CEREMONIAL MATTERS AND/OR PRESENTATIONS:

PRESENTATION OF FLOOD RELIEF CHECK - JIM DEVLIN, MORRIS KNOLLS

Mr. Jim Devlin, Asst. Principal Morris Knolls H.S., noted that several fund raisers were held in the Fall at the High School for hurricane relief. He advised that some checks have already been sent to the fund but he would like to present a final check in the amount of $2,796.55. Mr. Devlin stated that the bulk of this donation, $1,246.00, was raised through a “No Shave November” fund raiser. He explained that teachers and students obtained sponsors and did not shave during the month of November. Mr. Devlin noted other efforts that brought in a portion of the total amount. Mr. McLaughlin, a Social Studies teacher, added his comments concerning the “No Shave” fund-raiser.

A photo was taken and Mayor Andes commended Mr. Devlin for his dedicated efforts during the hurricane crises. Mr. Andes added that the donations, to this point, amount to $465,000.00, not including the gift cards that were donated. Mayor Andes advised that the second round of distribution checks will be sent out in mid-April.

#1-12 EXCEED APPROPRIATION AND ESTABLISH CAP BANK

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GABEL

DISCUSSION: Councilwoman Smith suggested that a brief clarification from the CMFO would be helpful.

CMFO Guarino explained that the ordinance is authorized by the Division of Local Government Services and by statute. It provides the Township the opportunity to maintain a Cap Bank. Mr. Guarino further explained that any money that is not appropriated as part of the final budget may be retained as an exception to the final appropriation in either of the next two succeeding years. He noted that the Levy Cap
has virtually voided the Cap Bank due to the restriction on our use of revenues and anticipated taxes.

President Kuser asked Mr. Guarino if this is essentially a bookkeeping matter. Mr. Guarino replied that it is.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
BE PASSED ON FIRST READING

AND 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 APRIL 17, 2012 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, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK

R-12-70 INTRODUCTION OF TOWNSHIP OF DENVILLE BUDGET

MOTION TO APPROVE R-12-70: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN

DISCUSSION: Councilwoman Smith asked Mr. Guarino if the changes that were voted on at the last budget meeting are reflected in this budget.
Mr. Guarino replied that they are.
Mrs. Smith asked if the Council will receive additional pages and also, if the surplus was reduced in this one. Mr. Guarino replied in the affirmative.

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

Attorney Jansen noted for the record that the public hearing on the budget will be held on April 17, 2012.

R-12-71 RESOLUTION AUTHORIZING SELF-EXAMINATION OF THE TOWNSHIP OF DENVILLE YEAR 2012 BUDGET
MOTION TO APPROVE R-12-71: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
DISCUSSION: None.
AYES: SMITH, GOLINSKI, GABEL, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK

LIAISON REPORTS:
Councilman Scollans reported that he marched in the St. Patrick’s Day Parade with Mayor Andes, President Kuser, some fellow Council members and three former Denville Mayors.

Mr. Scollans advised that the Seniors have expressed concern about the yellow line at the intersection of Kitchell Road and Morris Ave. He said that the line needs to be repaired.

Councilman Golinski advised that he attended the last meeting of the Local Assistance Committee. He noted that one of the issues that was discussed was the lack of funding for basic household and personal cleaning supplies. Mr. Golinski said that those items are not covered by food stamps and the food bank is in dire need of those supplies. He commented that the food bank is also equipped to accept refrigerated and frozen foods.

Mr. Golinski suggested that one of the newspapers might find it a very interesting story to examine how a new coordinator came on board, in the middle of the flooding and the storms, and how the transition was made from the Local Assistance Board to a Local Assistance Committee.

President Kuser added that diapers are also not covered by food stamps.

Mr. Golinski reported that most members of the Council participated in the Open Space Tour of the four sites under consideration for acquisition.

Councilman Golinski noted that he accompanied several members of our Fire Department to the First Baptist Church in Rockaway for their annual Red, White and Blue ceremony. He said that they honored Denville’s Police, Fire Dept. and OEM for the great job they did last year and presented them with awards.

Councilwoman Lyden advised that she attended the Beautification Committee meeting and reported that the Committee has been working diligently for the past six weeks around town doing planting. She said that they are obtaining new planters to add to those already in place and would appreciate any help that they can get.

Councilwoman Smith had no report but commented that the Open Space Tour was an eye-opener and there was a good exchange of ideas.

Councilman Gabel read his report into the record and a copy is attached hereto.

MAYOR’S REPORT:
Mayor Andes spoke briefly about Denville not making the recommendation list for the $80,000.00 grant to de-snag the Rockaway River. (The information was included in Mr. Gabel’s report.) Mr. Andes noted his disappointment and said that is why he asked the
Council and public to reach out to the Freeholders. The Mayor said that, after expressing his displeasure to the Freeholders, Freeholder Chegwidden worked with Mr. Andes to form a task force of Mayors, upstream of the reservoir, to work on a de-snagging program. He said that he will be meeting with those Mayors next week. Mayor Andes’ formal report is attached hereto.

Mayor Andes noted that a joint dinner is being held on Friday night, sponsored by PRIDE and the Chamber of Commerce, at Zeri’s Restaurant. He advised that the Chamber of Commerce is honoring Surprises in Store and Al Verbeek; PRIDE is honoring Pat Dyer, Carolyn Healy and the Denville Rotary Club.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that FEMA has confirmed that Denville has been awarded $2,017,000.00 for buy-outs for homes that were repetitive, or severe repetitive losses. He said that verbal confirmation was received from Blue Acres, which is the flood program that is associated with Green Acres, of $500,000.00. Mr. Ward noted that he, Lt. Partin and Mayor Andes attended a Freeholder meeting last week at which the Freeholders endorsed the plan to move forward with the use of County Open Space funds for buyouts. The Administrator advised that the Township has already put in a request for $1.143 million which, if granted, would allow the Township to purchase all eleven (11) homes that have been identified as eligible for buy-outs.

Mr. Ward called everyone’s attention to two (2) signs that are in front of the dais, one for Hollstein Lake Park and one with the Park rules. He said that these signs will be posted at the top and bottom entrances.

Administrator Ward advised that in the April edition of the N. J. League of Municipalities magazine, there will be an article concerning Denville’s response to the flood and hurricane last year.

Councilwoman Smith asked Mr. Ward if the funds from FEMA cover the tear down of the homes and reclamnation of the land.

Mr. Ward replied that the FEMA program is all-inclusive but the County program is strictly for acquisition. He said that he is waiting for confirmation from Blue Acres to determine if the 25% of the demolition, Phase I environmental study and appraisal costs are reimbursable through Blue Acres.

OPEN PUBLIC PORTION:
President Kuser asked that anyone wishing to speak stay within the requested three (3) minute time-frame.

Gerry Idec, 1 East Longview Trail, expressed his concern about the rising gas prices. He noted that PA. and DE. use natural gas vehicles, which is much cheaper and more plentiful. Mr. Idec asked why Denville does not have someone come in and give a presentation on the cost and the savings associated with using natural gas vehicles. President Kuser replied that he agrees and asked the Administrator to look into it.

Bob Belz, 7 Memory Lane, stated that he was told at a previous meeting that the
Township Council  
3-20-12  
Page 5

Township has been plowing Mary Ave. for many years, even though it is private property. He asked if anything has been done to correct that.
President Kuser explained, that after researching further, it has been found that Crystal Drive is a Township road and Mary Avenue is used to access Crystal Drive.
Administrator Ward added that, having discussed this with our Attorney, he has been made aware that Crystal Drive is located within the dedicated right-of-way which means that the Township has an obligation to continue to plow Crystal Drive. He further explained that the only way to access Crystal Drive is through the traveled way commonly known as Mary Ave.

Mr. Belz suggested that it would be cheaper to access Crystal Drive by creating a road from Cedar Lake. Mr. Ward noted that Mary Avenue also provides access to Open Space properties that the Township has acquired. He added that the Township has informed the Mary Avenue resident that any trees that he wishes to cut down would be at his own expense and only with Township permission.

Mr. Belz then asked for a status report on the Indian Lake wall.

Mr. Ward replied that he will be meeting with representatives of Indian Lake next week.

Mr. Belz asked if the final resolution of the matter will be discussed at an open meeting.

Mr. Kuser replied that it will.

Mr. Belz asked if a two-step platform of some kind can be constructed at the recycling center because the receptacle is too high off the ground. Mr. Kuser replied that Administration will look into that.

Ed Banagan, 38 Old Mill Drive, stated that he heard that the Army Corps of Engineers, many years ago, had devised a plan for dredging and laying piping west of us along the Rockaway River right down to the Passaic River.

Mr. Kuser replied that that was a proposed flood tunnel for the Passaic River basin. Mr. Kuser advised that he has a copy of an Army Corps of Engineers study for Denville and the Township will be working on it. Mr. Banagan asked if Mr. Kuser means the Army will be doing some work for Denville.

Mr. Kuser responded that the Army Corps of Engineers gives recommendations and provides a design. He said that we will not contact the Army Corps of Engineers to review the study until our Township Engineer reviews it. Mr. Kuser said that he believes that the Engineer is in the process of doing that review.

Mr. Banagan had additional comments regarding the wisdom of hiring a consultant if the towns to the west of Denville don’t join in the effort to solve the problem.

Mr. Kuser noted that the grant writer that the Township proposes to hire provides a performance guarantee.

Mayor Andes explained that the consultant would help with what can be done locally to mitigate the flooding and the grant writer would help get the funds to pay for those items. He said that we are trying to attack the flooding problem on multiple fronts.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.
MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:

#3-12 ADOPTS THE PUBLIC RECREATIONAL BATHING CODE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ADOPT THE PUBLIC RECREATIONAL BATHING CODE AND TO AMEND CHAPTER II-A, FEES, RATES, AND CHARGES OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH
AYES: GOLINSKI, SMITH, GABEL, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK

OPEN PUBLIC HEARING:
Mr. Idec, 1 East Longview Trail, asked if the Township will get any income from this ordinance.
Attorney Jansen replied that the fees that are collected will cover the cost of the inspections.
Mr. Kuser explained that there will be inspections by our Health Department to make sure that the lakes are safe, clean and well maintained. He added that this ordinance conforms with State law.
Mr. Idec asked how many times per year these inspections will be done.
Mr. Ward explained the inspections that will be performed at the lakes, as well as at pools and spas. He added that there are requirements of the State that our Health Department must fulfill.
Mr. Idec spoke about the condition of the Indian Lake wall.
Mr. Jansen informed Mr. Idec that this public hearing is for this ordinance and this ordinance only.
President Kuser advised Mr. Idec to call Administration if he has a concern about the wall.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ADOPT THE PUBLIC RECREATIONAL BATHING CODE AND TO AMEND CHAPTER II-A, FEES, RATES, AND CHARGES OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 3-28-12 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK
President Kuser asked if anyone from the public or the Council wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-12-72 RESOLUTION AUTHORIZING FIRST RESPONDER IDENTIFICATION CARD PROGRAM PARTICIPATION
R-12-73 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-12-74 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF $696.00

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

NON-CONSENT RESOLUTIONS:
R-12-75 RESOLUTION AUTHORIZING THE APPLICATION FOR A SUSTAINABLE LAND USE PLANNING GRANT FROM THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (“ANJEC”) FOR THE DENVILLE TOWNSHIP ENVIRONMENTAL RESOURCE INVENTORY UPDATE PROJECT

MOTION TO APPROVE R-12-75: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SCOLLANS
AYES: SMITH, SCOLLANS, GABEL, LYDEN, GOLINSKI, KUSER
ABSENT: FITZPATRICK

R-12-76 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

MOTION TO APPROVE R-12-76: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK

R-12-77 A RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM

MOTION TO APPROVE R-12-77: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN
Discussion: Councilman Golinski noted that the Requisition is made out to a dealership in Moorestown, N. J. and that address and name is not on the approved vendor information. It was explained that the Requisition is made out to TJH Chevrolet, DBA Classic Chevrolet, which is on the approved vendor list.
AYES: SMITH, LYDEN, GABEL, GOLINSKI, SCOLLANS, KUSER
ABSENT: FITZPATRICK

R-12-78 RESOLUTION AUTHORIZING EXTENSION AND ADDENDUM TO
CONTRACT WITH NORTH JERSEY LANDCARE, LLC
MOTION TO APPROVE R-12-78: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, LYDEN, SCOLLANS, KUSER
ABSENT: FITZPATRICK

MINUTES FOR ADOPTION 3-6-12 AND 3-8-12: MOVED BY MEMBER SMITH,
SECONDED BY MEMBER SCOLLANS
AYES: SMITH, SCOLLANS, GABEL, LYDEN, GOLINSKI, KUSER
ABSENT: FITZPATRICK

MOTION TO ADJOURN: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
GOLINSKI
AYES: UNANIMOUS
ABSENT: FITZPATRICK

MEETING ADJOURNED AT 8:18 P.M.

Respectfully submitted by,

Kathleen A. Costello
Deputy Township Clerk