TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING
DECEMBER 4, 2012

The Meeting was called to order at 7:30 p.m. by President Kuser. The Salute to the Flag was recited, followed by an Invocation given by Councilman Golinski. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello.

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

ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSEN, TOWNSHIP ENGINEER RUSCHKE AND RECREATION DIRECTOR BOGARDUS.

LIAISON REPORTS:
Councilman Scollans reported that the Historical Society is patiently waiting to be connected to the Internet. He said that he has spoken with Mr. Ward and was advised that, hopefully, it will be completed by the end of the year.

Mr. Scollans noted that the Senior Luncheon, which was held at St. Francis, was very nice and was well attended.

Councilman Scollans advised that the Knuth Farm Christmas Tree sale is going great and he urged everyone to support it.

Mr. Scollans reported that he attended a Green Infrastructure meeting today and said that it provided a good deal of information for green teams. He said that they spoke about stormwater control and management ordinances and suggested that our current ordinance be amended in its scope. Mr. Scollans also suggested that stormwater fees be looked at. Councilman Scollans commented that, without the full support of the Administration, the Council and the public, the Green Sustainable Committee might just as well quit now.

Mr. Scollans noted that there was an article in the Daily Record which reported that Morristown has supplied all of the Council members with electronic tablets in order to save paper. He said that the cost was approximately $569.00 per person and recommended that it be looked into.

Councilman Golinski reported that the Township has been notified that the County has approved its two (2) applications for the acquisition of Open Space. He thanked the volunteers for their time in getting the applications together and submitted in a timely fashion.

Mr. Golinski advised that the plans for the reconstruction of the Valley View Firehouse are moving along very nicely. He said that, again, he wants to thank the volunteers, (who are also taxpayers), Administration and Township employees for working together to get this project going so quickly and efficiently - with a realistic budget.

Councilman Golinski noted that it is a very busy and fun time for the Local Assistance Committee. He said that there has been gift gathering and, on Sunday, he accepted a donation of eleven (11) really nice trees from the Indian Lake Men’s Club to be given to needy families.

Township Council
Mr. Golinski commented that cash and gift card donations are very welcome and Deirdre Rock is trying to build up the home heating fund.

Councilwoman Lyden reported that she attended a Morris Hills Regional Board of Education meeting last week. She said that Superintendent Gencarelli extended his thanks to the Mayor, Council and Police for all the information, guidance and communication provided during the storm. Mrs. Lyden advised that the Board decided to make up the three (3) days that were missed because of the storm with a ½ day on Martin Luther King Day as well as on February 15th and February 18th.

Councilwoman Smith noted that the term of office of two (2) members of the Board of Adjustment will expire this month. She said that she spoke with the Chairman of the Board of Adjustment regarding their performance and there will be a resolution on the next agenda to reappoint both Sean Ryan and Susan Richter.

Mrs. Smith reminded everyone that next Tuesday at 5:00 p.m. the Chanukah lighting will be held across from the Walgreen Plaza. She urged everyone to come and enjoy the celebration.

Councilman Fitzpatrick commented that, since Hurricane Sandy, a number of trees have fallen in the river. He said that the Mayor’s Advisory Committee on Flooding of Rivers and Streams have identified most of the problem areas and should have a list to the Mayor and Administration this week. Mr. Fitzpatrick added that the Committee will do whatever they can to help remove the trees.

Mr. Fitzpatrick noted that he has received a few negative comments regarding the Chamber’s Open House event because the street was not closed and the kids couldn’t run around in the street. He said that he reminded those people that the purpose of the event was to encourage people to shop in our downtown shops.

Mr. Fitzpatrick reported that the Recreation Dept. has a special relationship with Santa Claus and, by calling and getting on the list, they will arrange to have Santa call your home on December 17th.

Councilman Gabel reported that recently Mayor Andes, President Kuser and himself attended a Board of Education meeting. He said that the purpose of the meeting was to discuss the possibility of having the Board of Education move their administrative offices into space that would be made available to them in the Municipal Building. Mr. Gabel noted that some reconfiguration would have to take place in the building but he feels that this shared service would meet the needs of both parties. He said that there could potentially be a real cost saving for both the Township and the Board. Mr. Gabel stated that additional meetings are planned and the Council and public will be kept informed of the results of those meetings.

