TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING
August 6, 2019

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 Borowiec. 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, Witte, Bergen, Lyden, Borowiec, President Gabel
Absent: Buie

ALSO IN ATTENDANCE:
Steven Ward, Administrator; John Jansen, Esq., Township Attorney

PROCLAMATIONS/PRESENTATIONS/CEREMONIAL MATTERS:
None

LIAISON REPORTS:
Councilman Murphy reported that the Downtown Denville Block Party and Sidewalk Sales held at the end of July were great successes. He stated that the Environmental Committee continues to review Planning Board and Board of Adjustment applications.
Councilwoman Witte had nothing to report.
Councilman Bergen noted the dates of the Back to School nights for the three Denville elementary schools and Morris Knolls High School.
Councilwoman Lyden expressed her excitement that the Den Brook Trail sign has been ordered and the grant to develop the Den Brook Trail was submitted to Morris County Parks Commission.
Councilman Borowiec had nothing to report.
President Gabel had nothing to report.

MAYOR’S REPORT:
NONE

ADMINISTRATOR’S REPORT:
Administrator Ward advised that the resurfacing of Cooper Road, Franklin Avenue and Knoll Drive was completed this afternoon. He stated that DPW is in the process of prepping the next group of roads. He explained that they are trying to schedule the paving of the roadway from Gardner Field to the municipal building parking lot, Maywood Ave., Elm St., Walnut St, and Woodland Ave. prior to the start of the school year.

Mr. Ward then reported that the NJ Department of Transportation (NJDOT) meeting held at Town Hall to discuss NJ Transit’s aspiration to close the at-grade railroad crossing at Lackawanna Avenue was very promising. He stated that the report of NJDOT’s consulting Traffic Engineer seems to substantiate the Township’s position that the traffic at Station Road would be made substantially worse by closing the Lackawanna Avenue crossing. He also stated that it validated the concerns of the Township that if the Lackawanna Avenue crossing was closed and there was an emergency closure at the Station Road crossing, the response time would increase considerably for emergencies in the Beacon Hill section of town.
Councilman Murphy added that the NJDOT is trying to finalize the Route 53 improvements and the Lackawanna Avenue crossing is part of the engineering for that project.
CORRESPONDENCE:
All correspondence has been copied and distributed to Council.

OPEN PUBLIC PORTION
Tyler Barth (Randolph Township) asked what NJ Transit’s motive is for closing the Lackawanna Avenue crossing. Mr. Ward explained it is the intention of NJ Transit to close as many at grade crossing in the state as possible to reduce its exposure to liability. He stated that the Township strongly opposes the closing of the Lackawanna Avenue crossing.

CLOSED PUBLIC PORTION

MATTERS OF OLD AND/OR NEW BUSINESS:
President Gabel explained that pursuant to ordinance, the Municipal Clerk is required to advise the Council quarterly of all the raffle licenses issued. He stated that the raffle licenses listed are those that were issued since April 2019 and advised that if there are any questions to see the Municipal Clerk.

Councilman Murphy asked for confirmation that all the organizations, whether they were from Denville or out-of-town, were holding raffles within the Township of Denville, to which Mr. Jansen replied yes.

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<tr>
<th>On Premise 50/50 &amp; On Premise Merchandise Draw</th>
<th>OL of the Magnificat RC Church</th>
<th>6/3/2019</th>
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<tr>
<td>On Premise 50/50</td>
<td>Denville Senior Citizens Association</td>
<td>5/24/2019 to 5/23/2020</td>
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<td>On Premise 50/50</td>
<td>The 11th Hour Animal Rescue Inc.</td>
<td>5/28/2019</td>
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<td>On Premise 50/50</td>
<td>Morris Knolls Choral Boosters, Inc.</td>
<td>5/29/2019</td>
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<td>On Premise 50/50 &amp; Tricky Tray</td>
<td>William E. Davenport PTA</td>
<td>5/18/2019</td>
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<td>Calendar Raffle</td>
<td>DAWN Center of Independent Living, Inc.</td>
<td>Sept 2, 9, 16, 23, 30; Oct. 7, 14, 21, 28; Nov. 4, 11, 18, 25</td>
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<td>On Premise 50/50 &amp; Tricky Tray</td>
<td>HAS Divine Mercy Academy</td>
<td>10/26/2019</td>
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<tr>
<td>Off Premise 50/50</td>
<td>St. Francis Health Resort</td>
<td>10/6/2019</td>
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<td>On Premise 50/50</td>
<td>Denville Kiwanis Club</td>
<td>7/25/2019</td>
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<td>Tricky Tray &amp; On Premise 50/50</td>
<td>One Step Closer Animal Rescue, Inc</td>
<td>9/21/2019</td>
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<td>Tricky Tray</td>
<td>Roman Catholic Diocese of Paterson</td>
<td>9/24/219</td>
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ORDINANCES FOR ADOPTION:

**Ordinance No. 15-19:**
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, Amending Chapter 2, Administration, of the Township Code to Establish a Length of Service Award Program for the Denville Volunteer Fire Department and First Aid Squad

Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER LYDEN
AYES: MURPHY, LYDEN, WITTE, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE
OPEN PUBLIC HEARING
No one wished to be heard.
CLOSED PUBLIC HEARING

Township Attorney Jansen advised that the ordinance as introduced in July was sent to the Department of Community Affairs (DCA) for review. He explained that the DCA suggested a few revisions, one of which is a substantial change to the original ordinance. He recommended that the Council withdraw this ordinance and introduce the revised ordinance, which is listed on the agenda under ORDINANCES FOR INTRODUCTION. He confirmed that there is time to ensure that the ordinance is listed on the ballot for referendum in November and stated that there is a resolution on this evening’s agenda to allow the ballot question to be sent to the Morris County Clerk.

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

ORDINANCES FOR INTRODUCTION:
Ordinance No. 16-19
BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $200,000 from the Water Capital Improvement Fund of the Township of Denville for Conversion to a New Water Meter System, Including New Water Meters

Be Introduced and Read by Title on First Reading:

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $200,000 from the Water Capital Improvement Fund of the Township of Denville for Conversion to a New Water Meter System, Including New Water Meters

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 09-03-2019 at 7:30 p.m. in the evening, prevailing time, at the municipal building in said Township of Denville at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

MOTION TO PASS ON FIRST READING:
MOVED BY MEMBER BERGEN, SECONDED BY MEMBER MURPHY
AYES: BERGEN, MURPHY, WITTE, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

Ordinance No. 17-19
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, Amending Chapter 2, Administration, of the Township Code to Establish a Length of Service Award Program for the Denville Volunteer Fire Department and First Aid Squad

Be Introduced and Read by Title on First Reading:

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, in the County of Morris and State of New Jersey, Amending Chapter 2, Administration, of the Township Code to Establish a Length of Service Award Program for the Denville Volunteer Fire Department and First Aid Squad

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BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

MOTION TO PASS ON FIRST READING:
MOVED BY MEMBER BERGEN, SECONDED BY MEMBER LYDEN
AYES: BERGEN, LYDEN, MURPHY, WITTE, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

ITEMS FOR DISCUSSION AND/OR ACTION:
None

CONSENT AGENDA:
R-19-151: Resolution for Renewal of Membership in the Morris County Municipal Joint Insurance Fund
R-19-152: Resolution Authorizing Refund of Recreation Department Fees
R-19-153: Resolution Authorizing Refund of a Facility Use Fee
R-19-154: Resolution of the Township of Denville Waiving Certain Fees Associated with Temporary Food Licenses for the Vamp-Up Vets Fundraiser Sponsored by the P.A.L.

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

NON-CONSENT AGENDA:
R-19-155: Resolution of the Township of Denville, in the County of Morris and State of New Jersey, Authorizing a LOSAP Ballot Question
MOTION TO APPROVE R-19-155:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER WITTE
AYES: MURPHY, WITTE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

R-19-156: Resolution Refunding the Overpayment of 2017, 2018, 2019 Taxes on a Certain Property
MOTION TO APPROVE R-19-156:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER MURPHY
AYES: WITTE, MURPHY, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

R-19-157: Resolution Authorizing the Execution of a Revised Professional Services Contract for Public Defender Services
MOTION TO APPROVE R-19-157:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, MURPHY, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

R-19-158: Resolution Authorizing Renewal of the Alcoholic Beverage License for Bensi of Denville, Inc. in the Township of Denville for 2019-2020
MOTION TO APPROVE R-19-158:
MOVED BY MEMBER BOROWIEC, SECONDED BY MEMBER MURPHY
AYES: BOROWIEC, MURPHY, WITTE, BERGEN, LYDEN, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

R-19-159: Resolution Authorizing the Person to Person and Pocket to Place Transfer of New Jersey Plenary Retail Consumption License 1408-33-007-005
MOTION TO APPROVE R-19-159:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER WITTE
AYES: MURPHY, WITTE, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE

MINUTES FOR ADOPTION:
July 16, 2019
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, MURPHY, BERGEN, BOROWIEC, PRESIDENT GABEL
NAYS: NONE
ABSENT: BUIE
MOTION TO ADJOURN:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

The Meeting adjourned at 7:49 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk