TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING
October 10, 2017

The Meeting was called to order at 7:30 P.M. by Council President Golinski. The Salute to the Flag was recited. 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 Municipal Clerk requested that all electronics be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Kuser, Lyden, Fitzpatrick (arrived at 7:31 P.M.), Murphy, President Golinski
Absent: None

ALSO IN ATTENDANCE: Thomas W. Andes, Mayor; Steven Ward, Administrator

OPEN PUBLIC PORTION
Charles Caccavale (99 West Glen Road) explained his neighbor had planted bamboo along the approximately 80’ property line between their properties just before he moved in 9 years ago. He then stated about 4 years ago he found the bamboo had migrated from where it was planted and was now coming up through weak seams and cracks in his driveway. He stated that since that time he has found that the bamboo is choking out trees, bushes and other plants in the area. He explained that he has tried weed killer, cutting it back, and digging and pulling it out, but nothing is stopping it. He explained the recommendation he has received is to build an underground wall to stop the roots from migrating.

Mr. Caccavale expressed his understanding that his situation is a pre-existing condition, but asked for the Township’s assistance in helping to regulate these plants when they migrate onto other property.

John Happy (60 Hillcrest Drive) explained that he has educated himself on exotic, invasive plants and asked the Council to consider including in any ordinance other invasive species of plants like the burning bush, privet hedges, and barberry. He explained that if left alone these plants spread and overtake the area underneath the tree canopies, which can be seen at Jonathan’s Woods and the Tourne Park. He then mentioned other exotic, invasive plants seen around town – oriental bittersweet, the mile-a-minute plant and the devil’s walking stick and asked that the Township provide information to the public to educate them on these plants.

CLOSE PUBLIC PORTION
President Golinski explained in December 2015 the Council discussed the possibility of introducing an ordinance regulating bamboo. He stated that at that time there was an Assembly bill in front of the legislature which would have done just that and it was decided that the Council would adopt a resolution of support.

Mr. Ward stated that the Assembly bill was withdrawn last year, but he had found two ordinances, one from Hillsdale and one from Emerson, which regulate the planting, growing and/or cultivating of bamboo. He explained that a municipal ordinance would have the ability to address the planting of new bamboo as well as existing bamboo, should it migrate over property lines. Mr. Ward explained the Township Attorney is currently researching and drafting a proposed ordinance for Council’s review in November or December.

President Golinski asked what powers the Township would have over bamboo encroaching on another person’s property? Mr. Ward read the section of one of the ordinances which described the exemptions and explained that the Township could not require the removal of the pre-existing bamboo, but the local code official could address any encroachment by the issuance of a Notice of Violation and/or local summons.
Councilman Gabel stated that he would like to understand why the legislature withdrew the bill last year. He explained he was in favor of an ordinance to address bamboo but would like to see other invasive species of plants included also.

Councilman Murphy expressed his curiosity on who or what determines that a plant is considered invasive. He also stated he would like to have the proposed ordinance include a definition of an invasive plant and address not only bamboo.

President Golinski suggested that the ordinance originally focus on bamboo but be written so that it may be amended in the future to include other plants. He was fearful that an ordinance would be delayed by a debate over which plants should or should not be included. He stated that bamboo is a concern now and is a good place to start.

Councilman Fitzpatrick explained that the NJ Department of Environmental Protection has a non-indigenous plant species list on their website. He expressed his satisfaction in knowing other municipalities have had success implementing ordinances regulating bamboo. He stated his concern about over regulating what people can or cannot plant on their property, but would be in favor of an ordinance regulating bamboo if it is causing damage to another person’s property.

Councilwoman Witte commented that during the clean-up of McCarter Park, Franz Fuertges was able to identify plants not indigenous to the area and believes that Mr. Fuertges would be a good resource.

President Golinski confirmed that Administrator Ward would be able to convey the Council’s concerns to the Township Attorney.

Mayor Andes has also seen bamboo invade people’s property. He stated that he is in favor of an ordinance which would assist people with bamboo and supports further investigation into other possible invasive species that could then be looked at in the future.

The Council went into Executive Session at 8:04 P.M. upon approval of the following Resolution.

R-17-226: Resolution Authorizing Executive Session to Discuss Collective Bargaining Negotiations

MOTION TO APPROVE R-17-226:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, WITTE, KUSER, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI

The Council came out of Executive Session at 8:26 P.M.

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

The Meeting adjourned at 8:27 P.M.

Kathryn Bowditch-Leon, RMC
Municipal Clerk