President Kuser advised that the Holiday Lighting Contest will be judged on December 19th. He added that anyone who wishes to take part should contact the Recreation Dept.

MAYOR’S REPORT:
Mayor Andes commented that the Council Liaison reports just “gut” his own report.

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every week because they are so thorough. He said that it is a testament to the good job
that the Council is doing.
The Mayor reported that the total amount that the Township will receive for Open Space
is $300,000 for the Valva property and $10,000 for the Jersey City property (McCarter
Park).
Mayor Andes noted that the Chamber of Commerce makes the recommendation
regarding street closure for their Open House event and the Township tries to
accommodate their request and work with them. He added that tomorrow the Chamber
Breakfast will be held and the awards will be given to the winners from the Holiday
Parade.
Mayor Andes advised that the Senior Citizens Holiday Party will be held on Friday. He
advised that the Historical Society Concert will be held next Tuesday evening at the
Church of the Saviour on Morris Avenue.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that the architect is finalizing the plans for the Valley View
Firehouse and it is hoped that the request for bids will be advertised as early as next
week, with a bid opening date of January 23rd. He said that, based upon the nature of
the project, the architect estimates that the building should be ready for occupancy as
early as late July or early August.
Mr. Ward advised that there will be three (3) closings tomorrow and one (1) on
Thursday for the FEMA buyouts. He said that all eleven (11) homes that are being
purchased are being purchased with grant funding from County, State and Federal
sources.
The Administrator reminded the Council that the Township will hold an employee
luncheon on December 19th in the Community Room. He noted that employees will be
recognized for their length of service, thus combining the Holiday Luncheon with the
Employee Recognition Ceremony. Mr. Ward said that the Luncheon will be held from
11:45 a.m. to 1:15 p.m. He added that the Council is invited to attend and is
encouraged to do so, if possible.
President Kuser briefly explained what the FEMA buyout is all about.
Mr. Ward explained the conditions of the grant with regard to demolition of the homes
and said that they must be demolished within 90 days of each closing.

PUBLIC PORTION
President Kuser explained that there will be a public portion after the presentation on
field expansion for anyone who is here to speak about that issue.
He asked if anyone wished to speak on any other subject. No one wished to be heard.
CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

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MATTERS OF OLD AND/OR NEW BUSINESS:

Councilman Scollans extended his thanks to Administrator Ward and Chief Wagner for their response to an issue on Birch Run. He said that it was an issue involving teenagers and their response in bringing it to a quick resolution was exemplary.

PRESENTATION REGARDING SPORTS FIELD EXPANSION

President Kuser advised that Recreation Director Bogardus and Engineer Ruschke will make the presentation.

Mayor Andes made some brief comments about the project and how long people have been waiting, himself included, to get this off the ground. He noted that there were issues related to health, public safety and downtown economy that took precedence over field expansion. The Mayor noted that the need for additional fields has existed for many years and tonight the Administration will demonstrate that the need is still there, the money is available and that a plan has been developed that will help the majority of programs. Mayor Andes advised that a Field Use Advisory Committee was formed in January which was made up of various interested parties. He added that he asked the Administrator and CFO to assist him in establishing a price range that could be spent out of our Open Space Fund, which would not hamper desirable and unexpected open space acquisition opportunities.

Mayor Andes explained that the Open Space Tax is designated to acquire, develop and maintain open space. He added that the dollar figure that they determined could be used for this project is $1.5 million.

The Mayor stated that monthly meetings were held to discuss his goals for this project:
1. Increase playing time
2. Elevate the playing conditions
3. Improve the playing facilities

The Committee brain-stormed all aspects of the plan and agreed to move forward. Mayor Andes added that he presented the plan to the Recreation Committee last week and they endorsed it unanimously. He said that the plan was created keeping all of our athletic participants, children and adults, in mind, all of our programs in mind, and the neighborhood in mind. The Mayor asked Administrator Ward to speak about the funding after which, Mr. Bogardus and Mr. Ruschke will make the formal presentation.

The Administrator explained that when he and CFO Guarino started meeting with the Mayor, earlier this year, they were charged with the task of getting this done, without compromising any possible open space acquisitions. He said that the final dollar amount that they felt could conservatively be allocated to this project was $1.5 million. Mr. Ward further explained that the funds would be acquired through a bond anticipation notes which could be authorized by the Governing Body and paid down Township Council
over a period of six (6) years at the rate of $250,000 per year. He said that would allow for the recreational improvement to be completely paid for out of the Open Space Trust Fund. Mr. Ward advised that it would leave available, during that period, $150,000 for matching funds for our regular open space purchases and $50,000 for general recreation improvements that we make out of the Open Space Trust Fund. Mr. Ward added that the most important point is that there is zero tax impact because we are not looking for any increase in the rate of the Open Space tax.

Mr. Bogardus and Mr. Ruschke gave a power point presentation. A copy of that presentation is attached to these minutes.

President Kuser then offered the floor to anyone from the public who might have question regarding the project.

OPEN PUBLIC PORTION:

The following residents came forward to speak during the public portion:
Don Casse, 27 Snyder Avenue
Simone Gesualdo, 10 Rocky Heights. Road
Gary Borowiec, 4 Cramsey Place
Bob Belz, 7 Memory Lane
Doug Dolan, 2 Pleasant Valley Road
Bob Ranft, 167 Diamond Spring Road
Mark Venis, Recreation Committee Chairman- a letter was read by Mr. Ranft, in Mr. Venis’s absence.
Vincent Kellett, 7 Rocky Heights Road
Ken Hartman, 175 Morris Avenue
Franco Dichio, 7 Aerie Wynde Drive
Paul Nigro, 14 Florence Avenue
Tom Feury 6 Ivy Crest Lane

With the exception of Mr. Belz, all of the residents spoke in favor of the project. Those in favor spoke about the need for the fields, the benefits of turf as opposed to grass, the fact that it will benefit all ages of athletes in town and the availability of turf fields after heavy rains. Both the Hub Soccer representative and the Renegades Lacrosse representative pledged financial support for the plan. The plan for installing lighting was also strongly supported.

Concerns that were raised were the impact of the lighting on neighboring homes and drainage from the fields. Engineer Ruschke assured the residents that these concerns have been addressed and that there will be no negative impact and there will be no net increase in the drainage. One resident suggested that paths be installed for the children to access the fields without having to traverse Zeek Road.

Mr. Belz, in opposition to the plan, asked about the life span of turf fields, the cost of Township Council
maintenance and the cost of the equipment needed to maintain the field. Engineer Ruschke responded that the life of the field is guaranteed by the manufacturer for eight (8) years but, in fact, the fields can be expected to last for ten (10) to twelve (12) years. He noted that the equipment to maintain the fields is supplied by the contractor and it is a simple process. Mr. Ruschke added that when replacement is necessary, only the fabric needs to be replaced, the base remains in place.

Mr. Belz suggested that the Council look more carefully at the proposal and either leave it as a grass field or consider a referendum on a turf field.

When asked about the time-frame, Administrator Ward explained the process of introducing and adopting a bond ordinance. He said that it could be March before the Engineer begins the design work. Engineer Ruschke added that he would estimate the project being completed by the Spring of 2014.

CLOSE PUBLIC PORTION.

MOTION TO APPROVE MOVING FORWARD WITH THE VETERANS’ FIELD EXPANSION PROCESS: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI

DISCUSSION:
Councilman Scollans stated that, having raised three children in Denville who all played various sports, he fully supports this plan. He said that what is good for the kids, is good for Denville. Mr. Scollans commented that he would rather spend money on playgrounds than on rehabilitation of our youth.

Councilman Golinski thanked the Committee for their hard work and comprehensive presentation. He thanked all the coaches and directors who have dedicated themselves to providing Denville’s kids with healthy and wholesome activities.

Mr. Golinski asked Mr. Ruschke for the source of the cost per event calculation (10 to 1) that was cited in the presentation. Mr. Ruschke replied that it was from literature that is available. Mr. Golinski asked for a copy of that source.

Councilman Golinski asked if the Committee discussed what contribution the various sport groups would make financially to the project.

The Mayor replied that the idea was to build a field in which all participants have equal ownership. He said that they are encouraging the sports organizations to make improvements to other facilities but they clearly want this to be a place where all organizations will feel that they have full ownership.

Mr. Golinski asked if the presentation can be put on our web site.

Councilwoman Lyden stated that she, too, is in full support of the project as a parent whose children have benefitted from Denville Recreation over the years. Mrs. Lyden asked if there is an analysis of the cost of turf versus grass. Mr. Ruschke replied that Don Bogardus did a comparison about a year ago and it was about a 2 to 1 on an annual basis. He said that, with grass, the sod needs to be continuously replaced.
because the level of play cannot be kept up on grass as it can on turf.  
Mr. Bogardus commented that, once the turf is installed, there is no mowing or watering to maintain it, as there is with grass. He said that he will put his last report in the Council mail boxes tomorrow.  
Mrs. Lyden asked for a ballpark figure on what it will cost to replace the turf field in ten or twelve years.  
Mr. Bogardus replied that, as the technology gets better, replacement gets cheaper. He said that, as Mr. Ruschke noted, the base does not have to be replaced, just the fabric and, in today’s dollars it could be about $250,000. Mr. Ruschke also mentioned the quality of the playing field.  
Administrator Ward advised that Mayor Andes, Don Bogardus and himself have had preliminary meetings with the Athletic Directors of Morris Knolls and Morris Catholic. He said that they are exploring a shared maintenance service agreement which may be of benefit both to the Township and the schools.  
Councilwoman Smith asked if the new fields will be maxed out by demand and will we be able to give relief to some of our older fields.  
Mr. Ruschke replied that it has been discussed but a detailed schedule has not been worked out.  
Mrs. Smith asked if, looking at about $1 million for the fields, that means the lighting will cost $500,000. Mr. Ruschke replied that there are costs associated with the dog park, even though the DPW will be doing the labor. He said that there are still materials to be purchased and a parking lot to be paved. Mr. Ruschke noted that the lights are in the range of $350,000.  
Councilwoman Smith stated that her recollection, from a previous Council, is that a promise was made to the neighbors, although perhaps not in writing, that the Township would not be lighting those fields. She noted that this meeting was noticed but she feels that it would have been a good idea to notify the neighbors in that area of this meeting.  
Mrs. Smith stated that she feels it is very critical that we work with the neighborhood and do an outreach, have a meeting and a presentation for them. She said that she thinks the Mayor and Administrator should have a meeting and give this presentation to the neighbors in the area. Mrs. Smith added that she would like to attend that meeting and get the reaction to the proposed lighting.  
Mayor Andes interjected that during his 13 years as an elected official and five years on the Recreation Committee, he was never at a meeting where there was a vote on lighting. He said that there may have been promises made by individuals but there was never a vote by the Council promising never to put lights up there.  
Mrs. Smith repeated that she thinks there should be an outreach to the neighbors.  
Mr. Ruschke agreed with Mrs. Smith.  
Mrs. Smith stated that she is supportive of the project but will abstain from voting because she wants to get the neighborhood involved before she gives her full support. President Kuser commented that he would like to hear the rest of the Council members comments and perhaps move forward with the caveat that the neighbors be brought
into the process. He noted that he is very confident that there will be no spill-over from
the lighting that is used today.
There was additional discussion regarding the involvement of the areas neighbors and
Mrs. Smith’s request for a meeting to inform them of the details of the project.
Engineer Ruschke asked for the Council’s endorsement for the DPW to start clearing
trees for the expansion of the parking area immediately.
Councilman Fitzpatrick commended the Mayor and Administrator for working with so
many organizations to bring a project that has been in the works for so many years to
the brink of fruition. He also gave kudos to the Mayor and Administrator for the success
of the FEMA buyout program. Mr. Fitzpatrick commented on how helpful many of these
sports organizations are during times of need in the town.
Councilman Fitzpatrick stated that the case is very clear about needing this field and to
acquire with a zero tax impact is an easy decision. He said that the town has paid into
the Open Space Trust Fund and we owe it to the taxpayer to use it.
Mr. Fitzpatrick added that one of the things that the Council is always concerned with is
cost and they must due their due diligence on that aspect of the project. He said that,
as he had asked the previous administration, he is asking for a breakout comparison
over a ten (10) year period of the cost of turf versus grass before he casts his final vote.
Councilman Gabel thanked everyone involved in bringing this project forward and to all
who came out this evening to share their comments and concerns. He said that, based
on everything that he has heard this evening, he is in support of this project.
President Kuser spoke about turf, field use, resting the fields, geese avoiding turf fields
and some of the sports programs offering financial support to the plan. He commented
that $1.5 million is a lot of money but it is a responsible thing to do.
President Kuser said that he would like to move forward with the turf field with lighting
on Field 8 and Field 9 and start work on the parking area immediately. He said that we
have a motion and a second on the table.
Attorney Jansen asked Mr. Scollans if he would amend his motion to include the items
that President Kuser alluded to and asked Mr. Golinski if he would amend his seconding
of the motion. Mr. Golinski said that he wouldn’t mind a simplified version of those
points and asked Attorney Jansen if he would clarify the language of the motion.
Attorney Jansen said that he would leave that to President Kuser.
There was a discussion concerning how the motion should be amended. It was
determined that the motion would be to move forward with the Veterans' Field
expansion “process”, recognizing that the process includes capital project review by the
Planning Board, a bond ordinance, etc.
AYES: SCOLLANS, GOLINSKI, GABEL, FITZPATRICK, LYDEN, KUSER
ABSTAIN: SMITH

President Kuser asked if anyone from the public or from the Council wished to have
anything removed from the Consent Agenda. No one responded.
CONSENT AGENDA:

R-12-280  RESOLUTION REAPPOINTING KATHLEEN A. COSTELLO TOWNSHIP OF DENVILLE DEPUTY MUNICIPAL CLERK
R-12-281  RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-12-282  RESOLUTION REJECTING BIDS FOR EMERGENCY TREE REMOVAL AND STUMP GRINDING SERVICE AND AUTHORIZING ADVERTISING FOR NEW BIDS
R-12-283  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $1,020.31
R-12-284  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $2,427.58
R-12-285  RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR RENOVATIONS TO THE VALLEY VIEW FIRE HOUSE CO. #3
MOTION TO APPROVE THE CONSENT AGENDA: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER SCOLLANS
AYES: LYDEN, SCOLLANS, GABEL, FITZPATRICK, SMITH, GOLINSKI, KUSER

NON-CONSENT RESOLUTIONS:
R-12-286  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $18,686.37
MOTION TO APPROVE R-12-285: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI
AYES: SCOLLANS, GOLINSKI, GABEL, FITZPATRICK, SMITH, LYDEN, KUSER

R-12-287  RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2012
MOTION TO APPROVE R-12-287: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI
AYES: SCOLLANS, GOLINSKI, GABEL, FITZPATRICK, SMITH, LYDEN, KUSER

R-12-288  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $3,254.27.
MOTION TO APPROVE R-12-288: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI
AYES: SCOLLANS, GOLINSKI, GABEL, FITZPATRICK, SMITH, LYDEN, KUSER
R-12-289  RESOLUTION AUTHORIZING AGREEMENT WITH MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES

MOTION TO APPROVE R-12-289: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI

DISCUSSION: Councilman Golinski asked if we have done our due diligence in order to feel comfortable that this is a fair fee schedule. Administrator Ward replied that we negotiated for this contract, which was originally a 6% increase over four (4) years and we were able to reduce that, through negotiations, to a 2% increase over four (4) years. He added that the garbage contract will be due at the same time that this contract ends and we may be able to see a combined benefit by bidding them at the same time.

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

MOTION TO APPROVE MINUTES OF 11-20-12: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI

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

President Kuser advised that the Workshop Meeting scheduled for next week, December 11th, is being canceled.

MOTION TO ADJOURN: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GABEL

AYES: UNANIMOUS.

MEETING ADJOURNED AT 9:39 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk