduled for September 24th. He stated that the portion of Luger Road will be oiled and chipped by a different contractor.
Mr. Ward then advised that a determination on whether the Senior Picnic will be postponed due to weather will be made tomorrow. He stated the rain date will be Thursday, September 12th.
Mr. Ward then read a statement for the record, a copy of which may be found at the end of these minutes, regarding the circumstances surrounding two arrests at June Spa, 3025 Route 10 East.
Councilman Buie asked if the violations were placed against the company or against the owners of the company, as it was his concern that if it was against the company, the owners would be able to easily reopen under another name. Township Attorney Jansen explained that the ordinance was crafted in such a way that it was his belief that the Township is covered.

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

OPEN PUBLIC PORTION
Ellen Sandman (7 Anna Street) advised the Council of the trophies and awards which the Denville Fire Department received this past weekend at the Boonton Parade.

CLOSED PUBLIC PORTION
MATTERS OF OLD AND/OR NEW BUSINESS:
None

ORDINANCES FOR ADOPTION:
Ordinance No. 16-19:
BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $200,000 from the Water Capital Improvement Fund of the Township of Denville for Conversion to a New Water Meter System, Including New Water Meters

Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER WITTE
AYES:  MURPHY, WITTE, BUIE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS:  NONE

OPEN PUBLIC HEARING
No one wished to be heard.
CLOSED PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $200,000 from the Water Capital Improvement Fund of the Township of Denville for Conversion to a New Water Meter System, Including New Water Meters

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/11/2019 edition of The Citizen newspaper.

MOTION TO ADOPT:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES:  WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS:  NONE

Ordinance No. 17-19:
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, Amending Chapter 2, Administration, of the Township Code to Establish a Length of Service Award Program for the Denville Volunteer Fire Department and First Aid Squad

Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER BUIE
AYES:  MURPHY, BUIE, WITTE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS:  NONE

OPEN PUBLIC HEARING
No one wished to be heard.
CLOSED PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:
An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, Amending Chapter 2, Administration, of the Township Code to Establish a Length of Service Award Program for the Denville Volunteer Fire Department and First Aid Squad

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/11/2019 edition of The Citizen newspaper.

MOTION TO ADOPT:
MOVED BY MEMBER BUIE, SECONDED BY MEMBER BERGEN
AYES: BUIE, BERGEN, MURPHY, WITIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

ORDINANCES FOR INTRODUCTION:
None

ITEMS FOR DISCUSSION AND/OR ACTION:
None

CONSENT AGENDA:
R-19-160: Resolution Granting Permission to Advertise and Accept Bids for Department of Public Works/Fire Department Storage Building
R-19-161: Resolution Authorizing Refund of Recreation Department Fees
R-19-162: Resolution Authorizing Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control
R-19-163: Resolution Authorizing a Refund of a Building Permit Fee
R-19-164: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-19-165: Resolution of the Township of Denville Authorizing a Sale Through GovDeals of Various Items of Municipal Property No Longer Needed for Public Use
R-19-166: Resolution Authorizing the Tax Collector to Not Charge Interest on Unpaid 2017, 2018, 2019 Taxes for the Property Located at 60 Cedar Lake Road (Block 60203, Lot 12) and Remove This Property from 2019 Tax Sale List
R-19-167: Resolution Granting Permission to Advertise and Accept Bids for Licensed Electrical Control and Technical Services for Public Water and Sanitary Sewer

President Gabel asked if anyone from the public or from the Council would like to have any resolutions removed from the Consent Agenda. Councilman Bergen asked that Resolution R-19-160 be removed.

