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 Donna Costello.

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

CEREMONIAL MATTERS AND/OR PRESENTATIONS:
President Kuser called forward Cub Scout Pack #3 and Cub Master John Tucker. Mr. Tucker advised that the Scouts held a car wash for the benefit of flood relief. He said that the boys would like to present a check for $1,400.00, which they raised that day, to the Council. A photo was taken to commemorate the occasion.

LIAISON REPORTS:
Councilman Golinski reported that he is working with the Municipal Alliance Committee and is helping to organize a “Java Jam” for November 18th. He added that he is looking forward to the Local Assistance Advisory Committee being appointed and accepted today.

Councilman Stecky spoke about the Up and Running/Band Aid event that was held on Sunday. He said that it seemed as though everyone in town attended. Mr. Stecky noted that the Beautification Committee met on Saturday and planted numerous bulbs along the ramps on Route 46 and at the bus station in front of Walgreen’s. He mentioned that Mr. Fuertges has a vision for the beautification of the Township and, in the Spring, will set up a meeting with Administration to discuss funding and personnel to accomplish this vision.

Councilman Shaw reported that the Senior Citizens had a joint meeting so there was a full house at the Senior Center. Mr. Shaw noted that he had an opportunity today to visit with retired Fire Chief Bob Crothers. He said that Mr. Crothers is doing well and hopes to be well enough to attend the Fire Department’s 85th Anniversary.

Councilwoman Smith reported that the Historical Society’s yard sale in September was successful and they raised $1,400.00. She added that the Historical Society also contributed to the Hurricane Relief Fund. Mrs. Smith advised that former Councilman Vito Bianco, who is on the Historical Society Board, will be conducting a Ghost Walk on Halloween week-end. Councilwoman Smith noted that the Holiday Concert will be held on December 13th at the Church of the Saviour. Mrs. Smith asked who the liaison is to the Denville TV. Mr. Fitzpatrick replied that he is the liaison. Mrs. Smith asked what channel and time the Denville events appear on TV. Mr. Fitzpatrick replied that it varies, depending upon when the event is submitted; he said that, after it is submitted, they are given a date and time and he will put it on the web site.

Mrs. Smith asked Mr. Ward if the Holiday Concert is taped by Denville TV, can it be
streamed on our web site. Mr. Ward replied that he will check on that. Mrs. Smith asked Attorney Semrau if there is anything that needs to be done, if the concert is streamed to the web site or is on television, about minors participating in the concert. Mayor Hussa interjected that Ruth Gimbel, Chair of Denville TV, takes care of that with a form that she has people sign before taping. Attorney Semrau said that is correct, a form was put together three or four years ago.

Councilwoman Smith reported that the Historical Society is still looking for Docents for the Museum. She told Mr. Shaw that the Society is thinking about asking some Seniors if they would give a couple of hours of their time and asked if he would look into that with them. Mrs. Smith added that they can get in touch with either Judy McBride or herself.

Councilman Fitzpatrick noted that, following up on Denville TV, when something is submitted to Cablevision they will not accept it without release forms. Mr. Fitzpatrick reported that the Denville Public Library is a great source for any forms connected with flood relief.

Councilman Andes reported on various fund-raising activities over the week-end.

- Knights of Columbus held a can-shake drive on Friday, Saturday and Sunday.
- Boy Scouts held a spaghetti dinner on Friday night.
- Zumba-thon, Up and Running 5K Run/Walk and the Band-Aid on Broadway

Mr. Andes reported that there were 1,433 participants in the Run/Walk, with the fastest time being 12 minutes. It was noted that the time was 16 minutes.

Mr. Fitzpatrick interjected that Mr. Ward almost won the race and came in in the top 20.

Mr. Andes said that Mr. Ward’s told him that he came in 22nd and added that his Boy Scout beat Mr. Ward out.

Councilman Andes reported that the race grossed $51,000. He said that there were several hundred volunteers. Mr. Andes advised that the teen and pre-teen world was excited by the appearance of Kevin Jonas. He said that Mr. Jonas was very gracious, stayed much longer that he had agreed to and made sure that everyone on line had a chance to have their picture taken with him and get his autograph.

Councilman Andes stated that all of the events together grossed almost $190,000.00. He said that there are still outstanding bills to be paid but, it is anticipated that the final total realized will be about $165,000.00 to $170,000.00. Mr. Andes added that there is also money that will be coming in such as the donation from the Fall Festival and from the people who conducted the race.

Mr. Andes noted that the following money has been collected:

- $139,000.00 in the Township account.
- $130,000.00 in the PAL account.

He said that he estimates that there is about $140,000.00 outstanding, which brings the total to over $400,000.00, plus $45,000.00 in gift cards.

Mr. Andes commented that the three great things about this week-end, especially on a Sunday, were: a lot of money was raised for the community, the economy was stimulated and the spirit of the community was at its greatest.
President Kuser advised that the 2012 Honda Civic that is displayed on the front lawn at Town Hall is being raffled off and tickets are available in the Clerk’s Office and from all of the Council members. He noted that the car was donated, in part, by Joyce Honda. Mr. Kuser added that all proceeds from the raffle will go to Hurricane Irene Relief. He said that the winner will be drawn on November 27th, at the conclusion of the Holiday Parade.

Councilman Fitzpatrick asked if the link to the PAL site can be restored on our web site. He noted that a lot of people like to donate to that fund for tax purposes. Mr. Fitzpatrick asked if donations can be made to the PAL Fund on line. No one had the answer to that question.

Councilman Andes noted that there is another Zumba-thon on Saturday at Dance Works and, on the first Saturday in November there will be a pancake breakfast at Applebee’s that is being run by the Women’s Club.

MAYOR’S REPORT:
Mayor Hussa said that he was at the Up and Running event two different times on Sunday and it was everything that Tom Andes said it was. He noted that it was highly organized and there was a great feeling there and people stayed right to the very end. Mr. Hussa commented that he had spoken to some of the business people and they were so thrilled with the day that they said they would like it to be done on a regular basis. He stated that the flood victims are very grateful for all of the activities on their behalf. The Mayor said that it is not only money that is needed to ease the pain but encouragement and moral support as well.

Mayor Hussa noted that the Council will be voting on the new Local Assistance Board, which it was agreed upon to have seven regular members and two alternates. He said that the proposed members are listed in his letter of August 9th. The Mayor mentioned the names of those to be appointed and noted the ones that are present this evening.

MOTION TO GIVE ADVICE AND CONSENT TO THE MAYOR’S APPOINTMENTS TO THE LOCAL ASSISTANCE ADVISORY COMMITTEE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH
AYES: GOLINSKI, SMITH, STECKY, SHAW, ANDES, FITZPATRICK, KUSER

Clerk Costello then administered the Oath of Office to the two members who were present.

Mayor Hussa advised that he will have the winners of the Earth Day contest at the next meeting and will award their prizes.

The Mayor noted that there was a sewer assessment meeting last night and Mr. Ward will speak about that. He said that several people expressed concerns which will be investigated. Mr. Hussa stated that the meeting was very important and he does believe that it will soon be all completed.

ADMINISTRATOR’S REPORT:
Administrator Ward said that he would like to give the Council an update on the
Hurricane Relief Fund situation. He said that a committee has been formed which is made up of three (3) Township professionals and four (4) local religious/spiritual leaders in the community. Mr. Ward advised that a meeting was held and an application form for monetary assistance for residents was drafted.

He added that the form has been completed and is being hand-delivered, as well as being available at Town Hall, on the web site and at the Library. Mr. Ward commented that the Committee did not want the application to be burdensome but, at the same time, did not want the distribution of funds to be accomplished in a willy-nilly fashion. He explained, briefly, some of the requirements included in the application and noted that some have already been returned, completed.

Mr. Ward advised that they are just finishing the final draft of the application for the business community which will likely be distributed tomorrow, be on the web site and available for businesses. Mr. Ward noted that he has also asked the assistance of the Neighbor News and Citizen to advertise the availability of these forms for those who are still not back in their homes. He added that the application deadline is November 9th at 3:00 p.m. in order to be eligible for the first round of funding. Mr. Ward advised that he has heard that there are fund-raising events planned through January, so additional rounds of funding will be distributed for any people who missed the deadline, or were passed over for any reason in the first round.

The Administrator reported that FEMA had their initial meeting with public entities last Friday. He said that our OEM Coordinator and Sgt. Partin of the Denville Police Dept. attended that meeting. Mr. Ward noted that FEMA explained what type of documentation the municipalities will have to provide, in order to be considered for FEMA assistance. He listed some of the losses and costs that the Township will be seeking reimbursement for from FEMA.

Administrator Ward advised that there will be another meeting at the County tomorrow night where FEMA buyouts will be discussed. He explained that it is a FEMA program, that the County is looking to participate in, where there are repetitive loss of homes with the potential of being elevated, there is FEMA money available, as well as money on the Federal level. Mr. Ward said that the program’s aim is to assist homeowners in either raising their homes above the flood level or, in the case of repetitive loss, to buy the home and knock it down.

Administrator Ward advised that the final item in his report concerns the sewer assessment procedure and what can be expected in that regard. He reported that the Sewer Assessment Committee met last night and held a public hearing with about 100 to 125 affected residents in attendance. Mr. Ward explained that the residents were afforded the opportunity to question the members of the Committee, as well as the Appraiser, as to how the calculations were arrived at for their report. He said that the residents also were able to point out any inadequacies in the report so that the Committee can make any needed adjustments. The Administrator further explained that the report would then be forwarded, with a recommendation, to the Governing Body. He said that, at that time, which he expects to be late November or early
December, the governing Body will again provide a certified letter to all who are affected
and hold an additional public hearing. Mr. Ward noted that, at that point, the Governing
Body would have the opportunity to hold further hearings or to ratify and implement the
assessments. He said that it is his understanding that thirty (30) days after the
ratification by the Governing Body, the first assessment payment would be due and it is
paid over the life of the actual bond.

OPEN PUBLIC PORTION:
Franz Fuertges, 109 Ford Road, stated that he feels that the people who attended the
sewer assessment meeting last night were the victims of a poor performance by the
panel. He said that the panel was intended to give some kind of framework or amounts
that the residents would be expected to pay. Mr. Fuertges referred to a meeting that
was held in Riverview School a few years ago, at which the residents were told that the
total amount of the project would be divided into the hook-ups. He commented that
the residents are now presented with a formula that no one understands and all of the
attendees left the meeting in a sour mood. Mr. Fuertges suggested that the panel come
up with a formula quickly because the town has already accrued over $900,000.00 in
fees due to interest payments. He said that, the longer the delay, the more expensive
the project becomes and the more expensive it will be for each resident that is affected.
Mr. Fuertges stated that the comments about “enhancements” are just a smoke screen
and “enhancements” don’t mean anything.
President Kuser told Mr. Fuertges that he has the Council’s word that they will get on
this right away and the report will be presented to the Council.
Mr. Fuertges then thanked that committee that staged Sunday’s fund-raising event. He
said that it enabled the Beautification Committee to have a table and make themselves
known to the general public and noted that many people signed up. Mr. Fuertges noted
that in 2013 we will celebrate Denville’s 100th Anniversary and we should have the town
in tip-top shape. He commented that a Committee should be formed and Beautification
should be a part of it.
Anton Mollegard, 38 Snyder Avenue, apologized for his outburst at a previous meeting.
Mr. Mollegard noted that he had a $60,000.00 loss from the flood and FEMA only
offered him $4,000.00, after he was turned down by SBA. He said that it is a battle to
deal with FEMA. Mr. Mollegard advised that he has spoken with the Township Engineer
with regard to ways of preventing this in the future. He said that the sewer lines are
only 8 inch lines, which are totally inadequate. Mr. Mollegard mentioned that Hoboken
had 9 inch lines and were extending them to 15 inch lines and other towns have even
larger diameter lines.
Mr. Ruschke interjected that Mr. Mollegard is talking about sewer lines and the
discussion that they had previously concerned storm water aspects in that
neighborhood. He explained that there are two separate collection systems: one for
sanitary sewer and one for storm water. Mr. Ruschke said that, if you look at the
capacity of an 8 inch line for the neighborhood, it far exceeds the capacity that is
needed. He said that, if more capacity is needed, it shows that there is too much extraneous flow in the sewer line; either sump pumps coming in or storm water coming in. Mr. Ruschke noted that it is not a matter of increasing the capacity, but one of eliminating the extraneous flow. Mr. Mollegard mentioned the illegal sump pumps and President Kuser replied that the town is working on correcting that situation. Mr. Mollegard commented that Indian Lake had illegally opened their gates and were illegally pumping water out and had a permit that ended 24 hours before the storm.

Mr. Ward noted that there is an on-going investigation with regard to the permit. He said that an OPRA request came in today and he forwarded it to the town attorney. Attorney Semrau interjected that the Governing Body had a discussion in Executive Session, because when something is under investigation, without being specific about the incident, these are items that this Governing Body is looking at. He said that they are exploring the possibility of any liability and the options that are open to the Township. Mr. Semrau noted that requests for documentation have already been initiated.

President Kuser again told Mr. Mollegard that the Township is working on it and asked that he give them a little time to do a thorough investigation. Mr. Kuser asked Mr. Mollegard about a comment that he had made to the Council about he and his neighbors forming their own organization to investigate this.

Mr. Mollegard replied that virtually all of his neighbors agree that they should get together and organize a Class Action Suit. He said that nothing has been done about that at this time and that he is just trying to find out what can be done to prevent it from happening again. Mr. Mollegard commented that, if the Indian Lake Association is guilty, they should be held responsible.

President Kuser repeated that it is important that everyone have enough time to investigate these matters. Attorney Semrau stated, for the record, that Indian Lake has been mentioned here. He said that it is important to note that the municipality is looking into a number of things and the public has a right to say whatever it wishes to say. Mr. Semrau wanted it to be clear that there have been no conclusions arrived at tonight that indicate any wrong-doing by any part of the community of Denville. He said that records have been requested from the DEP and the State of New Jersey and everything that happened is being looked at and assessed. Mr. Semrau stated that he does not want the record to reflect that any particular lake or entity in the Township of Denville, at this point, is at fault. Mayor Hussa advised that he had received a call from Lt. Governor Guadagno shortly after she came to Denville and she is very much aware of Steve Ward’s investigation of the whole up-stream dam thing.

Councilman Fitzpatrick asked if there is any idea of how long it will be before we get some clarification. Mr. Ward replied that he and Mr. Semrau plan to meet after tonight’s meeting to discuss the documents that they received from the State today.

Donna Zablatsky, 12 Beaver Brook Lane, asked if it was appropriate to discuss the
sewer assessment meeting that was held last night. Mr. Kusner replied that there has been some discussion on it this evening with previous speakers.

Mrs. Zablatsky said that she would like to give the Council a print-out that she got from the web-site showing the sale of all vacant lands in Denville only. She said that the report shows other towns as well and she would like them removed from the report and only Denville properties used for the analysis. (A copy of the report is attached to these minutes.) Mrs. Zablatsky noted that there are listings in the report from several towns besides Denville. She said that she would like the homes within the sewer project to be the ones that are used in the appraisal before the Council decides to accept the report. Councilwoman Smith thanked Mrs. Zablatsky and said that she also looked at that list and had intended to ask the question as to why we were looking at land and property outside of Denville for comparables. She noted that she is glad that Mrs. Zablatsky brought this forward.

Mrs. Zablatsky commented that numbers can be manipulated to make them look the way you want them to look. She said that it seems that, because the value of the sewer project is being assessed on $7 million plus including $1.4 million in interest is so high, if the correct comparison is done the cost of the enhancements is going to be less than what it cost to do the project. Mrs. Zablatsky noted that the residents don’t want to absorb that difference. She asked that the Council take a good look at the information that she has provided to them.

Councilwoman Smith replied that Mrs. Zablatsky should have faith in the Council that, before they accept the report, that it will be a fair and equitable distribution of the allocation of the assessment.

Mrs. Zablatsky also suggested that the large acreage properties be removed from the report because, with the exception of three or four lots, the properties affected are on small lots.

Norbert Hornstein, 8 Lamar Drive, stated that, going back five years to the meetings in Riverview School, the residents were told that the septic systems were failing, which was not true in his case. He said that the public objected to it and were told it is a health issue. Mr. Hornstein commented that they were told that it wouldn’t be over $20,000.00 but he looked at his assessment and it’s $28,000.00 and everyone comes in with a different figure. He said that, if it is a health issue, why isn’t everyone affected equally; why isn’t the cost divided equally among the affected residents. Mr. Hornstein asked what decision was made five years ago and why is it so different today.

CLOSE PUBLIC PORTION.

Councilman Shaw stated that a few months ago the Mayor had a gentlemen from Dewberry come in and give a presentation. He said that the only Council members present were Mr. Stecky and himself. Mr. Shaw noted that the person was an expert on flooding and Mr. Shaw was very impressed with him. He suggested that the Council
have this gentleman from Dewberry come before them, give the presentation and see what they think.
Mayor Hussa interjected that Mr. Shaw is referring to Peter Black. Councilman Stecky reminded the Council that, after the Spring floods, the Mayor brought Mr. Black in and suggested that we hire him to do a flood analysis. He said that the original proposal was that Mr. Black would do a certain portion of it free of charge. The Mayor added that Mr. Black was going to give a free flood analysis to the town. Mr. Stecky noted that he and Mr. Shaw were the only ones who voted yes and he recommended that the Council take a look at this again.
Mayor Hussa stated that he will reach out to Mr. Black, but he understands that Dewberry is laying people off so he is not sure of the status and, if the availability of that study would be the same.
Councilman Fitzpatrick commented that it would be a good idea. He said, for clarification purposes, that he wanted the issue to be brought back to the Council. Mr. Fitzpatrick noted that the Council’s issue was not that there was a problem with it but, that they did not have enough documentation on it when it was brought to a vote. He said that is was a case of the Council would be in favor of it but needed some back-up because the Council has to be diligent about these things. Mr. Fitzpatrick stated that it would be great to get them back but added that we also have an opportunity with our Engineer here, Mr. Ruschke. He noted that Mr. Ruschke has worked on one of the more sophisticated river projects in Cranford.
Mr. Stecky suggested that we need to have someone, either from the County or State, look at the Rockaway River Watershed because all of the towns along the River are affected by each other. He said that there needs to be a system that looks at all of the towns.
The Mayor advised that, even though he will only be in office for two more months, he will be asking the Council in November for Advice and Consent on a Mayor’s Advisory Committee on Rivers and Streams. He said that it will be an open-ended committee without a set number of members. Mayor Hussa noted that he currently has nine people who are interested in serving on the Committee.
Councilman Andes commented that when meeting with the Lt. Governor, a Regional Plan is exactly what we asked of her. He said that they asked for this immediately after the flood. Mr. Andes added that the goal is to investigate, for the Rockaway River as well as the Passaic River, a Dam Release Program and have it administered in such a way that as few municipalities as possible are damaged.
Councilwoman Smith echoed Mr. Andes comments and noted that the DEP representative who attended the meeting with the Lt. Governor was of the same mind regarding a regional solution.
President Kuser said that he also remembers the meeting when Dewberry came up. He noted that, at the time, a scope of work and budget was requested and the Council wanted to move forward with it. Mr. Kuser said that it is something that the Mayor
needs to work on and bring back to the Council.
Mayor Hussa responded that, as he said before regarding the scope of work, Dewberry
was going to give the Township a free flood analysis. He said that neither he nor the
Council are the experts. The Mayor noted that the free flood analysis is what the Council
voted no on and asked Mr. Kuser to please not try and change that. He stated that there
was a free scope of flood analysis on the table and five Council members voted no.
Councilman Golinski commented that there was a dollar value on that proposal. The
Mayor replied that is not true. President Kuser interjected that the minutes will be
checked and we will clear it up at the next meeting. He said that he remembers that
Dewberry stated that, if they were hired as our consulting engineering firm, they would
come in free of charge, as Mr. Ruschke did, to get up to speed.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Andes asked Mr. Ward for a status report on the Valleyview Fire House.
Administrator Ward advised that approximately two weeks ago, a structural engineer
from Hatch Mott Macdonald came in and did a preliminary evaluation of the site. He said
that a preliminary report with the findings will be finalized in a few days.
Engineer John Ruschke reported that the Structural Engineer did not find any visual
structural damage to the building. He said that they did find settlement around the
structure but there are no signs of settlement cracks or other damage to the structure, as
part of the flooding. Mr. Ruschke advised that it is an old building and there is concern
about the fire trucks being parked on a concrete deck above the basement, where they
have training and other exercises. He said that there is a concern about parking the
trucks over the basement. Mr. Ruschke explained that there are no detailed drawings of
the building so they can only go by what they can see. He added that they do not know
what kind of materials were used and have very little information about the make-up of
that building. Mr. Ruschke advised that he and Mr. Ward have discussed some
destructive testing that can be done, but that would involve one small portion of the
building and would not reveal the structural integrity of the entire building. Mr. Ruschke
stated that, at this time, there is no evidence that the building cannot continue to be used
as in past practice. He said that it does not appear that the building has been impacted
by the storm but that is just from a visual inspection.
There was further discussion regarding what other investigative measures may be taken
and Mr. Kuser asked about the time frame involved. Mr. Ruschke replied that they are
still discussing further testing but, from the visual observation, there is no evidence that
the structure itself was damaged.
Mr. Kuser asked if a report will be available by the November 1st meeting. Mr. Ruschke
replied absolutely.
Councilwoman Smith expressed concern for the safety of the volunteers and the
equipment because of the significant settling of the floors where the trucks are parked. She asked if the lower level is being used. Administrator Ward replied that the lower level was destroyed and had to be ripped out to the masonry walls. He said that the entire basement was filled with water, right up to the main level and, since it is in the flood zone, it was not covered by our insurance. Mr. Ward noted that it is one of the claims that the town is putting in to FEMA.

There was additional discussion concerning the age of the building, the integrity of the structure and the further inspections that can be performed to determine the safety of the building.

President Kuser asked Mr. Ruschke if he can ever foresee his company signing off on the building, without having any detailed information about how it was constructed. Mr. Ruschke replied that is the crux of the matter; how much money does the Township want to sink into additional testing and still come up with the fact that it is a very old building. He said that he and Mr. Ward are discussing that right now.

ORDINANCE(S) FOR INTRODUCTION:

#23-11 ORDINANCE REGULATING APPLICATION OF FERTILIZERS
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING SECTION 29-1, “LAND FERTILIZER CONTROL”, OF THE REVISED GENERAL ORDINANCES AND REPLACING SAME WITH NEWLY CREATED SECTION 29-1 ENTITLED, “FERTILIZERS, APPLICATION OF”
BE INTRODUCED AND READ BY TITLE ON FIRST READING

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

DISCUSSION: Engineer Ruschke explained that Morris County is taking the lead on developing a waste water management plan for the entire County. He explained the various items that are looked at when compiling the report and, as part of the DEP’s review and adoption of that report, all of the municipalities are required to adopt ordinances that are consistent with the DEP regulations. He further explained that the Township already has ordinances on the books to regulate fertilizers in more than one section; he said that this ordinance is a “house-keeping” issue which gives more flexibility to the use of fertilizers, when it is appropriate.

Councilman Golinski asked for an explanation of “run-off producing rainfall”. Mr. Ruschke replied that it is a very subjective stipulation which depends on the amount of rain and condition of the ground.

Councilwoman Smith commented that, as a matter of protocol, we did not workshop this ordinance. She suggested to President Kuser that it is something that the Council should discuss before putting it on an agenda for introduction.

Mr. Kuser replied that it was brought to his attention that this was a standardized ordinance and was something that we have to adopt. He said that he felt it was prudent to move it forward, since we do have a light schedule.
Mrs. Smith noted that, having dealt with the DEP, a model ordinance from them does not carry a lot of weight with her. She stated that it would be different if the DEP was requiring us to do this.

Mr. Kuser asked if that section could be removed.

Mr. Ruschke replied that, when the ordinance is adopted, it will be sent to the County and then forwarded to the DEP for review and the DEP could come back and question that.

Mrs. Smith asked if this is a State-wide required ordinance that municipalities have to adopt. Mr. Ruschke replied in the affirmative.

President Kuser asked Mrs. Smith if she has any specific objections, or should we move forward.

Councilman Fitzpatrick commented that he thinks the Council should introduce this ordinance and noted that there will still be any opportunity to make changes, if necessary.

Attorney Semrau interjected that this is an ordinance that the DEP has recommended and there has been a public comment period. He said that what may be helpful is to go back and grab the public comments and the answers to the questions that have been asked here tonight and provide it to the Council before adoption of the ordinance. Mr. Semrau added that the Council is not allowed, by law, to make significant or substantive changes to the ordinance. He said that his suggestion would be to move the ordinance forward and that he feels that there is enough documentation on file to answer the Council’s questions.

President Kuser noted that he is aware that work-shopping is important but the ordinance was presented to him as a mandate from the DEP. He said that the Council can tweak it and send it to the County.

Mr. Ruschke added that the County takes no exception to municipalities adopting a different ordinance which they will forward to the DEP. He said that the risk is that the DEP will conditionally approve the County Plan but add that Denville is not certified because they have not adopted the proper ordinances.

Councilman Golinski stated that he is satisfied with the recommendation of the Attorney. President Kuser noted that there will not be any workshop meeting until the new year so, if it is the wish of the Council, they can bring the ordinance up again, and work shop it, at the November 1st meeting.

Mrs. Smith stated that she is willing to introduce it tonight, but looks forward to hearing any public comments at the adoption meeting on November 22nd. She also asked for back-up information supporting it and an explanation as to whether or not this is mandated. Mr. Kuser asked Mr. Ruschke if the ordinance is mandated and he replied that it is. Mr. Ruschke added that the County has recognized that some of the municipalities are taking exception to these model ordinances, but not many have objected to the fertilizer one. He said that most of the comments are concerning who will enforce it.

ROLL CALL ON INTRODUCTION:
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY REPEALING SECTION 29-1, “LAND FERTILIZER CONTROL”, OF
THE REVISED GENERAL ORDINANCES AND REPLACING SAME WITH NEWLY
CREATED SECTION 29-1 ENTITLED, “FERTILIZERS, APPLICATION OF”
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 11-22-11 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 SHAW, SECONDED
BY MEMBER STECKY
AYES: SHAW, STECKY, GOLINSKI, SMITH, ANDES, FITZPATRICK, KUSER

#24-11 OPERATION OF ON SITE SEWAGE DISPOSAL SYSTEMS

Engineer Ruschke noted that this also is a model ordinance that has been recommended
by the State. He explained that it regards the operation and maintenance of on-site
sewage disposal systems and is a new regulation and concept for the Township, unlike
the fertilizer. Mr. Ruschke said that it is essentially regulating septic systems in town
whereby residents would have to get a license to operate that sewer system and would
require pump-outs of the tanks every three years.
President Kuser asked if this is going to be mandated by the State. Mr. Ruschke replied
that it will be mandated by the State to regulate septic systems.
Councilwoman Smith commented that she feels that this ordinance should be work-
shopped and suggested that, at the appropriate time, a motion be made to table it. She
said that this has significant impact on the residents and she thinks that we really need to
understand it.
MOTION TO TABLE #24-11 TO A WORKSHOP MEETING, DATE TO BE
DETERMINED: MOVED BY MEMBER SMITH
Clerk Costello called for a second to the motion.
Attorney Semrau interjected that there is a motion on the table and if it is seconded,
there will be no further discussion.
President Kuser noted that there is no second to the motion, so we will continue.
Mr. Ruschke noted that he is working on another ordinance and, if this ordinance is
tabled, it may be appropriate to workshop both ordinances at the same meeting.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO TABLE #24-11: MOVED BY MEMBER SMITH
President Kuser, receiving no second to the motion to table, called for a motion to introduce.
MOTION TO INTRODUCE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER FITZPATRICK
DISCUSSION: Councilman Shaw commented that he thinks there is time to correct anything that may come up.
Mr. Ruschke interjected that he has not brought the third ordinance to the Council at this time because he is not yet ready to recommend it. He said that he is still working with another town and is waiting for the DEP to come back to them.
Mr. Kuser stated that he just wants discussion on the ordinance that is before the Council.
Councilman Golinski asked if this ordinance is mandated by the State. Mr. Ruschke replied that it is. Mr. Golinski asked if there is a deadline by which the Council has to implement this ordinance. Mr. Ruschke replied that there is no firm deadline, the County is alerting the municipalities as to what their obligations are. He said that they are looking to have the ordinances adopted but, there are no penalties at this time.
Mr. Golinski asked, if this is mandated by the State, why isn’t it just legislated by the State.
Councilman Stecky commented that, if this ordinance had been in place six or seven years ago, we may not have needed the sewer project.
Councilwoman Smith stated that Mr. Stecky’s memory of the sewer meetings may be a bit faulty. She said that many of the septic systems that were categorized as failed, were not. Mrs. Smith noted that she knew people whose septic systems were forty years old and were still in good operating condition.
There followed a discussion concerning the need for sewers had this ordinance been in place at that time.
Attorney Semrau commented that, with regard to this ordinance, this is something that is prospectively going forward. He said that he feels that it is good that the Council is having this discussion before they act on it. Mr. Semrau noted that if the Council wanted to make changes, they would be significant changes. He suggested that the Council work shop this ordinance and he will have suggestions regarding the phasing in of the licensing in order to streamline the process.
President Kuser asked if there was any further discussion.
Mr. Fitzpatrick noted that Mr. Golinski has answered any questions that he had.
Councilman Andes stated that Mr. Semrau’s comments made a lot of sense to him and he would like to make a motion to table #24-11.

MOTION TO TABLE #24-11 TO THE FEBRUARY 2012 WORKSHOP: MOVED BY MEMBER ANDES, SECONDED BY MEMBER SMITH

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

President Kuser asked if anyone from the Council or the public wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-11-227 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-11-228 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-11-229 RESOLUTION AUTHORIZING THE WAIVER OF FEES FOR POLICE SERVICES FOR THE ANNUAL HALLOWEEN PARADE

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

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

NON-CONSENT RESOLUTIONS:
R-11-230 RESOLUTION AUTHORIZING REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $23,954.43

MOTION TO APPROVE R-11-130: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

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

MOTION TO APPROVE MINUTES OF 10/4/11 AND 10/11/10: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

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

MOTION TO ADJOURN: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SHAW

AYES: UNANIMOUS

MEETING ADJOURNED AT 9:17 P.M.

Respectfully submitted,

Kathleen A. Costello, Deputy Township Clerk