The Meeting was called to order by President Kuser at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Shaw. The Open Public Meetings Act Statement was read by Township Clerk Costello.

ROLL CALL: ANDES, FITZPATRICK, GOLINSKI, SHAW, SMITH, STECKY, KUSER
ALSO IN ATTENDANCE: ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU AND FACILITIES MANAGER CIARDI

LIAISON REPORTS:
Councilman Golinski reported that he attended the Firemen's Inspection Dinner and a fine time was had by all. He said that, more importantly, members of the public turned out for the Inspection to thank the Fire Dept. for all that they do, not only during the flood, but all year long. Mr. Golinski noted that our Fire Dept. Ladies Auxiliary is hosting the State Convention next Saturday and he has been invited to speak. He added that there was a Municipal Alliance Committee meeting last week, which he was unable to attend due to other commitments.

Councilman Stecky reported that he attended the Senior Social on Sunday, it was the first one of the year and the next will be for Thanksgiving.

Councilman Shaw advised that the Senior Citizen membership is increasing. He noted that there are over 50 members currently attending the meetings. Mr. Shaw reported that the Seniors also took part in volunteering by making sandwiches for flood victims. He thanked, not only the Seniors, but all who came out to do their part to help those in need.

Councilwoman Smith reported that the Historical Society celebrated their 40th Anniversary on Saturday and had a successful Flea Market.

Councilman Fitzpatrick noted the following fund-raising events that are scheduled for this week:

- “3 Days for Denville” - Merchants donating a percentage of sales for 3 days. A list of Merchants is on the web site “hurricanerelief.org”
- Pasta Dinner on Friday night at the United Methodist church in Rockaway, from 4:30 to 7:30 p.m.
- “Harmony for Healing” concert to be held this week-end at St. Mary’s Church.

Councilman Andes added the following to Mr. Fitzpatrick’s list:
- October 14/15 - Knights of Columbus can shake
- October 14      - Boy Scouts Spaghetti Dinner at St. Mary’s Church
- October 16      - 5K Race-Denville Up and Running-Band Aid on Broadway

Mr. Andes advised that there are now 13 Platinum sponsors for that event at a cost of $2,500 apiece. He said that there will be two bandstands providing music from 11:00 a.m. to 7:00 p.m. Mr. Andes added that the merchants will be able to open their shops or sell their merchandise on the sidewalk in front of their shops, if they are not ready to open.
Mr. Andes advised that the Culinary Quest will be held on November 14th, with all proceeds going to hurricane relief. He noted that the St. Francis Fall Festival was held on Sunday, October 2nd, and it was a glorious day. Mr. Andes said that the final accounting is not available so we don’t know what the flood relief share will be, but it appears that it superceded last year’s event. He advised that there were two Senior Citizens selling gift cards for stores that are not even re-opened as yet, and they sold $2,800 worth of cards. Mr. Andes noted that, to date, $40,000.00 has been raised in gift cards and $125,000.00 in cash. Councilwoman Smith commented, as a reminder, that October is Breast Cancer Awareness Month. President Kuser stated that the Municipal Council will be holding a Public Recognition for the First Responders and all those who aided in the response to help during, and in the aftermath of Hurricane Irene. He said that this event will take place on Tuesday, October 11th at 7:30 p.m. at our Council Workshop Meeting. Mr. Kuser encouraged as many people as possible to come and be recognized.

MAYOR’S REPORT: Mayor Hussa noted that he has been out of town for two weeks but has one report on Beautification. He said that they have reached out to Jersey City to see what can be done at McCarter Park and they are awaiting a response. The Mayor commented on the fine job that the Committee has done with cleaning up Route 53. He said that they are hoping to place their tiled containers in various locations on Route 10. Mayor Hussa stated that, on behalf of the flood victims, he would like to thank all who are contributing to the relief effort. He advised that he will forward a list of the RACES and CERTS people to the Council.

ADMINISTRATOR’S REPORT: Administrator Ward reported that he had received, in his personal mail, a Denville book that came across looking very official, as though it is an official publication from the municipality. He said that it contains all the Township telephone numbers and contacts and goes on to list “town certified and highly recommended pre-screened” vendors. Mr. Ward advised that there is a place on our web-site indicating that this is not an official publication, but appears to be an advertising pamphlet. President Kuser suggested that it be forwarded to Attorney Semrau for action. Mr. Ward reported that Sr. Johnice, Chair of the Fall Festival Committee, contacted him this afternoon and asked him to extend a special thanks to the Mayor and Council for their support of the event. He said that she also sent her thanks to the Township employees who volunteered their time throughout the day for St. Francis. Mr. Ward noted that a large percentage of the proceeds will go to the business community. Mr. Ward noted that well over 100 individuals came to the Flu Clinic this morning to get their flu shot. He said that a good number of Senior Citizens came in but attendance...
was down from previous years, which may be attributed to the fact that pharmacies began offering the shots in August.

Administrator Ward advised that tomorrow, Wednesday, he, the Police Chief and the Mayor will be meeting with a representative of the DEP, John Moyle, to discuss the uncoordinated opening of the dams. He said that they will try to get some more information as to exactly what happened during the hurricane and try to come up with a regional solution.

Mr. Ward then discussed storm damage. He said that we are waiting for the big bill from Waste Management due to garbage and debris collection after the storm. Mr. Ward advised that the bill for September will come in, probably on Thursday. He said that all of the storm damage costs are being compiled to submit to FEMA, with the hope that we will receive some reimbursement.

The Administrator noted that the Valley View Firehouse, which is one of the main facilities that was damaged during the storm, was visited on Thursday by the Fire Chief and an engineer from Hatch Mott Macdonald. He said that they are in the process of preparing a report and recommendations for further analysis, including soil borings to determine the structural integrity of the building as well as the area around the building. Mr. Ward noted that the building was erected over 45 years ago and there are no as-built drawings. He said that the vehicles are currently being housed at the DPW yard and the calls are being responded to from there.

President Kuser asked if the Township is still putting containers downtown and in residential areas for debris. Mr. Ward replied that the containers are done but they are doing additional collections of bulk debris in the center of town. He noted that there were some issues with the dumpsters because homeowners were roping them off for their personal use, as were some businesses, so people are now just being encouraged to put their debris at the curb. Mr. Ward advised that Waste Management has been doing an exceptional job and the Township has received many compliments about them.

OPEN PUBLIC PORTION.

Ed Banagan, 38 Old Mill Road, stated that he has asked about Zeek Field on two separate occasions and has not received an answer. Mr. Banagan recapped several comments from previous meetings and stated that there was supposed to be a report forthcoming. He wanted to know if a decision has been made as to whether artificial turf or natural grass will be used. Mr. Banagan asked if they are waiting for the newly elected people to take office in January and then try to jam this thing through.

President Kuser replied that all the Council knows is that the Mayor, during budgetary hearings, authorized $1.2 million for the field. He said that no further action has been taken.

Mr. Kuser noted that a lot has happened in our town and that he is an advocate for fields. He commented that we need fields that can be used in rainy weather, noting that the Pocono fields flood. Mr. Kuser added that Gardner Field is a natural water
retention area. He noted that Zeek Field is basically dry because it is high and dry. Mr. Kuser said that the Mayor made his recommendation and the Council has not moved forward on it.

Mr. Banagan responded that he is a sports fan but his complaint is that this Council said that they were going to have a study done concerning the pros and cons of both types of field. He said that nothing has been done about it.

Mr. Kuser replied that it has to be determined if we can afford to build the fields and then determine which kind. He said that we have a new CMFO and the old CMFO said that, at the end of next year, all of our debt for Open Space will be paid off. Mr. Kuser explained that, having not purchased any Open Space this year, the funds collected for Open Space are designated to purchase, maintain and improve Open Space. He said that those funds can then be used for many different recreational and historical projects.

Mr. Kuser agreed that the Zeek project is moving very slowly.

Mayor Hussa arrived at 7:40 p.m.

Mr. Banagan stated that he has been to all of the meetings and has never heard the Mayor’s recommendations.

Mayor Hussa replied that the reason he brought it up at the budget meeting in February is that he wanted to have action on it this year. The Mayor said that he thinks there were three options. He said that one option would cost $2.3 million for three turf fields and a baseball field. He said that the Recreation Committee was in favor of that one. The Mayor noted that his recollection of the public hearing, in 2009, that was held concerning that parcel is that the public did not want lights; they wanted a buffer from Zeek Road, which was provided. He said that in his mind there will be no lights and, if there are no lights, turf is not needed.

Mayor Hussa advised that, in informal discussions, it was agreed that the existing field would eventually be made a turf field, because lights are already there; the lower field would be grass and have no lights. He said that option would cost about $1 million and would include the drainage, two fields, a parking area and anything else needed for the drainage. The Mayor stated that, after analyzing that option, it was his recommendation at the time.

Mr. Banagan asked why the project has not proceeded.

President Kuser replied that a lot has happened since then. He said that it is Administration’s responsibility to come up with a project, bring it to the Council and the Council votes on it and the Council has not been presented with that.

Mr. Banagan asked where the report is that Administration was going to come up with.

Mr. Kuser replied that the Council does not yet have that information.

the Mayor interjected that, when he brought this up in February, it was the recommendation; no lights, two fields for $1.2 million. He said that was what he presented that night.

President Kuser reiterated that, when the report comes from Administration, with all questions about the fields answered, the project will go forward.

Councilman Shaw commented that he believes that another question concerned the
longevity of artificial turf.
Councilman Golinski suggested that the Recreation Committee be asked to come back with a recommendation, including the answers to all the Council’s questions, so that the Council can evaluate the recommendation.
President Kuser asked the Mayor to address this with the Recreation Committee, since it is his committee. The Mayor replied that there is a meeting tomorrow night.
Mr. Banagan asked for an explanation of the difference between the Planning Board and the Zoning Board.
Attorney Semrau replied that the Planning Board and the Zoning Board are autonomous and are separate from the Governing Body. He further explained that the Planning Board has representation from the Council and also has the Mayor and they are quasi-judicial, making judicial-type determinations. Mr. Semrau explained that the Zoning Board has no representation from the Governing Body but the members are appointed by the Governing Body. He noted that most of the members of the Planning Board are appointed by the Mayor. Mr. Semrau explained that the Zoning Board rules on use variances and more significant zoning changes and has a different type of configuration with no elected official on the board. He added that it is also a quasi-judicial body.
Mr. Banagan asked which board made the decision on the burger restaurant over in the Union Hill Shoppes.
President Kuser replied that it was the Zoning Board.
Mr. Banagan asked if it is true that another fast food restaurant is trying to move in on Route 10 because the Council had said that there would be no more.
Attorney Semrau responded that, even if fast food establishments were prohibited, it would not preclude them from applying to the Zoning Board. He said that the Zoning Board does not dictate the policy but, if they are advised as to what to weigh in favor of that change, they are bound to approve that application. Mr. Semrau noted that they would not be approving it because they want it, but because the law says they have to weigh the benefits to a particular use. He said that the bottom line is that that Board, which is made up of volunteers sits, is autonomous but, they are bound by the law. Mr. Semrau added that the law provides that, even if something is prohibited, under certain circumstances it may still be a valid application.
Mr. Banagan asked if their thinking is, in any way, tied into the Master Plan.
Mr. Semrau replied that it is but that is more in line with the Planning Board. He said that the Planning Board’s function is to adopt the Master Plan and is more of a recommendation to the Governing Body as to how to zone. Mr. Semrau advised that the Zoning Board does not necessarily get involved with the Master Plan.
It was determined that the fast food restaurant that Mr. Banagan asked about would be located in Morris Plains, not Denville.
Councilwoman Smith gave a detailed explanation of the process used by the Zoning Board when approving variances.
Mr. Banagan stated that he thinks the Boards are corrupt and the citizens don’t stand a
chance with this system.

Attorney Semrau told Mr. Banagan that those are not fair words to use. He said that the Board members are volunteers and are an autonomous body and can only work with the information that they are provided with. Mr. Semrau noted that Mr. Banagan may not be happy with the system but it is not right to use those words with regard to the Board members.

Mr. Banagan replied that he would wager that most of the people in Denville do not know the power that the Board has.

Mr. Semrau said that it is not an appropriate word to use regarding volunteers. He said that he has seen decisions being appealed and has seen nothing but appeals being upheld or affirmed by the Superior Court. Mr. Semrau added that the Board, their Attorney and Professionals all have outstanding reputations.

Albert Szollosi, 61 Crystal Drive, read a prepared statement concerning conditions on Mary Avenue and his efforts to obtain assistance from the Township to improve the road. A copy of that statement is attached to these minutes.

Jack Hall, 42 Riverside Drive, expressed a concern with regard to abandoned homes on Riverside Drive. He said that there is one particular house that is giving off a terrible stench.

President Kuser replied that the Council is very concerned about this problem and we do have ordinances in place to address this type of issue. He said that the ordinances allow the Health Inspector to go in and investigate the conditions in the house. Mr. Kuser explained that there are still some residents staying in hotels while waiting for answers from their insurance companies.

Attorney Semrau advised that Mr. Ward had received a letter from the owner of that particular property, indicating that they do not intend to return. He said that he and Mr. Ward have discussed the situation and his office will take action.