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

R-19-160: Resolution Granting Permission to Advertise and Accept Bids for Department of Public Works/Fire Department Storage Building

MOTION TO APPROVE R-19-160:
MOVED BY MEMBER MURPHY SECONDED BY MEMBER WITTE
AYES: MURPHY, WITTE, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: BERGEN

NON-CONSENT AGENDA:
R-19-168: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and Morris Catholic High School
MOTION TO APPROVE R-19-168:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-169: Resolution Authorizing a Shared Services Agreement Between the Township of Denville and Celebrate the Children
MOTION TO APPROVE R-19-169:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-170: Resolution Authorizing the Execution of Change Order No. 2 with CMS Construction, Inc. for Work Associated with the Muriel Hepner Park Pedestrian Bridge Replacement
MOTION TO APPROVE R-19-170:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-171: Resolution Authorizing the Rockaway River Country Club Fireworks Display Scheduled for September 21, 2019 on the Country Club Property at 39 Pocono Road, Denville, New Jersey
MOTION TO APPROVE R-19-171:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-172: Resolution Authorizing Construction Phase Engineering Services for the First Avenue Parking Lot Retaining Wall Project
MOTION TO APPROVE R-19-172:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-173: Resolution Authorizing the Tax Collector to Remove Block 30601, Lot 6, 1-100 Price Court/30 Estling from the Forthcoming Tax Sale
MOTION TO APPROVE R-19-173:
MOVED BY MEMBER BUIE, SECONDED BY MEMBER BERGEN
Discussion: Mr. Ward advised that there is a question as to when the date of the assessment should have begun, but this is being worked out with the developer.
AYES: BUIE, BERGEN, MURPHY, WITTE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-174: Resolution Approving Deviations from the Minimum Separation Distances for a Septic System Disposal Field Set Forth at N.J.A.C. 7:9A, Standards for Subsurface Sewage Disposal Systems, for a Septic System Located at 20 Zeek Road (Block 11202; Lot 18)
MOTION TO APPROVE R-19-174:
MOVED BY MEMBER BERGEN, SECONDED BY MEMBER WITTE
AYES: BERGEN, WITTE, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-19-175: Resolution to Cancel 2019 Taxes for Certain Township Owned Properties
MOTION TO APPROVE R-19-175:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
R-19-176: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate

MOTION TO APPROVE R-19-176:

MOVED BY MEMBER WITIE, SECONDED BY MEMBER LYDEN

AYES: WITIE, LYDEN, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL

NAYS: NONE

MINUTES FOR ADOPTION:

August 6, 2019

MOVED BY MEMBER BERGEN, SECONDED BY MEMBER WITIE

AYES: BERGEN, WITIE, MURPHY, LYDEN, BOROWIEC, PRESIDENT GABEL

NAYS: NONE

ABSTAIN: BUIE

MOTION TO ADJOURN:

MOVED BY MEMBER WITIE, SECONDED BY MEMBER LYDEN

AYES: UNANIMOUS

The Meeting adjourned at 8:19 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
Sergeant Brian Williams was hired by the Denville Police Department on December 12th 2007. Brian grew up in Mine Hill and graduated from Dover High School. Brian attended Rutgers University where he ultimately received his Master’s Degree in education.

He worked as a school teacher in the Jefferson Twp. School district for two years prior to putting himself through the Police Academy as an Alternate Route candidate. Upon graduation he became a police officer in the Township of Pequannock prior to coming to Denville.

His assignments in the Denville Police Department included the patrol division, field training officer, an instructor for our department and at the Morris County Police Academy, and the Detective Bureau.

Brian, committed a considerable amount of time to the PBA. He was the treasurer for 8 years and volunteered many hours at PBA functions. Brian is currently the PAL treasurer.

Brian became a Police Officer because he wanted an active job which provided him a challenge every day, and where he could impact others positively. He has certainly done that.

With Brian tonight is his Wife Dana, two daughters Leah and Aimee, and his parents Ed and Mary Williams.
Sergeant Daniel Fernandez was hired by the Denville Police Department on December 9th 2006. Dan grew up in Mt. Arlington and graduated from Roxbury High School. He attended Stockton University where he received his Undergraduate Degree in Criminal Justice.

Dan also put himself through the Police Academy as an Alternate Route candidate, in fact he and Sgt. Williams were classmates. Upon graduation he became a police officer in the Township of Denville.

His assignments in the Denville Police Department included the patrol division, field training officer, fatal crash team investigator, and the Detective Bureau.

Dan also committed a considerable amount of time to the PBA. He served as the Secretary, Vice President and ultimately voted in by his Peers as President.

Dan became a Police Officer because he wanted to follow in his father's footsteps in taking on a rewarding job with great responsibilities. For those of you who don't know Dan's father, he is Retired Chief Fernandez of Wharton. Which is a little disappointing for myself and the rest of the officers here tonight, because he is no longer helping to finance our pension. You see Chief Fernandez had a very long distinguished career, 44 years.


Please come forward.
Sergeant Richard Duda was hired by the Denville Police Department on February 1st, 2004. Rick grew up in Jefferson Twp. and graduated from Jefferson High School. He attended Rowan University where he received his Undergraduate Degree in Law and Justice. He later attended Fairleigh Dickinson University and received a Master’s Degree in Administrative Science.

His assignments in the Denville Police Department included the patrol division, community services bureau as a SRO to Morris County School of Technology, mentor and liaison to Boy Scout Troop 17, and a member of the department Honor Guard.

Rick became a Police Officer because he wanted to help people and take an active role in the community.

With Rick tonight is his wife Kelly, daughter Ava and son Liam, parents Rick and Linda, and Mother in Law Brigitte Downey.

Please come forward.
Officer Julian Mehlan was officially hired by the Denville Police Department on April 3, 2019 and graduated from the Atlantic County Police Academy on June 27th.

Julian was raised in Denville and attended the Denville School System, eventually graduating from Morris Knolls High School. In fact, he is the first Denville Police Officer who participated in the Denville Junior Police Academy. He also was hired as a part-time dispatcher with Denville prior to his hiring as a police officer. Julian attended Kean University where he received his Undergraduate Degree in Communications.

Julian became a Police Officer because he wanted to protect, serve, and give back to the community where he was raised.

With Julian tonight is his parents Bruce and Lorraine, and his grandmother Theresa Mastronardi.

Please come forward.
Officer Kevin Pisano was officially by the Denville Police Department on April 3, 2019 and graduated from the Morris County Police Academy on May 30th.

Kevin grew up in Mansfield, New Jersey but moved to Chapin South Carolina in 2009. Kevin graduated from Chapin High School and subsequently attended the University of South Carolina where he received an Undergraduate Degree in Criminal Justice.

Kevin became a police officer because he wanted to be a positive influence and a role model for the community of Denville. Kevin has also followed in his father's footsteps by becoming a police officer. Kevin's dad, Michael, is a retired lieutenant from the Randolph Twp. Police department.

With Kevin tonight is his father, Mikael, brother Mike, Grandmother Helen Pisano, Grandmother Pat Mcmillin, and girlfriend Rosalie Dineen. Please come forward.
ADMINISTRATOR'S REPORT- September 3, 2019

JUNE SPA II - 3025 Route 10 East

As many of you may have read in the Police Department arrest reports, which were subsequently published in several of the local newspapers, due to exceptional investigative work by the Denville Police Department, two (2) employees of June Spa II were arrested for prostitution activities on August 1, 2019.

On August 6, 2019, Health Officer Dr. Carlos Perez issued a notice to June Spa II suspending their license to operate pending a hearing pursuant to the provisions of the Massage, Bodywork and Somatic Therapy Ordinance adopted by the Mayor and Township Council in 2017. A hearing date was established for August 20, 2019.

Days prior to the scheduled hearing, the attorney representing June Spa wrote to the Township Attorney's office and advised their client did not want to challenge the license suspension and would not appear at the hearing. This was confirmed by a telephone conversation between the Township Attorney's Office and Counsel for the defendant.

Based upon the serious nature of the offense, June Spa II license was suspended for a period of one (1) year retroactive to the date of Health Officer Perez notice. Therefore, the earliest they would be permitted to apply to operate as a license massage, bodyworks or somatic therapy establishment prior to August 6, 2020.

As you recall, this is the second license revoked pursuant to the Massage, Bodywork and Somatic Therapy ordinance this year with the license of Asian Island on Bloomfield Avenue having been revoked for a period of six (6) months in May 2019.

The ordinance was intended to protect the health, safety and welfare of the residents of customers of these types of establishments as well as provide severe penalties for the conduct of illegal activities upon our enforcement activity, I think overall the ordinance has proven to be success.

Steven Ward, Township Administrator