The Meeting was called to order at 7:38 p.m. by President Fitzpatrick. The Salute to the Flag was recited, followed by an Invocation given by Councilman Golinski. 

ROLL CALL: KUSER, GABEL, GOLINSKI, LYDEN, SCOLLANS, SMITH, FITZPATRICK

The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD AND ASSISTANT TOWNSHIP ATTORNEY PAULA J. DE BONA.

LIAISON REPORTS:

Councilman Scollans reported that he attended the Senior Men’s Meeting and noted that the men were very complimentary of Administrator Ward for his speedy response to their concerns. Mr. Scollans advised that a question came up about where the job descriptions for all Township employees can be accessed.

Councilman Scollans stated that the President of the Historical Society raised a number of questions which he has been asked to put before the Council:

There was a discussion concerning the pillars in the river behind La Cucina and there was serious opposition to their removal. He said that the Historical Society has joined forces with the Canal Society on this issue. Mr. Scollans noted that there was also a discussion on the river cleanup and the extent of the blockages due to the pillars.

Mr. Scollans advised that the President of the Historical Society expressed a desire to be invited to a Council meeting in order to participate in a question and answer period about this issue. President Fitzpatrick replied that she is certainly welcome to come to a meeting and speak during the Public Portion. He said that there would not be a Q. and A. period, simply because that is not our format.

President Fitzpatrick added that, if Mr. Scollans is speaking with them again, he should advise them that the Council has agreed to some funding for removal of the piers, but it has to go through all of the proper channels and DEP process.

Councilman Scollans reported that there was also a question about the schoolhouse/Board of Education offices, and the status of that building.

Mr. Scollans advised that there was also a question concerning the status of the Openaki Bridge and whether or not the Historical Society will be involved with that issue since it is a State owned bridge and a County project.

Councilman Scollans reported that he attended the VFW Breakfast and it was very poorly attended. He said that this is a great organization and it would be nice to see more participation.

Mayor Andes addressed the Historical Society issues. He said that the Township is working on a mitigation study and the initial report is that there would be significant flood mitigation by the removal of the piers. The Mayor advised that the Township is applying for permission to remove them and nothing will be done until permission is granted.

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With regard to the schoolhouse building, no grants have been found that would provide funds to do anything with that building. The Mayor said that the Historical Society is more than capable of applying for grants itself and to do fund raising to purchase it. He noted that the Board of Education is not interested in selling it for less than the market value since they have their own budget crisis. Mayor Andes added that, regarding the Openaki Bridge, it is a State-funded bridge that the County is installing. He said that it was indicated at the meetings that the superstructure, the historic part of the bridge, could be given to the Historical Society to be put in another location.

Councilman Golinski reported that at the Planning Board meeting last week, a sign variance for a business on Route 53 was discussed. He said that he was in Chicago at the time so he has no further information on the meeting and nothing additional to report.

Mayor Andes followed up on Mr. Golinski’s report by adding that the business is a Fiat dealership and the sign variance was granted. He explained that three signs are permitted and they currently have four. The Mayor advised that the big stand-alone sign is being removed and will be replaced by a smaller stand-alone sign.

Councilwoman Lyden reported that she attended the P.R.I.D.E. Committee meeting and it was announced that Santa Land is “going green”. She said that all of the lighting will be LED lighting and they would like to see all signs in Denville do the same. Mrs. Lyden noted that PRIDE award nominations are being sought and will be accepted at the next meeting on November 26th or by getting in touch with Bob Ranft.

Mrs. Lyden commented that the VFW is looking for new members and that the Veteran’s Day Service will be held on November 10th at the Riverview School. She advised that the VFW rents its hall at a very reasonable rate and can accommodate up to 80 people. Mrs. Lyden said that the hall has a full bar and a kitchen.

Councilwoman Lyden reported that the Beautification Committee is hard at work all around town and their efforts are easily noticed. She thanked the Committee for doing such a great job.

Mrs. Lyden advised that the Library is having an event on October 23rd called the “Strange Animals of New Jersey”. She added that the Library has Nooks and Kindles that can be borrowed.

President Fitzpatrick asked Councilman Scollans if he knows whether or not the Historical Society will be doing a “Haunted Walking Tour” this year. Mr. Scollans replied that it is in the planning stages.

Councilwoman Smith had no report. She asked Councilman Scollans for the date of the October Senior Social. Mr. Scollans replied that it will be October 27th. Mrs. Smith reminded everyone that there is an election tomorrow and urged everyone to vote.

Councilman Kuser had no report.

Councilman Gabel reported that the Board of Education met last night and they are preparing for negotiations for the teachers’ contract.

Mr. Gabel noted that the Deer Management Committee reported that 24 deer have been harvested to date. He said that, with the cooler weather coming, the deer will be
moving, especially at night, so everyone should be cautious. President Fitzpatrick reported that the Rivers and Streams Committee met and, with the home buyouts, things are moving along there. Mr. Fitzpatrick advised that the Denville Fire Dept. is holding its annual Hallowe’en Parade and Party on October 30th at 6:00 p.m. He said that the parade will begin on Second Avenue and proceed to the Main St. Firehouse where refreshments, goody bags and prizes will be distributed.

MAYOR’S REPORT:
Mayor Andes noted that plans are going forward for the Rain Garden Park on Riverside Drive. He said that he has asked the Beautification Committee, the Rivers and Streams Committee and will be asking the Environmental Commission and the Green Sustainability Committee to participate in that program. The Mayor added that he is very grateful that President Fitzpatrick will be heading it up as the Ward Councilman. He said that they should be putting those plans together after the first of the year. Mayor Andes commented that, not only will there be LED lighting at Santa Land, but two Girl Scouts worked with Rotary to renovate Santa Land. He urged everyone to go and take a look at their accomplishment. Mayor Andes reported that, despite a continuous mist, the Fall Festival two weeks ago was a great success and a good time was had by all. The Mayor noted that tomorrow night the Chamber of Commerce is holding a “Pink Ribbon Night” for breast cancer awareness and it will be a women's shopping night. Mayor Andes advised that on Friday afternoon the Township is hosting TD Bank’s “Street for the Day” on Broadway. He said that a sign will be put up that says “TD Bank Way” which will be left up over the weekend and then put in the bank’s driveway. The Mayor commented that the Recreation Committee is holding a haunted house contest. Mayor Andes reported that the four (4) signs that say “Welcome to Denville” have been enhanced by two Boy Scouts by adding wings on which all clubs in town can add their logo. Mayor Andes announced that Denville has been awarded a Hazard Mitigation Grant in the amount of $100,000 to install a generator in the Municipal Building. He said that the generator will be strong enough to power the Police Department and the Town Hall. The Mayor mentioned two thank you notes that he received, one from a Cook’s Pond resident expressing her thanks for a wonderful Centennial Year and the other from Nick Sacamano expressing his thanks for the way the new Property Maintenance Ordinance is being handled in his neighborhood. Mayor Andes noted that the Second Annual Flapjack Breakfast is being hosted by the American Legion Post 390 on Saturday, November 9th from 8:00 to 10:00 a.m. at Applebee’s in Rockaway.

ADMINISTRATOR’S REPORT:
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Administrator Ward advised that the closing on the 11th home in the FEMA buyout program was held on the day after the last Council meeting, October 9th. He said that the Township now owns all eleven homes for which we received funding. Mr. Ward noted, as he has stated previously, the buyout was completely funded by Federal, State and County sources and no local tax dollars were used in the acquisition of the properties. He added that we are also eligible to receive reimbursement for demolition costs and other soft costs. Mr. Ward advised that the contractor hopes to be finished with all of the demolitions by the end of December.

Administrator Ward reported that the ongoing Police Department renovation is substantially completed with just a couple of “punch list” items to be done. He said that he hopes to arrange for a tour for the Council when it is completely finished. Mr. Ward noted that the Valley View Firehouse progress meeting will be held tomorrow but he has received a report that the electrical and utilities are being installed. He said that the contractor's target date for completion is early November.

Administrator Ward stated that the township is in the process of negotiating with five associations and there are two ordinances on this evening’s agenda related to that. He said he will explain further during that portion of the meeting. Mr. Ward added that there will be a Closed Session at the end of this meeting for informational purposes with regard to negotiations.

President Fitzpatrick commented that the Closed Session will not be a long session and no action will be taken after it.

Councilman Kuser asked Administrator Ward if there has been any progress towards receiving reimbursement from FEMA for the firehouse. Administrator Ward replied that we are going to apply and we actually have an open application. He said that when the final figures are in we will certainly try for the maximum reimbursement, which is 75%.

Mr. Kuser asked if we are going to apply for funds for repetitive loss homes. Mr. Ward replied that he and the Mayor have discussed that and have decided that they want to have Phase I completed before they proceed with a recommendation to the Council for Phase II. He said that it is anticipated that Phase I will be completed by mid-summer and a determination will be made regarding whether or not to proceed with a Phase II.

Mayor Andes interjected that the County funding is a 75/25% split and the Township would be responsible for the demolition costs as well as the 25% of the cost of the house. He advised that the Governor is going to try to make some State money available for another round of buyouts and he would rather wait for that money, if possible.

President Fitzpatrick commented on the state of apprehension of the neighbors in the area of the demolished homes with regard to open areas flooding. He also commented on the great news about the grant for a generator and what wonderful tool it will be if there were to be another disaster like Irene or Sandy. President Fitzpatrick spoke

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about the proposed Rain Gardens and the joint efforts of many committees to get it done. He said that it will probably not be at the “hands in the ground” point until next year but it will be discussed at budget time to determine what kind of funding can be allocated.

OPEN PUBLIC PORTION:
Gerry Idec, 1 E. Longview Trail, asked if Ordinance #21-13 showing minimum and maximum ranges of salaries is due to collective bargaining.
Administrator Ward replied that is correct.
Mr. Idec asked what the minimum and maximum ranges are.
Mr. Ward responded that it varies by employee but the settlement was for under 2% per year for four (4) years with give-backs on health insurance which brought the effective increase over 4 years to 1.64%.
Mr. Idec was not satisfied with the explanation of minimum and maximum and wanted actual salaries. President Fitzpatrick provided Mr. Idec with the Press copy of the agenda containing a copy of the ordinance.
Franz Fuertges, 109 Ford Road, spoke on behalf of the Beautification Committee and noted that there are not sufficient funds allocated to the Committee to permit them to do the work that they wish to accomplish. He spoke at length about specific projects that the Beautification Committee has completed, despite the lack of funds and shortage of volunteers. Mr. Fuertges expressed his displeasure about the wall that was built and landscaped on Route 53 but which had to be removed because it was on State property. Mr. Fuertges asked for a solution to the problems that arise when areas should be beautified but permission cannot be obtained to do so.
President Fitzpatrick responded that he thinks we can all agree that the wall and flowers looked great but, unfortunately, we are subject to the State and the DOT on that property.
Mr. Ward explained that we submitted an application a couple of weeks ago but DOT denied our application to construct any immovable object in that location. He said that Engineer Ruschke was asked to reach out to DOT and ask them if not the wall then what could go there. Mr. Ward advised that DOT responded that there may be no permanent structure of any kind. He said that they would allow us to landscape the area with flowers but we must submit a list of what type of flowers would be used and how high they would grow. Mr. Ward added that the DOT has said that, as a courtesy to us, they would not require that we submit another costly permit application for the landscaping. He said that the application that was just denied cost the Township about $1,500. Mr. Fuertges complained that he had asked for a solution to the wall issue immediately upon hearing that the DOT wouldn’t allow the wall and now he is hearing that the application only went in two weeks ago.
Administrator Ward explained that the application was sent to the DOT the week after the wall issue but the DOT took three months to reply.

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Mr. Fuertges discussed McCarter Park and said that he asked John Egbert to provide people to install a water line and the Beautification Committee would provide the pipe and tubing. He said that he would also like to erect a commemorative wall for the names of people who have donated funds, plants, etc. to McCarter Park. Mr. Ward replied that we absolutely, positively, cannot install, or use public resources to install anything on Jersey City’s property.

President Fitzpatrick assured Mr. Fuertges that he has the full support of the Council and the Administration but some things are out of their realm. Mr. Fuertges stated that the DOT is here to serve us, not we to serve them and they are supported by our tax dollars.

Administrator Ward advised that the Township would subject itself to fines and penalties, as well as law suits, if it does not abide by the DOT regulations.

Councilwoman Smith interjected that Mr. Fuertges has always been a dedicated volunteer and his work has beautified Denville. She said that she can understand his frustration, but this Council can support the Committee through the Administration and through letters but it is not our property. Mrs. Smith commented that she thinks that for any property in Denville that Mr. Fuertges and his Committee work on, he is required to submit a plan to the Mayor or Administrator before proceeding even on property owned by Denville Township. Mrs. Smith opined that the property on Route 53 and the ban on building a wall there could be a safety issue but, nonetheless, it is not our property. She emphasized that we can only work on property that is owned by Denville, not on property that is owned by the State or Jersey City.

Mr. Fuertges stated that the DOT should explain to us why they denied our application. Councilman Kuser commented that Mr. Fuertges has done beautiful work around town and he feels that we should all focus on what can be achieved now. He said that the residents on Thurmont Avenue have asked for beautification in their neighborhood. Mr. Kuser said that there are many places in town that can be beautified. He added that we should put pressure on the State but, when you don’t own a piece of property, you shouldn’t be on it. Mr. Kuser mentioned numerous locations that could benefit from the Beautification Committee’s work. He suggested that the Committee spread out throughout all areas of town.

Brett Bickham, 19 Alpine Dr. noted that he is Mr. Fuertges’s “e-mail arm” because Franz doesn’t do e-mail. He said that he would like to feel that the Council has the Committee’s back with all of the bureaucratic stuff. Mr. Bickham said that they don’t want to have to worry about permits, etc., they would like to think that one of the Council members would deal with all of that. He talked about how difficult it is to get volunteers. Mr. Bickham suggested that the high school counselors be contacted and perhaps speak to the students about volunteering with the Beautification Committee. He said that the students could add that to their college applications. Mr. Bickham asked any Council member who may have a contact at the schools to suggest that to the advisors.

Councilwoman Lyden, liaison to the Committee, interjected that she did that last spring
and got two volunteers who are still working with the Committee. She said that she will do it again.

Mr. Bickham suggested that some sort of soft hose irrigation system be put at McCarter Park that would be considered temporary. He asked that the Council try to deal on a one-to-one basis with someone at Jersey City to try and circumvent the strict regulations.

President Fitzpatrick noted that there was an initial contact with a person on both issues but, at some point, there are things that are hard to overcome and protocols that must be adhered to.

Mayor Andes advised that the Township has approached Jersey City numerous times with an offer to purchase the McCarter Park property through our Open Space Fund. He explained that Jersey City is not interested in talking to us about it because the Sewer Authority is suing Jersey City and, at some higher level, this is connected to that suit. The Mayor said that the Township will continue to attempt to acquire that property but added that we must keep in mind that we cannot spend Township money on other people’s property. He advised that the Beautification Committee is an advisory board to the Mayor and Administration, the same as many other committees. The Mayor named several of those committees. He said that projects done by the Beautification Committee on Township property are pretty much given free rein with minimal interference from the Mayor or Administration.

Mayor Andes stated that, as far as recruiting people, something can be put in the recreation flyer if Franz would like to write something up and give it to Irene Stefanacci. Concetta Golia, 11 Orange Trail, stated that she has lived in Denville for 50 years and she has one complaint. The Beautification Committee is not kept in the loop with regard to what they are going to do, or the Township is going to do, and they are not told what they have at their disposal to spend on any of their projects. She added that they need money. Administrator Ward advised that the Beautification Committee has a dedicated budget that’s adopted every year as part of the Township budget. He said that Administration does not micro-manage how the money is spent on each project, they leave that to the experts. Mr. Ward added that if they need assistance in allocating their funds, Administration will be happy to provide that guidance and input. He noted that they leave the prioritizing of projects to the experts on the Committee.

Addie Cohen, Area Manager for JCP & L stated that she came here this evening to introduce herself to the Council, Mayor and Administrator. She explained that JCP&L is adding a lot of enhancements since Sandy and other situations mandated by the BPU. Ms. Cohen advised that their objective right now is to collaborate with the towns, work closely with the Mayor on any outage information or other issues or concerns the town may have. She gave an overview of a new web page that JCP&L has developed that provides a great amount of information that can be accessed during an emergency. Mayor Andes interjected that he has met semi-annually with JCP&L and the last time was just before hurricane season last year. He noted that we have the information that
Ms. Cohen mentioned and it is posted on our web site. The Mayor added that he receives e-mails concerning power outages in Denville and in the immediate area. He said that the Township has been working hard to keep open communications between the Township and JCP&L.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Scollans asked about the status for a new generator for the Senior Center. Administrator Ward replied the grant is awarded by the County but the money is actually from the Federal government and the County is waiting for the confirmation of the appropriation from the Federal government. Mr. Ward explained that they will send us the grant agreement after they receive that confirmation.

ORDINANCE(S) FOR ADOPTION:

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO PERMIT FARMER’S MARKETS ALL YEAR

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO PERMIT FARMER’S MARKETS ALL YEAR
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON: MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
AYES: GOLINSKI, GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK

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

Administrator Ward complimented Liisi Lescaro and Paula DeBona on their drafting of this ordinance. He said that there were probably two dozen drafts circulated around over the past two months until they came up with the ordinance that is being adopted tonight. Mr. Ward added that he believes that everyone is very pleased with it and noted that Health Officer Perez also had a hand in drafting the ordinance.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO PERMIT FARMER’S MARKETS ALL YEAR
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 10-23-13 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER
GABEL
AYES: GOLINSKI, GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK

ORDINANCE(S) FOR INTRODUCTION:
#21-13 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE
OF SALARY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP
SUPERVISORY EMPLOYEES' ASSOCIATION

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY
FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES’
ASSOCIATION
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
LYDEN
DISCUSSION:
Administrator Ward explained that there are five (5) bargaining units in the municipality. He said that all five contracts expire on December 31, 2013 and negotiations commenced in August to come up with successor agreements. Mr. Ward noted that he has met with all of the associations on multiple occasions except for one, due to scheduling conflicts. He stated that negotiations are going very well and he is very proud to present this ordinance tonight. Mr. Ward explained that this ordinance simply establishes a minimum and maximum range of salaries, which is a statutory requirement that anyone we compensate on payroll must have a salary that falls within those ranges. He further explained that if an employee retired we would be required to hire a new employee within that given range, or come back to the Council for an ordinance amendment. Mr. Ward noted that this ordinance represents a memorandum of agreement with the Supervisors’ Association, which is basically the Department Heads, and is a four-year term which is well under the hard 2% cap in the settlement. He said that if you combine the annual salary increase with a give-back that we received by providing a lower cost prescription and health benefit, the effective increase per year is about 1.64% or 1.65%. Mr. Ward added that he thinks that this is an historically low settlement in Denville. He said that, additionally, there were some provisions regarding leave benefits and we closed some loopholes that currently enable employees to receive an entire year’s pay out of vacation time even if they retired in January. Mr. Ward advised that this contract pro-rates it and sets the grace period at July 1st 2014. He said that this change will have a substantial financial benefit to the municipality in 2014, possibly as much as $50,000. Mr. Ward explained that there was another loophole by which Supervisors could possibly receive overtime and
the wording has been change to close that loophole as well. He noted that the bereavement clause was made more uniform among all of the associations. Mr. Ward commented that, although the number of holidays did not change, the one assigned holiday, at the suggestion of the supervisors, is being changed to ½ day on Christmas Eve and ½ day on New Year’s Eve. He said that those are the pertinent elements of the memorandum of agreement for the four year term. Administrator Ward noted that the same terms that are agreed upon with the Supervisors' Association have historically been conferred on the Confidential Employees because those employees are not covered under a collective bargaining agreement. He said that these employees are the one who have access to the municipal side of the negotiating table.

AYES: SMITH, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK
RECUSE: SCOLLANS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES’ ASSOCIATION
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 11-12-13 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 ACCORDING TO LAW.
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, GOLINSKI, FITZPATRICK
RECUSE: SCOLLANS

#22-13 AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #4-12 ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #4-12 ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING.
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
DISCUSSION: Councilman Scollans asked if there is any benchmark for these salaries that are over $100,000 and do we compare the positions to surrounding towns. Administrator Ward replied that there are salary surveys available in the Administrator’s office. He noted that every two years the League of Municipalities puts out a state-wide salary survey. Mr. Ward said that our employees are upper middle for Morris County. He noted that none of them stick out to him as being excessively high when compared to surrounding communities.
Mr. Scollans asked if the Council might be provided with a comparison. He stated that he has the greatest respect for the Township employees but is concerned about some of the salaries.
AYES: SMITH, GOLINSKI, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #4-12
ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS
AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND
STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING.
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 11-12-13 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 ACCORDING TO
LAW.
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED
BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK

President Fitzpatrick asked if anyone from the Council or the public would like anything to be removed from the Consent Agenda.
Councilwoman Smith asked for an explanation of R-13-214.
Attorney DeBona explained that the Township has a lien on a property that it used Housing Trust Fund money to rehabilitate. Mrs. DeBona noted that the owner is seeking a reverse mortgage and the lender has asked the County and the Township, both of whom have liens on the property, to subordinate the liens to the reverse mortgage. She advised that, after 10 years the lien would be dissolved, and it is a
common practice to consent to this kind of postponement. Councilman Golinski asked if the taxes are still being paid. Attorney DeBona replied that they will be paid from the reverse mortgage.

CONSENT AGENDA:
R-13-214  RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE EXECUTION OF A POSTPONEMENT OF A TOWNSHIP LIEN
R-13-215  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $1,971.68
R-13-216  RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE IN THE AMOUNT OF $274.00
R-13-217  RESOLUTION AUTHORIZING REINSTatement OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-13-218  RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

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

NON-CONSENT RESOLUTIONS:
R-13-219  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $6,226.22

MOTION TO APPROVE R-13-219: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK

R-13-220  RESOLUTION REFUNDING THE PAYMENT OF TAXES DUE TO JUDGMENT BY THE TAX COURT OF NEW JERSEY IN THE AMOUNT OF $63,532.20

MOTION TO APPROVE R-13-220: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK

R-13-221  RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGMENT BY THE TAX COURT OF NEW JERSEY IN THE AMOUNT OF $65,903.75

DISCUSSION: Councilman Kuser asked, with regard to R-13-220 and R-13-221, if there was a tax appeal and we lost and therefore have to return these taxes.
Attorney DeBona replied that it was handled by Tax Counsel so she wasn’t involved but, yes, that’s what happened and it can go back three years.

MOTION TO APPROVE R-13-221: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK

R-13-222 RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER #3 RELATIVE TO THE POLICE DEPARTMENT ADDITION AND RENOVATIONS IN AN AMOUNT NOT TO EXCEED $3,375.00

MOTION TO APPROVE R-13-222: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
DISCUSSION: Administrator Ward explained that the architect had estimated a number of hours in his initial proposal but, due to delays by the contractor to complete the project by the date established in the contract, has exceeded the hours in his initial proposal. He added that, due to the contractor not meeting the deadline, we do have the ability to seek damages.
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK

MOTION TO APPROVE MINUTES OF 10-1-13: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH
AYES: SCOLLANS, SMITH, GABEL, KUSER, LYDEN, GOLINSKI
ABSTAIN: FITZPATRICK

President Fitzpatrick advised that he will ask for a motion to go into Closed Session and no action will be taken at the end of that session. He said that the subject will be negotiations.
MOTION TO GO INTO CLOSED SESSION: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: UNANIMOUS

President Fitzpatrick called for a short recess at 9:10 p.m.
Council came out of Closed Session at 9:46 p.m. and President Fitzpatrick immediately called for a motion to adjourn.
MOTION TO ADJOURN: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

MEETING ADJOURNED AT 9:46 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk