The Meeting was called to order at 7:31 p.m. by President Kuser. The Salute to the Flag was recited, followed by an Invocation given by Councilwoman Smith. The Open Public Meetings Act Statement was read by Deputy Clerk Kathy Costello. Mrs. Costello reminded everyone that this is a non-smoking facility and asked that all cell phones be muted or turned off.

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

CEREMONIAL MATTERS AND/OR PRESENTATIONS:
Barbara McCloskey of the Women’s Club of Denville/Rockaway presented a check in the amount of $500 to the Mayor for the Hurricane Irene Relief Fund. She advised that the check represented the proceeds of a pancake breakfast held at Applebee’s for the purpose of aiding in hurricane relief. President Kuser thanked Ms. McCloskey and the members of the Women’s Club for their work and noted that he and Councilman Andes both attended the breakfast. He said that it was a very fine event.

The President of the St. Clare’s Ladies Auxiliary of Denville/Boonton presented a check in the amount of $1,300 collected during the Fall Festival for hurricane relief.

Mr. Donahue, representing St. Mary’s Church, thanked the people who made the “Harmonies for Healing Concert” possible and presented a check for hurricane relief in the amount of $4,415.00 to the Township. President Kuser noted that he attended that concert and it was fantastic.

Councilman Golinski, on behalf of Boy Scout Troops #118, #17 and #390, advised that the Scouts worked very hard and raised $4,462.51. He said that the Scouts were grateful for the use of St. Mary’s facilities to hold their spaghetti dinner.

LIAISON REPORTS:
Councilman Golinski reported that he attended the MAC meeting last week and noted that the Committee hosted a Java Jam, which is a great drug-free and alcohol-free environment for high school students. Mr. Golinski advised that he donated 150 cartons to the Local Assistance Committee for their Thanksgiving Care packages. Councilman Stecky commented that this is a very busy time for the Beautification Committee. He said that they have had work sessions during which they dug up the summer bulbs and planted winter bulbs. Mr. Stecky noted that it is physical work and more volunteers are needed. He said that he strongly supports Franz Fuerteges’s vision for the beautification of Denville next year.

Councilman Shaw reported that fifty-five seniors went on the last trip of the year to the
Brownstone and it was very successful. Mr. Shaw commented that there were many Council members at the Senior Social on Sunday and many of them were in the kitchen helping out. He thanked the Recreation Committee for organizing the event and for all the work that went into it.

Councilwoman Smith noted that the Chairman of the Recreation Committee, Mark Venis, is in the back of the room and she asked him to stand and be recognized. Mrs. Smith said that he and his committee do an unbelievable job and also noted that Mr. Andes "carves a wild turkey". She advised that there were about 90 people who were fed that day and commended the donations from many people, including Township employees. Mrs. Smith added that Marie Goble, the former CFO, attended as well and has been involved with the Social for several years.

Councilwoman Smith reported that the Historical Society hosted a Ghost Walk, headed by former Councilman and current Tax Judge, Vito Bianco. She said that it was held on October 27th, the Friday before the snow storm. Mrs. Smith advised that it was very successful and she is looking forward to next year’s walk. She reminded everyone that on December 13th at the Church of the Saviour there will be a Holiday Concert and she urged everyone to attend.

Councilwoman Smith commented that she will be a Docent at the Historical Museum on this coming Saturday and encouraged everyone to consider giving a few of hours of their time to do that as well. She suggested that some senior citizens may be willing to help.

Councilman Fitzpatrick also commented on the success of the Senior Social and the good food that was served.

Mr. Fitzpatrick noted that the Library was a great resource during the power outage and handled an enormous amount of traffic during that time.

Councilman Fitzpatrick reported that the Planning Board, after careful research and consideration, has approved plans for the Picatinny Credit Union to open an office on the site of the old Second Half on Rte. 53. Mr. Fitzpatrick spoke about the flood and what a wonderful job Administration and all the volunteers did right from the beginning of the disaster. He said that various towns in and out of this area are calling for information about FEMA and how to go about organizing fund-raising campaigns.

