TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

March 20, 2018

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, President Gabel
Absent: Börowiec

ALSO IN ATTENDANCE:
Thomas Andes, Mayor; Steven Ward, Administrator; John Jansen, Township Attorney; Stephen Dublanica, Social Services Coordinator

PRESENTATIONS/CEREMONIAL MATTERS:
Proclamation – Recognition of the Book and Bargain Barns
Mayor Andes asked President Leonard DiMenna and the members of the Board of Directors and volunteers present to come forward. He then read the proclamation, which may be found at the end of these minutes, declaring March 20-27, 2018 as the Book and Bargain Barn Week and presented Mr. DiMenna with the key to the city.

LIAISON REPORTS:
Councilwoman Lyden had nothing to report.
Councilman Bergen had nothing to report.
Councilwoman Witte reported that the Rockaway River Watershed Commission meeting was canceled.
Councilman Buie had reported that the Beautification Committee will meet Thursday.
Councilman Murphy reported that the Downtown Denville BID will be hosting “Hop Into Denville” on March 31st.
President Gabel reminded everyone to R.S.V.P. to the Fire Department’s Years of Service Celebration to be held on May 5th. He then reported that the Historical Society met and discussed upcoming events, which include the yard sale on May 20th. He stated that they received architectural plans for the 2-room schoolhouse, which they will present to the Council at a future meeting. President Gabel then reported that the Rivers and Streams Committee has mapped out at least 50 snags along the Rockaway River and stated that the annual river clean-up will be held on May 12th.

MAYOR’S REPORT:
Mayor Andes complemented the Police and Fire Departments and Department of Public Works (DPW) for their hard work during these past two snow storms, which was made more difficult due to the many power outages throughout town. He reported that, at the invitation of Assemblywoman Betty Lou DeCroce, he met with the president of JCP&L and was able to voice the Township’s concerns. He stated that after that meeting, communication with JCP&L was much better.
Mayor Andes then reported that there will be a public hearing on March 25th at Town Hall beginning at 6:00 P.M. to review the NJ Department of Transportation’s proposed changes to the Route 46 improvements between the Route 80 overpass and the Rockaway Borough border.
An Ordinance of the Township of Denville, County of Morris and State of New Jersey to Amend and Supplement Chapter 3, Police Regulations, of the Revised Ordinances to Require Preservice Criminal History Background Checks for New Fire Department and First Aid Squad Volunteers

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, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE

ADMINISTRATOR’S REPORT:
Administrator Ward also complimented the DPW, Police and Fire Departments and OEM for their hard work during a very dangerous snow storm. He then stated that he met with George Strother from the Rivers and Streams Committee, who advised that there are an additional 30+ snags along the Den Brook. Mr. Ward stated he will be working with DPW to develop a plan to remove the snags.

Mr. Ward informed the Council of new regulations set forth by the NJ State Division of Community Affairs, which change permitting requirements for some minor residential construction. He explained that repairs like siding, roofing or minor electrical work will no longer require a permit and advised that these changes will financially affect the Construction Department’s revenue.

Mr. Ward then explained that NJ Department of Environmental Protection (NJDEP) is requiring the Township to raise Muriel Hepner Pond’s water level from May 1st through August 1st and the footings for the pedestrian bridge will, therefore, have to be done after August 1st.

Mr. Ward reported that the Fairness Hearing for Glenmont Commons and RAM Associates (Toll Bros) has been scheduled for April 20th at 1:30 PM in Morristown Superior Court and confirmed it is open to the public.

President Gabel asked whether the grant funds for the Muriel Hepner Park Pedestrian Bridge project were in jeopardy, to which Mr. Ward responded he had contacted the Morris County Parks Commission and advised them of the situation.

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:
Councilman Bergen asked if the Township would consider plowing the field at Veterans Memorial Field so that the sports teams could start using it. Mr. Ward explained that plowing the field could void the warranty and possibly damage the field.

R-18-51: Resolution Authorizing Adoption of the Township of Denville 2018 Municipal Budget
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, BUJIE, WITTE, BERGEN, PRESIDENT GABEL
NAYS: NONE

ORDINANCES FOR ADOPTION
04-18
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris and State of New Jersey to Amend and Supplement Chapter 3, Police Regulations, of the Revised Ordinances to Require Preservice Criminal History Background Checks for New Fire Department and First Aid Squad Volunteers

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, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
An Ordinance to Establish the Salaries for Those Employees of the Denville Police Department Governed by the Collective Bargaining Agreement Between the Township of Denville, County of Morris, State of New Jersey and the Police Benevolent Association Local 142

Be passed on Final Reading and that a Notice of Final Passage be published in the 03/28/2018 edition of The Citizen newspaper.

Attorney Jansen noted for the record a transposition error concerning the lieutenant's salary starting on 7/1/2021. He stated the correct salary should be $143,912, which is arrived at by using the 0.70% increase noted in the ordinance. He concluded that it is his opinion that this is a non-substantive and non-substantial change and the Council may proceed with the adoption of the ordinance.

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris and State of New Jersey to Amend and Supplement Chapter 3, Police Regulations, of the Revised Ordinances to Require Preservice Criminal History Background Checks for New Fire Department and First Aid Squad Volunteers

Be passed on Final Reading and that a Notice of Final Passage be published in the 03/28/2018 edition of The Citizen newspaper.

MOTION TO ADOPT:

MOVED BY MEMBER LYDEN, SECONDED BY MEMBER BUIE

AYES: LYDEN, BUIE, MURPHY, WITTE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

05-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance to Establish the Salaries for Those Employees of the Denville Police Department Governed by the Collective Bargaining Agreement Between the Township of Denville, County of Morris, State of New Jersey and the Police Benevolent Association Local 142

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, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

OPEN PUBLIC HEARING.

No one wished to be heard.

CLOSED PUBLIC HEARING.

Attorney Jansen noted for the record a transposition error concerning the lieutenant's salary starting on 7/1/2021. He stated the correct salary should be $143,912, which is arrived at by using the 0.70% increase noted in the ordinance. He concluded that it is his opinion that this is a non-substantive and non-substantial change and the Council may proceed with the adoption of the ordinance.

BE IT RESOLVED that an Ordinance entitled:

An Ordinance to Establish the Salaries for Those Employees of the Denville Police Department Governed by the Collective Bargaining Agreement Between the Township of Denville, County of Morris, State of New Jersey and the Police Benevolent Association Local 142

Be passed on Final Reading and that a Notice of Final Passage be published in the 03/28/2018 edition of The Citizen newspaper.
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.

Discussion: Councilman Murphy asked for a clarification of Resolution R-18-53, to which Mr. Ward explained this resolution authorizes the inclusion of a grant, which was received after budget introduction, as an item of revenue in the budget and noted that there is no tax impact on the public.

**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 proper paperwork is in order.

R-18-53: Resolution Requesting Approval of Items of Revenue and Appropriation Pursuant to N.J.S.A. 40A:4-87 (Tabled from March 6, 2018 Meeting)
R-18-63: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to a Mayoral Appointment to the Township Green Sustainability Committee
R-18-64: Resolution to Cancel 2017 Taxes
R-18-65: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Cranford Police Department Cooperative Pricing System, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-18-66: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Somerset County Cooperative Pricing System, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-18-67: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Educational Services Commission of New Jersey, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-18-68: Resolution Authorizing Agreement for Sewer Lateral Connection to Sewer System for 179 Cedar Lake East
R-18-69: Resolution Authorizing Agreement for Sewer Lateral Connection to Sewer System for 181A Cedar Lake East
R-18-70: Resolution Authorizing Agreement for Sewer Lateral Connection to Sewer System for 185 Cedar Lake East
R-18-71: Resolution Refunding 2018 Utility Overpayments
R-18-72: Resolution Authorizing Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control
R-18-73: Resolution Authorizing Raffle Licenses in the Township of Denville

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.

Discussion: Councilman Murphy asked for a clarification of Resolution R-18-53, to which Mr. Ward explained this resolution authorizes the inclusion of a grant, which was received after budget introduction, as an item of revenue in the budget and noted that there is no tax impact on the public.
MOTION TO APPROVE THE CONSENT AGENDA:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

NON-CONSENT AGENDA:
R-18-74: Resolution Authorizing the Execution of the Collective Bargaining Agreement Between the Township of Denville and the Police Benevolent Association Local #142
MOTION TO APPROVE R-18-74:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-75: Resolution Authorizing the Award of a Contract for the Purchase of a Ford F350 Super Cab Gas 4x4 Pick-Up Truck in Accordance with the Morris County Cooperative Pricing Council Contract No. 15-C
MOTION TO APPROVE R-18-75:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-76: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Police Interceptor Sedan All-Wheel Drive Vehicle in Accordance with the Cranford Police Cooperative Pricing Council Contract No. 17-01, Item No.1
MOTION TO APPROVE R-18-76:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-77: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Chevrolet Tahoe All-Wheel Drive PC1 Pursuit Vehicle in Accordance with the Cranford Police Cooperative Pricing Council Contract No. 17-01, Item No. 10
MOTION TO APPROVE R-18-77:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-78: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Hino 258 ALP Truck in Accordance with State Contract A83010
MOTION TO APPROVE R-18-78:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-79: Resolution Authorizing Additional Engineering Services in Connection with the U.S. Army Corps of Engineers Feasibility Study

Township Council
03-20-2018

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

NON-CONSENT AGENDA:
R-18-74: Resolution Authorizing the Execution of the Collective Bargaining Agreement Between the Township of Denville and the Police Benevolent Association Local #142
MOTION TO APPROVE R-18-74:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-75: Resolution Authorizing the Award of a Contract for the Purchase of a Ford F350 Super Cab Gas 4x4 Pick-Up Truck in Accordance with the Morris County Cooperative Pricing Council Contract No. 15-C
MOTION TO APPROVE R-18-75:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-76: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Police Interceptor Sedan All-Wheel Drive Vehicle in Accordance with the Cranford Police Cooperative Pricing Council Contract No. 17-01, Item No.1
MOTION TO APPROVE R-18-76:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-77: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Chevrolet Tahoe All-Wheel Drive PC1 Pursuit Vehicle in Accordance with the Cranford Police Cooperative Pricing Council Contract No. 17-01, Item No. 10
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MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-78: Resolution Authorizing the Award of a Contract for the Purchase of a 2018 Hino 258 ALP Truck in Accordance with State Contract A83010
MOTION TO APPROVE R-18-78:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BUJE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-79: Resolution Authorizing Additional Engineering Services in Connection with the U.S. Army Corps of Engineers Feasibility Study

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MOTION TO APPROVE R-18-79:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUIE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-80: Resolution Refunding the Payment of Taxes Due to a Judgment by the Tax Court of New Jersey
MOTION TO APPROVE R-18-80:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUIE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-81: Resolution Granting Consent to a Treatment Works Approval (TWA) Application for 179 Cedar Lake East (Block 61302, Lot 111) in the Township of Denville
MOTION TO APPROVE R-18-81:
MOVED BY MEMBER BERGEN, SECONDED BY MEMBER LYDEN
AYES: BERGEN, LYDEN, MURPHY, BUIE, WITTE, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-82: Resolution Granting Consent to a Treatment Works Approval (TWA) Application for 181A Cedar Lake East (Block 61302, Lot 112) in the Township of Denville
MOTION TO APPROVE R-18-82:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BUIE, BERGEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

R-18-83: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates
MOTION TO APPROVE R-18-83:
MOVED BY MEMBER BUIE, SECONDED BY MEMBER WITTE
AYES: BUIE, WITTE, MURPHY, BERGEN, LYDEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC

MINUTES FOR ADOPTION:
March 6, 2018:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BERGEN
AYES: WITTE, BERGEN, MURPHY, BUIE, PRESIDENT GABEL
NAYS: NONE
ABSENT: BOROWIEC
ABSTAIN: LYDEN

MOTION TO ADJOURN:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

The Meeting adjourned at 8:09 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
Proclamation

Whereas; The Origins of the Book Barn and the Bargain Barn can be traced back to the Castaways store operated by the Volunteer Auxiliary of Riverside Hospital in Boonton in the early 1950's; and

Whereas; In the 1970's Riverside Hospital became part of the St. Clare's Health Care System and moved to their current location at the old dairy barn on Pocono Road; and

Whereas; The main purpose of the organization was to purchase medical equipment and funded improvements which greatly benefitted patient care; and

Whereas; In 2014 the Book Barn became an independent non-profit corporation and their legal name became the Thrift Barns of Morris County, although they still use Book Barn and Bargain Barn in everyday usage; and

Whereas; After that reorganization, and no longer being a part of St. Clare's, the President, Leonard DiMenna and his Board began donating the "Barn's" proceeds to various charities in the local Morris county area; and

Whereas; They have donated to organizations such as the Joey Bella Foundation, the American Legion and VFW, the Knights of Columbus, Roots and Wings and the Alzheimer's Association of NJ in addition to other charities. They also donated money to the Denville Rotary to help repair Santa Land after the arson incident; and

Whereas; The Thrift Barn also supports first time local authors and provides book signings on site. They also conduct Holiday Events for Children.

Whereas; Since 2015 the Thrift Barn has made significant monetary contributions towards Denville Social Services home heating and family emergency fund; and

Whereas; The Book and Bargain Barns are completely run by volunteers, who for seven decades have given of themselves for their fellow man.

Now, Therefore I, Thomas W. Andes, Mayor of the Township of Denville wish to present to Leonard DiMenna and the Board of Directors the “Key to the City” and proclaim the week of March 20th to March 27th 2018, “The Book & Bargain Barn Week” in Denville and urge all of our Citizens to pay special tribute to this very special group of people in our community.

Mayor Thomas W. Andes
March 20, 2018