TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

MAY 19, 2015

The Meeting was called to order at 7:30 p.m. by President Golinski. The Salute to the Flag was recited, followed by an Invocation given by Councilman Fitzpatrick. The Open Public Meetings Act Statement was read by Township Clerk Kathryn Bowditch. Ms. Bowditch advised that this is a non-smoking facility and asked that all cell phones be silenced at this time.

ROLL CALL:

Present: KUSER, LYDEN, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
Absent: SMITH

Councilman Gabel was not present at Roll Call but arrived at 7:33 p.m.

ALSO IN ATTENDANCE: THOMAS ANDES, MAYOR; STEVEN WARD, ADMINISTRATOR; JOHN JANSEN, TOWNSHIP ATTORNEY; CHRISTOPHER WAGNER, POLICE CHIEF; AND MEMBERS OF THE DENVILLE TOWNSHIP POLICE DEPARTMENT

ADMINISTRATION OF OATH OF OFFICE TO NEW PATROL OFFICERS:

Police Chief Wagner spoke briefly about each of the new officers, which comments are attached to these minutes. Officer Zachary Lancaster was joined by his mother Lorre, father Tom, brothers Nick and Tom and sister Michaela.

Officer Adam Temporale was joined by his wife Anna, his mother Wendy, his mother-in-law and father-in-law Maria and Jack and brother-in-law Alex.

Township Clerk Bowditch administered the Oath to each Officer.

President Golinski thanked the Police Department for all they do.

LIAISON REPORTS:

Councilman Scollans reported that there will be a presentation on a macro-invertebrates study at Wednesday’s meeting of the Rockaway Watershed Cabinet. The study is done annually. At the BOE meeting last night there was a presentation on linking report cards to State standards. There was also a presentation on controlling / restraining techniques for teachers and aides who deal with out-of-control students.

Councilman Scollans noted that the paving of parking lots and driveways was discussed as well.

Councilman Fitzpatrick reported that this past Saturday was the Denville Rockaway River Cleanup organized by George Strother. Mr. Strother has been a diligent proponent of cleaning the Rockaway River and has worked very hard in organizing the River Cleanup days. Mr. Fitzpatrick reported the Chamber of Commerce had their annual Awards dinner on May 6, 2015 and the breakfast meetings will resume beginning June 3, 2015. The Morris County Vo-Tech meeting will be held next week.

Councilwoman Lyden had nothing to report.

Councilman Kuser had nothing to report.

Councilman Gabel reported that the Morris Hills and Morris Knolls valedictorians and salutatorians, as well as their respective Student Government presidents, were named at the last Morris Hills Regional
District Board of Education meeting. He noted that the Mayor’s Council for People with Challenges has been involved in many events these past few weeks.

MAYOR’S REPORT:
Mayor Andes recognized Ifoema White-Thorpe, a sophomore at Morris Hills High School, who won first place in a nationwide Selma Speech and Essay Contest presented by the National Liberty Museum in Philadelphia. The students were asked to watch the film Selma and then submit a 500-700 word speech and video by responding to the following: “The movie Selma tells the story of how Martin Luther King, Jr. and others peacefully protested to advance voting rights. What do you think needs to be done today to protect individual freedom and self-determination? What are you doing or will you do to peacefully advance those rights?” Mayor Andes asked Ms. White-Thorpe to present her speech to the Council and audience. Ms. White-Thorpe’s speech is made part of the minutes.

Mayor Andes asked George Strother to speak about the Rockaway River Cleanup this past weekend. Mr. Strother is still compiling the data from this year but stated there were between 175 - 200 people dedicated to making the River a better place. The same 7 crew leaders returned this year and they have already volunteered for next year.

Mayor Andes attended the Chamber of Commerce Award Dinner on May 6, 2015 as well as the National Day of Prayer on May 7, 2015 and the Dogs Gone Wild event on May 9, 2015. The up-coming weeks will have the Memorial Day Parade on May 25, 2015, line-up starts at 9:30 A.M.; Social Services Movie Night on May 30, 2015 – Night at the Museum 3; a Bike Rodeo on June 6, 2015 and the Rotary Street Festival on June 7, 2015. Mayor Andes made particular note that the Morris County League of Municipalities meeting will be held on June 3, 2015 at St. Francis Health Resort. He encouraged all to attend.

ADMINISTRATOR’S REPORT:
Administrator Ward reported the Administration met with a representative from Charge Point regarding the construction of a Charging Station for electric vehicles within the Township. He feels confident that the $10,000 grant received for this purpose from Sustainable Jersey will be able to cover the costs involved. The Township will be reaching out to a local Boy Scout who can then begin planning his Eagle Scout project.

Deirdre Rock, Denville Social Services Coordinator, has been working with Helping Hands and Denville is now a qualifying member and is able to receive deer meat processed through their facility.

Mr. Ward advised that the Municipal Court Agreement with Mountain Lakes is about to expire. He said that the Township will request that our attorney draft a resolution authorizing the extension of the Shared Service Agreement. Mountain Lakes is satisfied with the arrangement.

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

OPEN PUBLIC PORTION: No one wished to be heard.
CLOSE PUBLIC PORTION.

 MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Fitzpatrick discussed the parking restrictions around Morris County Vo-Tech. He said that there now seem to be parking issues on Manor Road on a continuous basis. He suggested that the Police Chief research the issue and added that perhaps a survey of the property owners on that street would be helpful. Mayor Andes interjected that he will notify the Freeholder Board about these concerns.
Councilman Scollans commented that there are a number of spotlights on political signs throughout the Township. He asked if permits have been issued for the spotlights and cited the International Building Code, Section 25-4. Mr. Scollans stated that vandalism of political signs is currently an issue. He said that political signs are being moved and thrown into the woods or roads. He asked that the Police look into this.

Mr. Kuser asked about where the charging station will be. Administrator Ward replied that two (2) spots in the Church Street Lot will be designated for this purpose. There will be a charge to use these stations which can be paid with a card.

President Golinski stated that the Chief of Police did not have any issues with selling wine at the Farmer’s Market. He asked for consensus to determine whether the ordinance can be placed on the June 9, 2015 agenda. All members present were in favor of wine sales at the Farmers’ Market.

ORDINANCES FOR ADOPTION:

#10-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Amending Chapter 15-9 Entitled “Grease Interceptors” of the Revised General Ordinances of the Township of Denville, Morris County, New Jersey
Be Read by title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN.
AYES: GABEL, LYDEN, KUSER, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

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

BE IT RESOLVED that an Ordinance entitled:
An Ordinance Amending Chapter 15-9 Entitled “Grease Interceptors” of the Revised General Ordinances of the Township of Denville, Morris County, New Jersey
Be passed on Final Reading and that a Notice of Final Passage be Published in the 5-27-15 issue of The Citizen Newspaper.
MOTION TO ADOPT:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK.
AYES: GABEL, FITZPATRICK, KUSER, LYDEN, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

#11-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance of the Township of Denville, County of Morris, and State of New Jersey to Amend Chapter IX, Taxicabs and Limousines
Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER KUSER.
AYES: LYDEN, KUSER, GABEL, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

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, and State of New Jersey to Amend Chapter IX, Taxicabs and Limousines
Be passed on Final Reading and that a Notice of Final Passage be Published in the 5-27-15 issue of The Citizen Newspaper.
MOTION TO ADOPT:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN.
AYES: KUSER, LYDEN, GABEL, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

#12-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter II-A, Fees, Rates and Charges and Chapter VIII, Parking Lots and Parking Meters, of the General Ordinances of the Township of Denville, with Respect to Lost Parking Permit Fees
Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN.
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK, KUSER, PRESIDENT GOLINSKI.
ABSENT: SMITH

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

BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter II-A, Fees, Rates and Charges and Chapter VIII, Parking Lots and Parking Meters, of the General Ordinances of the Township of Denville, with Respect to Lost Parking Permit Fees
Be passed on Final Reading and that a Notice of Final Passage be Published in the 5-27-2015 issue of The Citizen Newspaper.
MOTION TO ADOPT:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN.
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK, KUSER, PRESIDENT GOLINSKI.
ABSENT: SMITH

#13-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance of the Township of Denville, County of Morris and State of New Jersey Authorizing a Special Emergency Appropriation for a Municipal Revaluation in Accordance with N.J.S.A. 40A:4-53
Be Read by Title on Second Reading and a Hearing Held Thereon:
MOTION TO READ BY TITLE:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN.
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK, KUSER, PRESIDENT KUSER.
ABSENT: SMITH

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 and State of New Jersey Authorizing a Special Emergency Appropriation for a Municipal Revaluation in Accordance with N.J.S.A. 40A:4-53 Be passed on Final Reading and that a Notice of Final Passage be Published in the 5-27-2015 issue of The Citizen Newspaper.

MOTION TO ADOPT:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER FITZPATRICK.
AYES: SCOLLANS, FITZPATRICK, GABEL, KUSER, LYDEN, PRESIDENT GOLINSKI.
ABSENT: SMITH

ORDINANCES FOR INTRODUCTION:
#15-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend the Code of the Township of Denville, County of Morris With Regard to the Maintenance of Vacant and Abandoned Properties
Be introduced and Read by Title on First Reading:

MOTION TO INTRODUCE:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL.
Discussion: None.
AYES: KUSER, GABEL, LYDEN, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend the Code of the Township of Denville, County of Morris With Regard to the Maintenance of Vacant and Abandoned Properties
Be Passed on First Reading
BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 06-23-15 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 GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, KUSER, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

#16-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter II-A, Fees, Rates and Charges and Chapter VI, Alcoholic Beverage Control, of the General Ordinances of the Township of Denville
Be introduced and Read by Title on First Reading:

MOTION TO INTRODUCE:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN.
Discussion: None.
BE IT RESOLVED that an Ordinance entitled:
An Ordinance to Amend Chapter II-A, Fees, Rates and Charges and Chapter VI, Alcoholic Beverage Control, of the General Ordinances of the Township of Denville
Be Passed on First Reading
BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 06-23-15 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 SCOLLANS, SECONDED BY MEMBER GABEL.
AYES: SCOLLANS, GABEL, KUSER, LYDEN, PRESIDENT GOLINSKI.
NAYS: FITZPATRICK
ABSENT: SMITH

President Golinski read the titles of the Consent Agenda resolutions and asked if anyone from the Council or the public wished to have anything removed from the Consent Agenda. No one responded in the affirmative.

CONSENT AGENDA:
R-15-117: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Middlesex Regional Educational Services Commission Cooperative Pricing System, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-15-118: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Somerset County Cooperative Pricing System, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-15-119: Resolution Authorizing the Township of Denville to Enter into a “Renewal” Cooperative Pricing Agreement with the Cranford Police Department Cooperative Pricing System, Hereinafter Referred to as the “Lead Agency” for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies for their Respective Jurisdictions
R-15-120: Resolution Authorizing Acceptance of Grant for 2015 Click It or Ticket Statewide Seat Belt Mobilization Project Pursuant to the N.J. Division of Highway Traffic Safety from 05-18-15 through 05-31-15
R-15-121: Resolution Requesting Approval of Items of Revenue and Appropriation Pursuant to N.J.S.A. 40A:4-87
R-15-122: Resolution Authorizing a Refund of a Building Variance Application Fee in the Amount of $100
R-15-123: Resolution of the Township of Denville Authorizing a Sale Through GovDeals of Various Items of Municipal Property No Longer Needed for Public Use and Certain Items Confiscated by the Township Police Department

R-15-124: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $1,978.59

MOTION TO APPROVE THE CONSENT AGENDA:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER FITZPATRICK.
AYES: SCOLLANS, FITZPATRICK, GABEL, KUSER, LYDEN, PRESIDENT GOLINSKI.
ABSENT: SMITH

NON-CONSENT RESOLUTIONS:

R-15-125: Resolution Authorizing a Special Emergency Appropriation for a Municipal Revaluation Pursuant to N.J.S.A. 40A:4-55

MOTION TO APPROVE R-15-125:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK.
Discussion: Administrator Ward explained that the first payment was included in the 2015 budget as part of a five-year plan to pay for the revaluation.
AYES: GABEL, FITZPATRICK, KUSER, LYDEN, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

R-15-126: Resolution Authorizing the Filing of a Declaratory Judgment Action in the Superior Court of New Jersey, Law Division and a Motion Seeking Temporary Immunity From Third Party Lawsuits While Pursuing the Declaratory Judgment Action and Taking All Ancillary Actions Associated Therewith to Accomplish That Objective

MOTION TO APPROVE R-15-126:
MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER.
Discussion: Township Attorney Jansen explained that the action authorized by this resolution was necessitated by the NJ Supreme Court’s recent decision returning jurisdiction over affordable housing matters to the courts and is intended to protect the Township from builders’ remedy lawsuits while a new Fair Share Plan is being developed and to seek a judgment that the housing element and Fair Share Plan is constitutionally compliant and satisfies the Township’s housing obligation.
AYES: GABEL, KUSER, LYDEN, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI.
ABSENT: SMITH

R-15-127: Resolution Rejecting Bids Received for Janitorial Services and Granting Permission to Re-Bid for Janitorial Services

MOTION TO APPROVE R-15-127:
MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER FITZPATRICK.
Discussion: None.
AYES: SCOLLANS, FITZPATRICK, GABEL, KUSER, LYDEN, PRESIDENT GOLINSKI.
ABSENT: SMITH

MOTION TO APPROVE MINUTES OF 05-05-2015 and 05-12-2015
MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: GABEL, FITZPATRICK, KUSER, LYDEN for 05-05-2015, SCOLLANS, PRESIDENT GOLINSKI.
ABSTAIN: LYDEN for 05-12-2015.
ABSENT: SMITH
Township Council
05-19-15

MOTION TO ADJOURN:
   MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN.
AYES: UNANIMOUS.
ABSENT: SMITH
Meeting adjourned at 8:36 p.m.

Respectfully submitted by,

Kathleen A. Costello
Deputy Township Clerk