Councilman Andes thanked the organizations that came in tonight with donations from their efforts to raise money for hurricane relief. He praised their volunteerism and willingness to help.

Mr. Andes noted that he can’t give a definitive amount that has been raised because money is still coming in, either because the fund-raiser is ongoing or they are waiting for sponsor’s checks. He spoke about “Operation Decoration" which was held this past week-end and provided numerous types of Christmas decorations to those who lost theirs in the flood. Mr. Andes praised that concert that was held on Saturday at the Denville Community Church and added that the Culinary Quest, held last week, was also a huge success. He reported that there are two events on December 10th: a Zumbathon during the day and a Children’s Concert at St. Mary’s that evening.
Mr. Andes further reported that the American Legion is hosting a dinner on Thanksgiving Day at 1:00 p.m. at the Legion Hall for those affected by the flood. He noted that, on the Chamber side of things, Saturday was a good day because Faith & Begorra re-opened and it was good to see Sue Banks back in operation. Mr. Andes listed the following events scheduled for this week-end:

- Open House from 4:00 p.m. to 8:00 p.m. on Friday on Broadway
- Saturday night at 7:00 p.m. the annual tree-lighting will be held at Santa Land
- Sunday at 2:00 p.m. the Holiday Parade will be held.

President Kuser advised that tickets are still available for the car raffle and will be available at the Parade as well as on Friday at the Open House.

Mr. Fitzpatrick interjected that Saturday has been designated as “Small Business Saturday” and everyone is encouraged to support the local, small businesses. President Kuser announced that Ayres-Knuth Farm will be holding its annual Christmas Tree sale beginning on Friday, December 2nd from 5:00 p.m. to 8:00 p.m. at the Union Hill Farm Stand. He urged everyone to support this effort since it is a major fund-raiser for the Knuth Farm Foundation.

Mr. Kuser reported that a State of the Schools report was given at the last School Board meeting. He noted that the Principals gave a review of the infrastructure of their schools and an educational review. Mr. Kuser said that it was very enlightening and advised that the grammar schools are at a point where enrollment is decreasing, although the middle school has a tight squeeze.

MAYOR’S REPORT:
Mayor Hussa began by providing the Council with Page 8 of the soon-to-be-released Hub Times which focuses on flooding. He noted that he had previously distributed to Council a letter from FEMA congratulating Denville for achieving a Class 9 rating which provides a 5% discount to residents with flood insurance. The Mayor advised that we are the only town in Morris County that has achieved a 9 rating and we can do even better if we follow FEMA’s suggestions.

The Mayor noted that it is required that a publication be put out once a year to inform the public so the Hub times will fulfill that requirement. He said that the forthcoming issue will consist of 16 pages and focuses on flooding. Mayor Hussa advised that the Township is obligated to maintain the programs and follow the suggestions that FEMA has put forth, in order to keep the level 9 rating. He said that the town needs to continue to focus on flood issues.

Mayor Hussa reported that last Monday the first meeting of the Mayor’s Advisory Board on Rivers and Streams was held. He said that there were a lot of very tense people in attendance who want to see action. The Mayor noted that, until the end of the year, those meetings will be held on the night of the first Council meeting of each month at 6:30 p.m. He said that the reason for that is that the things that they want the Council and Mayor to know about will be fresh on their minds and they can come right into the Council meeting and talk about them. Mayor Hussa stated that he hopes that Township
Administration will appoint an Advisory Board for Rivers and Streams. He said that there have been informal groups in the past and the Township also participates in the Rockaway River Watershed Cabinet.

Mayor Hussa commented that, for the fourth straight year, the League of Municipalities Conference budget has been cut in half. He said that the savings over four years is $38,000.00. The Mayor stated that, being a flood victim himself, he wants people who have contributed and given moral support to know how grateful the flood victims are for all that has been done for them.

ADMINISTRATOR’S REPORT:

Administrator Ward advised that he was prepared to report tonight that the relief fund total is $304,980.00 but, with the donations received this evening, that total is now $315,665.52.

Mr. Ward reported that the Hurricane Relief Committee, which is made up of the CFO, the Social Services Coordinator, the Administrator and four members of the religious community, invited FEMA to their last meeting where they discussed formulas and how the money will be distributed. He added that there is another meeting scheduled for next week. Mr. Ward advised that they had invited FEMA to get some of their ideas and suggestions. He reported that FEMA is fielding questions from other towns as well and is referring them to our web site. Mr. Ward noted that FEMA is planning a meeting with Social Services, Administration, the Police Dept., the OEM Co-ordinator, some volunteers and some local religious leaders to develop a best practices on how to respond to a community, after an event like this. With regard to the applications for relief funds, Mr. Ward noted that the deadline was last Monday and 120 applications were received from residents and 70 from businesses.

Mr. Ward advised that one of the questions on the form for businesses is: “Would you be in favor of a portion of the money set aside for businesses going toward a “Shop Denville” campaign to bring businesses into Denville?” He said that over 80% of the responses were affirmative. The Administrator reported that the Committee unanimously agreed to allocate the first $10,000 for a marketing campaign, to be coordinated through the local Chamber of Commerce.

Administrator Ward reported that the CFO, Mayor, Administrator and Councilman Andes met with Township Auditor Ray Sarinelli concerning the financial status of the municipality. He said that, due to the hurricane, the Township was hit with a lot of additional expenditures. Mr. Ward advised that, in particular, solid waste pick up and removal costs were in the range of $200,000.00. He said that we may have been able to squeak through until the end of the year but the Halloween snow storm has put us in a position where it is likely that, at the December 6th meeting, the Council will have an emergency appropriation resolution. Mr. Ward explained that this is a mechanism to fund certain line items in the budget so that we would not have to transfer money to meet our current obligations, such as salaries and expenses to get us through the end
of the year. He noted that the CFO and Auditor will be in attendance at that meeting to give additional details on how that will impact the budget for 2012.

Administrator Ward reported that the DPW is working diligently to pick up the brush and trees that are left in the wake of the snow storm. He said that it will take several more weeks to get the clean-up completed and the town is asking the residents to be patient. Mr. Ward advised that, in order to expedite the clean-up, the Township has entered into a contract with our tree removal service, Seneca, to do a large portion of the area south of Route 10, while our DPW focuses on this side of Route 10. He said that by splitting the pick-up we avoid the possibility of rolling into additional stormy weather before the job is completed. Mr. Ward estimated that it will be at least three weeks or so before the pick-up is finished.

Councilwoman Smith interjected that she is seeing trees laying in the road itself causing a hazardous condition. She asked if a message can be put on the web site, or in the newspaper, asking residents to move branches out of the roadway proper. Mrs. Smith added that she has noticed this particularly on Shongum Road.

Administrator Ward noted that the food drive was a great success and Social Services is now working on Adopt-a-Family and the toy drive for Christmas. He said that additional information is available on the web site.

Mr. Ward advised that, with regard to the 2012 budget, he and the CFO have met with each Department Head and gone over their budgets, line by line. He said that, with the exception of one department, all came in at or below last year’s budget. Mr. Ward commented that the department that did not had expenses that were unavoidable.

The Administrator reported that, during the storm, the Riverside Dr. pumps were running continuously pumping sewage and we could not turn them off and on. He said that we had temporary pumps installed and the new pumps were installed today and Riverside Pump Station is running at 100%.

President Kuser asked about drain seals. Mr. Ward replied that they hope to order them by year’s end and they can be installed in-house. He said that other programs are being examined to reduce extraneous flow into the sewer system.

Administrator Ward reported that during the power outage it seems that a surge damaged all four clock motors and various options are being examined in order to get the clock up and running again. He added that, in conjunction with the Chamber of Commerce, all the snow flakes have been put up in the downtown area.

Mr. Kuser asked if Mr. Ward was able to speak with JCP&L about pricing. Mr. Ward replied that is a work in progress.

OPEN PUBLIC PORTION:
Mark Venis, Chairman of Denville Recreation Committee, thanked everyone who participated in making the Senior Social such a success. He noted that he had called Tom Andes on the night before the Social because they were a little short of food and, within a half hour, there was enough food to take care of everyone. Mr. Venis added that Mr. Andes was at the Social and carved five turkeys. He said that they received
Township Council  
11-22-11  
Page 6

more thanks after this Social than they have ever received before.  
Franz Fuertges, 109 Ford Road, spoke about the sewer assessment meeting and stated that the explanations given at the meeting were very confusing and unfair. He said that there should be a more logical and expedient way to determine these assessments.  
President Kuser replied that the Council has not yet been asked to put anything regarding the assessments on the agenda.  
Administrator Ward advised that the Assessment Committee is scheduled to meet in the first week of December to discuss the comments, concerns and questions of the residents who attended the assessment meeting. He explained that, once the Committee makes its recommendation, the report is finalized and forwarded to the Council. Mr. Ward noted that, at that point, a meeting with the public will be scheduled and, everyone that is affected will be sent a certified letter two weeks in advance.  
Mr. Fuertges asked what the process is in determining what each resident will be charged. He said that when the project first began the residents were assured that the amount would be equally divided among those affected.  
Councilwoman Smith replied that is not what she recalls. She said that it was never the case that it would be divided among the number of homes affected. Mrs. Smith noted that she remembers that Mr. Fuertges had questions at the time specifically about his property. She said that it always was to be based upon the enhanced value of each property. Administrator Ward interjected that by case law, the options available to a municipality in implementing an assessment, requires that it be enhanced value based. Mr. Fuertges argued that the larger families benefit the most because they have the most usage. He said that it had been stated that it was a health issue and, as such, it should apply equally to all.  
Councilwoman Smith recalled, going back to previous meeting minutes, that the estimated costs as they were presented several years ago, were much less than what they are coming in at today. She said that she would like to see a detailed and documented report as to what caused that increase. Mrs. Smith stated that the Council, and the Public, need to know if the costs were previously calculated incorrectly or were there increased costs that are resulting in higher assessments to the homeowner. President Kuser noted that the Council, also, is concerned about the difference because they will be voting on it. He said that it has not yet come to the Council but, when it does, they will give it careful consideration. The Mayor interjected that the aim of the sewer assessment meeting was to have the residents air their concerns and ask questions.  
He added that the methodology will not change; the assessment will be calculated by the added value to the property, as determined by the Tax Assessor. The Mayor reiterated the process which Mr. Ward had explained. He said that he does not think there will be much room for re-evaluation and added that the Tax Assessor will calculate the assessment. Mr. Ward advised that it is the Appraiser who will do that
calculation.
Mr. Fuertges commented that he has two concerns: one is not to drag it out, thereby generating more cost to the residents and secondly, provide information on how the enhancements are arrived at.
President Kuser asked Mr. Ward if the calculation method can be put on our web site. Mr. Ward replied that it was on the web site and there are copies of the report in the Clerk’s Office.
Councilman Stecky noted that the money for which we bonded to do this project is sitting in an interest-bearing account so the only difference that we need to worry about is the interest between what we are paying on the loan and interest we are earning on the money that is in our interest-bearing account. Mr. Ward explained that, initially, we invested at a greater rate than the interest we were paying and had to pay back some of that money to the IRS. He further explained that the Township is not permitted, by law, to make money on the interest received from borrowed money.
Mr. Stecky noted that people seem to be upset that this is not being resolved quickly but, in fact, it is not a time sensitive issue.
Mr. Kuser commented that most of the money has been paid out to the contractors and now we are just paying interest on interest on interest. He described it as being similar to a bridge loan.
Mr. Stecky asked if the project came in over budget. Mr. Ward replied that we are not over budget and there were no change orders that exceeded the budgeted amount for the project.
Mr. Stecky commented that an additional contractor was hired to finish the project when the original contractor left it undone. Mr. Ward replied that is correct but the bonding company paid that cost, not the Township.
Mr. Stecky stated that he was told, at that time, that if the project ran over budget, the Township would pick up the difference.
Councilman Shaw commented that the idea was that once the sewer went in, the enhancement went up; but real estate values have gone down, so he can’t understand how it enhances the value of the property.
Mrs. Smith replied that it enhances it over what the current market value is.
Mr. Stecky noted that one of the failures with regard to the Appraiser’s explanation was that the enhancement is on the value of the property; the tax is on the house and property.
President Kuser advised Mr. Fuertges that he should be hearing something soon, via certified mail. Mr. Fuertges objected to the cost of using certified mail. Mr. Ward informed him that it is required by law.
Mr. Fuertges moved on to the subject of Beautification. He advised that the summer planting has been replaced by small Christmas trees and noted that steps are being taken to go beyond little parks in sprucing up the town. Mr. Fuertges announced that McCarter Park has been cleaned up by the joint effort of an Eagle Scout project, the Kiwanis Club and the Beautification Committee. Mr. Fuertges stated that he would like Township Council
the Township to buy the piece of land that is owned by Jersey City and plant a botanical
garden. He said that he would like to replace the trees with perennial plants and
ground cover.
Mr. Fuertges advised that he has approached Mr. Einhorn, whose law firm is on Route
53, with regard to aiding in cleaning up the Route 53 corridor. He said that he would
like to see some planting established along that route, if the budget permits. Mr.
Fuertges noted that he has started to speak to people about donations and asked the
Council’s help in raising funds. He advised that Mr. Einhorn has agreed to have their
property cleaned up. Mr. Fuertges complained about the condition of the sidewalks on
Main Street and asked if there is an ordinance to require the owners of establishments
in that area to take responsibility for keeping the sidewalks clean.
President Kuser noted that there was an issue last year because there were no trash
cans but that issue has been addressed. He suggested that patrons should mention the
conditions in front of stores or restaurants when they go in to patronize these places.
The Mayor offered to send a letter to the store owners. Mr. Fuertges said that would be
good.
Mr. Fuertges commented that he wants to get more of the tiled containers placed
around town and is not getting a response from DOT. President Kuser replied that he
would have to address that issue with Administration.
Mr. Ward interjected that an application has been submitted to DOT and he is waiting
for a response.
Mr. Fuertges thanked Mayor Hussa for encouraging volunteerism, particularly in the
area of Beautification. Mayor Hussa thanked Mr. Fuertges in return for all the effort that
he puts in to the beautification of our town.
Mary Jane O’Connor, 12 Hewettson Rd., said that she is here on behalf of Brendan
O’Connor to speak about Lots 20 and 21 on Hewettson Road that are owned by Mr.
O’Connor. Mrs. O’Connor noted that these lots are vacant and are a flooding issue.
She advised that, on September 22nd, Mr. O’Connor wrote a letter to Mr. Ward offering
to sell the property to the Township for $20,000.00. Mrs. O’Connor went on to explain
that there is piping under Hewettson Road, then this piece of property and then
additional piping. She said that this is not Mr. O’Connor’s doing and he had hoped, over
the years to correct the situation, with the help of the Township, and build a house on
that property. Mrs. O’Connor stated that it seems reasonable that, if the Township were
to buy this property, it would benefit the Township and the residents of Hewettson Road.
She added that she understands that an environmental impact study would be required
and advised that Mr. O’Connor would be willing to help pay for that study and any clean-
up that might be required.
President Kuser replied that this is the first that the Council has heard of this and he
assumes that we will speak with our Engineer about it. Mayor Hussa interjected that
this a topic for Closed Session this evening.
Sean Furlong, previously residing at 47 Snyder Avenue but, due to the flood now
resides at 25 Myers. He thanked many of the people in the room for their volunteer
Township Council
work during the flood and noted that he is one of the 120 people who applied for relief.  Mr. Furlong commented that he has seen many of the Council people around town helping out, particularly Gene Fitzpatrick, who is a neighbor, and Tom Andes.  Mr. Furlong said that, besides wanting to extend his gratitude, he would like to ask for information with regard to FEMA.  He advised that he has spoken to a number of Township officials and he is aware that there is a flood mitigation/remediation buyout program.  Mr. Furlong stated that his research has made him aware of a grant program that is run through FEMA and a flood insurance company that provides up to $30,000.00 in aid.  He spoke about the damage to his house and the demolition that he did to his house.  Mr. Furlong asked for an up-date on what, if anything, the town is planning to do.

