The Meeting was called to order at 7:32 P.M. by Council President Golinski. The Salute to the Flag was recited, followed by an Invocation by Councilman Gabel. 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, Murphy, President Golinski
Absent: Fitzpatrick (arrived at 8:02 P.M.)

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

Administrator Ward distributed to the public copies of Frequently Asked Questions about Affordable Housing.

PRESENTATIONS/CEREMONIAL MATTERS
None

LIAISON REPORTS
Councilman Murphy shared that the Business Improvement District (BID) recently received its IRS 501c3 status and they have applied for grants for improvements downtown. He announced that the BID’s Restaurant Week event will be held from September 24th through September 30th. He stated that the Green Sustainability Committee has their resubmission ready for their Sustainable Jersey Silver Certification. He stated that they have more than the 350 points required to qualify and they hope to resubmit this Thursday.

Councilwoman Lyden advised that the Trails Committee will be having a meeting on September 19th at 6:30 P.M. at Town Hall to discuss their 2018 schedule to continue the extension which was started in 2016.

Councilman Kuser had nothing to report.

Councilwoman Witte said that the next Denville Senior Citizens general meeting will be held on October 11th at 11:00 A.M. and will involve the 2018 elections for general club officers. She shared that on Friday, November 10th, Police Chief Christopher Wagner will give a presentation at the Senior Center. Ms. Witte advised that the new school year starts on Thursday and announced that the 1966, 1967 and 1968 graduating classes from Morris Knolls High School will have their 50th reunion this weekend. She said this year’s holiday parade will be held on November 26th and the theme is Holiday Cartoons. Councilwoman Witte stated that Rockaway River Watershed will have their next meeting on Wednesday, September 20th at 4:30 P.M. at Town Hall.

Councilman Gabel stated that he attended the August 9th Planning Board meeting and shared that the Environmental Commission will meet this Thursday. He commended the Beautification Committee for their continuing efforts to make the downtown and surrounding areas look beautiful and commented that they are always looking for new members.

President Golinski had nothing to report.

MAYOR’S REPORT
Mayor Andes said that the Senior Picnic is scheduled for Friday, September 8th at 12:00 P.M at Gardner Field. He shared that New Jersey Monthly Magazine named Denville Township the ninth best town in New Jersey to live in. Mayor Andes advised that Township received a grant from the State and the Army Corps to complete a $1.2 million study which will possibly allow the Township to receive an additional $10 million grant to
complete the flood mitigation study. He added there would be a public review in October, 2018 and a final report in March, 2019.

Mayor Andes announced that the Township received a $613,000 federal grant for the Streetscape Project Phase III which will be used for First Avenue and the First Avenue Parking Lot. He noted that it is anticipated that the completion of the project will be in 2018.

ADMINISTRATOR’S REPORT
Administrator Ward shared that the Township had received a state grant to resurface Old Boonton Road, which was completed this afternoon. Mr. Ward added that there are still a few roads that need to be completed and the Township is waiting on the schedule from Tilcon.

Administrator Ward articulated that the Township is very close to naming a new Recreation Director and the candidate is scheduled to meet with the Recreation Committee tomorrow. Mr. Ward expressed his appreciation of Don Bogardus for his sixteen years of service as the Township Recreation Director and for coming in on evenings and weekends to help with the transition.

Administrator Ward advised that a bond sale is scheduled for September 20th. He further advised that the Township will know its Moody’s credit rating this Friday and they are hoping for AA1 rating.

NOTICE OF ADJOURNMENT - Person to Person Transfer of Liquor License 1408-33-008-010 has been adjourned to the October 3, 2017 Municipal Council Meeting. President Golinski asked if anyone from the public would like to make any comment regarding the transfer. No one responded.

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

OPEN PUBLIC PORTION
Mallary Steinfeld (147 Casterline Road) explained that in 2012, Glenmont Commons received subdivision approval to build four single-family homes on environmentally sensitive land off Casterline Road. She stated that a developer’s agreement was approved by the Township and the Rockaway Valley Regional Sewerage Authority approved by resolution the developer’s request for sewer connections to the proposed four single-family homes.

Ms. Steinfeld provided a history of the site in question and explained why she feels that the land is ill-suited for a 65-unit development due to environmental constraints such as steep slopes and wetlands. She continued to say that in 2014, an Environmental Resource Inventory (ERI) was prepared for Denville Township by The Land Conservancy of New Jersey in partnership with the Township of Denville Environmental Commission and Green Team. A copy of the Environmental Resource Inventory is included at the end of these minutes. Ms. Steinfeld quoted parts of the ERI and opined that the site off of Casterline Road provides a habitat for wildlife, including many endangered and threatened species. She expressed her belief that the Council should reject the proposal submitted by Glenmont Commons as well as the proposed zoning change based on land use parameters. She stated that it was her belief that the neighborhood surrounding Casterline Road is rural and would be inconvenient for the new residents, especially those living in the affordable housing units.

Council President Golinski explained to the public present that there is no resolution relating to Glenmont Commons on the agenda and the only affordable housing related resolution is to allocate affordable housing funds to use for legal and administrative expenses.
Irvin Cohen (19 Copeland Road) opined that no one but the developer would benefit from the re-zoning and development of this property. He stated that the neighbors do not support nor would they benefit from this development. Mr. Cohen explained that the property upon which this development is being proposed cannot support this type of development due to environmental constraints. He expressed his opinion that if the property could have supported a larger development, then the developer would have made application to the Planning Board for more than the four-single family homes. Mr. Cohen confirmed that there are many rare and endangered species, including the red-headed woodpecker and wood turtle, in the area. He asked if Glenmont Commons has completed any of the required studies to prove that these species do not live on the property. He then asked why the Council would agree to a settlement with anyone without first knowing what the Township’s obligation is.

John Scialo (4 Bell Aire Court) mentioned an e-mail from Carol Spencer regarding the original Parsippany approval of a Glenmont Commons application from the mid 1990’s in which Ms. Spencer suggested that Mr. Mossberg had set aside the property in Denville as open space in return for high-density cluster housing in Parsippany. Mr. Scialo asked if there has been an effort to find out if such an agreement exists.

President Golinski told Mr. Scialo that he has not seen this e-mail and asked if Administration could see if such an agreement was made.

Mayor Andes stated that the property on Casterline Road is not on the Township’s Recreational and Open Space Inventory (ROSI).

Peter Agostini (28 Cambridge Avenue) requested that the Township perform its due diligence and asked that the Township Attorney avail himself of all discovery tools regarding Glenmont Commons. Mr. Agostini asked that the Township look at all other locations throughout the Township for possible development and stated that there are other lots near highways, shopping centers, mass transportation and other conveniences. He opined that a development on another parcel of land closer to downtown would benefit not only the residents in that development but also the local businesses. Mr. Agostini stated that it is his belief that the development of this property is being rushed and that there is no reason to establish another zone in the Township zoning ordinances.

Ted Moore (14 Cambridge Avenue) asked that the Council vote no to the proposed zone change. Mr. Moore said that he is concerned that a development such as this will impact what he believes to be the unique and desirable qualities of Denville. He stated that the density of this proposed development will upset the quality of schools and teaching. Mr. Moore urged the Township to explore different solutions to the affordable housing obligation.

Bob Grant (114 Ridgewood Parkway East) expressed his opinion that the Township as a whole would be better served if all the proposed projects that are part of the declaratory judgment were dealt with at the same time, instead of piecemeal. He expressed his opinion that this is a town-wide concern, especially relating to taxes, infrastructure, schools, etc.

President Golinski agreed that affordable housing is too big a topic to deal with at one meeting and explained that there have been many meetings over the last year at which the topic has been discussed.

Glenn Buie (15 Frazer Road) pointed out that municipalities can no longer transfer their obligations to other municipalities and encouraged residents to write letters to State Senators and members of the State Assembly.

Jennifer Green (86 Lakewood Drive) had questions pertaining to Resolution R-17-207, a “Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville General Trust Fund...
for COAH Related Administrative Costs”. Ms. Green wanted to know when the last transfer of funds occurred and what the amount of that transfer was. She also wanted to know if the last transfer included the legal fees for the review of Glenmont Commons’ proposed Settlement Agreement and asked what the transfer plan is for Resolution R-17-207.

Administrator Ward stated that he believed that the last transfer took place late this spring and he did not recall the exact amount but could provide that information. He said the funds are used for legal, planning, and administrative fees associated with the Township’s declaratory judgment action.

Ms. Green expressed that she would like to know what the amount of the last transfer was and what the fees were used for specifically to see if the Township is using funds for legal fees for the proposed Settlement Agreement with Glenmont Commons.

Administrator Ward and Mayor Andes clarified that this transfer of funds is not related specifically to Glenmont Commons, but rather will be used towards expenses related to the declaratory judgment action such as fees for the services provided by Edward Buzak, Esq. and Township Planner Jason Kasler. Administrator Ward explained that the funds being transferred are moneys collected from the builder’s development fee fund. He then advised that a link to all of the documents and a Frequently Asked Questions (FAQs) document have been posted on the Township website.

Michael Meola (150 Casterline Road) asked the Township Council to fight for the people they represent. He said he has not seen any plans yet for any of the proposed developments. Administrator Ward stated that the plans and other pertinent documents have been posted on the Township website.

Sari Caruso (6 Cambridge Road) said that there is already a strain on the school system in the Township and the development of 65 units off of Casterline Road could create the need for a new school to be built. She added that an influx in population would create more traffic and would require more buses for school students.

Nick Tzoumis (64 Nicole Drive) stated that in Denville there are approximately 6,500 households and the experts involved in the declaratory judgment action have provided a very wide range of opinions on what Denville’s obligation should be. He said that new developments could create infrastructure changes and impact the Police Department, roads, and schools which will then result in an increase in taxes for residents.

Ted Hussa (20 Hewetson Road) asked if all builders are still required to contribute towards affordable housing. Township Attorney Jansen stated that fees are being collected as per State law. Mr. Hussa stated that he received the minutes regarding the Habitat for Humanity plan for 6 units to be built on Lake Lenore Drive, which was not approved by the Township. He pointed out that the Township has not received its affordable housing obligation number from the Court and therefore still has immunity.

Township Attorney Jansen explained that Denville is the Plaintiff in the declaratory judgment action and is trying to act in good faith by working with developers. He further explained that the Township needs to provide a realistic opportunity for the construction of affordable housing otherwise the temporary immunity will be revoked. Mr. Jansen advised that the Township’s expert has said the Township’s obligation is 112 units so the Township is moving forward to address the 112-unit obligation.

Mr. Hussa expressed his opinion that plans should not have to be approved until the obligation has been determined by the Court to which Mr. Jansen cautioned that the Judge has the ability to revoke the Township’s immunity if it fails to proceed in good faith to meet what it concedes is its obligation.
Mr. Hussa referred to the Preliminary Housing Element and Fair Share Plan and stated that one of the four demographics linked to the Township’s obligation is open space. He stated that over the last six years, the Township has only purchased $500,000 worth of property. Mr. Hussa opined that if the Township had purchased more open space property in the past then the obligation number would be lower. He expressed his belief that to construct a high-density development in the middle of the woods is ridiculous.

Mayor Andes stated that a couple of million dollars’ worth of land has been purchased and Administrator Ward commented that the Township has been very effective in obtaining federal, State, and County grants for the acquisition of property to minimize the use of local open space funds.

Mike Gutkin (42 Copeland Road) asked about the resolution authorizing the Settlement Agreement with Glenmont Commons, to which President Golinski responded that the resolution was removed from the August 8th agenda and has not been scheduled at this time to be on another agenda, as the settlement agreement needs to be reviewed further.

Mr. Gutkin stated that he is not against affordable housing. He explained he is in support of the development of four (4) single-family homes on that property and is not in favor of building 65 or 228 units on that property. Mr. Gutkin said he does not believe it is a waste of money for the Township to continue to fight this matter.

Administrator Ward announced that the planning documents, concept plans and draft ordinance as well as Frequently Asked Questions (FAQs), which were distributed at this meeting, have been posted on the Township website and will consistently be updated whenever more information becomes available.

Irving Cohen (19 Copeland Road) shared that he was part of the community action group that sued the Township of Parsippany Troy-Hills and Glenmont Commons. He noted that the group asked the Township to assist with the lawsuit but they backed out.

Mr. Cohen asked about the procedure of meetings, specifically the public portion and closed session which President Golinski explained and confirmed that no action is taken during executive sessions. Mr. Cohen then asked if there is public record of executive sessions. Township Attorney Jansen stated that executive session minutes are available for release to the public once the matter that was discussed has been resolved.

Mr. Cohen asked about the concept of “a realistic opportunity” and Township Attorney Jansen explained that the Township is not obligated to build housing but needs to provide a realistic opportunity for construction of affordable housing. Mr. Cohen expressed that this is not a “Not in My Backyard” (NIMBY) situation but rather is about the community as a whole. He referenced the 6 units proposed at Lake Lenore which were rejected by the Township Zoning Board and stated he believes there is room for negotiation with the Court about “realistic opportunity”.

Administrator Ward advised that the Township had a total obligation of 325 affordable housing units at the end of the second round. He explained that Denville will enter this round with 358 credits, a surplus of 33 affordable housing credits and 28 credits will come from the completion of Estling Village for a total of 61 credits towards the Township’s third round obligation.

Administrator Ward shared that Lake Lenore project is still part of the Township’s plan to provide affordable housing units and added that the Township is working with Special Homes of New Jersey to establish a group home on that site, but they are facing challenges because of steep slopes on that property.

Steve Kozakewich (Glenmont Commons, 100 Seasons Glen Drive, Morris Plains) asked whether he should have received a notice about the change of zoning on this property to which Mr. Jansen explained that a notice
would be provided when an ordinance to amend the zoning ordinance is introduced. He pointed out that the proposed Settlement Agreement authorizes the Township to proceed with a rezoning of the property, but statutory procedures for introduction and adoption would be followed. He said that the Township currently has a draft ordinance and minimal variances would be permitted.

Peter Agostini (28 Cambridge Road) thanked the Council for their responsiveness and expressed his concerns about this site and whether there were further reasons why Glenmont Commons initially only asked for 4-single family homes to be built. He mentioned the possibility of an appeal of the Judge’s decision. Mr. Agostini asked the Council to work on the residents’ behalf and not to vote in support of this.

Michael Meola (150 Casterline Road) shared that a few years ago he requested a 9-lot subdivision with a minor variance which was denied and asked why Glenmont Commons would be granted any minor variances.

Sara Englestein (11 Copeland Road) wanted to know why this proposed project is still going forward.

President Golinski explained that the Township is trying to come up with a solution where Denville has more control of its destiny and in order to accomplish this, the Township feels it is best for the entire town to work with builders, develop zoning ordinance amendments and preserve our immunity.

Ms. Englestein said that this is an environmentally sensitive area. Councilman Fitzpatrick responded that he agreed, but that the Fair Share Housing Center (FSHC) is not concerned with the environment or impact on school systems.

CLOSE PUBLIC PORTION

Councilman Fitzpatrick emphatically stated that he believes in fighting this matter but if the Township loses it loses big. He advised that there is currently nothing for the Council to vote on pertaining to the proposed Glenmont Commons development. He stated that the legislature needs to stop the atrocity of affordable housing. Mr. Fitzpatrick also mentioned that the gubernatorial race is this year and the candidates have different views on affordable housing. He further expressed his opinion that affordable housing units should be integrated within the entire community and that a reasonable solution needs to be reached. He then confirmed that the Council has been dealing with this for a long time and is very frustrated.

Mayor Andes said that the fate of affordable housing in New Jersey lies in the hands of Assembly Speaker Prieto. He explained that Assembly Speaker Prieto is holding everything up and is not letting legislation that would have allowed for Regional Contribution Agreements, would have frozen or capped a municipality’s obligation and would have prohibited exclusionary zoning to get to the Assembly floor. He urged people to write letters.

Mayor Andes confirmed that all the public’s comments will be taken into account and their suggestions will be evaluated. He said that the Township’s goal is to come up with the best solution to address the affordable housing obligation. He reminded the public that the affordable housing obligation impacts the entire Township as a whole and vehemently stated that single neighborhoods are not being targeted.

Councilman Kuser encouraged residents to visit the Township website to read the FAQs and stated they may e-mail him directly to discuss the affordable housing issue in Denville. He explained that 1,050 units will be built in Rockaway Township because of the loss of immunity from builder’s remedy lawsuits and that that Parsippany will be rezoning an office park in order to construct 500 units on Route 10. Mr. Kuser urged residents to keep writing to Assembly members and to attend the Council meetings and said he is very interested in feedback from everyone.
MATTERS OF OLD AND/OR NEW BUSINESS
None

ORDINANCES FOR ADOPTION
15-17
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 8, Parking Lots and Parking Meters, Subsection 8-1.2, Parking Lot Restrictions, and Subsection 8-1.3, Parking Permit, of the Revised General Ordinances to Update and Clarify Various Requirements

Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER MURPHY
AYES: WITTE, MURPHY, GABEL, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
NAYS: NONE

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend and Supplement Chapter 8, Parking Lots and Parking Meters, Subsection 8-1.2, Parking Lot Restrictions, and Subsection 8-1.3, Parking Permit, of the Revised General Ordinances to Update and Clarify Various Requirements

Be passed on Final Reading and that a Notice of Final Passage be published in the 09/13/2017 edition of The Citizen newspaper.

MOTION TO ADOPT:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, GABEL, KUSER, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI
NAYS: NONE

ORDINANCES FOR INTRODUCTION
None

ITEMS FOR DISCUSSION AND/OR ACTION
Best Practices Worksheet CY 2017/2018

Administrator Ward presented the Best Practices Worksheet and said that this year was the Township’s best performance so far. He explained the only item to which the Township could not answer “yes” was with regard to an audit comment regarding separation of duties. He shared that he is very proud of the work done by all departments with the support of the Governing Body.

Councilman Murphy asked if there was any significance to the colors used for “yes” and “no” on the Worksheet, to which Mr. Ward responded that there was not.
CONSENT AGENDA
R-17-193: Resolution Authorizing Raffle Licenses in the Township of Denville
R-17-194: Resolution Authorizing Acceptance of Funds for Drive Sober or Get Pulled Over 2017 Statewide Labor Day Crackdown From 08-18-2017 through 09-04-2017
R-17-195: Resolution Requesting Approval of Items of Revenue and Appropriation Pursuant to N.J.S.A. 40A:4-87 for the Drive Sober or Get Pulled Over Grant
R-17-196: Resolution Authorizing Refund of Recreation Department Fees
R-17-197: Resolution Refunding the Overpayment of 2017 Taxes
R-17-198: Resolution Authorizing the Release of a Construction Performance Guarantee for Improvements to the Property Located at 30 Mountain Road
R-17-199: Resolution Requesting Approval of Items of Revenue and Appropriation Pursuant to N.J.S.A. 40A:4-87 for the Drive Sober or Get Pulled Over Grant
R-17-200: Resolution Refunding 2017 Utility Overpayment
R-17-201: Resolution to Cancel Interest in the Amount of $30.82
R-17-202: Resolution of the Township of Denville Authorizing a Sale Through GovDeals of Various Items of Municipal Property No Longer Needed for Public Use
R-17-203: Resolution Authorizing the Execution of an Amendment to the Site Access Agreement with Arcadis U.S., Inc.
R-17-204: Resolution Authorizing the Issuance of a Social Affair Permit by the State of New Jersey Division of Alcoholic Beverage Control

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.

Township Attorney Jansen explained the correction noted on Resolution R-17-193.

MOTION TO APPROVE CONSENT AGENDA:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: GABEL, FITZPATRICK, WITTE, KUSER, LYDEN, MURPHY, PRESIDENT GOLINSKI
NAYS: NONE

NON-CONSENT AGENDA
R-17-205: Resolution Authorizing a Contract with Extra Duty Solutions for the Administration of the Denville Police Department’s Extra Duty Details

MOTION TO APPROVE R-17-205:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER GABEL

DISCUSSION:
Councilman Gabel asked what services Extra Duty Solutions would provide. Administrator Ward responded that there are certain duties that are performed by the police that incur overtime that is not paid for through taxes but rather is paid directly by the utility companies. He stated that the administrative tasks associated with this work such as scheduling and collection of funds will now be done by Extra Duty Solutions and not by a non-uniformed police department employee. Mr. Ward then explained that the Police will be paid by the Township but that the funds are collected in advance by Extra Duty Solutions.

Councilman Murphy received confirmation that there will be a fair rotation of overtime for the Police Department employees.

Councilman Gabel received confirmation that the administrative fee percentage would be collected by Extra Duty Solutions.
AYES: MURPHY, GABEL, WITTE, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
NAYS: NONE

R-17-206: Resolution Refunding the Overpayment of 2017 Taxes in the Amount of $3,317.50
MOTION TO APPROVE R-17-206:
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER MURPHY
AYES: FITZPATRICK, MURPHY, GABEL, WITTE, KUSER, LYDEN, PRESIDENT GOLINSKI
NAYS: NONE

R-17-207: Resolution Authorizing the Transfer of Funds from the Affordable Housing Trust Fund to the Denville General Trust Fund for COAH Related Administrative Costs
MOTION TO APPROVE R-17-207:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER KUSER
AYES: MURPHY, KUSER, WITTE, GABEL, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
NAYS: NONE

MINUTES FOR ADOPTION
None

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

The Meeting adjourned at 9:36 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk