The Meeting was called to order at 7:30 p.m. by Municipal Clerk Kathryn Bowditch-Leon. The Salute to the Flag was recited, followed by an Invocation given by Pastor Richard Harris of the Bible Fellowship Church of Denville.

After the Invocation, Clerk Bowditch-Leon thanked Pastor Harris then read the Statement of Compliance with the Open Public Meetings Act. Clerk Bowditch-Leon advised that this is a non-smoking facility and asked that all electronic equipment be silenced at this time.

The Clerk recognized the following State and County Officials:

Senator Anthony Bucco and Assemblyman Anthony Bucco were unable to attend but sent their good wishes for the new year. Amy Overman from Senator Bucco’s office represented the Senator and Assemblyman in their absence.

Assemblyman Michael Patrick Carroll was also unable to attend, but sent his best wishes for the new year. Jason LaMarca was present representing Assemblyman Carroll.

Freeholder Deborah Smith was present, representing the Morris County Freeholders, Sheriff Gannon and County Clerk Ann Grossi. She wished everyone a Happy New Year.

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

Municipal Clerk Bowditch-Leon then called for nominations for Council President. Councilman Gabel nominated Christopher Golinski. Councilwoman Witte seconded the nomination. The Clerk asked if there were any other nominations and hearing none, closed the nominations.

ROLL CALL FOR NOMINATION OF CHRISTOPHER GOLINSKI FOR COUNCIL PRESIDENT:
AYES: Gabel, Witte, Lyden, Fitzpatrick, Murphy, Golinski
ABSENT: Kuser

Clerk Bowditch-Leon then administered the Oath of Office to President Golinski. Council President Golinski assumed the President’s chair on the dais.

President Golinski thanked his fellow Council Members for their trust in him for another year. He then thanked all the volunteers who make the Township great. He stated that it is the duty of the Township Council to perform their duties with wisdom and clarity; to work with the Mayor and Administration to provide what is best for the Township and to do so with fiscal responsibility. He then promised to do his best in the coming year.

President Golinski thanked his wife Darlene, stating that if it was not for her, he would not be able to serve on the Council or on any of the various other Boards and Committees of which he is a member.

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

MAYOR’S STATE OF THE MUNICIPALITY ADDRESS: A copy of the Mayor’s State of the Municipality Address is attached to these minutes.
During the Address, Mayor Andes called Franz Fuertges and his family forward. In recognition of 50 years of volunteer service to the Township of Denville, Mayor Andes presented Franz Fuertges with a Key to the City.
Mr. Fuertges thanked the Mayor and introduced his family. He stated that it has been his pleasure to improve the appearance of Denville these many years. It was his opinion that the award was more meaningful since it was given to him with many of his fellow Township volunteers present.
President Golinski thanked Mayor Andes for the update, for his heartwarming presentation to Franz Fuertges and for his tireless leadership in getting so much done. He also thanked Mr. Fuertges for his service.

CONSENT AGENDA:
R-17-01: Resolution Designating Official Newspaper for Notices in 2017
R-17-02: Resolution Designating the Township of Denville Municipal Council Meeting Dates for the Year 2017
R-17-03: Resolution Designating Legal Depositories for Public Monies for 2017 Pursuant to N.J.S.A. 40A:5-14
R-17-04: Resolution Appointing Assessment Lien Searchers for the Year 2017
R-17-05: Resolution Appointing Custodian of Petty Cash Fund for the Recreation Department for the Year 2017
R-17-06: Resolution Authorizing Tax Assessor to Enter into Tax Appeal Settlements on Behalf of the Township of Denville for 2017
R-17-07: Resolution Establishing Interest Penalty Charges on Delinquent Taxes for the Year 2017 Pursuant to N.J.S.A. 54:4-67
R-17-08: Resolution Appointing Municipal Council Liaison Representatives to Various Committees, Boards and Commission within the Township of Denville
R-17-09: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to Various Mayoral Appointments
R-17-10: Resolution Designating Year 2017 Public Agency Compliance Officer (P.A.C.O.) for the Township of Denville
R-17-11: Resolution Appointing Zoning Board of Adjustment Members
R-17-12: Resolution Authorizing Raffle Licenses in the Township of Denville
President Golinski asked if anyone from the Council or the public would like to have anything removed from the Consent Agenda. No one responded.
MOTION TO APPROVE CONSENT AGENDA:
Moved by Member Murphy, Seconded by Member Fitzpatrick.
AYES: Murphy, Fitzpatrick, Gabel, Witte, Lyden, President Golinski
ABSENT: Kuser

NON-CONSENT AGENDA:
R-17-13: Resolution Authorizing Temporary Budget for the Year 2017
MOTION TO APPROVE R-16-13:
Moved by Member Lyden, Seconded by Member Gabel
AYES: Lyden, Gabel, Witte, Fitzpatrick, Murphy, President Golinski
ABSENT: Kuser

President Golinski advised that the Oath of Allegiance would now be administered to several individuals and then to all other appointees.
Municipal Clerk Kathryn Bowditch-Leon administered the Oath to the following people:
Township Council
1-3-2017

John P. Jansen, Esq., Municipal Attorney
John Ruschke, P.E., Township Engineer
Sal Poli, Construction Official
Municipal Clerk Kathryn Bowditch-Leon then administered the Oath of Allegiance to the following people:
Members of the Planning Board and Board of Adjustment and all other appointees who were present

MOTION TO ADJOURN: Moved by Member Witte, Seconded by Member Lyden
AYES: Unanimous

Meeting adjourned at 8:13 p.m.

Respectfully submitted by,

Kathryn Bowditch-Leon, RMC
Municipal Clerk
MAYOR'S STATE OF THE MUNICIPALITY ADDRESS 2017

Thank you. I hope everyone had a Happy Holiday Season and I wish you all a happy, healthy and prosperous New Year.

Congratulations to Chris Golinski on being re-appointed as Council President. You have performed the duties of Council President extremely well and I have enjoyed working with you. Although each Council Member brings a unique perspective and opinion into public policy discussion for the betterment of our community, the Council continues to demonstrate that when our elected officials work as a team, the people of Denville are best served.

2016 was a busy year with much of your municipal officials’ attention and efforts being focused on proactive future flood mitigation, downtown economic development, and defending our municipality in the courts as it relates to our future fair share affordable housing obligation, all while running the Township in the most cost effective manner possible.

In 2012 and 2014, my Administration proposed and the Township Council funded two flood mitigation studies which were performed by our Township Engineer John Ruschke. The studies were aimed at identifying projects that were either locally achievable or ones for which we would need to seek outside funding to accomplish. In late 2014, the Township submitted these two flood mitigation studies to the U.S. Army Corps of Engineers for their review.

In 2016, the U.S. Army Corp of Engineers reviewed our studies and agreed to perform a more in-depth flood mitigation examination for Denville. Partnering with the New Jersey Department of Environmental Protection, we received formal notification in October 2016 that the US Army Corps of Engineers has agreed to fund an in-depth, comprehensive $1,259,950 flood mitigation feasibility study for the Township of Denville.

Once the Army Corps’ study is completed in 2018 or 2019, a determination will be made as to whether the plan has merit. If it does, our project will be in an excellent position to receive up to $10 million in pre-approved Federal and State flood mitigation project funds. This is a very exciting proposition and places the Township in a great position to have the federal government potentially fund some of the most comprehensive flood mitigation improvements in the history of our community.

During the past five years, the Township of Denville has undertaken numerous projects and programs to prepare and protect our community from flooding events, such as the installation of water-proof seals on sewer manhole covers in flood-prone areas; installing state-of-the-art flap valves on the Den Brook; acquiring 11 homes on Riverside Drive with grant funding; removing two of the three piers in the Rockaway River to eliminate the “bottlenecking” effect; obtaining grant funding to perform de-siltation at select locations in the Rockaway River to increase the river’s capacity; as well as funding the two flood mitigation studies performed by our Township Engineer to identify other available flood mitigation alternatives. As a result of our activities and accomplishments, the Township has achieved a FEMA CRS rating of 6, which qualifies all property owners in Denville that are required to have flood insurance for an automatic 20% discount.
The Township has developed a comprehensive Flood Mitigation Plan, and I will ask the Council to continue to fund projects that we can implement that are affordable and achievable. We will also continue to apply for grants that will allow us to make more impactful strides in flood mitigation.

None of these measures will stop flooding if Mother Nature sends extremely heavy rains; however, each measure will help to prevent flooding in lesser storms and reduce the level of flooding. A belief I hold dear and that I often convey when discussing flood mitigation to residents or our professionals is that one of the lessons Hurricane Irene taught us is 1 inch of water can make the difference on whether or not a home is lost.

I would like to thank the River & Streams Committee for their stewardship of our rivers and the hundreds of volunteers who come out to the annual clean ups. I also thank the people from the Hewettson Road neighborhood, who have made a real effort in cleaning up the wetlands in their neighborhood. All your efforts make a difference.

In 2016, we commenced our downtown streetscape project. A Federal Grant of $821,000 allowed us to construct new curbs, add a brick utility corridor and to install decorative lamp posts along Broadway. This work allowed all the wiring along Broadway to be placed underground. We also decorated Broadway with new wreaths for the holidays and have purchased seasonal banners. Additionally, a NJ Clean Community grant will allow us to replace many of the garbage cans and recycling containers downtown. We will be installing a new electronic message board by the clock tower which will allow us to remove the portable sign board, which has become a common fixture at the intersection. Music will also return to Broadway as the sound system will be replaced by the Spring. These improvements were long overdue and hopefully they have added an attractive element and more quaint feeling to our downtown.

Also, in November, the Township submitted an application to the federal government for Phase III of the downtown streetscape improvements, which will encompass First Avenue and the First Avenue parking lot. It is my goal to continue the streetscape project throughout the entire Downtown to include Diamond Spring Road, East and West Main Street, Bloomfield Avenue, Center Street, Second Avenue and Righter Avenue.

The Economic Development Committee has been working for several years towards full membership into Main Street New Jersey. The Committee is comprised primarily of Downtown Business leaders, who have proposed to the Administration forming a Business Improvement District. The Town Council passed an ordinance establishing a Downtown Business Improvement District, creating a Board of Directors and a funding mechanism to manage the District. This is a very exciting opportunity for our downtown and the BID will give our downtown the chance to rise to the next level while retaining its charm and appeal. If our downtown does not continue to evolve, it may lose its competitiveness to other downtowns or shopping centers.

On a more challenging note, arguably the biggest issue facing our Community in the coming year or possibly years, is the current litigation related to Denville’s affordable housing obligation thru 2025. Due to inexcusable inaction by our Governor and State Legislature, the matter of determining each municipality’s obligation has been placed upon the court system where a judge will ultimately determine our affordable housing obligation and that of all other municipalities in the State of New Jersey. The Fair Share Housing Center, who is our adversary in the lawsuit, is
proposing a new obligation for Denville in excess of 1,000 affordable units in addition to 5000 market rate units during the next 10 years.

The Township has put together a talented professional team to combat these claims. In fact, our scientifically based calculations propose an obligation to the courts at only a fraction of the obligation being proposed by the Fair Share Housing Center. To maintain our protection from builder’s remedy lawsuits, which would result in additional development and would undoubtedly change the character of our community, Denville is participating in this process in good faith. This immunity has been stripped from other municipalities who have not complied with the court’s directives with devastating consequences. As the process proceeds and as litigation with developers and an affordable housing advocacy group serving as interested parties in the lawsuit against Denville continue, much of the discussion is required to take place in closed executive session in order to provide the municipality with optimal protection from these and other prospective developers. This closed process is not what any of your elected or appointed officials desire; however, it has been deemed necessary by our legal team in order to achieve the greatest legal protections.

Therefore, I need to prepare the community that there will be residential development in Denville during the coming years; however, your municipal officials and our professionals are going to do our absolute best to ensure it is smart development with the least possible impact on the quality of life in our community. The Court has required the Township to submit a conceptual amendment to the Housing Element and Fair Share Plan of the Township’s Master Plan. Resolutions were adopted by the Township Council and the Planning Board to do so at a public meeting held on March 22, 2016. Although all members of these two bodies voiced their displeasure with the clearly disjointed and uncoordinated process; both groups recognized that the consequences of not adopting the resolution would be infinitely worse.

Despite not knowing our ultimate affordable housing obligation, it is anticipated the court will be pressing in the next month or two to implement zoning to accommodate the affordable housing included in the conceptual amendment mentioned above. Again, in ensuring we maintain our immunity from builders’ remedy lawsuits and to prevent massive development in our community, we will need to cooperate with the directives of the court.

Another goal of mine has been to maximize the potential of the municipal building while also benefiting the taxpayers of the Township. As you may know, the Board of Education has been leasing office space for its staff. In late-2015 we had reopened discussions with the Denville School Superintendent, Steven Forte, to potentially offer them a permanent home for all or part of the Board of Education staff. I am pleased to announce that working collaboratively with the Denville Board of Education, we will be performing some very minor modifications to the Municipal Building to enable the Board of Education Administrative Offices to move into Town Hall prior to the end of 2017. A viable plan was developed to reconfigure some underutilized space in the Construction Department with the ultimate goal of saving the taxpayers of our community money by eliminating the Board of Education’s need to pay rent. This is a win/win situation for all concerned, including the Township and the Board of Education, but most importantly the citizens who pay the taxes to both Denville entities.

The Town Council allocated over $750,000 in the 2016 Budget to pave the roads. This is nearly 50% more than appropriated for paving in an average year. We plan to submit for the Township Council’s consideration a similar level of paving for 2017. As the 2016 paving rate was lower than
anticipated, a balance of $182,000 in the paving account is available to use to extend this year’s road paving budget. Collapsed catch basins will continue to be a priority and I have asked that before we begin preparation of this year’s roads, we get caught up on all collapsed catch basins.

Our Paths and Trails Committee has made significant headway creating a path along Denbrook and the DPW has created a parking lot near the Openaki Bridge. The Township was successful in being awarded a County grant of $49,500 to replace the foot bridge at Muriel Hepner Park.

I am delighted to report that the Township received $530,000 from the Morris County Open Space and Farmland Preservation Trust Fund to purchase the Sousa Tract on Evergreen Road and LaPlatte Tract on Smith Road. The properties, which are both 16 acres in size, are contiguous to existing Township-owned Open Space. The purchase has allowed us to create larger green-belts of permanently preserved land in our community.

In August, the Foxhill Playground Committee under the PAL organized the neighborhood and constructed, like an Amish barn raising, their new playground in the front section of the Morris County Vocational High School.

The PAL Project Playground 2.0 Committee is up and running. They are planning to replace the 20-year-old playground at Gardner Field. Since they started fund raising on July 4th, over $65,000 toward their goal of $250,000 dollars has been raised.

The Township finished a County ordered property tax revaluation of all the properties in Denville in late-2015, which went on the books in 2016. The 2016 budget was unique because the revaluation saw in general, a greater increase in commercial property values over residential and Saint Clare’s Hospital was sold to Prime Health Care, a for-profit entity. This has brought additional tax revenue to our municipality, it has also created a slight budget challenge for the coming years. And, although the local management team at Saint Clare’s has been a wonderful neighbor to our community so far, it is still a private corporation and their corporate executives in California have appealed their tax assessment. Therefore, to minimize the potential impact of a Tax Court ruling in their favor, the 2017 budget will be conservatively crafted to ensure the Township and its residents are protected.

In 2016, the Administration proposed and the Council adopted a budget that included a more aggressive pay down of our outstanding debt obligation, a greater cash contribution towards capital improvements including road resurfacing along with no reduction of municipal services to our residents. This was done while maintaining a stable tax rate for the average assessed property owner. In 2017, we plan to continue with the same budgetary philosophy.

Denville is one of the most fiscally sound municipalities in the County, if not in the entire State. We have the third lowest debt ratio in the County and we have done this by following conservative financial management practices. This Administration has presented and will continue to present sound budgets to the Town Council, which ensure future long-term stability for the Township while still enabling us to maintain the current high level of municipal services, you have come to expect as well as, providing for many of the projects to be effectively implemented and completed.
At the conclusion of my address I will ask the Council to give advice and consent of the Mayoral and Administrative appointments. The team we have assembled is up to the task of completing these projects, while keeping our tax rate low and remaining financially prudent.

I would like to thank the entire team of elected and appointed officials for working together. I am very appreciative of our Township staff, led by our Administrator Steven Ward, our department heads and each of our employees who are all hard working and dedicated professionals.

Our Administrator Steven Ward has continued to show the ability to find saving, increase efficiencies and attract good people to Denville. Mike Guarino, our CFO, has time and time again demonstrated his strong knowledge and conservative approach to municipal financial management. Our Township Engineer, John Ruschke has proven his ability to be creative, be frugal and get the project completed. Our Planner, Jason Kasler has demonstrated the ability to comprehend the complex issues of COAH. Sal Poli is a dedicated professional who has proven to me his desire to uphold the highest standards while working with our citizens.

I am pleased to re-appoint our Municipal Attorney John Jansen who will head up our legal team with Paula DeBona, COAH, Fred Semrau, Tax Appeals & Litigation, Matt Giacobbe, Labor Counsel, Public Defender Cliff Weininger and Jim LaSala, Municipal Prosecutor.

And, I would like to express my sincere gratitude to our many volunteers for their hard work and dedication to our community. It is their commitment that enables us to provide services that we otherwise might not be able to afford.

We are very fortunate to have 22 Township Committees with over 200 volunteers, a volunteer Fire Department, which still makes First Aid calls 24 hours a day - 7 days a week and numerous active civic organizations that support our Township.

I would like to take a moment to recognize one individual who has devoted over 50 years of his life to the betterment of our community. He has stepped down as the chair of the Beatification Committee, but has assured us that he will remain a member sharing his design talents. Franz Fuertges, would you please join me with your family.

Franz Fuertges has a Master’s Degree in Horticulture and for over 50 years has donated his time and talent to beautifying Denville. For the 1976 Bi-Centennial of the United States Franz was recruited by Muriel Hepner to designed and construct Monument Park at the intersection of Bloomfield Avenue and Broadway.

In 1996 Franz designed and led the construction of the brick walkway at the Gardner Field Playground. Franz has guided dozens of Boy Scouts working on their Eagle Scout Community Service Projects.

Franz has stepped forward as the leader of The Denville Beautification Committee elevating the level of beauty around our community. The Beautification Committee under Franz Fuertges’ leadership tiled new planters, planted shrubs and flowers at the RT 46 and RT 53 intersections, created a wonderful park-like setting at the riverside McCarter Park.
In 2013 Franz was awarded the Living Treasure Award by St. Francis as an outstanding volunteer of Morris County. Franz has truly demonstrated in his daily life his love for his family, community and country. It is my pleasure to present to Franz Fuertges the Key to the City.

We are very fortunate to have great people working together that continue to make Denville the finest place to live, work, raise a family and retire. Thank you and may God continue to send his blessings to the people of Denville and may God bless the United States of America.