The Meeting was called to order at 7:31 p.m. by President Fitzpatrick. The Salute to the Flag was recited, followed by a moment of silence in remembrance of those who were victims of the tragedy in Boston yesterday. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello advised that Councilman Golinski and Councilwoman Smith will not be in attendance this evening due to business commitments.

ROLL CALL: KUSER, GABEL, LYDEN, SCOLLANS, PRESIDENT FITZPATRICK
ABSENT: GOLINSKI, SMITH
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD AND TOWNSHIP ATTORNEY JANSEN

LIAISON REPORTS:
Councilman Gabel reported that he attended the Board of Education meeting and the Science Olympiad winners were announced. He noted that first place went to Riverview School and third place to Lakeview School. Certificates commending their accomplishments were awarded to the winners at that meeting.

Mr. Gabel advised that a three-year technology plan was presented and approved at the meeting.

Councilman Gabel reported that the Deer Management Committee met and is planning for their participation in the Green Fair, which is to be held on Saturday, April 10th. Mr. Gabel noted that our request for a Community Development Grant for generators for the Senior Center and Community Center will be discussed this Thursday evening and a possible recommendation for funding will be presented to the Morris County Freeholders on Wednesday, April 24th.

Councilman Kuser reported that he attended the recent Recreation Committee meeting and all is going well with the Recreation programs. He noted that the Little League Parade was a great success with a large turnout and Bob Ranft was honored that day. Mr. Kuser said that he attended a meeting concerning the Openaki Bridge with the Mayor and Administrator. He advised that the construction will be funded with Federal money and they came up with five options, two of which were not viable. Councilman Kuser stated that Option #3, which also includes replacing the dam, was the option that was chosen. He said that it will take three to four years to design it and another year of build it. Mr. Kuser noted that they will be coming to the Council for a resolution of support for the option that they have chosen.

Councilwoman Lyden reported that she attended the Regional Board of Education meeting and they have postponed installing turf fields at Morris Hills/Morris Knolls in order to have the fields available for Graduation. Mrs. Lyden noted that there will be a cleanup at McCarter Park sponsored by the Beautification Committee.

Councilman Scollans reported that the major concern that he heard at the General Seniors Meeting was that the traffic on the Openaki Bridge, when it is re-built,
should be restricted to low weight trucks only. He said that the Senior luncheon will be held on Sunday, April 21st.

Mr. Scollans commended Vito Bianco for putting together fabulous tours for Founder’s Day on Sunday, April 14th.

Councilman Scollans reported that the Green Sustainability Committee met last night and they have 13 speakers and 35 exhibitors. He said that today alone, he turned away five people who wanted to participate.

President Fitzpatrick reported that on May 18th the Mayor’s Advisory Committee on Rivers and Streams will have another river cleanup. He said that it is a large volunteer effort and noted that the Council was a huge help last year and he hopes they will help again this year.

MAYOR’S REPORT:
Mayor Andes reported on the Centennial Gala which was held on Saturday, April 13th. He said that the Events and Celebrations Committee put together a wonderful event. The Mayor said that everything went off without a hitch, even with 600 people in attendance. The Mayor gave some of the highlights of the event as follows;

   Trumpeters
   Morris County Sheriff’s Dept. Bagpipe Band
   The presentation by Rep. Frelinghuysen of a flag that had flown over the Capitol Building.
   Senator and Assemblyman Bucco presented a joint citation from the Senate and Assembly.
   A Resolution was presented by the Morris County Freeholders.
   The PRIDE Council presented the Muriel Hepner Award to all of the citizens of Denville. The award is displayed on the wall outside of the Administration office.

The Mayor stated that the biggest highlight of the evening was the video that was put together by Council President Gene Fitzpatrick titled, “A Community Comes Together”. Mayor Andes said that it was a heartwarming and outstanding depiction of the spirit of our community. He added that it is posted on the Township website and the Events and Celebration website.

Mayor Andes advised that the PBA fishing contest is being held this Saturday from 7:30 a.m. to 11:00 a.m. at Muriel Hepner Park. The Mayor noted that the National Day of Prayer will be held on May 2nd at Noon. Mayor Andes advised that the Union Hill Presbyterian Church Choir sang at the Founder’s Day ceremony and did a beautiful job. He said there was a cake and they sang an original song dedicated to Denville, to the tune of “Home on the Range”.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that the final count on tax appeals for 2013 is 150, which is down from 196 in 2012, roughly a 25% reduction. He said that Tax Assessor has told him that she has a greater degree of confidence in her ability to defend these appeals than she had in 2012.
Mr. Ward noted that he has some staff promotions to announce. He said that Yolanda Dykes accepted a position as Treasurer and Asst. Finance Officer in Rockaway Borough. Mr. Ward advised that Mrs. Dykes served exceptionally well here in Denville as Payroll Clerk and Asst. to the CFO. He noted that Leslie Evans, previously Accounts Payable/Receivable Clerk has been promoted to Payroll Clerk and Asst. to the CFO. The Administrator stated that the most recent promotion is that of Claudia Botto, who has been on the staff for two years doing exceptional work, going from Finance Clerk to Accounts Payable/Receivable Clerk; the position vacated by Leslie Evans upon her promotion.

Administrator Ward advised that we now have a vacancy in the Finance Dept. which, pursuant to the collective bargaining agreement, is being advertised in-house. He said that, if there are no suitable candidates in-house, it will be advertised to the general public.

Mr. Ward noted that there was a vacancy at the DPW which was filled, after an extensive interviewing process. He said that the successful applicant is Denville resident Eric Gore, a Marine veteran, whom they believe will be a great asset to the DPW.

Administrator Ward reported that six (6) of the homes in the home buyout program have been acquired. He added that word was received today that one of the short-sale homes has been approved and we will be able to close on that one next Thursday, April 25th. Mr. Ward noted that the utilities to five of the homes has been confirmed as having been disconnected and the demolition contractor has been given the notice to proceed. He said that the contractor will be coming in for the demolition permits and will begin to demolish the five homes within a week or two of being issued the permits.

Mr. Ward, following up on Mr. Kuser’s report, noted that there were about twenty (20) residents in the area of the Openaki Bridge that attended that meeting concerning the bridge. He said that all of the residents supported Option #3, which is the County’s preferred option. Administrator Ward explained that the bridge has to be designed, because it is using Federal dollars, to be two lanes and also to accommodate the weight load of a larger volume of traffic. He said that the Federal guidelines for bridge construction must be followed when using Federal funds. Mr. Ward added that in the preferred option the road alignment remains as it is which will enable the bridge to act as a traffic calming device. Mr. Ward also noted that the dam, which gives protection to our downtown and other residential areas of our community, will be completely rebuilt as part of the project.

Councilman Kuser interjected that, although the bridge will have to be built to Federal standards and accommodate more weight, the Township may impose weight limits by ordinance. He noted that, on the positive side, the bridge will accommodate a fire truck’s weight instead of the truck having to take a circuitous route to reach an emergency.

Attorney Jansen said that any time a local ordinance regulating the weight of vehicles is adopted, there is an exception for local deliveries. He said that the goal of the
ordinance would be to prohibit interstate tractor trailers from using it as a cut-through from Point A to Point B. Councilman Scollans agreed and said that the approach should be reasonable and practical. President Fitzpatrick asked for a follow-up on catch basin repairs, particularly Edgewood Road. Administrator Ward replied that he received a report today from the DPW advising that last year we started with over 80 basins in need of repair, in addition to those that needed repair as part of the road resurfacing project. He said that there are roughly 30 catch basins that are still on the list, in addition to the 2013 road paving list. Mr. Ward noted that the goal is to have all repaired by the end of this year and, in the spring, repair the new ones that were damaged in the winter months. Mayor Andes interjected that the ones on Edgewood collapsed in 2012 so they only recently made the list.

OPEN PUBLIC PORTION:
Gerald Idec, 1 E. Longview Trail, asked who will pay for the dam and the bridge to be repaired. Councilman Kuser replied that the County is going to pay for it with Federal dollars. Mr. Idec questioned the fact that there is only one means of egress for the residents who live on Thurmont Road, Vista Way and in Estling Lake. Councilman Scollans replied that he just sent a memo to the Mayor and Administrator concerning that issue. Mr. Idec said that, now that the Township has been made aware of this situation, might they not be sued if there is a situation where someone can’t get out in an emergency. Attorney Jansen replied that anyone can sue anyone, anytime for anything. He said, however, that the Township is provided with a number of immunities and protections under the N. J. Tort Claims Act. Attorney Jansen noted that it is a concern but is not peculiar to that particular area, there are any number of areas in Denville that only have one way in and one way out. He cited several specific areas. Councilman Scollans interjected that he agrees with Mr. Idec and that is why he addressed the issue to the Mayor and Administrator. He said that he would leave the legal aspects to the Attorney but he feels that the Governing Body should act on it swiftly and come up with a resolution. Mr. Idec stated that lawsuits aside, the Council has a responsibility to do what’s best for the Community and the people. President Fitzpatrick thanked Mr. Idec for raising the issue and assured him that it has been discussed and will be looked at before it comes back to the Council. Mayor Andes noted that the neighborhood in question has been cut off by the trains for 100 years and 23 Administrations have let it go by the wayside and people enjoy living on dead-end streets. He said that he fully recognizes that something needs to be done there and he has already asked Engineer Ruschke for suggestions on what can be
done. The Mayor advised that he placed this issue higher on the priority list but noted that there is no easy solution to putting in any type of access road. He noted that any road would be an expensive proposition and the best possible plan will be devised and he will bring it to the Council for their consideration for funding.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
President Fitzpatrick announced that a Public Hearing on R-12-76, adoption of the 2013 Municipal Budget, scheduled for this evening will be held at a Special Meeting on April 30, 2013 at 7:30 p.m. It is anticipated that final adoption of the budget will be considered by the Council following the Public Hearing.

President Fitzpatrick advised that the Council Sub-Committee, made up of himself, Councilwoman Smith and Councilman Gabel, will meet before the May 7th Council Meeting to discuss the Hotel Overlay Ordinance as well as the Property Maintenance Ordinance.
Administrator Ward interjected that the Sub-Committee meeting will be at 6:30 p.m.
President Fitzpatrick noted that at the May 14th workshop meeting the Council will discuss the Property Maintenance Ordinance once again. He asked that any last minute items be distributed to the Council before that meeting.
President Fitzpatrick asked the Council members to go over the changes that are being proposed for the Solicitor/Peddler Ordinance and let him know if they feel that it needs to be discussed at a work shop or if they are comfortable with introducing the amendments.
President Fitzpatrick noted that the Hotel Overlay Ordinance will be considered, if it is ready, at the June workshop meeting.

ORDINANCE(S) FOR INTRODUCTION:
#8-13 AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER KUSER
DISCUSSION: Attorney Jansen explained that these are just simple changes to the existing ordinance that correct some mis-citations and close some gaps that the Clerk’s Office has found in working with the ordinance.
AYES: LYDEN, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI, SMITH

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND CHAPTER IX, TAXICABS
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 5-21-13 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 LYDEN, SECONDED
BY MEMBER GABEL
AYES: LYDEN, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI, SMITH

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

CONSENT AGENDA:
R-13-81  RESOLUTION AUTHORIZING APPLICATION FOR THE 2013 UNITED
STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST
PARTNERSHIP GRANT
R-13-82  RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL
SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN
PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-13-83  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
$2,352.74.
R-13-84  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
$1,433.92
R-13-85  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
$853.71
R-13-86  RESOLUTION AUTHORIZING THE ADVERTISING OF MUNICIPAL BID
#6-2013 FOR GENERAL CONTRACTING SERVICES FOR MUNICIPAL
R-13-87  RESOLUTION AUTHORIZING RAFFLE LICENSE(S) IN THE TOWNSHIP OF DENVILLE
R-13-88  RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE
R-13-89  RESOLUTION AUTHORIZING A REFUND OF A PERMIT FEE IN THE AMOUNT OF $113.00

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, LYDEN except for R-18-32, FITZPATRICK
ABSTAIN: LYDEN for R-13-82
ABSENT: GOLINSKI, SMITH

NON-CONSENT RESOLUTIONS:
R-13-90  RESOLUTION AUTHORIZING APPROPRIATION FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE COST OF CONSTRUCTION PERMIT FEES IN THE AMOUNT OF $1,509.00

MOTION TO APPROVE R-13-90: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, FITZPATRICK
ABSENT: GOLINSKI, SMITH

R-13-91  RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DENVILLE BOARD OF EDUCATION FOR SOLID WASTE COLLECTION SERVICES FOR A PERIOD OF FIVE (5) YEARS.

MOTION TO APPROVE R-13-91: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
DISCUSSION: Administrator Ward explained, based on the size of the containers at the schools, we were able to estimate the tonnage at about 39 tons per quarter. We are billing them at the exact same rate that Waste Management is billing us. Mr. Ward noted that Waste Management’s contract is up at the end of next August and we will bill the schools at whatever the rate is for the subsequent solid waste contract. He advised that this agreement was voted on and approved last night at the Board of Education meeting.
AYES: SCOLLANS, GABEL, KUSER, LYDEN, FITZPATRICK
ABSENT: GOLINSKI, SMITH

MOTION TO APPROVE MINUTES OF 4-2-13: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, FITZPATRICK
ABSENT: GOLINSKI, SMITH
MOTION TO ADJOURN: MOVED BY MEMBER SCOLLANS, SECONDED BY
MEMBER GABEL
AYES: UNANIMOUS
ABSENT: GOLINSKI, SMITH

MEETING ADJOURNED AT 8:12 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk