TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING
April 4, 2017

The Meeting was called to order at 7:30 P.M. The Salute to the Flag was recited, followed by an Invocation by Councilman Fitzpatrick. 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, Kuser, Lyden, Fitzpatrick, President Golinski
Absent: Murphy

ALSO IN ATTENDANCE: Thomas W. Andes, Mayor; Steven Ward, Administrator; John Jansen, Township Attorney

LIAISON REPORTS
Councilman Gabel shared that he attended the Environmental Commission’s meeting about two weeks ago and they are continuing to review plans for the Planning Board. He also shared that he met with the Beautification Committee and they have started their Saturday work efforts and will likely start working on Wednesday evenings as well as soon as the weather is nicer. Mr. Gabel also reminded the Council about the Council Cruisers participation in this year’s Relay for Life.

Councilwoman Witte reminded the Council that the P.R.I.D.E. Dinner is Friday night at 6:30 PM at St. Francis in the Green Room. She also requested that the Council look favorably on Resolution R-17-99 pertaining to the renewal of an Agreement with the United Bow Hunters of New Jersey.

Councilman Kuser had nothing to report.

Councilman Fitzpatrick announced that this Saturday the Chamber of Commerce will be holding their “Hop into Denville” event and said there will be various activities for adults and children. Mr. Fitzpatrick shared that the Annual River Clean-Up will be held on Saturday, May 13th this year starting around 9:00 AM and all help will be appreciated.

Councilwoman Lyden had nothing to report.

President Golinski had nothing to report.

MAYOR’S REPORT
Mayor Andes stated that Township Planning Board Attorney Edward Buzak will be attending the April 11, 2017 Council meeting to discuss the history of affordable housing and its current status in New Jersey and in Denville. He asked the Council for their support of appointments to the Green Sustainability Committee, Municipal Alliance Committee and Planning Board.

PRESENTATIONS/CEREMONIAL MATTERS
Proclamation – Autism Awareness Month
Mayor Andes read his Proclamation for Autism Awareness Month, which is attached to the end of these minutes.

ADMINISTRATOR’S REPORT
Administrator Ward advised that the resolution designating a redevelopment area was submitted to the State Department of Community Affairs (DCA) for the Commissioner’s approval and the Township has received notification that the Commissioner of the DCA has granted approval for the area to be declared an Area in Need of Redevelopment. He commented that the DCA did advise that the site falls within the Highlands Region Existing Community Zone and the Township will be required to submit a petition for a Highlands Redevelopment Designation by the New Jersey Highlands Council. Mr. Ward said that he and Mayor Andes met with the NJ Highlands Council Executive Director and Chief Planner yesterday and provided them with the required petition and documentation for the site.
Mr. Ward then explained that Township Ordinance 02-17 regarding Massage, Bodywork and Somatic Therapy Establishments is now in effect. Certified letters along with copies of the ordinance, application, checklist, and other pertinent documents were mailed to all certified establishments within the Township. He noted that he met with the Construction, Health, and Police departments concerning the coordination of the review of applications as well as the inspections of the establishments. The first application deadline will be on June 1st.

Mr. Ward shared that Administration has placed an advertisement for a Certified Tax Assessor as Township Assessor Virginia Klein will be retiring on June 30th. He added that applications will be accepted for the position through April 28th.

Councilman Gabel asked Administrator Ward if Hand & Stone is still seeking to establish a business location in Denville. Mr. Ward answered that Hand & Stone has submitted a business license application to the Construction Department, which is currently under review.

Councilman Gabel expressed his belief that members of the Council would like to inform their constituents about the subjects that will be addressed at the April 11, 2017 Council Workshop meeting, as well as the procedure that the meeting will follow. He suggested that it may be beneficial if Administration were to draft a message that the Council can distribute to their constituents. Mayor Andes responded that they have an outline for next week’s meeting and will compose something to send to the Council.

Councilman Fitzpatrick said he would defer to Council President Golinski as to the agenda of the Workshop meeting, but did ask if there would be an opportunity to have a Questions and Answers (Q&A) session. Administrator Ward said that due to time constraints, the plan is to limit Planning Board Attorney Edward Buzak’s comments and presentation to approximately one hour, have thirty minutes for Q&A and, if time permits, have an Executive Session to discuss some matters that are pertinent to the pending litigation in Denville. President Golinski added that this will all be fine-tuned by Tuesday night so that everyone is on the same schedule.

CORRESPONDENCE
All correspondence has been copied and distributed to Council.

OPEN PUBLIC PORTION
Jonathan Meyers (28 Freeman Lane) expressed his concern to the Council about the proposed housing development at Route 53 and Station Road, which has been deemed an Area in Need of Redevelopment. He said that he has concerns about traffic as well as the possible closing of one of the railroad crossings. Mr. Meyers asked what information the Township had about the potential closing and where residents may receive more information.

President Golinski asked if Mr. Meyers had any further questions on this topic before closing the public portion. He asked if anyone else would like to speak, to which there was no response.

OPEN PUBLIC PORTION
President Golinski asked Administrator Ward if he had any information about the proposed closing of one of the railroad crossings. Mr. Ward said that they received notification from the New Jersey Department of Transportation (NJ DOT) either late in 2015 or early in 2016 that New Jersey Transit (NJT) was petitioning to have the railroad crossing at Lackawanna Avenue closed. He explained the notification provided reasons as to why that crossing should be closed. The Township submitted a response and objection to the closing and the matter is still pending. Mr. Ward added that he has followed up with NJ DOT a few times and there has not been any further action taken nor any further hearings scheduled to discuss the matter.

Councilman Kuser made mention that State Senator Bucco and Assemblyman Bucco are aware of this situation and have been advised of the dire circumstances that may result if the crossing is closed.
Councilman Fitzpatrick presented the idea of a Quiet Crossing Zone and asked if this is something that can happen now or be discussed in the future. Administrator Ward explained that NJT is not involved in the establishment of Quiet Zones; rather it would be the responsibility of the municipality to contact the Federal Railroad Administration (FRA), which the Township intends to do to get an idea of eligibility, method, and costs of establishing a Quiet Zone at the Station Road crossing. He commented that Quiet Zones do not preclude the train engineer from sounding the whistle and that the cost is one-hundred percent borne by the municipality.

**MATTERS OF OLD AND/OR NEW BUSINESS**
None

**ORDINANCES FOR ADOPTION**
None

**ORDINANCES FOR INTRODUCTION**
None

**ITEMS FOR DISCUSSION AND/OR ACTION**
None

**CONSENT AGENDA**
R-17-90: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to Mayoral Appointments to the Township Green Sustainability Committee and Municipal Alliance Committee
R-17-91: Resolution Authorizing Raffle Licenses in the Township of Denville
R-17-92: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-17-93: Resolution Authorizing the Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control
R-17-94: Resolution Requesting Approval of Items of Revenue and Appropriation Pursuant to N.J.S.A 40A:4-87

President Golinski 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 GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, WITTE, KUSER, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

**NON-CONSENT AGENDA**
R-17-95: Resolution Authorizing Acceptance of Funds and the Execution of a Trails Construction Grant Agreement for the Muriel Hepner Bridge Replacement Project

**MOTION TO APPROVE R-17-95:**
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, GABEL, KUSER, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-17-96: Resolution Refunding the Payment of Taxes Overpaid Due to Judgment by the Tax Court of New Jersey in the Amount of $4,139.71

**MOTION TO APPROVE R-17-96:**
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER LYDEN
AYES: FITZPATRICK, LYDEN, GABEL, WITTE, KUSER, PRESIDENT GOLINSKI
ABSENT: MURPHY
Township Council  
04-04-2017

R-17-97: Resolution Authorizing the Award of a Contract for the Purchase of Two Lektriever Kardex Remstar Filing Systems in Accordance with State Contract A41261
MOTION TO APPROVE R-17-97:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, WITTE, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-17-98: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate Totaling $5,613.32 Plus Premium
MOTION TO APPROVE R-17-98:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER KUSER
AYES: LYDEN, KUSER, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-17-99: Resolution Authorizing the Renewal of an Agreement with the United Bow Hunters of New Jersey for the Management of Deer
MOTION TO APPROVE R-17-99:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
Councilman Gabel asked if there has been any discussion about expanding the list of permitted hunting sites. Councilwoman Witte said that they would like to expand, particularly on the north side of Route 46. She said the group is hoping to discuss with Administrator Ward the possibility of using part of the recently acquired land on Spear Lane for that kind of activity.
AYES: WITTE, LYDEN, GABEL, KUSER, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-17-100: Resolution Extending Advice and Consent of the Township of Denville Municipal Council to Mayoral Appointments to the Township Planning Board
MOTION TO APPROVE R-17-100:
President Golinski complemented Mayor Andes on his appointment of Mark Venis to the Planning Board.
MOVED BY MEMBER GABEL, SECONDED BY MEMBER WITTE
AYES: GABEL, WITTE, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

MINUTES FOR ADOPTION
March 21, 2017
MOVED BY MEMBER GABEL, SECONDED BY MEMBER WITTE
AYES: GABEL, WITTE, KUSER, FITZPATRICK, PRESIDENT GOLINSKI
ABSTAIN: LYDEN
ABSENT: MURPHY

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

The Meeting adjourned at 7:54 P.M.

Kathryn Bowditch-Leon, RMC  
Municipal Clerk
WHEREAS, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 68 children nationally and 1 in 41 in New Jersey; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and,

WHEREAS, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families’ resilience as they manage the psychological and financial burdens autism can present; and

WHEREAS, Autism New Jersey, is spearheading an awareness, effort in order to educate parents, professionals and the general public about autism and its effects; and

NOW, THEREFORE BE IT RESOLVED that I, Mayor Thomas W. Andes, do hereby proclaim April 2017 as NATIONAL AUTISM AND ACCEPTANCE UNDERSTANDING, AND INCLUSION MONTH, in Denville, and urge all employees and residents to participate in our municipality’s National Autism Awareness Month activities, in order to become better educated about autism and create a better community for individuals with autism.

Mayor Thomas W. Andes
April 4, 2017