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 Councilman Shaw. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello.

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

ALSO IN ATTENDANCE: MAYOR HUSSA, ASSEMBLYMAN BUCCO, TOWNSHIP AUDITOR SARINELLI, FIRE CHIEF CROTHERS, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU AND CMFO GOBLE.

Assemblyman Bucco came forward and stated that he would like to thank everyone for participating in something that was brought to his attention about a year and a half ago. He explained the situation regarding a piece of property that is adjacent to the American Legion’s parking lot and abuts the sound barrier for Route 80. Assemblyman Bucco further explained that the Legion is in need of improving the handicapped accessibility to their building and, in order to do so, they need to use some of that piece of property, which is owned by the State. He noted that, in the Legion’s attempt to acquire the property, the State has thrown up every roadblock that it could. Assemblyman Bucco recounted the steps that he undertook to come to an agreement with the State whereby the land would be transferred to the Township and, in turn, the Township would transfer it to the Legion. The Assemblyman thanked the Mayor and Administrator for their part in this project. He said that it was a great thing to do for our war heroes, past and present.

R-11-99 A RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PROPERTY IDENTIFIED AS ADJACENT TO BLOCK 41205, LOT 4

MOTION TO APPROVE R-11-99: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
AYES: FITZPATRICK, GOLINSKI, STECKY, ANDES, KUSER, SHAW ABSENT: SMITH

R-11-100 A RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE EXECUTION OF A SUBLEASE AGREEMENT WITH THE AMERICAN LEGION POST #390 FOR THE PROPERTY IDENTIFIED AS ADJACENT TO BLOCK 41205, LOT 4

MOTION TO APPROVE R-11-100: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI
AYES: SHAW, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER ABSENT: SMITH
LIAISON REPORTS:
Councilman Golinski reported that he attended the Local Assistance Board meeting on Thursday and they are gearing up this week with gift and food baskets for Easter. Councilman Stecky reported that the Beautification Committee is aggressively at work, since it is Springtime. He noted that the Beautification Committee is in need of assistance from the public for work details on Thursday evenings at 6:30 p.m. Mr. Stecky advised that the Sustainable Green Committee and the Environmental Commission are jointly sponsoring an Arbor Day/Earth Day event a week from Friday. Councilman Shaw advised that he had sent a card to one of the senior citizens who is gravely ill and asked everyone to say a prayer for her. Councilman Fitzpatrick reported that the Planning Board has required that we look at the Master Plan and they are starting to do that for 2012. He advised that the Board has broken up into sub-committees, so that process is beginning and they will make a recommendation to the Council. Mr. Fitzpatrick noted that the Planning Board meets on the second Wednesday of the month. Councilman Andes noted that the Little League Parade was held on Saturday but they were not able to get any games played because of the weather. He reported that the Chamber of Commerce Dinner will be held on May 7th. President Kuser had no report.

MAYOR’S REPORT:
Mayor Hussa reported that, on Sunday, we had our fourth 10 year flood in a two month span. He added that one of those floods was a 40 year flood. The Mayor noted that, less than a week ago, this Council voted 5 - 2 against having Dewberry come here and be a contract engineer for the express purpose of flood control, drainage and hazard mitigation. He displayed flood maps and stated that the reason he wanted Dewberry is because their reputation is state-wide as the premier flood-control engineering company, practically in the State, as far as he is concerned. The Mayor said that the reason he wanted Dewberry to come was to explore what is feasible and what is not. He said that there are five people at this meeting tonight who sat in those RAFT meetings that were held after the 1999 flood and options were explored. The Mayor stated that is where this list, that he is going to present, came from.
1. Replace the Route 53 County bridge. That is done.
2. Mitigate the Denbrook. Mayor will provide a copy of scope of work, which Dewberry has been apprised of, to Clerk Costello. Mayor Hussa noted that the scope of work is not professional and Dewberry will provide a professional scope of work on this project. Project has not been started.
4. Ongoing river maintenance.
5. Investigate retention areas on Township or private property. This is being worked on.
6. Installation of one-way valves. Four installed in 2001, two washed away,
two remain. Mayor explained the use of one-way valves.


8. Add flood-way section to the Master Plan. Completed

The Mayor noted that his point is that the Denbrook project is still a feasible project. He said that it won’t be done unless someone like Dewberry does it. The Mayor explained that the reason that they wanted to have two engineers, Hatch Mott and Dewberry, is that the scope is too big for one person. He said that they want to have a specialist come in, give an opinion, present a cost estimate and have them do it.

Specifics:
Requested that Nick Rosania obtain a State dredging permit but it was not done, but Dewberry will get us one. He said that they will help us fill it out and wade through the bureaucracy that has to do with desiltification of a body like the Rockaway River.

The Mayor advised that the only one he knows of that was able to obtain a GP26 permit is the County Mosquito Commission. He went into detail about the GP26 permit and who may obtain them.

Mayor Hussa advised that Dewberry had offered, in the sub-committee meetings, that they would provide some free service and look at some of these projects. He said that Dewberry also offered to monitor the communities rating system that the Township is involved in.