Tony Mollegard, 38 Snyder Ave., asked about the pump house on Riverside Drive. He said that it was rumored that the pump house was damaged in the storm and that there was no insurance coverage for it.

President Kuser replied that there is insurance and there was no extensive damage to the pump house. He asked Mr. Ward to further explain.

Mr. Ward noted that the pumps ran continuously even though, at one point, the facility was virtually under water. He said that the amount of water was so excessive that it overwhelmed the pumps and the system backed up. Mr. Ward advised that the pumps did require replacement after the storm and were manned 24/7. He reported that we have received temporary pumps and have ordered replacement pumps but the pumps have been running continuously since the storm. Mr. Ward explained that the Township is a member of the Joint Insurance Fund and they are assisting us with the damages.

Mr. Mollegard asked if the Insurance Fund carries liability. Mr. Ward replied that it does. Mr. Mollegard stated that he has seen worse storms in Denville and it doesn’t make
sense that the water came up Snyder Avenue between 8:30 and 9:30, when it had never happened before. He said that something went wrong and he would hope that our attorney will look into it.

President Kuser advised that many discussions have been held with Mr. Ward, our Engineer and himself, and several remedies have been discussed. Mr. Mollegard asked if the pump house, which was built in the 1950's, is adequate for all the additional houses that have been built upstream. He asked if we need a pump house with bigger machinery and pumps.

President Kuser advised that the Engineer feels that the water came through the manhole covers and he wants to have gaskets installed, which is a very inexpensive fix. He noted that the town was mobilized a week before the storm and has not stopped yet. Mr. Kuser again stated that the pumps kept running, even when under water, but it was just too much water for the sanitary system to handle.

There was additional discussion regarding whether or not there was a need for larger pumps.

Mr. Kuser asked Mr. Ward to check with Mr. Ruschke regarding the adequacy of the sewer system. Mr. Ward noted that the holding tank is more than adequate for normal usage but, the extraneous water overwhelmed it. He said that we are looking at ways to prevent extraneous water from entering the system so we do not have that type of impact in the future.

Councilman Andes commented that the pump station survived Hurricane Irene, it was Tropical Storm Lee that caused the backup at the pump station. Mr. Ward explained that there are always two pumps, in case one fails, and it was Lee that knocked out the back-up pump.

Mayor Hussa stated that he knew about over-loading the sewer system with sump pump discharge, but didn’t know it was illegal. He said that alone puts enormous pressure on the sanitary sewer system. The Mayor noted that he is going to work with the Council on setting stronger fines for that violation.

The Mayor advised that there is going to be a Mayor’s Advisory Board on river issues, and he will have appointed the foundation of such a board by the end of October. Mayor Hussa said that he agrees with President Kuser that we need to have mandatory check valves for all of these houses. He said that this past March we had a 40 year flood, this was a 500 year flood; he added that with the 40 year flood people complained about sewer back-ups. The Mayor stated that it was because of the lack of one-way check valves.

Mr. Mollegard spoke about coordinating with Mr. Ward concerning interaction with the Salvation Army for flood relief.

William Reilly, 37 Iroquois Trail, stated that he is on the Beautification Committee and they need assistance with a few things. He complained about all the signs that are stuck in the ground on every corner.

President Kuser agreed and advised Mr. Reilly that the Council recently passed an ordinance concerning signs. He told Mr. Ward that he has noticed the signs are once Township Council
again popping up all over. Mr. Kuser noted that there are now signs for services for flooded basements and they have to come down. He said that the only signs that are permitted are those for non-profit organizations and political signs on private property. Mr. Reilly commented that, in some areas on Route 46, the grass is almost four feet high and the State probably only comes out once in mid-summer to cut it. He asked if there is any way that the town could send our employees out to cut it. Mr. Reilly stated that the Beautification Committee needs the support of the Council and they don’t feel that they have that backing. He said that no one from the Council has come out in the last six months to help, nor have they attended any meetings.

Councilman Stecky commented that, as liaison, he has been out to help, but not recently. Mr. Reilly replied that Mr. Stecky has not been out within the last six months. President Kuser advised that the Committee does have the support of the Council and the Council is very impressed with the work that has been done. He told Mr. Reilly to let the Council know what they need and they will be glad to provide it. President Kuser noted that the business of the Council takes up a good part of each member’s time, as well as having family obligation, and everyone dedicates his or her time to causes that they can best contribute to. He asked Mr. Ward to contact the State to see if we can get that Route 46 corridor attended to.

Mr. Reilly again commented that there are only ten people doing the work of the Committee. There was a brief exchange between Councilman Stecky and Mr. Reilly concerning volunteer time.

Franz Fuertges, 109 Ford Road, stated that he had intended to speak to the Council on certain matters, but was advised that a meeting is being scheduled to address future issues. Mr. Fuertges said that he must re-emphasize that the Committee has invited the Council, on many occasions, to attend the Beautification Committee meetings. He added that the Council would then be aware of the Committee’s plans, instead of him having to bring it to the Council meetings.

President Kuser thanked Mr. Fuertges and his Committee for all of their hard work.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
MOTION TO AUTHORIZE MOVING THE FARMERS MARKET FROM THE BLOOMFIELD PARKING LOT TO THE DENVILLE: UP AND RUNNING 5 K WALK/RUN AND MUSIC FESTIVAL - HURRICANE IRENE FUND RAISER ON BROADWAY ON SUNDAY, 10-16-11: MOVED BY MEMBER ANDES, SECONDED BY MEMBER GOLINSKI
AYES: ANDES, GOLINSKI, STECKY, SHAW, SMITH, FITZPATRICK, KUSER

ORDINANCE(S) FOR ADOPTION:
#20-11 AMENDS PREVIOUS BOND ORDINANCES AND ADDS TWO
Township Council
PROPERTIES TO SEWER PROJECT

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 16-06, AS AMENDED BY BOND ORDINANCE NUMBERED 22-06, OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY FINALLY ADOPTED JULY 11, 2006, AS AMENDED AUGUST 15, 2006, IN ORDER TO AMEND THE DESCRIPTION OF THE KITCHELL ROAD AREA AND FRANKLIN/OPENAKI ROAD AREA PROJECT TO INCLUDE TWO ADDITIONAL PROPERTIES AND PROVIDE FOR THE SPECIAL ASSESSMENT OF THE COST THEREOF BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER FITZPATRICK
AYES: SHAW, FITZPATRICK, GOLINSKI, STECKY, SMITH, ANDES, KUSER

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 16-06, AS AMENDED BY BOND ORDINANCE NUMBERED 22-06, OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY FINALLY ADOPTED JULY 11, 2006, AS AMENDED AUGUST 15, 2006, IN ORDER TO AMEND THE DESCRIPTION OF THE KITCHELL ROAD AREA AND FRANKLIN/OPENAKI ROAD AREA PROJECT TO INCLUDE TWO ADDITIONAL PROPERTIES AND PROVIDE FOR THE SPECIAL ASSESSMENT OF THE COST THEREOF BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
BE PASSED ON FINAL READING AND THAT THE ORDINANCE BE PUBLISHED IN FULL OR BY SUMMARY, TOGETHER WITH THE STATEMENT OF FINAL PASSAGE, IN THE CITIZEN ON 10-12-11
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER

#21-11 ADDS NEW SECTION TO SEWER & WATER REGULATIONS REGARDING PRIVATE STORM DRAIN INLET RETROFITTING

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, SEWER AND WATER, WITH THE ADDITION OF SECTION 15-14, PRIVATE STORM DRAIN INLET RETROFITTING, OF THE REVISED GENERAL ORDINANCES BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER SHAW
AYES: SMITH, SHAW, GOLINSKI, STECKY, ANDES, FITZPATRICK, KUSER

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15, SEWER AND WATER, WITH THE ADDITION OF SECTION 15-14, PRIVATE STORM DRAIN INLET RETROFITTING, OF THE REVISED GENERAL ORDINANCES
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 10-12-11 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW
AYES: SMITH, SHAW, GOLINSKI, STECKY, ANDES, FITZPATRICK, KUSER

ORDINANCE(S) FOR INTRODUCTION:
#22-11 ACCEPTS DEDICATION OF A DEED FOR ROADWAY PURPOSES FROM REGENCY AT DENVILLE, LLC

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR ROADWAY PURPOSES FOR BLOCK 40001.02, LOT CO701 FROM REGENCY AT DENVILLE, LLC
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

DISCUSSION: Councilman Golinski asked if the town has assurances that all of the work has been properly done and we won’t wind up with another Mary Ave. situation. He asked what inspections have been done.
Attorney Semrau replied that this road has been constructed up to Township standards and the Township Engineer has recommended its acceptance. He noted that as part of the whole development, it is a condition that requires the Township to accept the roadway, once it meets all of the technical requirements - which it does. Mr. Semrau added that he and the Engineer will assure the Council, by way of Administration, that the road is ready and approved for a dedication.

Mr. Golinski asked if the town can get a guarantee on storm drains. Mr. Semrau replied that a maintenance bond for two (2) years is required and, after that, it becomes the responsibility of the Township, as with any other roadway.
Councilwoman Smith agreed with Councilman Golinski and suggested that a letter of recommendation from the Attorney and Engineer should be attached to the adoption of
this ordinance. She said that letter generally comes with the Introduction of this type of ordinance.

Councilman Shaw commented that he doesn’t know what’s involved here and how are we involved with the road. He said that he does not know what this is all about. Mr. Shaw expressed concern that we may have to plow roads up there and then will have to do it for everyone.

Attorney Semrau explained that this comes as a recommendation, from a technical perspective from the Engineer and, from a legal perspective that it is correct to accept the roadway. He asked that the Council introduce the ordinance and, before the final hearing he will have a report with a recommendation with all of the reasons why it is the appropriate measure to take for the Governing Body.

President Kuser asked Mr. Ward if there is a “tickler” file where a reminder can be placed and an inspection conducted before the bond is released. Mr. Semrau replied that there will be a final inspection before the bond is released.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED: 
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR ROADWAY PURPOSES FOR BLOCK 40001.02, LOT CO701 FROM REGENCY AT DENVILLE, LLC
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 11-1-11 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 ANDES
AYES: SMITH, ANDES, GOLINSKI, STECKY, SHAW, FITZPATRICK, KUSER

President Kuser asked that Attorney Semrau provide a map along with whatever other information is available.
President Kuser asked if anyone from the public or the Council wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-11-216 RESOLUTION TO APPROVE SUBMISSION OF A GRANT
APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BLOOMFIELD AVENUE PAVING PROJECT 2012

R-11-217 RESOLUTION TO APPROVE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FRANKLIN ROAD PAVING PROJECT 2012

R-11-218 RESOLUTION AUTHORIZING A REFUND OF A SEPTIC ABANDONMENT FEE - $50.00

R-11-219 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2011 - $1,297.92

R-11-220 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $316.53

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

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

NON-CONSENT RESOLUTIONS:

R-11-221 RESOLUTION TO CANCEL TAXES FOR CALENDAR YEAR 2011 - $9,424.56

MOTION TO APPROVE R-11-221: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

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

R-11-222 RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FOR DRUNK DRIVING ENFORCEMENT FUND 2011 HIGHWAY SAFETY GRANT IN THE AMOUNT OF $9,867.29

MOTION TO APPROVE R-11-222: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH

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

Councilman Shaw stated that he would like to see a report indicating the results of the work funded by these various grants.

President Kuser asked Mr. Ward if he would request that Chief Wagner, during his budget presentation, explain where these funds are going and how they are helping his department.

Administrator Ward noted that this type of grant is typically used for targeted enforcement. He said it involves bringing officers in on overtime to target the specific enforcement covered by each grant. Mr. Ward stated that, once the enforcement program covered by the grant is completed, he will provide the Council with a report on the number of stops, arrests, etc.

Councilman Golinski suggested that, rather than wait until budget time, a report be
generated after each event that is covered by a grant.

R-11-223  RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MORRIS FOR THE PROVISION OF LOCAL HEALTH OFFICER SERVICES
MOTION TO APPROVE R-11-223: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, STECKY, SHAW, SMITH, ANDES, KUSER

R-11-224  RESOLUTION AUTHORIZING SETTLEMENT OF CERTAIN TAX APPEALS
MOTION TO APPROVE R-11-224: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI
AYES: SHAW, GOLINSKI, STECKY, SMITH, ANDES, FITZPATRICK, KUSER

MOTION TO APPROVE MINUTES OF 9/13/11 AND 9/20/11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW
AYES: SMITH, SHAW, GOLINSKI, STECKY, ANDES, FITZPATRICK, KUSER

R-11-225: RESOLUTION AUTHORIZING CLOSED SESSION FOR UPDATE ON CONTRACT NEGOTIATIONS.
MOTION TO APPROVE R-11-225: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW
Attorney Semrau asked if action will be taken after the Closed Session. President Kuser replied that there will be no action taken.
AYES: SMITH, SHAW, GOLINSKI, STECKY, ANDES, FITZPATRICK, KUSER

Council went into Closed Session at 8:57 p.m.
Council came out of Closed Session at 9:52 p.m.

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

Meeting adjourned at 9:53 p.m.

Respectfully submitted,

Kathleen A. Costello, Deputy Township Clerk