TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

June 14, 2016

The Meeting was called to order at 7:30 P.M. The Salute to the Flag was recited, followed by an Invocation and Moment of Silence given by Councilman Fitzgerald. 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 cell phones be silenced at this time.

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

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

PRESENTATIONS/CEREMONIAL MATTERS:
Mayor Andes welcomed the new Director of the Denville Library, Siobhan Koch. Ms. Koch presented her background in Library Science. Her goal is to come up with programs and initiatives to better the community. A survey to help find out what would best serve the Township will be conducted in the next few months. She also listed all the resources available to people who have a library card.

Councilman Murphy phoned in at 7:37 P.M.

President Golinski welcomed Ms. Koch and wished her luck.

LIAISON REPORTS:
Councilman Gabel attended the Library Board meeting where a strategic plan is being develop so as to have a roadmap for the next 3-5 years. The Mayors Council for People with Challenges activities will include a work day with the Beautification Committee on June 22nd, assisting at the Cook’s Pond Concession Stand various weekends in June and July and playing two baseball games in the Challenger League on June 28th at Gardner Field. The Relay for Life was held on June 4-5. Councilman Gabel extended thanks to everyone who donated money towards the Denville Council Cruisers as well as to Councilman Fitzpatrick and Mayor Andes for stopping by the event.

Councilwoman Witte read her liaison report which is attached to these minutes.

Councilman Kuser attended the Denville Historical Society meeting and advised they are planning another Yard Sale in October or November and are reviewing the draft lease for 502 Openakl Road. Once finalized by Administration the draft lease will be presented to Council.

Councilman Murphy attended several Chapter meetings of the Senior Citizens Association. The next general meeting will be July 9th. There will be no Green Sustainability meeting in June. The sub-committee of the Economic Development Committee met with the Mayor to review their directive.

Councilman Lyden stated the Trails Committee is beginning to clear pathways by the DenBrook and is looking for volunteers to help. The Planning Board meeting was cancelled.

Councilman Fitzpatrick thanked Councilman Gabel for representing the Council at the Relay for Life these past few years and all the work that entailed. Morris County Vo-Tech had their Senior Awards this evening. He noted that Vo-Tech has taken the initiative to resolve any parking issues that are brought to their attention.
President Golinski and his wife, Darlene, will be running the next Senior Social on June 26th and asked Council volunteers to arrive a little early to assist with the cooking. The Fire Department Association fund drive is being held this month. The Fire Department Annual Carnival will be held June 21–25. He asked the Council Members to lend a hand selling 50/50’s during the Carnival.

MAYOR’S REPORT:
Mayor Andes attended a ribbon cutting ceremony at Wells Fargo Bank in the Acme Shopping Center on June 13th. He thanked them for their very generous donation of $10,000 to the Joey Bella Memorial Fund.

The Fox Hill playground equipment has been ordered and installation is planned for the last weekend in August. The Gardner Field Playground Committee has been formed and has met two times. They have a few fundraising events planned including a 50/50 at the 4th of July fireworks.

Funding is now in place for the flood mitigation feasibility study. The Army Corps of Engineers has committed to fund up to $100,000 and the NJ DEP has committed to fund 50% of any amount over the $100,000 with the Army Corps of Engineers funding the other 50%.

The Broadway Downtown Streetscape project will start this week. There will be a groundbreaking ceremony on Saturday, June 18th at 9:30 A.M. at the corner of Diamond Spring Road and Broadway in front of SmartWorld Coffee. Senator Bucco and Assemblyman Bucco will be attending. The contractor, Zuccaro, Inc., has 120 days from June 1st to complete the project or fines will be imposed by the Federal Government. Zuccaro, Inc. will be rehabilitating 200’ sections at a time. It is estimated to take 4-5 days per 200’ section. Business owners on Broadway will be kept informed via email as to the progress of the project.

ADMINISTRATOR’S REPORT:
Administrator Ward explained that since June 1st, Zuccaro, Inc. has been preparing shop drawings and doing work behind the scenes to ensure that all items are in place in order to comply with the 120 days’ requirement. He is confident that it will be completed in time.

He gave an update on personnel changes. Barbara Glennon and Janet Gierwatowski, both Dial-A-Ride drivers, will be retiring together on July 1st. Two new people have been hired. Sonia Hernandez is a nurse’s aide and driver for Kessler Institute and Ellen Van Dyk is a substitute school bus driver in the Jefferson School system. There will be one-week overlap so that Barbara and Janet can show them the routes and introduce them to the people.

Denean Probasco, Planning/Zoning Board Secretary, accepted a promotional opportunity as the Municipal Clerk in the Borough of Chester. Interviews have been conducted and there will be an offer of employment extended by the end of the week. Administrator Ward extended a thank you to current employees Susan Pfeil and Jennifer Ciambrone for assisting the Boards during this time.

The generator has been installed at the Municipal Building. The Council was reminded that the Township received $100,000 in grant money from FEMA for this generator. The Township is waiting for final approvals from JCP&L.

There will be a pre-paving meeting with Tilcon soon. This year will see the largest number of roadways paved in a long time and the Department of Public Works has completed approximately 50% of the prep work, which includes rebuilding all the catch basins. The paving will likely be done in two phases in order to allow for the remaining prep work to be done. The tennis courts are also scheduled be paved within the next week or two. The new plants and planters outside of the Council Chambers were donated by a Denville resident who owns Bergen Botanicals in Rockaway.
CORRESPONDENCE:
All correspondence has been copied and distributed to Council.

OPEN PUBLIC PORTION:
Jim Florance, 100 Cedar Lake West, president of P.O.W.W.W., made a presentation to the Council asking for support of their application to the Morris County Open Space Fund to purchase three (3) lots on Hillcrest Drive. The three (3) lots total approximately 4 acres and are adjacent to Jonathan’s Woods, which is open space owned by the Morris County Park Commission. A copy of the tax map of Block 70501, Lots 505, 510, and 511 as well as an aerial view of the property was shown.
Mr. Florance stated the land would be purchased with money from the Morris County Open Space Trust Fund as well as from the Morris County Parks Commission, who would become the owner of the property. Passive recreation only would be allowed.
President Golinski thanked P.O.W.W.W. for their presentation and indicated it would be a good addition to Jonathan’s Woods.
CLOSE PUBLIC PORTION

Councilman Murphy was disconnected.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Kuser asked about the ordinance regulating solicitors in Denville and whether permits are still being required. Clerk Bowditch-Leon confirmed that all door-to-door solicitors, excluding utility representatives (i.e. Cablevision) must have a pink solicitor’s permit which shows that they have registered with the Township. If they do not have a solicitor’s permit, please contact the Police Department.

ORDINANCES FOR ADOPTION:
07-16
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter 5, Animal Control, of the General Ordinances of the Township of Denville, Regarding Owning, Keeping or Harboring Poultry
Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER WITTE
AYES: GABEL, WITTE, FITZPATRICK, KUSER, LYDEN, PRESIDENT GOLINSKI
ABSENT: MURPHY

OPEN PUBLIC HEARING
Kim Persson, 18 Meadow Street, disagreed with the ordinance as written. She does not believe that the minimum of 5 acres should be required to raise a few chickens. She stated that there should only be a restriction if the poultry being raised is for “for profit” purposes or if they become a nuisance. She stated that both her mother, in the Philippines, and her sons, in San Francisco, have raised chickens on less than 5 acres with no issues.
CLOSE PUBLIC HEARING

BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter 5, Animal Control, of the General Ordinances of the Township of Denville, Regarding Owning, Keeping or Harboring Poultry
Be passed on Final Reading and that a Notice of Final Passage be published in the 06/22/2016 edition of The Citizen newspaper

MOTION TO ADOPT:

MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER

Discussion: Councilman Kuser explained that the 5-acre restriction on poultry has been in the zoning ordinances for many years. This ordinance provides a further definition of poultry because it recently cost the Township a lot of money to defend against the argument that chickens were pets. He believed that it would be a disservice to the Township and to its residents if the definition of poultry was not explicit.

Councilwoman Witte also stated it was her understanding that the change is only to the definition of poultry and no other changes or additions to the existing ordinance are being proposed.

Township Attorney Jansen stated that since 1977 or earlier the 5-acre restriction has been in place. He read portions of the existing ordinance and explained that the Township prevailed in the court against the residents’ claims that their chickens were house pets, albeit at some expense to the Township. This ordinance defines poultry and is part of the Animal Control ordinance.

Councilman Fitzpatrick recognized the intent of the change to the ordinance but did not support it. He believed that the original ordinance should be reviewed and changed because the raising of chickens is gaining support in a sustainable environment and it can be done with less than 5 acres. He expressed his belief that there is an alternative solution to this ordinance.

President Golinski stated that although he voted against this ordinance at introduction, he will be voting in favor of it as he is convinced it is in the best interest of the Township to further clarify that poultry are not pets. He agreed that the original ordinance should be reviewed sometime in the future.

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

ITEMS FOR DISCUSSION AND/OR ACTION:

Interview of Candidates for Zoning Board of Adjustment Vacancy

President Golinski advised that two (2) candidates have volunteered to fill the vacancy. He stated that both candidates are long-term and dedicated volunteers and thanked them for their service and for offering to become a member of the Board of Adjustment. He encouraged whoever is not chosen tonight to continue their service and try again when another vacancy becomes available.

President Golinski posed the following questions to each candidate:

Do you wish to make a brief statement explaining the reasons you are applying for this position?

1. Why do you feel you are the best candidate for this position?
2. What do you see as your role as a member of the Board of Adjustment?
3. What special qualifications and skills would you bring to this position?
   a. Do you understand that the Board of Adjustment meets on the first and third Wednesdays of each month and that your attendance is necessary to insure a full complement for voting purposes?
   b. Are you also aware that as part of your duties, you will be expected to do site inspections of the matters before the Board and will be required to attend land use oriented classes?

4. Can you meet all of these requirements?
5. Is there anything else you would like to add?
Mr. Richard Vollmar was the first candidate to be interviewed. He gave a brief opening statement and an account of his previous volunteer work including the Boy Scouts, sports programs and the Environmental Commission. He also stated that he has been both an applicant as well as a concerned objector at the Board. He then gave a brief history of his skills as a civil engineer and planner stating that he is familiar with reviewing plans. He believed that his skills and professional experience as well as his concern for what is best for the Township would be a benefit to the Board of Adjustment. When asked if he would be able meet all the requirements of this position, Mr. Vollmer responded in the affirmative.

Councilman Gabel asked about the frequency of Mr. Vollmar’s attendance at the Board meetings and he explained that it was when he received notification of an application within 200’ of his property.

Mr. Harold Fahrer was the second candidate to be interviewed. He gave a brief opening statement which included his volunteer work with various organizations including P.O.W.W.W., Boy Scouts, and church and sports programs. He spoke of his years working at AT&T in project management work, stating that he had to have an understanding of all details before making final decisions. This ability as well as being able to work as part of both large and small teams would benefit the Board of Adjustment. When asked if he would be able to meet all the requirements of this position, Mr. Fahrer stated yes, with the possible exception of having to miss two meetings this year due to pre-planned events.

Councilman Gabel asked if Mr. Fahrer has attended any Board meetings, to which he stated he attended only a couple of them.

President Golinski stated that both candidates represent the real spirit of service and both would be an asset to the Board of Adjustment.

Councilman Fitzpatrick echoed President Golinski comments and thanked both candidates.

Councilman Fitzpatrick moved resolution R-16-137: Resolution Appointing Board of Adjustment Members for the Township of Denville Effective June 16, 2016 with Mr. Fahrer as Alternate #2, which was seconded by Councilwoman Witte.

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

CONSENT AGENDA:

R-16-138: Resolution Authorizing Raffle Licenses in the Township of Denville
R-16-139: Resolution Authorizing Renewal of Alcoholic Beverage Licenses in the Township of Denville for 2016-2017
R-16-140: Resolution Granting Permission to Bid for Vacuum Jeter Vehicle
R-16-141: Resolution Granting Permission to Bid for General Contracting Construction Services
R-16-142: Resolution Granting Permission to Bid for Double Drum Vibratory Roller
R-16-143: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville
R-16-144: Resolution Re-Establishing the Township of Denville Municipal Alliance Committee for the Year 2016
R-16-145: Resolution Authorizing Acceptance of Grant for 2016 Click It or Ticket Statewide Seat Belt Mobilization Grant Pursuant to the N.J. Division of Highway Traffic Safety from 05-23-2016 Through 06-05-2016
R-16-146: Resolution Requesting Approval of items of Revenue and Appropriations Pursuant to N.J.S.A. 40A:4-87
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R-16-147: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $40.00
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.
MOTION TO APPROVE CONSENT AGENDA:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: FITZPATRICK, GABEL, WITTE, KUSER, LYDEN, PRESIDENT GOLINSKI
ABSENT: MURPHY

NON-CONSENT RESOLUTIONS:
R-16-148: Resolution Authorizing the Refund of Money Due to the Redemption of Tax Sale Certificates Totaling $35,013.99 Plus Premiums
MOTION TO APPROVE R-16-148:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-16-149: Resolution Authorizing Renewal of Alcoholic Beverage License in the Township of Denville for 2016-2017
MOTION TO APPROVE R-16-149:
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER KUSER
AYES: FITZPATRICK, KUSER, GABEL
ABSTAIN: WITTE, LYDEN, PRESIDENT GOLINSKI
ABSENT: MURPHY
Due to the lack of a quorum of those eligible to vote, this Resolution will be reconsidered at a future meeting.

R-16-150: New Jersey Department of Transportation Division of Local Aid and Economic Development Recommendation of Award State Aid Project for Manholes to General Foundries, Inc.
MOTION TO APPROVE R-16-150:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK
AYES: KUSER, FITZPATRICK, GABEL, WITTE, LYDEN, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-16-151: New Jersey Department of Transportation Division of Local Aid and Economic Development Recommendation of Award State Aid Project for Line Painting to Denville Line Striping
MOTION TO APPROVE R-16-151:
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GABEL
AYES: FITZPATRICK, GABEL, WITTE, KUSER, LYDEN, PRESIDENT GOLINSKI
ABSENT: MURPHY

R-16-152: New Jersey Department of Transportation Division of Local Aid and Economic Development Recommendation of Award State Aid Project for Paving to Tilcon New York, Inc.
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MOTION TO APPROVE R-16-152: 
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN 
AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI 
ABSENT: MURPHY

R-16-153: 
Resolution Authorizing the Award of Contract for the Purchase of Two Vehicles in Accordance with State Contract A83013 
MOTION TO APPROVE R-16-153: 
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN 
AYES: WITTE, LYDEN, GABEL, KUSER, FITZPATRICK, PRESIDENT GOLINSKI 
ABSENT: MURPHY

R-16-154: 
Resolution Authorizing the Award of the Contract for Morris Knolls Water Tank Renovation and Painting 
MOTION TO APPROVE R-16-154: 
MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER 
AYES: GABEL, KUSER, WITTE, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI 
ABSENT: MURPHY

R-16-155: 
Resolution Authorizing Engineering Services in Connection with the Morris Knolls Water Tank Renovation Project 
MOTION TO APPROVE R-16-155: 
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN 
AYES: WITTE, LYDEN, GABEL, KUSER, FITZPATRICK, PRESIDENT GOLINSKI 
ABSENT: MURPHY

R-16-156: 
Resolution Authorizing Engineering Services in Connection with Phase II – Broadway Streetscape Project 
MOTION TO APPROVE R-16-156: 
MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK 
AYES: KUSER, FITZPATRICK, GABEL, WITTE, LYDEN, PRESIDENT GOLINSKI 
ABSENT: MURPHY

R-16-157: 
Resolution in Support of the 2016 Application by P.O.W.W.W. (Preserve Our Wetlands, Water and Woods) to the Morris County Open Space Trust Fund for Land Acquisition 
MOTION TO APPROVE R-16-157: 
MOVED BY MEMBER WITTE, SECONDED BY MEMBER FITZPATRICK 
AYES: WITTE, FITZPATRICK, GABEL, LYDEN, PRESIDENT GOLINSKI 
ABSTAIN: KUSER 
ABSENT: MURPHY

R-16-158: 
Resolution Authorizing the Award of the Contract for the Purchase of a Holmatro CORE Rescue System in Accordance with State Contract A80967 
MOTION TO APPROVE R-16-158: 
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER KUSER 
AYES: FITZPATRICK, KUSER, GABEL, WITTE, LYDEN, PRESIDENT GOLINSKI 
ABSENT: MURPHY
MOTION TO APPROVE MINUTES OF 5/10/2016 and 5/17/2016
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI for 5/10
ABSTAIN: PRESIDENT GOLINSKI for 5/17
ABSENT: MURPHY

It was announced that the Council would be going into Executive Session, but would be coming out to
act on two (2) resolutions

R-16-159: Resolution Authorizing Executive Session to Discuss the Possible Purchase of Real
Property with Public Funds
MOTION TO APPROVE R-16-159:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: MURPHY

Council went into Executive Session at 8:52 P.M.
Council came out of Executive Session at 9:18 P.M.

R-16-160: Resolution Authorizing Year 2016 Application for a Morris County Open Space and
Farmland Preservation Trust Fund Grant
MOTION TO APPROVE R-16-160:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER GABEL
AYES: WITTE, GABEL, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
ABSTAIN: KUSER
ABSENT: MURPHY

R-16-161: Resolution Authorizing Year 2016 Application for a Morris County Open Space and
Farmland Preservation Trust Fund Grant
MOTION TO APPROVE R-16-161:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER WITTE
AYES: GABEL, WITTE, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
ABSTAIN: KUSER
ABSENT: MURPHY

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

The Meeting adjourned at 9:20 P.M.

[Signature]
Kathryn Bowditch-Leon, RMC
Municipal Clerk
P.R.I.D.E.

**Blood Drive:** April 16th Blood Drive at Town Hall yielded 23 units of blood. NJ Blood Drive was easy to work with, and the next Blood Drive is scheduled for October 29th.

**Rid Litter Day:** There were approximately 335 volunteers cleaning dozens of sites.

**National Day of Prayer:** The event was held inside due to inclement weather. The turnout was good, and the full house enjoyed a lunch provided by Denville Dog and Grill.

**VFW:** The VFW breakfasts are done until October. On April 15th, patients from Lyons Veterans Hospital came for a roast beef dinner and Bingo. On April 29th there was an Open House in conjunction with Morris County Clerk, Ann Grossi. Any Veteran that has received an Honorable Discharge, signed up to receive an ID card and a Discount Booklet that lists business and services that offer Vets discounts. The program is called Operation Give Back. 129 Veterans showed up. May 30th The Memorial Day Parade was cancelled due to rain, but a well attended service was held at Town Hall. On June 16th, please retire worn, battered flags at VFW. They are burned and buried there.

**Joey Bella** - July 2nd, Tricky Tray, 6 pm Gardner Field. July 3, Beer/Band and Beefsteak Dinner, Gardner Field

**Woman's Club:** recently held a collection of food, health and toiletry items for Roots and Wings, manned a table to sell plants at the Historical Society's yard sale, collected 2400 new and like-new children's books, and are planning their back to school backpacks and school supply drive.

**Sunrise Rotary:** The Great Denville Duck Race is June 18th at 10 am at Gardner Field. Ducks are on Sale at Denville Dog and Grill, Denville Dairy, Provident Bank, Town Hall, Casa D Pizza, Write On Gifts, Power Play Gaming and Denville Chiropracti

**Fire Department Carnival** is scheduled June 21 - 25th, fireworks Wednesday (rain date Friday). Wrist band for sale for $25 unlimited rides all night.

**Kiwantis Club of Denville** - held the 2\textsuperscript{nd} Annual Bicycle Rodeo on Thursday, 59\textsuperscript{th} annual Father's Day Pancake Breakfast is Sunday, June 19\textsuperscript{th} 8 a.m to noon

**Denville Beautification Committee** - 7,500 seedlings have been planted. Help on Wednesdays at 6pm or Saturdays at 9am. Meet at various locations announced by e-mail. Monetary donations accepted! The group will have a booth at the Rotary Street Festival to recruit Denville citizens. The theme will be "Get Back to Your Roots" and will feature pictures from projects such as the 40 year old Bicentennial Garden, Muriel Hepner Park, and other locations throughout Denville.