The Mayor stated that he feels that it was short-sighted of the Council not to have hired Dewberry. He said that he is going to go back and get the Council the information they wanted, in writing, and he hopes that the next time they will approve Dewberry.

The Mayor then advised that a bit of homework has been done on Main Street NJ. He said that there are only so many things that the town can take on at the same time. The Mayor noted that we are in the CRS process, which took a lot of time and effort by a lot of employees, including Steve Ward and Marie Goble. He said that we just got the N. J. Green certification, which also took a lot of time. Mayor Hussa stated that we are going to get into Main Street NJ, comply with all of their requirements, get grant money and we will succeed. He noted that he has had about twenty surveys concerning parking returned and, with about another twenty outstanding, the results are inconclusive. The Mayor advised that it is not clear what kind of modifications can be made.

Mayor Hussa stated that we are all very happy to announce that there will be no tax increase in the municipal budget and the layoffs have been minimal compared to other towns. He said that he has asked our Auditor, Ray Sarinelli, to comment on our budget and what we have done over the years, as compared to some of our neighboring towns and what kind of shape we are in.

The Mayor noted that over the years there were people, and he confessed that he was one of them, who wanted to dip into fund balance. He said that last year we did not and he supported that. Mayor Hussa noted that some towns did use their surplus and we, having not done that, have a healthy surplus. He spoke about how we got to where we
are with the budget and noted that he is very proud to have worked with professionals such as Steve Ward, Marie Goble, Ray Sarinelli and the Council. The Mayor stated that we can be very proud if this; we are not in bad shape, we did not have massive lay-offs, our surplus is intact and he does not feel that anyone can seriously point to any services that have been lost.

Mayor Hussa advised that the Township had a better plan in place for the DARE program, but the school decided to go forward with another plan. He noted that the Township was going to hire someone, who would be a municipal employee - not a policeman, to teach DARE, but the school had another idea.

ADMINISTRATOR’S REPORT:
Administrator Ward noted that the Neighbor News printed the information requesting residents to write letters of support for our 2010 grant application for the resurfacing of Broadway and Palmer Road. He advised that the application was not funded by the State. Mr. Ward stated that the Township has submitted a second application for Discretionary Funds and has received many letter of support from residents. He said that, hopefully, that grant will be approved and the funds will be provided to pave those roads.

Administrator Ward announced that, with the retirement of the Engineer at the end of the month, we started the transition today. He advised that John Ruschke of Hatch Mott MacDonald was nominated by the Council a couple of meetings ago and spent the afternoon here today. Mr. Ward noted that Mr. Ruschke went over files and projects with Mr. Rosania to get himself up to speed and, as he offered during the interview process, this is being done free of charge. The Administrator advised that he and Mr. Ruschke met with two masons this afternoon at the Indian Lake wall project.

OPEN PUBLIC PORTION:
Gerry Idec, 1 East Longview Trail, asked, with regard to R-11-108, what services will be performed under this professional services agreement, how much is it going to cost. Administrator Ward explained that it is for the Consulting Engineer and the billable rate is $125 per hour for the principal engineer. He said that it is for the entire scope of municipal engineering services, road resurfacing, assisting with drainage issues, dealing with residents who have engineering concerns, assisting with grant applications to receive additional money from the State and many other duties. Mr. Ward advised that projects that would require a larger scope of work would require Mr. Ruschke to submit a proposal for that project.

Matthew Morley, 50 Riverside Drive, commented that the flooding is not a hypothetical problem, it is a recurring problem which is getting progressively worse. He said that it is not just damage to the neighborhood, it can also spread to the downtown business area. Mr. Morley asked why there were no Reverse 9-1-1 calls during the last few floods when the water came up in the middle of the night. President Kuser asked if it is the CERT team that does the 9-1-1 calls. Mr. Ward
replied that he is going to look into that. He said that he was unaware that the calls did not go out and he will find out why that did not happen.

President Kuser noted the arrival of Senator Bucco and thanked him for all his work on behalf of the town.

Senator Bucco stepped up to the microphone and explained that he just came from Randolph where they were having an event to thank our veterans. He commented on the transfer of the property for the American Legion and thanked the Council for doing that. Senator Bucco stated that, were it not for our veterans, we would not be assembling here and would not be speaking English today.

Administrator Ward noted that the first letter of support in the Township’s effort to obtain the road resurfacing grant, came from Senator Bucco’s office, and we would like to thank him for that.

The Mayor added that several years ago, the first letter in support of the Denbrook mitigation plan also came from Senator Bucco.

Bob Belz, 7 Memory Lane, commented that, after attending the Council meeting where the Indian Lake wall was discussed, he went over there to take a look at it. He noted that the friend that was with him is an excavating and paving contractor. Mr. Belz stated that he mentioned to his friend that there was a lively discussion at the Council meeting about the dangerous condition of the wall. He said that his friend replied that the wall is in no danger of collapsing and suggested that the easiest thing to do would be to drop crushed stone along the wall, like a railroad bed, and taper it down to the lake. Mr. Belz, noting the resolution on tonight’s agenda concerning the Indian Lake wall and dam, stated that he, as a taxpayer, finds it offensive for the town to spend public money on private land. He also noted that what the town does for one, it will have to do for others. President Kuser replied that the Township has to find out what part is Denville’s responsibility because part of the wall is on our property.

Mr. Belz commented that the security fence around the lake has also contributed to the problem.

Bill Kolbe, 9 Bowers Place, spoke about the coverage that the Daily Record gave to the 5K Run and also about the crackdown on cell phone use while driving. He noted that the Chief participated in the Run and was out writing tickets himself during the crackdown. Mr. Kolbe added that the Record commended the Denville Police for the campaign. Mr. Kolbe advised that the Peck Meadow Civic Association has been formed and has about 50 members. He noted that there are also flooding issues with the Peck Meadow which flows into the Denbrook. Mr. Kolbe added that there is a safety issue on Fox Hill Road due to the Peck Meadow causing a squeezing of the roadway. He said that there is a 40” drain that goes under Fox Hill Road and there is a sediment buildup in there. Mr. Kolbe advised that there is another angled drain that is 80% blocked. He added that there is a 46” line that goes under Luger Road that has never been cleaned. Mr. Kolbe stated that he wants Peck Meadow added to the study of flood areas. The Mayor replied that it is on the list.

President Kuser asked Attorney Semrau if drainage on private property is the Township
responsibility of the home owner. Attorney Semrau replied that it is, if it’s on private property. The Mayor said that it is public property. Mr. Kolbe added that they are drainage pipes that go under Fox Hill Road. He explained, in detail, where the pipes are located and where the water comes from that flows into his basement. Mr. Kolbe commented that the buildings that went up in that area were contrary to the 1986 Master Plan. President Kuser told the Mayor that it sounds like we have maintenance issues there and asked if we can have that addressed. The Mayor replied that it is already taken care of. Mr. Ward interjected that he will have John Egbert check it out. Gerry LaMonte, 26 Beaver Brook Lane, thanked Mayor Hussa, Administrator Ward, CFO Goble and all who put in the effort to bring us a budget without a tax increase. He said that he would like to thank the Council for voting for the budget. Mr. LaMonte noted that, in looking around town, he has noticed several areas of non-essential services that can be cut. President Kuser asked Mr. LaMonte to send his suggestions to the Clerk’s office for distribution to the Council. Patricia Morley, 50 Riverside Drive, stated that she has experienced this flooding three times in the past thirty days. She said that both the Mayor and Nick Rosania came around to check things out, but nothing else happened. Ms. Morley stated that she thinks there needs to be more action taken to benefit the people who are impacted. President Kuser noted that Councilman Fitzpatrick lives in that area. Mr. Kuser advised that he, himself, went into the area to witness the flooding first hand. He said that, having grown up in the Pompton Plains area, he is no stranger to flooding. Mr. Kuser stated that the problems of clogged drains are just maintenance issues and can be addressed quickly and the other issues we will make a diligent effort to mitigate. Mr. Kuser noted, for the record, that Dewberry was presented to the Council and was voted down because there was no scope of work and no information about what they were going to do, or anything about them. He advised that the contract was put on the dais for the Council one hour before they arrived for the meeting, so they never got to go over the contract before the meeting. Mr. Kuser added that they voted for Hatch Mott just to move it along and will vote for the resolution tonight. He said that the Council felt that there was no scope of work, we were completely unprepared and that’s why the Council asked for information. Mr. Kuser advised that he has been e-mailing the Mayor for two weeks asking him to please give the Council the scope of work because we want to take care of this. He said that tonight the Mayor gave it to them verbally, but we want to know what the plan is and if there is money in the budget for it. The Mayor stated that he has never submitted a scope of work on any appointment he has ever made. He said that he has been telling the Council about these issues and the Council voted 5 - 2 against them and it was short-sighted. Mr. Kuser attempted to respond but the Mayor insisted that he has the floor. There was a heated exchange and President Kuser asked Attorney Semrau for an opinion. Mr. Semrau stated that the Mayor was recognized but President Kuser runs
the meeting.
Mr. Kuser told the Mayor to finish his comments.
The Mayor stated that the scope of work was very clear to Dewberry and anyone who
knows anything about flooding in Denville. He said that the scope of work was for them
to do a feasibility study and for Mr. Kuser to sit here and say that it was irresponsible
and we did not have a scope of work is also not doing this Township service.
President Kuser replied that he just wanted to explain the Council’s point of view. He
said that it was put on the Council’s dais, they knew nothing about why they were being
hired or what they were going to do and nothing was conveyed to them, so they did not
know.
Councilman Stecky noted that he had requested to be a part of the interview committee
for the engineering selection between Hatch Mott and Dewberry. He said that he was
able to get an interview with both firms and, even though he is the only engineer on the
Council, he was not included on the committee. Mr. Stecky, addressing Mr. Kuser,
stated that Mr. Kuser was on the interviewing team and knew what they were saying.
Councilman Stecky, still addressing Mr. Kuser, said, “Don’t tell me that you didn’t have
enough information to agree to have those people come on board”. He noted that we
had their hourly rate and needed them to develop the plan. Mr. Stecky added that time
is needed to develop the plan and then a firm contract can be drawn. He said that
Dewberry was willing to start to develop that plan free of charge. The Mayor added that
any subsequent plan would have needed Council approval, so there was no blank
check. Mr. Stecky insisted vehemently that Mr. Kuser had enough time and information
to have hired this firm and that it was a disservice to the town to have wasted a few
weeks waiting for the information he already had.
President Kuser reiterated that the contract was put on the dais just before the meeting
and it would have been irresponsible to vote for something that you have not had time
to read. He added that the other thing is that, when there is a sub-committee, it can
only consist of three people and he took the two senior Council people. Mr. Kuser told
Mr. Stecky that he’s sorry that he couldn’t be on the committee. He said that he felt that
those two members had the most experience. Mr. Kuser noted that they were not
interviewing the two firms about their engineering expertise, it was a business decision.
Mr. Kuser stated that is why it didn’t pass and that’s why they were asking for the written
scope. He said that it sounds like they will have it for the next meeting.
Councilman Andes stated that it is important to note that we were looking for a
Township Engineer in an engineering firm. He said that they were looking for one
engineer when they went through the interview process. Mr. Andes commented that it
never came up until after the fact that there was a second engineer. He said that they
were specifically there to interview for what firm we would hire for our Township
Engineer. Mr. Kuser advised that is correct; there was no mention of a second engineer
until the Council members got their packets.
Councilman Fitzpatrick noted that the Council holds the purse strings and it is up to
them to make the financial decisions. He advised that he lives in a flood zone and,
before the Council makes any decision, much more information is needed. Mr. Fitzpatrick urged the Mayor to provide that information to the Council and he urges the Council to support it.

The Mayor retorted, “maybe you can’t hear, but I just said that any project that we undergo with Dewberry will have its own price tag with it”. He added that the Council is only approving an hourly rate, which was already given to them. The Mayor repeated that, any other project will have its own specific price tag, that the Council will have to approve. Mr. Kuser commented that the Council was leaning towards tabling it, but there was a motion and a second. The Mayor said, to defeat it. Mr. Kuser replied that it wasn’t going to go that way but, unfortunately, it did.

Mr. Stecky said that the Council should get what the Mayor said that he will provide. The Mayor stated that the Council should “take it out of the minutes of tonight’s meeting”.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

Councilman Fitzpatrick noted, with regard to the Reverse 9-1-1, that we have the Nixel System which would utilize that but he doesn’t think that had anything about the flood either. Mr. Ward said that he will check on it.

Mr. Fitzpatrick advised that one can sign on to the Nixel System through the Police Department web site.

Mr. Fitzpatrick noted that the last time the subject of Fox Hill Road speeding issues was raised, the Police Chief was going to see about putting speed monitors out there. He asked if Mr. Ward had any information on that. Mr. Ward replied that the speed monitors went up last October. He said that, as everyone had suspected, much of the speeding occurred when the school traffic was arriving and departing. Mr. Ward advised that an announcement was made at the school and an enforcement campaign was undertaken. He said that he will speak to the Chief again and see if matters have improved.

Mr. Fitzpatrick spoke about the Palmer Road/Broadway paving issue. He noted that a letter-writing campaign by the public is being encouraged and he suggested that the Council, hopefully unanimously, will write a letter as well. Mr. Fitzpatrick also suggested that a resolution be passed by the Council, emphasizing the fact that we think our application should have been granted.

President Kuser agreed and asked Clerk Costello to have a resolution drawn up.

President Kuser polled the Council with regard to their availability on May 10th for a Closed Session.

Golinski Yes Stecky Yes Shaw Yes Fitzpatrick Yes
Andes Yes Smith - Absent Kuser Yes

President Kuser noted that he will confirm with Councilwoman Smith.
Councilman Shaw noted that he forgot to mention the National Day of Prayer to be held on May 5th at noon outside of the Municipal Building. He said that he is aware that a number of employees in the Municipal Building attend each year and he would like to see some people from the Police and Fire Departments attend as well.

ORDINANCE(S) FOR ADOPTION:

#6-11 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON
MOTION TO READ BY TITLE: MOVED BY MEMBER ANDES, SECONDED BY MEMBER FITZPATRICK
AYES: ANDES, FITZPATRICK, GOLINSKI, SHAW, KUSER
NAY: STECKY
ABSENT: SMITH
OPEN PUBLIC HEARING: No one wished to be heard.
CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 4-27-11 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER ANDES, SECONDED BY MEMBER FITZPATRICK
AYES: ANDES, FITZPATRICK, GOLINSKI, SHAW, KUSER
NAY: STECKY
ABSENT: SMITH

#7-11 AN ORDINANCE TO AMEND THE FARMER’S MARKET REGULATIONS
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING A CERTAIN PORTION OF CHAPTER 19, LAND USE REGULATIONS, ARTICLE 5, ZONE REGULATIONS, SECTION 19-5.714A SEASONAL FARMER’S MARKET SALES, 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 ANDES, SECONDED BY MEMBER STECKY
AYES: ANDES, STECKY, GOLINSKI, SHAW, FITZPATRICK, KUSER
ABSENT: SMITH
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 A CERTAIN PORTION OF CHAPTER 19, LAND USE
REGULATIONS, ARTICLE 5, ZONE REGULATIONS, SECTION 19-5.714A
SEASONAL FARMER’S MARKET SALES, OF THE REVISED GENERAL
ORDINANCES
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 4-27-11 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER ANDES, SECONDED BY MEMBER
STECKY
AYES: ANDES, STECKY, GOLINSKI, SHAW, FITZPATRICK, KUSER
ABSENT: SMITH

ITEMS FOR DISCUSSION AND/OR ACTION
2011 TOWNSHIP OF DENVILLE BUDGET ADOPTION DOCUMENTATION,
CERTIFICATION AND AMENDMENT
R-11-101  CERTIFICATION OF APPROVED BUDGET
MOTION TO APPROVE R-11-101: MOVED BY MEMBER ANDES, SECONDED BY
MEMBER STECKY
AYES: ANDES, STECKY, GOLINSKI, SHAW, FITZPATRICK, KUSER
ABSENT: SMITH

R-11-101a  RESOLUTION TO ADOPT 2011 BUDGET
BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
DENVILLE, COUNTY OF MORRIS THAT THE BUDGET HEREFOR BEFORE SET
FORTH IS HEREBY ADOPTED AND SHALL CONSTITUTE AN APPROPRIATION
FOR THE PURPOSES STATED OF THE SUMS THEREIN SET FORTH AS
APPROPRIATIONS, AND AUTHORIZATION OF THE AMOUNT OF $11,806,056.00
MOTION TO APPROVE R-11-101A: MOVED BY MEMBER GOLINSKI, SECONDED
BY MEMBER STECKY
OPEN PUBLIC HEARING:
Roger Hall, 66 Smith Road, thanked the Council for all that they have done. He noted
that he has a letter from Ray Babbit, who is 91 years old and has lived in Denville for 72
years, which states that he agrees with the Mayor and sees no reason for a tax
increase. Mr. Hall read two more letters, one from himself and Marti Daniels and one
from Mr. & Mrs. Conzentino, both 82 years old, all from Smith Road. The letters all
complimented the Mayor and Council and gave their support for the zero tax increase
budget. Mr. Hall gave the letters to the Clerk and they are available in the Clerk’s
Office.
Carol Spencer, 86 Woodstone Road, commended all who were involved in putting together a zero tax increase budget. She said that it is not an easy time and she would especially like to commend the Mayor because she knows that these things don't happen overnight. Ms. Spencer noted that it takes a lot of planning and vision and it has been a difficult time for everyone, including the employees. She said that the Mayor started four years ago putting in place the things that brought us to this point. Ms. Spencer noted the 2% spending cap imposed by the State and said that Denville was well prepared. She stated that she got a zero increase in salary at the County this year so it is good to see that her taxes will not go up.
Ms. Spencer attempted to explain the Reserve for Uncollected Taxes. She noted that the Township must pay 100% of the School taxes that are due and, if the town only collects 96% or 97%, someone has to make up that 3% or 4% and that falls into their budget. Ms. Spencer advised that, when January 1 rolls around, this budget will be $1.8 million in the hole. She commended everyone for the work they have done on this budget.
Jeanette Botti, 73 Mt. Pleasant Turnpike, asked what impact the budget amendment will have on the 2011 budget.
Administrator Ward explained that a couple of weeks ago, after their mandatory budget introduction deadline, the State told us to wait. He noted that, as part of our municipal budget, we collect taxes that are transferred over to the Library. Mr. Ward advised that it is a set number determined by a formula developed by the State. He said that the amendment is neither an increase nor a decrease in the budget, it just basically breaks out that element of the Library tax and will show it separately. Mr. Ward stated that it required an amendment to the budget document and this year, for the first time, the tax bill will show a breakdown for the Library.
President Kuser supplied a copy of the Amendment explanation to Mrs. Botti and said that it takes the Library tax out of the cap.
Auditor Ray Sarinelli advised that it separates it from the cap. He said that it provides the cap calculations to exclude the Library tax. Mr. Sarinelli added that it is neither a benefit nor a detriment to the town. He said that now it is outside the cap and it is an adjustment that offsets. Mr. Kuser asked if, going forward, it will be outside the cap. Mr. Sarinelli said that is correct.
Mrs. Botti asked if the Library sets the tax.
Mr. Kuser replied that it is set by the State. Mr. Sarinelli explained that it is 1/3 of a mil of the State assessed valuation of the town.
Mark Venis, 29 Manor Road, thanked everyone for the zero tax increase and asked them to approve the budget. He noted that, being a sales rep working on commission, if his sales go down, his income goes down. Mr. Venis again asked that they pass the budget and give people like him time to get back on their feet.
Bill Kolbe, 9 Bowers Place, commended the Mayor, Council and CFO for this budget. He said that they have all done a great job and asked that they approve the budget.
Mr. Kolbe related a story concerning a noise complaint at Georgia Pacific and how Ted Hussa and Carol Spencer responded to his call at 11 p.m. on a Sunday night. He said that he has not seen many letters in the Daily Record saying that Ted Hussa is doing a bad job and, since the Daily Record has not been a friend to Denville over the years, he thinks that says a lot.

Gerry Idec, 1 East Longview Trail, thanked Seven Ward, recently appointed Administrator, for doing an excellent job and stated that there could not have been a better choice.

Jim Shea, 6 Harvest Way, stated that last year he came before the Council and asked numerous questions regarding the proposed 2010 budget. Mr. Shea said that he questioned the need for the 2010 tax increase and challenged the assumptions that went into it. He said that he made several predictions at that meeting and promised to come back this year and review them. Mr. Shea noted that any figures that he quotes are from the 2007, 08, 09,10 and 11 budgets. Mr. Shea stated that Denville’s taxes have increased from $9.6 million to $11.8 million since 2007. He said that some of that is new ratables and the rest is tax increases. Mr. Shea noted that the Township has increased taxes by the maximum allowed by law since 2007. He said that, at the same time, the Township’s surplus has gone from $5.1 million to $4.7 million. Mr. Shea advised that last year he made the following projection: the budget was forecast to have a surplus of $4.7 million and his projection at that meeting was $4 million. Mr. Shea gave figures that he purported to be the projected surplus and then the actual surplus for the years from 2008 to 2010. He said that last year he said that there was no need to raise the 2010 taxes because the 2010 tax receipts were understated. Mr. Shea stated that there was a 5.6% decline in actual tax receipts in 2010. He said that, again in 2011, the budget forecasts less tax receipts than were actually collected in 2010. Mr. Shea noted that the 2010 tax receipts were $13 million and the forecast for 2011 is $11.8 million. He said that he does not have an answer as to why that would be. Mr. Shea questioned why the budget would forecast a collection rate of 97% when, for the last number of years, the collection rate has been 98.5%. He listed each year that the actual tax receipts exceeded the forecast in the budget. Mr. Shea thanked the Council, Mayor and Administration for the flat budget but he thinks that the numbers prove out that there was not a need for a tax increase last year. He stated that the reserve account rolls into the surplus if the expenses are high in the budget and come in less than anticipated. Mr. Shea also questioned whether even the surplus is understated. He said that last year he was told that one of the reasons for the surplus was cash flow related. Mr. Shea requested that a cash flow schedule be placed on the web site, with the budget, so that residents can understand cash flow. He said that he does not believe that the cash flow is a reason to hold a $4 million surplus. Mr. Shea noted that he thinks the Mayor and the Council should make a public statement regarding their plans for the surplus, as to when it will be used and what it will be used for.

Mr. Shea spoke about the tax receipts for 2011 and suggested that, if the tax receipts exceed the forecast in the budget, it would be found money; he further suggested that
the money either be given back to the taxpayers or be used to build a Recreation Center in town. Mr. Shea stated that there is $1 million in found money that could be used and we don’t need a $4 million surplus.

CLOSE PUBLIC PORTION.

R-11-101B  RESOLUTION TO AMEND 2011 BUDGET
Explanation has been provided to Council.
MOTION TO APPROVE R-11-101B: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER STECKY
Clerk Costello explained that a hearing was just held to put the amount of money in the budget on the floor. She said that now, according to our Auditor, we have a motion and a second on the budget amendment. Mrs. Costello added that there must now be a public hearing on the amendment.
OPEN PUBLIC PORTION: No one wished to be heard.
CLOSE PUBLIC PORTION.

President Kuser asked Auditor Ray Sarinelli for his comments on the budget. Councilman Fitzpatrick asked Mr. Shea to provide the Council with a copy of his statement. Mr. Sarinelli commented that a lot of ground was covered during the Public Portion. He said that a number of questions were asked relative to the budget and the planning process. Mr. Sarinelli noted that some of the statements, such as under-anticipating some of the revenue that is expected in the budget process were true. He said that he does not agree that there is excess in the budget because there are a lot of statutes that relate to the municipal budget and the budget process. Mr. Sarinelli advised that one of those statutes prohibits over-expending any line item - it is against the law. He explained the difference between a corporate and municipal budget, which is looked at line by line. Mr. Sarinelli noted that you can only spend, by the authority of the budget, the amount in that particular line. He said that the best estimate is taken on those expenditures and the costs are controlled during the year. Mr. Sarinelli stated that there are unexpended balances and that last year’s was approximately $300,000, when all was said and done. He added that, knowing that you can’t exceed a certain amount, coming that close is reasonable from a budgetary standpoint. Mr. Sarinelli commented that one of the other major issues was under-anticipating tax collection. He said that there is a plan, and it has been a successful plan, that has been in place for as long as he has been involved. Mr. Sarinelli explained that it has to do with surplus, how you use it, how you regenerate it, what you can expect and you try to make some allowances for some positive and negative things that are going to happen. Mr. Sarinelli noted that, looking at the ten-year plan that Marie Goble put together under best practices, it shows the fund balance starting ten years ago at $3.8 million. Mr. Sarinelli stated that he thinks it is reasonable to have certain expectations that your collection might be higher than you anticipate, but in some years it is not. He went
through some of the budget figures with the explanations provided by CFO Goble. Mr. Sarinelli further explained that the Township has a plan in place in which the surplus is allowed to build up during good times so that, as has been the case during the last three years, more of the surplus may be used in the budget. He noted that at the end of 2007 the fund balance was $5.2 million and now it is $4.5 million, which was part of the plan to use more of the fund balance in hard economic times and reduce the impact on the taxpayers. Mr. Sarinelli stated that he feels that the fact that, last year some revenues came in better than expected, tax appeals were not as significant an issue as in some other towns and we were able to generate a similar or slightly higher surplus, allowed the Township to use a little bit more surplus in this year's budget. He explained that, without a plan from year to year, if you use all of the surplus and don't regenerate it, it's a one-year savings. Mr. Sarinelli noted that the following year the town would be looking at a disastrous tax increase and tremendous lay-offs because the town would not be allowed to increase the tax anyway, due to the 2% cap. He also noted that maintaining adequate surplus balances protects the bond holders and allows the town to maintain a good bond rating, resulting in some reduced costs. Mr. Sarinelli advised that the $2 million is, by design, on the higher side of the range of about 10% of the budget, in surplus for cash flow. He said that we do expect to regenerate the amount used in this year's budget and it would be disastrous next year if the surplus remained at $2 million.

CFO Goble commented that we used to be able to get lump-sum payments from the State, such as $1.6 million in the budget that we are expecting to receive for Energy Receipt Tax. She advised that they now make five payments and do not make the first payment until August 1st. Mrs. Goble explained that the Township is using its own cash to pay our payrolls and other commitments that we have to honor and pay all of our bills. She further explained that we operate for six months of the year without getting any State aid and with no other revenue coming in and it would be very detrimental to strip the surplus down. CFO Goble stated that she fully supports what has been done with this budget and commended this Council for backing the financial plan that was made in prior years to get here. She noted that we had $800,000 in unexpended funds at the beginning of this year but, by year end we will be lucky if we have $300,000. Mrs. Goble said that a lot can happen during the year that eats away at those funds. President Kuser asked how much was spent for snow. Mrs. Goble replied that they have to move another $150,000 to the snow budget and we are fortunate that we can do that.

President Kuser asked about liens being shown as assets. Mr. Sarinelli replied that it is required by the N. J. Accounting Principles and the Township has no say in it. He explained that it is a conservative policy but it has kept N.J. as one of the top-rated municipal governments because of those conservative policies. Administrator Ward advised that, at the end of last year, the State implemented best practices which require, as a part of the budget hearing and process, that certain five-year comparisons be done. Mr. Ward thanked the Mayor, Mrs. Goble, Mr. Sarinelli, the
entire municipal staff and the Council. He said that the budget process began with a memo going out to Department Heads on September 30th, just a couple of months after he started here. Mr. Ward stated that they were aware that it would be a difficult budget and everyone was great to work with. He spoke about the efficiencies and frugalities of all departments in crafting this budget. Mr. Ward then went through the five-year comparison and explained what each sheet covered. A copy of that analysis is attached to these minutes.

1. Line item analysis between 2007 and 2011, showing that 59% decreased; 37% increased and 3% showed no change.
2. Bar graph indicating increase/decrease of line items. Mr. Ward commended Kathy Bowditch for her work on these sheets. He noted that the first five items are those over which the town has no control.
3. Five-year analysis of major cost centers - Pension
4. Five-year analysis of major cost centers - Insurance
5. Five-year analysis of major cost centers - Energy
6. Five-year analysis, line by line.
7. Revenue - State Aid. Mr. Ward noted that in 2007 our State Aid revenue was $275,000 and, this year, it was $10,324, a drop of $265,000. He advised that Energy Receipt Taxes were as high as $2.24 million in 2009 and last year dropped to $1.7 million. The Administrator noted that those two drops alone came to over $750,000 in revenue reductions. Mr. Ward commented that that represented three tax points that we were able to absorb by managing the costs, allowing the Township to manage and present a no tax increase budget. He said that in speaking with Mrs. Goble and Mr. Sarinelli, they all feel comfortable that this is a responsible budget and it does not compromise the financial health of the municipality, going forward to future years.

Councilman Golinski asked what the consequence would be if one of our large industrial taxpayers went out of business with a tax bill due and they didn’t pay it. Mrs. Goble replied that we would have a lien against that property and, when the business was sold, we would be able to go after the taxes. Mrs. Goble also advised that we currently have 94 appeals at the County level and 13 at the State level and have no idea what the impact of those appeals will be on the Township.

Mr. Golinski asked if we receive a bill for the PFRS. Mrs. Goble replied in the affirmative. Mr. Golinski noted that the Police and salary expenses have only increased by 7% over that last five years but the retirement payments have increased by 112% and we have no control over that.

Councilman Stecky stated that he is proud to be a part of this organization that achieved what some people thought they could not. He said that this is a forecast for fiscal sustainability. Mr. Stecky spoke about savings that have been realized over the last 3½ years and said that is part of the reason that this was possible. He stated that he and Mr. Shaw, and Mayor Hussa, used zero tax increase as a “stretch goal” back in
January. Mr. Stecky offered his compliments to the whole team for a job well done. Councilman Shaw noted that he remembers sitting up here and saying, "give us a zero budget". He said that there were some "Doubting Thomases" among us but he said that we could do it. Mr. Shaw noted that it wasn't just this end down here, it was the whole Council and he was very happy the night that everyone said yes.

Councilman Fitzpatrick noted that a zero budget is a very good thing. He said that we were really close last year until we were "belted" by something from the State. Mr. Fitzpatrick added that there are some concerns, such as whether or not DPW is under-staffed and we have to keep on that because our catch basins are in bad shape. He added that, switching to an outside consultant for Engineering, he thinks can be done for this year. Mr. Fitzpatrick added that it may be tough when planning in town picks up. He also noted that the loss of the DARE program was unfortunate, but we just have to keep working. Mr. Fitzpatrick said that he is pleased with the zero budget for this year but we have to keep at it and consistently have lower taxes.

Councilman Andes stated that the Council's reflections are all well put, across the board and, he particularly agrees with what Mr. Fitzpatrick just said. He said that the cut in services that we have to live through with the flat budget, with the exception of the DARE program, are pretty minuscule. Mr. Andes added that going from having a full-time engineer to having an engineer for eight hours is something that, at this particular time, we can live with but it will take monitoring. He said that we will be monitoring that, as well as the outsourcing of park maintenance to make sure the fields are kept in excellent condition. Mr. Andes noted that, sometimes things have to be tried to find out if they will work. He said that these areas were well-thought out. Mr. Andes stated that it was a very pleasurable budget process and he thanked the staff for all of their hard work.

President Kuser advised that Councilwoman Smith requested that a statement be read into the record in her absence. Clerk Costello read Mrs. Smith’s statement, a copy of which is attached to these minutes.

President Kuser asked Mr. Sarinelli if this is a budget that he feels comfortable with. Mr. Sarinelli replied that he thinks they did a great job in controlling the cost side of this and everyone has been talking about the revenue side. He said that, if you take out the increased debt payment for the Library, which is about $750,000, the whole rest of the budget increased about $250,000. Mr. Sarinelli noted that, that really turns out to be what the pension costs were. He advised that all of the rest of the line items net out to about zero on the expense side. Mr. Sarinelli commented that we did a good job in managing the surplus, and where we come out year to year, and that certainly helped to get to zero. But, he added, that it was really all of the work that was done controlling the expenses. Mr. Sarinelli noted that he is aware of only one other municipality in this region that has a zero increase. President Kuser stated that he ran for Council because his taxes were out of control. He gave a brief overview of the tax history since 2007. Mr. Kuser noted that, when he was sworn in as Council President, he asked for a budget from the Mayor and Administration that everyone could stand behind. He said that we
all wanted this and he is very happy that we got it. Mr. Kuser thanked everyone who worked on it for their efforts.
AYES: GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH

ORDINANCE(S) FOR INTRODUCTION:
#8-11 BOND ORDINANCE FOR VARIOUS CAPITAL IMPROVEMENTS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $855,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $812,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
Clerk Costello noted that the Supplemental Debt Statement has been received in her office.
MOTION TO INTRODUCE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY
AYES: SHAW, STECKY, GOLINSKI, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $855,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $812,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.
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 5-17-11 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 GOLINSKI, SECONDED BY MEMBER STECKY
AYES: GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH
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-11-102 RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES FOR STEWART SURVEYING FOR N. SHORE & E. SHORE ROAD RIGHTS OF WAYS ALONG THE WALL OF INDIAN LAKE NEAR THE DAM
R-11-103 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR WATER MAIN IMPROVEMENT PROJECT BEAVER BROOK LANE, FORD ROAD AND WOOD ROAD
R-11-104 RESOLUTION AUTHORIZING REINSTALLMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-11-105 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-11-106 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LICENSES

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

NON-CONSENT RESOLUTIONS:
R-11-107 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $14,816.47

MOTION TO APPROVE R-11-107: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER STECKY
AYES: GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH

R-11-108 RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HATCH MOTT MACDONALD, LLC

MOTION TO APPROVE R-11-108: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI
DISCUSSION: Councilman Fitzpatrick commented that he did not support this at the last meeting because he was not on the sub-committee and did not have enough information. He advised that he has since spoken with John Ruschke and has received a good deal of information and will support this resolution.
AYES: SHAW, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH
MOTION TO APPROVE MINUTES OF 3-1-11, 3-3-11 AND 3-8-11: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI
AYES: SHAW, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH

MOTION TO ADJOURN: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI
AYES: SHAW, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER
ABSENT: SMITH

MEETING ADJOURNED AT 9:37 P.M.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk