The Meeting was called to order at 7:30 P.M. by Council President Gabel. The Salute to the Flag was recited, followed by an Invocation by Councilman Murphy. 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: Murphy, Buie, Witte, Bergen, Lyden, Borowiec, President Gabel
Absent: None

ALSO IN ATTENDANCE:
Thomas Andes, Mayor; Steven Ward, Administrator; John Jansen, Township Attorney; Michael Guarino, CFO

PRESENTATIONS/CEREMONIAL MATTERS:
Veterans’ Recognition Ceremony
Mayor Andes stated that the Township would like to thank and honor our veterans and active military personnel. He then introduced each of the two veterans present, naming their branch and dates of service, before presenting them with their Challenge Coins. The list of veterans may be found at the end of these minutes.

LIAISON REPORTS:
Councilman Murphy stated that the Business Improvement District (BID) made a presentation at the Morris County Economic Development Corporation meeting entitled “The Pathway to Establishing a Business Improvement District”. He then advised that the BID’s first quarterly Wednesday Breakfast which was scheduled for February 7, 2018 has been postponed to February 14, 2018 at 8:00 A.M, at which time there will be a presentation on taxes. Mr. Murphy reported that he received a copy of the Morris County Freeholders Resolution supporting the Township’s opposition to the closing of the Fox Hill Road/Lackawanna Avenue railroad crossing.
Councilman Buie had nothing to report.
Councilwoman Witte advised that P.R.I.D.E. met this evening at 7:00 P.M. and that Morris Hills Regional District is working on their budget as well as working to resolve the issues with the Morris Knolls wrestling room. She stated that both the Rockaway River Watershed and Denville Senior Citizens Association have cancelled meetings due to impending inclement weather.
Councilman Bergen stated that he attended the Denville Board of Education (DBOE) meeting and advised them that he is always available to answer any questions that they may have.
Councilwoman Lyden had nothing to report.
Councilman Borowiec shared that the next Recreation Committee meeting is tomorrow night and Denville TV will meet next month. He commented that they had a short meeting with the Mayor’s Sports and Fields Advisory Board regarding the potential improvement of the bleachers at Veterans Memorial Park.
President Gabel reported that he met with the Officers from the Main Street Fire Company last night and that both the Rivers and Streams Committee and Denville Historical Society will not meet this month.

MAYOR’S REPORT:
Mayor Andes said he received notice from Project Playground 2.0 that they will be selling Gertrude Hawk chocolate online to raise money. He advised that on Thursday Township Engineer John Ruschke is going to
Township Council  
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meet with the New York representative from the Army Corps of Engineers regarding the Township’s flood mitigation project.

ADMINISTRATOR’S REPORT:
Administrator Ward stated that the DBOE office renovations at town hall are proceeding very nicely. He added that the high-density filing system will be installed this week and that the target move in date is June 1, 2018. Administrator Ward advised that Township Engineer Ruschke received a letter from New Jersey Transit (NJT) requesting that the Township install signage to prohibit trucks from crossing the bridge over the railroad tracks on Franklin Avenue. He stated that accompanying this request was a report, which was prepared in March 2017 which indicated that the bridge is potentially unsafe. He added that NJT has not provided any further details, a schedule for repairs or proposed weight limit restrictions and advised that additional information from NJT has been requested.

Councilman Murphy commented that school bussing could be impacted.

CORRESPONDENCE:
All correspondence has been copied and distributed to Council.

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

MATTERS OF OLD AND/OR NEW BUSINESS:
Township Attorney Jansen read the resolution approving the 2018 Budget.
R-18-29: Introduction of the Township of Denville 2018 Municipal Budget

MOTION TO APPROVE R-18-29:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, BUIE, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

ORDINANCES FOR ADOPTION
01-18
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank Pursuant to N.J.S.A. 40A:4-45.14 for Calendar Year 2018

Be Read by Title on Second Reading and a Hearing Held Thereon:

MOTION TO READ BY TITLE:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

OPEN PUBLIC HEARING
No one wished to be heard.
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:

An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank Pursuant to N.J.S.A. 40A:4-45.14 for Calendar Year 2018

pg. 2
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Establishing a Minimum and Maximum Range of Salary for Those Employees of Denville Township Public Works Employees' Association
Be Introduced and Read by Title on First Reading:
MOTION TO READ BY TITLE:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER MURPHY
AYES: WITTE, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

02-18
BE IT RESOLVED that an Ordinance entitled:
Ordinance Appropriating $128,000 from the Open Space Trust Fund of the Township of Denville for the Muriel Hepner Bridge Replacement
Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

OPEN PUBLIC HEARING
No one wished to be heard.
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:
Ordinance Appropriating $128,000 from the Open Space Trust Fund of the Township of Denville for the Muriel Hepner Bridge Replacement
Be passed on Final Reading and that a Notice of Final Passage be published in the 02/14/2018 edition of The Citizen newspaper.
MOTION TO ADOPT:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

ORDINANCES FOR INTRODUCTION
03-18
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Establishing a Minimum and Maximum Range of Salary for Those Employees of Denville Township Public Works Employees' Association
Be Introduced and Read by Title on First Reading:
MOTION TO READ BY TITLE:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER MURPHY
AYES: WITTE, MURPHY, BUIE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

BE IT RESOLVED that an Ordinance entitled:
An Ordinance Establishing a Minimum and Maximum Range of Salary for Those Employees of Denville Township Public Works Employees' Association
President Gabel obtained a consensus of the Council to remove the 10% language from the proposed fee adjustments and to go forward with the proposed changes.

Mayor Andes advised that many professionals have commented on these proposed changes over the past 6-8 months.

Councilman Bergen and Councilman Murphy both recommended that the language about 10% in section d.2. of the handout be removed from the proposed fee adjustments. Councilman Bergen also asked if the proposed exceptions in d.2. could either be expanded to include more types of ancillary improvement or lessened so that the Zoning Officer has more discretion. Administrator Ward explained that decisions of the Zoning Officer may be appealed to the Zoning Board of Adjustment and the Board then has the ability to overturn the Zoning Officer’s determination. Mr. Jansen commented that the language proposed in section d.2. is “ancillary improvements such as, but not limited to...”

Township Attorney Jansen explained that sections d.1. and d.2. of the handout correspond with the Township's Land Use Ordinance and not necessarily the various types of use variances described in the Municipal Land Use Law. He agreed that electric vehicle charging station could be added to the description of ancillary improvements.

Councilman Bergen and Councilman Murphy both recommended that the language about 10% in section d.2. of the handout be removed from the proposed fee adjustments. Councilman Bergen also asked if the proposed exceptions in d.2. could either be expanded to include more types of ancillary improvement or lessened so that the Zoning Officer has more discretion. Administrator Ward explained that decisions of the Zoning Officer may be appealed to the Zoning Board of Adjustment and the Board then has the ability to overturn the Zoning Officer’s determination. Mr. Jansen commented that the language proposed in section d.2. is “ancillary improvements such as, but not limited to...”

Mayor Andes advised that many professionals have commented on these proposed changes over the past 6-8 months.

President Gabel obtained a consensus of the Council to remove the 10% language from the proposed fee adjustments and to go forward with the proposed changes.
CONSENT AGENDA:
President Gabel announced that Resolution R-18-31, Resolution Authorizing the Award of a Five-Year License to Conduct Agricultural Activity on Knuth Farm to Jeffrey O’Hara, will be removed from the Consent Agenda and tabled until the February 20, 2018 Council meeting.

R-18-30: Resolution Granting Permission to Advertise and Accept Bids for Public Works Department Water Fittings and Valves

R-18-32: Resolution Authorizing the Cancellation of Stale Dated Checks

R-18-33: Resolution Authorizing Raffle Licenses in the Township of Denville

R-18-34: Resolution Authorizing the Release of a Construction Performance Guarantee for Improvements to the Property Located at 8 Mirador Road

President Gabel asked if anyone from the public or from the Council would like to have any resolutions removed from the Consent Agenda. No one responded.

MOTION TO APPROVE CONSENT AGENDA:
MOVED BY MEMBER BUIE, SECONDED BY MEMBER WITTE
AYES: BUIE, WITTE, MURPHY, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

NON-CONSENT AGENDA:
R-18-35: Resolution Authorizing Treatment Works Approval (TWA) for 3057 Route 10 East (Block 21301, Lot 3) in the Township of Denville

MOTION TO APPROVE R-18-35:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUIE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-18-36: Resolution Authorizing Settlement of Certain Tax Appeals

MOTION TO APPROVE R-18-36:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER MURPHY
AYES: LYDEN, MURPHY, BUIE, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-18-37: Resolution Authorizing First Extension to Contract with D’Onofrio and Sons, Inc. for Field and Lawn Maintenance

MOTION TO APPROVE R-18-37:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, BUIE, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-18-38: Resolution Awarding a Contract to TruGreen Limited Partnership for Turf Maintenance Pursuant to Contract #CC-0110-17, Cooperative Pricing Bid #2-SOCCP

MOTION TO APPROVE R-18-38:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, BUIE, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
R-18-39: Resolution Authorizing the Award of a Professional Services Contract Not to Exceed $17,500 for Public Defender
MOTION TO APPROVE R-18-39:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER WITTE
AYES: MURPHY, WITTE, BUIE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

R-18-40: Resolution Authorizing the Person to Person Transfer of New Jersey Plenary Retail Consumption (Hotel Exception) License #1408-36-019-003
MOTION TO APPROVE R-18-40:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, BUIE, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE

MINUTES FOR ADOPTION:
December 5, 2017; December 12, 2017; December 19, 2017:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER MURPHY
AYES: WITTE, MURPHY, LYDEN for December 5, 2017 and December 19, 2017, PRESIDENT GABEL
NAYS: NONE
ABSTAIN: LYDEN for December 12, 2017, BUIE, BERGEN, BOROWIEC

January 9, 2018 (Workshop Only); January 16, 2018; January 23, 2018:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER BUIE
AYES: MURPHY, BUIE, WITTE, BERGEN, LYDEN for January 9, 2018 and January 23, 2018, BOROWIEC for January 9, 2018 and January 16, 2018, PRESIDENT GABEL
NAYS: NONE
ABSTAIN: LYDEN for January 16, 2018, BOROWIEC for January 23, 2018

OPEN PUBLIC PORTION
Susan Reinhart (13 Claude Avenue) shared that the Mayor’s Council for People with Challenges has raised over $500.00 for Project Playground 2.0 and welcomed Councilman Bergen as a Spark Shark.
CLOSE PUBLIC PORTION
MOTION TO ADJOURN:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

The Meeting adjourned at 8:19 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
THE TOWNSHIP OF DENVILLE WISHES TO ACKNOWLEDGE AND THANK OUR VETS
TOWN COUNCIL MEETING 2/6/18

Jim McKenna
183 N. Main Street Boonton
Army 1952-1954
Foreign Service Korea 1952-1954

Nancy Witte
11 Shawnee Trail
Army 1979-1999
Foreign Service Germany & the Netherlands
Amendment to Ordinance Section 19-1.402

d.1. All applications for a variance under L. 1975, N.J.R.S. 291, Section 57d (N.J.S.A. 40:55D-70d) - $3000, except as set forth in d.2. below.

d.2. The fee for an application for a variance under N.J.S.A. 40:55D-70d(2), expansion of a nonconforming use, which involves a physical expansion of less than 10% of the square footage of the existing nonconforming use, or involves solely ancillary improvements such as, but not limited to, landscaping, lighting, parking, signage (not including billboards), façade enhancements, or changes intended to meet ADA requirements, and which will not result in a significant intensification of the nonconforming use, shall be $750.

OPTION A: Include the language in brackets

OPTION B: Exclude the language in brackets

NOTE: The review fee in Section f.1. would then be amended to $2000 for use variances described in paragraph d.1. above and $1000 for those described in paragraph d.2. above.