Mr. Ward replied that he is most familiar with the buy-out program because last week members of FEMA came and met with Township officials.  He said that they were informed that FEMA has $30 million statewide for property buyouts.  Mr. Ward advised that the money will be focused on 13 municipalities that were hardest hit during the hurricane, which will include Denville.  He said that we are in a holding pattern, waiting to see what part of the $30 million is coming to Denville.  Mr. Ward added that, at some point, a plan will have to be developed as to where that money will be focused.  He said that the $30 million, if divided equally among the 13 towns, would amount to approximately $2.3 million.  Mr. Ward commented that, according to FEMA statistics, we have 71 repetitive loss homes and 18 of those are severe repetitive loss.  He said that they are hoping to hear from FEMA by the end of November or beginning of December about how much money Denville will be getting.  Administrator Ward noted that he is just learning about the elevation program and is hesitant to say too much about it.  He did say, however, that it is his understanding that, if a house has more than a 50% loss, it may be eligible for additional grant money for elevation.

Mr. Furlong referenced an article in the newspaper which described a situation in Mt. Lakes where people put thousands of dollars worth of repairs in their homes and then the town said the homes were to be razed.  President Kuser advised that he and Mayor-elect Andes went to a meeting at the County concerning home buy-outs.  Mr. Furlong said that he does not know if his home would qualify for a buy-out.  Mr. Kuser explained that he would not have to qualify since Open Space money can be used to purchase homes.  There was a very brief discussion concerning elevating homes and Mr. Kuser said that the town will help in any way it can.

Mayor Hussa interjected that the home has to be declared a 50% loss in order to receive funds to elevate the house.

A discussion ensued regarding the types of loss, the FEMA programs and issues that have arisen in other towns.  The prospect of elevation for various homes was also discussed.

James Grawehr, 22 Avondale Rd., commended the Police Department, Fire Department, DPW and the Council for the manner in which they handled the recent Township Council
disasters. He said that everyone acted in the most professional way, in spite of the pressure they were under. Mr. Grawehr noted that, in the wake of the hurricane and snow storm, contractors have been dumping brush, grass and leaves at the DPW yard, without paying for it. He said that if they use the County facility they have to pay. Mr. Grawehr commented that there are way too many contractors using Denville’s facilities and he feels they should be required to have permits and pay for dumping.

President Kuser thanked Mr. Grawehr for bringing this to the Council’s attention but assured him that it is “on the radar”.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

Councilwoman Smith commented that she has seen the report on the Valley View Fire House and asked Mr. Ward if any of the Township buildings are insured. Mr. Ward replied that we do have insurance but there was no supplemental flood insurance on the Valley View Firehouse because it is located within the 100 year flood zone so coverage is not being provided for it. He noted that he spoke with the OEM Co-ordinator earlier today and we do have a letter of denial from our insurance carrier which is being submitted to FEMA. Mr. Ward explained that what is not covered by insurance is eligible for FEMA assistance.

Mrs. Smith asked when there will be an up-date on what will be done with that fire house. Mr. Ward replied that he has had some discussion with the members of the Fire Department at their budget meeting and alternatives are being explored, for both that site and alternative sites. He said that there are a lot of wheels turning right now with regard to the fire house, including exploration for grant money.

President Kuser interjected that Mr. Ward has kept him up-to-date on this and they have discussed putting together a sub-committee to explore alternatives.

Councilwoman Smith stated that she would be happy to serve on that sub-committee. Councilman Shaw commented that, if it is decided to re-locate the fire house, he would like to make some recommendations.

ORDINANCE(S) FOR ADOPTION:

#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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON: MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SHAW
OPEN PUBLIC HEARING:
Franz Fuertges, 109 Ford Road, stated that he believes that there are already State guidelines in existence and asked why it is being addressed by the Council. President Kuser replied that this is the State guidelines. Mr. Ward added that the State is asking us to implement their own guidelines. Mr. Kuser further explained that the State has mandated that the Township adopt this ordinance. Mr. Fuertges then asked how it can be enforced. He said that his opinion is that the only way it can be enforced is by restricting manufacturers to producing only products that meet these standards. Mr. Fuertges stated that the Council is passing ordinances without knowing what they are talking about. President Kuser replied that Mr. Fuertges has to understand that this is mandated by the State and the Township can strengthen this ordinance, but they cannot weaken it. Mr. Ward advised that this ordinance repeals one that was already on the Township’s books but was inconsistent with the State’s regulations and, in fact, was inconsistent in and of itself, contradicting one section with another. He said that the new ordinanceadopts the State standards and we were mandated to adopt it by the State Dept. of Environmental Protection. CLOSE PUBLIC HEARING.
Councilman Golinski called the President’s attention to an error in Section 6 which indicates 670 days instead of 60 days.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER STECKY
AYES: GOLINSKI, STECKY, SHAW, SMITH, FITZPATRICK, ANDES, KUSER
President Kuser asked if anyone from the public or the Council would like to have anything removed from the Consent Agenda. President Kuser removed R-11-241 RESOLUTION ENDORSING AMENDED AFFORDABLE HOUSING TRUST FUND SPENDING PLAN
CONSENT AGENDA:
R-11-242 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-11-243  RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION BY THE DENVILLE MUNICIPAL ALLIANCE COMMITTEE FOR A GRANT FOR CALENDAR YEAR 2012

R-11-244  RESOLUTION AUTHORIZING RAFFLE LICENSE(S) IN THE TOWNSHIP OF DENVILLE

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER

NON-CONSENT RESOLUTIONS:
R-11-245  RESOLUTION REJECTING ALL THE BIDS FOR THE EMERGENCY TREE REMOVAL AND STUMP GRINDING CONTRACT
MOTION TO APPROVE R-11-245: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER

R-11-246  RESOLUTION ALLOCATING MONEY FROM MUNICIPAL AFFORDABLE HOUSING TRUST FUND TO THE SPECIAL NEEDS HOUSING PARTNERSHIP WITH N.J. D.C.A.

Councilwoman Smith asked for an explanation from the Administrator.
Mr. Ward explained that the Township was approached by the Assistant Commissioner of the DCA, Betty Lou DeCroce three to four weeks ago. He said that about two weeks ago Special Counsel on Affordable Housing Paula DeBona, Affordable Housing Liaison Kathy Bowditch and Mr. Ward met with Ms. DeCroce to discuss this. Mr. Ward further explained that the Township has an obligation to provide affordable housing and there is a surcharge on all construction in the municipality which goes into a dedicated trust to help to provide affordable housing in Denville. Mr. Ward advised that the State has an amount of money that they will use to match, dollar for dollar, with the municipalities to build group homes. He said that the group homes not only provide COAH credits but they also provide bonus credit, giving 2.15 instead of 1 to 1 credit. The Administrator stated that we have an affordable housing trust of roughly $950,000.00; he said that Administration is proposing to take $250,000.00 from that fund and partner with $250,000.00 of State funds. He said that the State takes the lead then in finding a location and proceeding to build a group home. President Kuser asked if we would be turning over control to the State. Mr. Ward replied that we would but, the Planning and Zoning Boards would be involved, depending upon the nature of the property, in order to insure that it is properly zoned. He said that it would also have to meet all local codes and requirements with respect to construction and there are no waivers on that type of requirement.
Councilman Andes asked if the Township would have any say in what neighborhood the home would placed. Mr. Ward replied that it is a partnership but the State takes the lead.
Mr. Andes noted that he asked the question because, several years ago, St. Clare’s put a second group home a block away from an existing one. Mayor Hussa interjected that it will go in one of several locations that have already been determined. Mr. Ward added that it will be a ranch-style house and the Township will have a say over location and who manages the home. Mr. Ward noted that, if we don’t use the developer’s fees in the dedicated trust fund, that were collected prior to 2008, by June 30th, we will forfeit them to the State.

MOTION TO APPROVE R-11-246: MOVED BY MEMBER ANDES, SECONDED BY MEMBER GOLINSKI
AYES: ANDES, GOLINSKI, STECKY, SHAW, SMITH, FITZPATRICK, KUSER

R-11-247 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A MONTH TO MONTH EXTENSION OF THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF DENVILLE AND SENECA TREE SERVICE, INC. FOR EMERGENCY TREE REMOVAL AND STUMP GRINDING SERVICES
MOTION TO APPROVE R-11-247: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH
AYES: FITZPATRICK, SMITH, GOLINSKI, STECKY, SHAW, ANDES, KUSER

R-11-248 RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FOR GRANT FOR STATE BODY ARMOR REPLACEMENT FUND
MOTION TO APPROVE R-11-248: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH
AYES: FITZPATRICK, SMITH, GOLINSKI, STECKY, SHAW, ANDES, KUSER

R-11-249 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY TOTALING $5,813.98
MOTION TO APPROVE R-11-249: MOVED BY MEMBER SHAW, SECONDED BY MEMBER FITZPATRICK
AYES: SHAW, FITZPATRICK, GOLINSKI, STECKY, SMITH, ANDES, KUSER

R-11-250 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY TOTALING $4,485.68
MOTION TO APPROVE R-11-250: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY
AYES: SHAW, STECKY, GOLINSKI, SMITH, FITZPATRICK, ANDES, KUSER
R-11-241 RESOLUTION ENDORSING AMENDED AFFORDABLE HOUSING
TRUST FUND SPENDING PLAN
MOTION TO APPROVE R-11-241: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY
AYES: SHAW, STECKY, GOLINSKI, SMITH, FITZPATRICK, ANDES, KUSER

MOTION TO APPROVE MINUTES OF 10-18-11 AND 11-01-11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, GOLINSKI, STECKY for 10-18-11, SHAW, ANDES, KUSER
ABSTAIN: STECKY for 11-10-11

R-11-251 RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS
POTENTIAL LAND ACQUISITIONS AND COLLECTIVE NEGOTIATIONS
MOTION TO APPROVE R-11-251: MOVED BY MEMBER SHAW, SECONDED BY MEMBER SMITH
Township Attorney Fred Semrau arrived during the meeting and now asked President Kuser if action will be taken after the Closed Session. President Kuser replied that there will not.
AYES: SHAW, SMITH, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER

President Kuser thanked the public for attending this meeting and advised them that the Council will now go into a Closed Session.

President Kuser called for a brief recess before starting the Closed Session.

Council went into Closed Session at 9:17 p.m.
Council came out of Closed Session at 10:35 p.m.

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

Meeting adjourned at 10:35 p.m.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk