The Meeting was called to order by President Kuser at 7:31 p.m. The Salute to the Flag was recited followed by the reading of the Open Public Meetings Act Statement by Deputy Township Clerk Kathy Costello. Mrs. Costello requested that all cell phones be turned off or muted and reminded everyone that this is a non-smoking facility.

ROLL CALL: FITZPATRICK, GABEL, GOLINSKI, SCOLLANS, SMITH, LYDEN, KUSER
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, PLANNER DENZLER

OPEN PUBLIC PORTION:

Ed Banagan, 38 Old Mill Dr., asked about the status of the Indian Lake wall. Mr. Kuser advised that the Township Engineer has a plan and will be meeting with the Indian Lake Association. Mr. Banagan asked who will be paying for the wall. It was explained that a portion of the wall is on Township property and the Township will be responsible for a portion of the cost. It was further explained that the County owns the bridge and when they raised the bridge it contributed to the decay of the wall. Mr. Kuser noted that the Township is reaching out to the County and asking that they contribute to the repair of the wall.

Mr. Banagan asked if there is money in the budget to cover the proposed field at Zeek Road. Mayor Andes explained that it will come out of the Open Space Fund, not the operating budget. He noted that health and public safety issues, such as the Firehouse and flooding, take priority over ball fields.

Mr. Banagan’s next question concerned the hiring of consultants. Mayor Andes explained that no one has been retained as yet, but the plan is to hire one firm that will provide individuals with expertise in each of the fields that the Township requires. He said that those areas would be street-scape, parking and flood mitigation.

Mr. Banagan asked if there would be a bidding process and also asked how the consultants would be chosen.

Mr. Ward noted that the bidding will be online through Bid Net which is a bidding service. Mr. Andes said that references will be obtained from previous clients of the firm that is chosen.

Mr. Banagan inquired about the payback to the town when it pays someone to write grants.

Mr. Ward explained that one firm that he interviewed works on a guarantee basis. He said that if the Township authorizes them to apply for grants in the amount of $27,500.00 during the year, they will guarantee that the town will receive at least $27,500.00 in grant funding. Mr. Ward added that, if we do not get that amount, they will continue to write grants, at no charge, until we do reach that amount.

Mr. Banagan mentioned a newspaper article that named Denville as one of seven towns involved in a proposal for a special needs partnership.

Township Council
President Kuser replied that private investors were looking to put a facility in Denville. He said that Denville has not been approached by anyone to do that.

Mr. Banagan stated that the newspaper article said that Denville and six other towns committed $500,000.00 to the project.

Mr. Ward noted that the Department of Community Affairs presented an opportunity to several municipalities around the State last August or September. He said that the State offered to put up 50% of the cost of building a group home and the town would provide the other 50% from its Affordable Housing Trust. Mr. Ward noted that the Township would obtain Affordable Housing credits by building this group home.

Mr. Banagan asked where the town would get the $500,000.00 to participate in this. Mr. Ward advised that the amount of the Township’s share would be $250,000.00.

Mr. Kuser interjected that he thinks Mr. Banagan is talking about an entirely different issue.

Mr. Banagan asked how the Township sets aside funds to provide for pay-outs to retiring employees. Mr. Ward explained how funds are moved from the budget to a trust account to cover retirements. He noted that the Township is quite healthy in where it stands with accumulated leave liability.

CLOSE PUBLIC PORTION.

PRESENTATION ON THE DENVILLE FARMERS MARKET BY LIISI LASCARO

Ms. Lascaro noted that due to technical difficulties she will not be using a power point presentation. Mr. Kuser asked if she would kindly e-mail that presentation to him.

Ms. Lascaro provided the Council with a hand-out which gave a re-cap of the 2011 Farmers Market season as well as information about her plans and requests for the 2012 season. A copy of the hand-out is attached hereto.

After speaking about the 2011 season, Ms. Lascaro asked if there were any questions from the Council members.

Councilman Gabel asked what qualifications vendors must meet in order to participate in the market. Ms. Lascaro replied that she has her own set of rules and tries to have as many local merchants as possible.

Councilman Golinski asked if they have to meet Board of Health requirements.

Ms. Lascaro replied that there is a zoning permit required and Health Department applications. She noted that Laura Decker and Carlos Perez have done a fantastic job in up-dating the Health Department applications for this year’s market.

Councilwoman Lyden asked if there is a yearly fee to join the market.

Ms. Lascaro said that there is a fee which is dependent upon how many times the vendor attends. She added that there is a 10% discount for vendors who participate for the whole season and an additional 10% discount for Denville merchants.

Councilman Scollans asked about fees that are paid by vendors to Rotary.

Mayor Andes interjected that the Rotary Street Festival is a separate event from the Farmers Market. He noted that the Farmers Market participated as a vendor in the
Rotary Street Festival and did not hold their regular market that day. Mr. Scollans stated that he thinks the town should be compensated for allowing the Farmers Market to be held on Township property. Mr. Kuser clarified the situation by explaining that the Farmers Market is run by Liisi Lascaro for the Chamber of Commerce. He said that Ms. Lascaro makes money from this endeavor and what the Township gains is having people come into Denville and patronize our businesses. Mr. Scollans asked if the fees that the Farmers Market pays to the Township are sufficient to cover the services that the Township provides. Ms. Lascaro replied that the Zoning permit is $50 and the Health permit is $20, for each vendor, regardless of how many times they take part in the market. Mr. Ward noted that the Township has been licensing the vendors under our temporary food establishment ordinance and that ordinance is being reviewed. Ms. Lascaro then spoke of the coming year and the requests that she would like the Council to consider.

1. Wine tasting. Mr. Kuser advised that the Clerk is checking on that.
2. Erect a sign on an unused sign post advertising market. Mayor Andes and Administrator Ward agreed to that proposal and will speak about the details with Ms. Lascaro.
3. Request for an additional shed on the property to store tables and chairs for customer use. Mayor Andes replied that the Chamber should be responsible for the cost of an additional shed. He said that he will check to see if there is room in the existing shed and if the Police would be willing to share that space.
4. Space in which to hold the market during the winter, either every other weekend or once a month. Most convenient space would be the Senior Citizen Center. The Mayor noted that there would be a lot of set up and clean up and suggested that Ms. Lascaro speak to the President of the Senior Citizens Club. He said that if they are in favor of it, he will take it under advisement.

PRESENTATION BY W & L ASSOCIATES, LLC
ANDY TALBOT AND STEVEN SMITH, P.P.

Councilwoman Smith recused herself and left the chambers. President Kuser called for a brief recess at 8:15 p.m.

The meeting resumed at 8:18 p.m.

Mr. Steven Smith of Jaman Associates and Andy Talbot of W & L Associates came forward to make their presentation.
Mr. Smith explained the location of his client’s property and stated that they have come to the Council to request the vacation of a portion of Broad Street, which borders that property. Mr. Smith further explained, in detail, the circumstances surrounding the different widths of the right-of-way. He said that they are requesting the vacation of only 25 feet of the 100 foot wide right-of-way leaving a 75 foot wide of right-of-way. Mr. Smith noted that, more importantly, it will leave 25 feet of right-of-way on his client’s side of the centerline. He said that, if in the future, the right-of-way is vacated on the opposite side of Broad Street, it would still leave a 50 foot right-of-way which is more than sufficient.

Mr. Smith provided the Council with two sets of drawings and explained what his client is proposing to do on his property. He advised that the proposal includes an addition of 10,000 sq. ft., bringing the square footage of the building up to 26,000 sq. ft. Mr. Smith added that there will be an additional 49 parking spaces, bringing the total to 89 spaces on the site. He noted that the existing facade will be upgraded, the new building will be an attractive addition and there will be site improvements, lighting, landscaping and storm water management. Mr. Smith explained the slope and grading which provides for a one-story building on the Route 46 side and a two-story unit on the Broad St. side. Mr. Smith then gave a detailed explanation of how the vacated portion of Broad St. will be used and added that the vacated area will amount to 6,983 sq. ft. He said that, as part of their site plan, they would re-grade the rear portion on the northerly side, between the proposed curb line and the existing pavement. Mr. Smith advised that they will construct a gravel area that can be used for parking; the dimensions of the parking spaces will be 10’ x 25’ and will be available for use in conjunction with the nearby open space. He added that steps and railing will be provided from the parking lot down to the gravel area.

Mr. Smith stated that there is no negative to the Township with regard to this vacation. He said that the positives are that it will put an additional 6,983 sq. ft. of land back on the tax rolls and allow for the project to go forward and add another 10,000 sq. ft. of commercial space to the tax rolls.

Councilman Gabel asked if this is not a matter that should go before the Board of Adjustment.

Mr. Smith explained that they do need Board approval but first must ascertain whether or not the Council is willing to approve the vacation or else the project cannot proceed without being revised.

Mr. Ward noted that the Township cannot sell a right-of-way and, if the Council approves the vacation, a deed search would have to be done of the right-of-way to determine who the underlying owner of the property is. He advised that, if the Township owns the property, it would have to be sold at public auction. Mr. Ward noted that a pure right-of-way can only be vacated, not sold.

There was a question about the location of ingress and egress when the project is completed. Mr. Smith advised that both will be on Route 46.

There was an extended discussion regarding the difficulty for residents in the area to
access Route 46. Statements were made concerning the safety issues in the area and the engineer’s determination that there is no way to construct a road from Broad Street to Route 46.

Councilman Golinski firmly stated that he is reluctant to give up any land that may, in the future, be needed to develop a solution to the problem of access to Route 46 for area residents. He said that he will reach out to the neighbors and explain the pros and cons of this proposal.

Planner Denzler, having been asked his opinion on constructing a road from Broad Street to Route 46, replied that he has looked at this from the perspective of creating a street from Broad to Rte. 46. He said that he considered several different scenarios and determined that because of grading and the possibility of development on each side of the road, it would not be practical to put a road in that area.

President Kuser asked Mr. Denzler for his opinion on the proposed project. Mr. Denzler replied that he looks at the positives in this situation. He said that the 75" wide right of way, after the 25' vacation, is more than enough for any future improvement. Mr. Denzler noted that he sees no detriment to the surrounding residents by this vacation.

Mayor Andes spoke in support of the vacation and noted that he feels that the answer to the problems at the intersection is a traffic light.

Administrator Ward agreed with Mr. Andes and noted that the Township would actually be reclaiming a portion of Broad St. that is now unusable.

Councilman Golinski asked what the increase to the tax rolls would be. Mr. Kuser replied that it would be a total of approximately $40,000 per year. He added that this figure would encompass the municipal, County and school taxes.

Mr. Golinski asked what would happen if the Township agreed to the vacation and the applicant does not build. He was advised that the proposed development would be a part of the vacation agreement; if they don't build, they don't get the land.

President Kuser commented on the discussions that were held regarding the construction of a road and the determination that it is not feasible. He noted that the parking lot of Ritchie’s Music Store and the Dive Shop has been blocked off and will remain so, for safety reasons.

President Kuser offered to accompany Councilman Golinski when he visits with the area residents in order to explain the entire issue to them. Mr. Kuser invited the Mayor to join them. He finished his comments by stating that he is in favor of moving forward with this vacation, with the stipulation that it must be developed.

Mr. Smith displayed a rendering of the landscaping plan noting that it includes the parking area. There was a discussion about the parking area, the grading and the responsibility of the Township to maintain that area and the responsibility of the owner to maintain the stairway and lighting.

President Kuser advised that all the costs associated with the vacation of this property, should the Township look favorably on the request, should be borne by W & L Associates.
Mr. Smith replied that is not an unreasonable request.
Councilman Scollans commented that he understands that the number of accidents in the area of the store is very high. He said that bringing more traffic in will contribute to an increase in accidents.
Mr. Smith replied that the vacation will have no bearing on the traffic issue but added that W & L will have a traffic engineer present when they go before the Board.
There was a question concerning the construction entrance during the building process and Mr. Smith advised that it will be wherever the Township requires.
Mr. Smith satisfactorily answered a question posed by Mr. Golinski concerning storm water recharge.
President Kuser called for a consensus from the Council as to whether they are in favor of vacating a portion of Broad Street.
Gabel Yes
Fitzpatrick Yes, if variance is granted and a time limit is put on the development.
Lyden Yes, with all stipulations adhered to.
Golinski Neither opposed nor in favor but is willing to go to the residents, explain pros and cons and listen to them.
Scollans Yes, it is a good project and good for Denville and agrees that it is important to explain it to the neighbors.
Kuser Yes
President Kuser requested a rendering of the westerly facade, which is what one sees when entering Denville.
Mayor Andes made a couple of suggestions to Mr. Smith for things he might want to check on before going to the Board of Adjustment. He also noted that the vacation is dependent upon the results of a deed search.
Mr. Smith asked if it is agreeable to the Council, when W & L goes before the Board, that they indicate that the Council is leaning favorably towards the vacation.
Mr. Kuser replied that would be fine. He noted for the record that a consensus was taken and all but one agreed. Mr. Kuser added that the Council member indicated that he will do further investigation.

MOTION TO ADJOURN: MOVED BY MEMBER GABEL, SECONDED BY MEMBER FITZPATRICK
AYES: UNANIMOUS
ABSENT: SMITH
The meeting adjourned at 9:18 p.m.

Respectfully submitted by:

Kathleen A. Costello, Deputy Township Clerk