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 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. Clerk Bowditch-Leon asked that all cell phones be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Kuser, Lyden, Fitzpatrick, Murphy, President Golinski
Absent: None

ALSO IN ATTENDANCE: Thomas Andes, Mayor; Steven Ward, Administrator; John Jansen, Township Attorney and Brian Bergen, Vice Chairman of the Board of Adjustment

LIAISON REPORTS:
Councilman Gabel reported that the Mayor’s Council for People with Challenges has been named Volunteers of the Year, as a group, by the PRIDE Committee and Sue Banks has been named Volunteer of the Year. He added that the honors will be bestowed at the PRIDE Dinner on April 1, 2016 at 6:30 p.m. Councilman Gabel advised that he was not able to attend the Environmental Commission meeting but that he did speak with Chairperson Kathy Clark. He said that Ms. Clark explained the work of the Commission, in coordination with the Planning Board. Mr. Gabel noted that the Council attended the Library Board meeting on January 23rd. He said that the Council is happy and proud of what the Library continues to do for our community.

Councilwoman Witte reported that she attended the Denville Board of Education meeting last week. She advised that the Board is looking into its policy of HIB – Harassment, Intimidation and Bullying, at the request of the parents. Ms. Witte noted that two-tier busing is still being discussed and they are strongly in favor of having Valley View start at 7:45 a.m. with Riverview and Lakeview both having a start time of 8:20 a.m. Councilwoman Witte said that the Beautification Committee will meet next Wednesday, February 10th and the Deer Management’s February meeting has been cancelled.

Ms. Witte reported that there was a good turnout of about twenty (20) people at the new “invitational” PRIDE meeting. She said that they are planning blood drives in April and September. Ms. Witte noted the following upcoming events: Rid Litter Day will be held on April 9th at Gardner Field; the National Day of Prayer Observance on May 5th at Town Hall and the Junior Volunteer of the Year Award is planned for the spring. Ms. Witte stated that the Rockaway River Watershed Committee will be meeting in March.

Councilman Kuser commented that there is a candidate for the opening on the Board of Adjustment here this evening. He noted that Mayor Andes has notified the Historical Society of the closing on the Schoolhouse. Mr. Kuser advised that both the Morris County Open Space Committee and the Historical Society will hold their next meeting in March.

Councilman Fitzpatrick reported that a resident had come to a Rivers and Streams Committee meeting to find out exactly what the Committee does with regard to flooding and flood mitigation. He said that, after hearing about all of the work that is done by the Committee and its volunteers the resident, Joan Brennan from Hewetson Rd., organized her neighborhood to help with the cleanup efforts. Mr. Fitzpatrick added that this group will now meet regularly and be the stewards of that street for flooding and flood mitigation.
Councilman Murphy reported that the Seniors Citizens will have a nutritionist speaking to them at their February 12th meeting and expect an overflow crowd. Mr. Murphy noted that he attended the Economic Development Committee meeting on January 25th. He said that the group is considering forming a BID (Business Improvement District) and had a guest speaker, the Executive Director from Montclair, who discussed the start up of a SID (Special Improvement District) or a BID. Mr. Murphy commented that he found the gentleman’s remarks informative.

Mr. Murphy advised that he was unable to attend the Morris Hills Regional Board of Education meeting but obtained the minutes and spoke with the Secretary of the Board. He said that discussions at the meeting concerned enrollment levels, staff matters and policies and regulations.

Councilman Murphy reported that he attended the Green Sustainability Committee meeting on January 28th. He said that the Committee is proceeding with its grant writing process to seek funding to purchase 1,000 new recycling cans. Mr. Murphy added that the grant is due by February 5th and they should be notified within sixty (60) days whether or not they have been awarded the grant. He added that the Committee is considering distributing the cans at a shredding event sometime in May.

Mr. Murphy advised that the Committee is also working on the Green Sustainable Certification process which is due in May 2017.

President Golinski reported that the Recreation Committee will meet tomorrow evening. Mr. Golinski added that, as liaison to the Fire Department, he attended the Mutual Aid Dinner on Saturday night.

MAYOR’S REPORT:

Mayor Andes reported that the closing on the Schoolhouse went very smoothly. He said that he asked Councilman Gabel to work with the Boy Scouts and the Historical Society to bring youth to the project and he looks forward to seeing some major headway on the Schoolhouse. The Mayor noted that the Economic Development Committee and the Chamber of Commerce have had an interest in starting a Special Improvement District but it would require substantial funding. He said that he advised them that the vast majority of the business community would have to recommend it before he would consider bringing it to the Council. Mayor Andes commented that the speaker at the Economic Development meeting was excellent.

The Mayor asked the Council to approve R-16-58, the Broadway Streetscaping Improvements resolution. Mayor Andes suggested to President Golinski, if time allows at the February 16th meeting, that there be a review of the budget. President Golinski asked if it would be more of a summary type review. The Mayor responded affirmatively, noting that there is a big gap between the meeting of February 9th and the next scheduled budget meeting.

ADMINISTRATOR’S REPORT:

Administrator Ward advised that the Township has switched codification companies and the General Code version can now be found on our website. He said that, along with many staff members, he and Councilman Gabel attended a training session last Wednesday. Mr. Ward noted that the ease of searching and forwarding sections of the code on this platform is remarkable as compared to the former platform.

Administrator Ward reported that the Township received a $100,000 grant from FEMA for a new generator for the Municipal Building. He said that there will be a resolution to award the contract on an upcoming agenda and a new generator should be installed in the near future. Mr. Ward noted that it will power the entire municipal facility in the event of an extended outage. In response to a question from President Golinski, Mr. Ward explained that the generator currently outside of the Police Station
will become a redundant backup generator because it currently powers part of the Police Department and the Community Room and it is critical to keep dispatching up and running. Administrator Ward advised that, having spent most of the afternoon with the Mayor, CFO Guarino and the Auditor, he feels confident that the Council should have their budget books in their mailboxes by the end of the day on Friday.

**CORRESPONDENCE:** All correspondence has been copied to Council.

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

**MATTERS OF OLD AND/OR NEW BUSINESSES:** None.

**ITEMS FOR DISCUSSION AND/OR ACTION**

Interview a Candidate for
Zoning Board of Adjustment Vacancy

President Golinski invited Adam Caravaglia to come forward and thanked him for offering to serve on the Board of Adjustment. President Golinski asked Mr. Caravaglia if he would like to make a brief statement outlining his reasons for applying for this position. Mr. Caravaglia thanked the Council for the opportunity to come before them this evening. He said that he saw the opening on the website and feels that his design engineering background makes him a good fit for the position. Mr. Caravaglia explained that he is a lifelong Morris County resident but he and his wife settled in Denville about a year ago and are very happy to call Denville home. He said that he would like to help the town in any way that he can. President Golinski asked Mr. Caravaglia if he would like to add anything to his comments since the next question is: “Why do you think you are the best candidate for this position?”, and he covered much of that in his statement. Mr. Caravaglia replied that his background in various types of engineering and his work with plans; specifications and codes make him a good candidate.

President Golinski asked what Mr. Caravaglia sees as his role with the Board of Adjustment. Mr. Caravaglia replied that he would be contributing to decisions that allow deviations from the ordinances. President Golinski advised Mr. Caravaglia of the meeting requirements of the Board of Adjustment and asked if he can meet these requirements. Mr. Caravaglia replied in the affirmative. President Golinski asked if Mr. Caravaglia is aware that he would be required to make site inspections and attend land use oriented classes. Mr. Caravaglia replied that he can meet all of those requirements. President Golinski opened the floor to the Council for questions. Councilman Gabel asked what it was that brought Mr. Caravaglia to Denville rather than any neighboring towns. Mr. Caravaglia replied that he and his wife enjoy the open space in Denville. He said that there is more “breathing room” in Denville, and added that he is an avid fisherman. Councilman Gabel asked if Mr. Caravaglia has had a chance to look at our zoning ordinances online.
Mr. Caravaglia responded that his experience is more with state codes but he has been looking at the local ordinances over the last few days. Councilman Kuser asked if Mr. Caravaglia sees any possible conflicts given his employment with EI Associates. Mr. Caravaglia replied that he would recuse himself but does not believe there will be any conflict.

Mr. Kuser brought up the subject of making decisions on a contentious issue. Mr. Caravaglia said that he faces those decisions every day and his decision would hinge on whether or not it would benefit the town.

Councilman Murphy followed up on Mr. Kuser question by asking how he would deal with being the one who disagrees with the majority. Mr. Caravaglia answered that question to Mr. Murphy’s satisfaction. Mr. Murphy asked how Mr. Caravaglia feels about granting exceptions. Mr. Caravaglia replied that he would consider it on a case by case basis.

President Golinski commented that EI Associates has bid on jobs and done jobs for Denville. He asked Mr. Caravaglia how many employees there are at EI Associates. Mr. Caravaglia replied that there are between 30 and 40 in his office.

President Golinski asked Attorney Jansen if EI Associates would have to be notified if Mr. Caravaglia is appointed to the Board of Adjustment and would that prevent EI Associates from doing business with the Township. Attorney Jansen stated that, in the first instance, if EI prepared plans for an applicant before the Board, obviously Mr. Caravaglia would have to recuse himself. Mr. Jansen added that there is a very stringent provision of the Faulkner Act that says no officer or employee of the municipality shall be interested, directly or indirectly, in any contract or job for work or materials to be furnished or performed for the municipality. Attorney Jansen said that it could result in EI having to refrain from submitting proposals for work that is actually being done for the Township of Denville. Mr. Jansen noted that the provision is peculiar to Denville’s form of government and he just wanted Mr. Caravaglia to be aware that it is out there. Mr. Caravaglia said that he understands.

Since there were no other candidates for the vacancy on the Board of Adjustment, Attorney Jansen recommended that R-16-45 be removed from the Consent Agenda, that Mr. Caravaglia’s name be inserted in the resolution and that a motion be made to approve R-16-45.

MOTION TO APPROVE R-16-45: MOVED BY MEMBER WITTE, SECONDED BY MEMBER KUSER  
AYES: WITTE, KUSER, GABEL, LYDEN, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI

The Oath of Office was then administered to Mr. Caravaglia by Municipal Clerk Kathryn Bowditch-Leon.

**CONSENT AGENDA:**

R-16-46: Resolution Authorizing Raffle Licenses in the Township of Denville  
R-16-47: Resolution Authorizing the Refund of a COAH Development Fee  
R-16-48: Resolution Authorizing the Place to Place Transfer for an Extension of Premises for New Jersey Plenary Retail Consumption License 1408-33-005-007  
R-16-49: 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-16-50: 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-16-51: 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-16-52: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

R-16-53: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $1,154.79

President Golinski asked if anyone from the public or the Council like to have anything removed from the Consent Agenda.

Councilwoman Lyden asked, with regard to R-16-56, if the expansion referred to in the resolution has already been done or is it to be made in the future.

Clerk Bowditch-Leon explained that this is an area in the back of Thatcher McGhee’s where they serve food and alcohol. She said that it is just “cleaning up” what should have been done when the restaurant opened. Clerk Bowditch-Leon further explained that they also serve on the front sidewalk area. She said that these expansions have already been done but the place to place transfer that is required was never secured from the Division of Alcoholic Beverage Control.

MOTION TO APPROVE THE CONSENT AGENDA:

MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: GABEL, FITZPATRICK, WITTE, KUSER, LYDEN, MURPHY, PRESIDENT GOLINSKI

NON-CONSENT RESOLUTIONS:

R-16-54: Resolution Authorizing Submission of an Application by the Denville Municipal Alliance Committee for a Grant for Fiscal Year 2016-2017

MOTION TO APPROVE R-16-54:

MOVED BY MEMBER LYDEN, SECONDED BY MEMBER MURPHY
AYES: LYDEN, MURPHY, GABEL, WITTE, KUSER, FITZPATRICK, PRESIDENT GOLINSKI

R-16-55: Resolution Authorizing Contracts with Certain Approved State Contract Vendors for 2016 Pursuant to N.J.S.A. 40A:11-12a

MOTION TO APPROVE R-16-55:

MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN

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

R-16-56: Resolution Authorizing Third Extension to Contract with Green Label Landscape Management, LLC

MOTION TO APPROVE R-16-56:

MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER LYDEN

Discussion: Councilman Kuser asked if the Schoolhouse would now be added to this contract. Administrator Ward replied that it is not in the contract but can be added after the contract is awarded.

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

R-16-57: 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-16-57:

MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: GABEL, FITZPATRICK, WITTE, KUSER, LYDEN, MURPHY, PRESIDENT GOLINSKI
R-16-58: Resolution Authorizing the Award of the Contract for the Broadway Streetscaping Improvements Phases I & II

MOTION TO APPROVE R-16-58:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN

AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI
R-16-59: Resolution Authorizing the Award of a Professional Services Contract for Appraisal/Consulting Services for Defense of State Commercial Tax Appeals for the Year 2016

MOTION TO APPROVE R-16-59:
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GABEL

Discussion: Councilman Kuser asked Administrator Ward if the Township is expecting a lot of commercial appeals due to the revaluation. Administrator Ward replied that it is unknown at this point but the deadline for tax appeals, although generally April 1st, is extended in a revaluation year so it is May 1st. He added that meetings with the appraisers ended on January 31st and the tax rate was certified by the County yesterday.

AYES: FITZPATRICK, GABEL, WITTE, KUSER, LYDEN, MURPHY, PRESIDENT GOLINSKI
R-16-60: Resolution Authorizing the Award of a Professional Services Contract for Appraisal/Consulting Services for 2016 Commercial Added Assessments

MOTION TO APPROVE R-16-60:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER GABEL

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

MOTION TO APPROVE MINUTES OF 1/12/16 AND 1/19/16:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN

AYES: KUSER, LYDEN, GABEL, WITTE, FITZPATRICK for 1/12/16, MURPHY, PRESIDENT GOLINSKI
ABSTAIN: FITZPATRICK for 1/19/16

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

AYES: UNANIMOUS

The Meeting adjourned at 8:17 p.m.

Respectfully submitted by,

Kathleen A. Costello
Deputy Municipal Clerk