Township Council
7-12-2016

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

July 12, 2016

The Meeting was called to order at 7:30 P.M. The Salute to the Flag was recited, followed by a Moment of Silence for the passing of former Municipal Clerk Donna I. Costello. Municipal Clerk Kathryn Bowditch-Leon read the Notice of Compliance with the Open Public Meetings Act and noted that this is a non-smoking facility. The Clerk requested that all electronics be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Lyden, Murphy, President Golinski
Absent: Fitzpatrick, Kuser

ALSO IN ATTENDANCE: Thomas Andes, Mayor; Steven Ward, Administrator and Paula DeBona, Assistant Township Attorney

PRESENTATIONS/CEREMONIAL MATTERS:
None

LIAISON REPORTS:
Councilman Murphy announced that the Senior Picnic will be held on Friday, September 9th at 12:30 PM at Gardner Field. The Green Sustainability Committee’s Green Fair will take place on Sunday, September 18th.

Councilwoman Lyden shared that the Trails Committee met and they have a preliminary plan for starting the trails.
Councilman Gabel had nothing to report.
Councilwoman Witte had nothing to report.
President Golinski had nothing to report.

MAYOR’S REPORT:
Mayor Andes disclosed that Project Playground raised $2,500 at the 4th of July band concert and fireworks which were held at Gardner Field. The Denville Downtown Streetscape Project has commenced and is making progress. The Denville Sprint Triathlon will take place on Sunday, July 24th.

ADMINISTRATOR’S REPORT:
Administrator Ward informed everyone that the Passaic River Coalition owns Cynthia’s Landing, a nine-acre tract off of Morris Avenue. The Coalition has offered to donate this parcel of land to the Township and transfer title for same. The Mayor and Administration would recommend acceptance of this donation and that it be included on the Township’s Recreation and Open Space Inventory (‘ROSI’). Mr. Ward also provided an update on the road resurfacing projects. Half of the roads that have been scheduled for paving have been resurfaced thus far, with the remainder to be completed later this summer. Mr. Ward had sent a memo to the Council members explaining the Governor has issued an Executive Order temporarily stopping all State funded road resurfacing projects due to the lack of money in the Transportation Trust Fund. The proposed paving of Franklin Road and Franklin Avenue is now on hold pending notification by the State.
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CORRESPONDENCE:  
All correspondence has been copied and distributed to Council. 

OPEN PUBLIC PORTION:  
Mike Dzurny (99 Woodstone Road) distributed materials to Council pertaining to his presentation on the potential environmental impact of a proposed fireworks display at Hollstein Lake. Said materials are attached to these minutes. Mr. Dzurny requested that R-16-180, the Resolution authorizing the Hollstein Family Fireworks display, be denied or amended to change the location of the event. He also proposed that a resolution be passed to protect Hollstein Lake. Mr. Dzurny believes that because Hollstein Lake is a stagnant water source, one-hundred percent of any potential contaminants from the fireworks will remain in the lake for many years. Mr. Dzurny referenced two Township ordinances which address the matters of litter in lakes and fountains as well as pollution of waters. He believed the Council could rely on these ordinances to deny the proposed resolution. He suggested that the fireworks could be held at either Gardner Field, Pocono Field, or Knuth Farm instead of Hollstein Lake. 

Carol Spencer (126 Brazos Drive, Cedar Creek, TX) stated she is a longtime resident on Woodstone Road and clarified that the scheduled fireworks display and party to be held at Hollstein Lake are for her wedding rehearsal dinner. She opposed the suggestion that the fireworks display be relocated as Ms. Spencer wants her neighbors to be able to walk safely back to their homes after the party instead of drinking and driving. Ms. Spencer has already arranged shuttle service for party guests who are staying at local hotels to transport them to and from Hollstein Lake. Ms. Spencer further advised that she has property on a lake in Pennsylvania which is similar to Hollstein Lake. They have had the water and soil tested at that location and they have found no evidence that setting off fireworks on a yearly basis has impacted the water quality there. Ms. Spencer claimed that the fireworks the Hollstein family wants to launch at the party are shot very high in the air; therefore, most of the pollutants from the fireworks would be disbursed in the air and not in the lake. Ms. Spencer also noted that if the Council were to accept Mr. Dzurny’s environmental concerns as a reason to prohibit the fireworks display then they would have to apply those same standards to the Township’s fireworks displays. 

Gus Hollstein (106 Woodstone Road) conveyed that two years ago when his family had a fireworks display, two state fire officials inspected the area and deemed everything “fine”. Mr. Hollstein said that banning a fireworks display over Hollstein Lake may affect the Township’s own fireworks displays. 

Henry Kafel (126 Brazos Drive, Cedar Creek, TX) informed the Council that he has a Bachelor of Science degree in biochemistry as well as five years of experience working in the field of water treatment. Mr. Kafel stated that it cannot be proven that fireworks have an environmental impact on water. 

MATTERS OF OLD AND/OR NEW BUSINESS:  
Councilman Gabel inquired about the status of the gazebo at the corner of Pocono Road and Diamond Spring Road. Administrator Ward stated that Thomas Dean requested that the $9,000.00 donation from his late father Norman Dean be used to replace the gazebo. The new gazebo was delivered and installed this past Friday. 

Mayor Ances shared that he spoke with Thomas Dean about arranging a dedication ceremony in the near future in honor of both Norman Dean and the Sunshine Boys, who built the original gazebo.
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Councilman Murphy suggested that a list be compiled of the various agencies and organizations in the Township that offer services to Township residents such as lawn maintenance and snow removal.

**ORDINANCES FOR INTRODUCTION:**  
10-16  
BE IT RESOLVED that an Ordinance entitled:  
An Ordinance of the Township of Denville, County of Morris, State of New Jersey to Regulate Parking on Orchard Street

**Be Introduced and Read by Title on First Reading:**

**MOTION TO READ BY TITLE:**  
MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN  
AYES: GABEL, LYDEN, WITTE, MURPHY, PRESIDENT GOLINSKI  
ABSENT: FITZPATRICK, KUSER

BE IT RESOLVED that an Ordinance entitled:  
An Ordinance of the Township of Denville, County of Morris, State of New Jersey to Regulate Parking on Orchard Street

**Be passed on First Reading**

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 08-09-2016 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 newspaper according to law.

**MOTION TO PASS ON FIRST READING:**  
MOVED BY MEMBER GABEL, SECONDED BY MEMBER WITTE  
AYES: GABEL, WITTE, LYDEN, MURPHY, PRESIDENT GOLINSKI  
ABSENT: FITZPATRICK, KUSER

**CONSENT AGENDA:**

R-16-175: Resolution Authorizing Raffle License in the Township of Denville
R-16-176: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-16-177: Resolution Authorizing Refund of Recreation Department Fees
R-16-178: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate Totaling $2,244.94 Plus Premium
R-16-179: Resolution Granting Permission to Bid for Emergency Generators

President Golinski asked if anyone from the public or from the Council would like to have anything removed from the Consent Agenda. No one responded.
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MOTION TO APPROVE CONSENT AGENDA:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, GABEL, WITTE, PRESIDENT GOLINSKI
ABSENT: FITZPATRICK, KUSER

NON-CONSENT AGENDA:
R-16-180: Resolution Authorizing the Hollstein Family Fireworks Display Scheduled for August 19, 2016 on the Hollstein Property at Hollstein Lake, 100 Woodstone Road, Denville, New Jersey

MOTION TO APPROVE R-16-180:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE

DISCUSSION:
President Golinski noted that automobiles create pollution and most people contribute to pollution on a daily basis. He said that fireworks are a longstanding tradition and part of our culture. He commended the Hollstein Family for their compliance with the rules and regulations set forth to obtain permission for the Fireworks Display.
Councilman Gabel seconded President Golinski’s thoughts regarding the fireworks and stated that the fireworks display at the Hollstein property should not have any long-term environmental effect on Hollstein Lake.

AYES: LYDEN, WITTE, GABEL, MURPHY, PRESIDENT GOLINSKI
ABSENT: FITZPATRICK, KUSER

MOTION TO ADJOURN:
MOVED BY MEMBER WITTE
AYES: UNANIMOUS
ABSENT: FITZPATRICK, KUSER

The Meeting adjourned at 8:21 P.M.

Danielle Lewis
Deputy Municipal Clerk
Neighbor has respiratory problems

Low altitude shells dump unburned pollutants

Stagnant water pond scum
3-2 LITTER.

3-2.1 Title.
[Ord. No. 9-90, § 1]

This section shall be known and may be cited as the "Denville Township Anti-Litter Ordinance."

3-2.2 Definitions.
[Ord. No. 9-90, § 1]

a. **GARBAGE** — Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

b. **LITTER** — Any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof including, but not limited to, any bottle, jar, or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, metal, plastic, or paper containers or other packaging or construction material but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

3-2.10 Litter in lakes and fountains.
[Ord. No. 9-90, § 1]

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water anywhere within the Township.

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Chapter 22: Parks and Recreation Areas

22-1 GENERAL PROVISIONS.

22-4 SANITATION.

22-4.1 Pollution of waters.
[Ord. No. 10-09, § 1]

No person in a park shall: throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
FIRE SAFETY PERMIT

Permit Number: 16-4017  
Issued: June 27, 2016
Permit Fee: 331.00  
Expires: August 21, 2016

Permission is hereby granted to:

JENNIFER HOLSTEIN-DORSEY
12 LIBERTY PL
ROCKAWAY, NJ 07866

The following activities are covered by this permit:

FIREWORKS DISPLAY FOR HOLSTEIN BLOCK PARTY AT 100 WOODSTONE RD

Approval is contingent upon adherence to the following conditions:

SPECTATOR SEPARATION DISTANCE OF 157 FT. FOR 2.5 MAX DIAMETER SHELLS TO BE MAINTAINED. DISPLAY NOT TO BEGIN UNTIL SEPARATION DISTANCE IS SECURED. FIREWORK TO BE SHOT OVER LAKE AND ANY DISPLAY ON BARGE IS TO BE CAGES ONLY. NOTIFY FIRE OFFICIAL WHEN DISPLAY IS BEING SET UP AT 973-710-5799.

NOTE: This is a Fire Safety Permit ONLY. It is the Applicant's responsibility to comply with other applicable health, police, building or construction requirements.

June 27, 2016  
Date

Joseph A. Giordano, Fire Official

THIS PERMIT MUST BE CONSPICUOUSLY POSTED AT THE SITE FOR THE DURATION OF THE ACTIVITY.

FAILURE TO COMPLY WITH THE FIRE CODE REQUIREMENTS OR ANY CONDITION SET FORTH ABOVE IS CAUSE FOR REVOCATION OF THIS PERMIT.