TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING
APRIL 22, 2014

The Meeting was called to order at 7:31 p.m. by President Fitzpatrick. The Salute to the Flag was recited, followed by an Invocation given by Councilman Scollans. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello advised that Councilman Golinski is unable to attend this meeting due to a business obligation.

ROLL CALL: KUSER, GABEL, LYDEN, SCOLLANS, SMITH, FITZPATRICK
ABSENT: GOLINSKI
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSEN, PLANNER KASLER, CFO GUARINO, AND TOWNSHIP AUDITOR SARINELLI

President Fitzpatrick reminded all present that this is a non-smoking facility and asked that all cell phones be silenced.

President Fitzpatrick noted that we have a full meeting this evening so we will get started with Ceremonial Matters and Presentations. He added that there will be a separate public hearing on the budget before it is adopted.

CEREMONIAL MATTERS AND PRESENTATIONS

PRESENTATION BY CFO MICHAEL GUARINO
2014 MUNICIPAL BUDGET FOR ADOPTION

RESOLUTION #14-91
RESOLUTION AUTHORIZING ADOPTION OF YEAR 2014 TOWNSHIP OF DENVILLE BUDGET AND PUBLIC HEARING

CFO Guarino advised that Mayor Andes will make the presentation on the 2014 Municipal Budget and Mr. Guarino and Auditor Sarinelli will be available for questions.

Mayor Andes read a statement regarding the budget pointing out areas of major interest. A copy of that statement is attached to these minutes.

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

R-14-91 RESOLUTION AUTHORIZING ADOPTION OF YEAR 2014 TOWNSHIP OF DENVILLE BUDGET
MOTION TO APPROVE R-14-91: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GABEL
AYES: SMITH, GABEL, KUSER, LYDEN, FITZPATRICK
President Fitzpatrick noted that Ordinance #10-14, which proposes the regulation of parking on Thompson Road and Fox Hill Road, will be considered for introduction at a future meeting. He said that no action will be taken on that ordinance this evening.

LIAISON REPORTS:
Councilman Scollans noted that the Community Development Block Grant Committee met to finalize the allocation of funds.
Mr. Scollans expressed his thanks to her co-workers, the Mayor, Administration and Council for their kindness during his wife's recent illness. He noted that his wife is home and recuperating nicely.
Mr. Scollans congratulated Administrator Ward on his successful run in the Boston Marathon.
Councilwoman Lyden had no report.
Councilwoman Smith reported that the Public Health and Safety Committee will be at the Little League Parade on Sunday distributing sun block and literature on melanoma. She said that they will also have a table at the Green Fair on Saturday.
Mrs. Smith advised that the next Senior Social will be held on April 27th. She mentioned that she attended the Senior Group meeting and provided an overview of the Township budget and the School Board presented their budget at the same meeting.
Mrs. Smith noted that the Public Health and Safety Committee usually puts on a Health Fair in the fall and they are hoping to have participation from St. Clare's Hospital.
Councilwoman Smith commented that she is looking into the possibility of having a surprise engagement party for Mark Venis and Lene Jennings at one of the upcoming Senior Socials, since they met at a Senior Social.
Councilman Kuser reported that the Green Fair will be held on Saturday, April 26th at the Riverview School beginning at 10:00 a.m. He said that there will be a reptile exhibition at 11:30 a.m. and shredding for residents from 1:00 p.m. to 3:30 p.m. Mr. Kuser advised that there will also be a drug take back depository available.
Councilman Gabel reported that the Little League Parade will kick off at 10:00 a.m. on Saturday, April 26th, starting on Second Avenue. He added that the Recreation Committee is holding registrations for summer camp and team camps.
Mr. Gabel advised that the Local Assistance Board is taking donations to re-stock the shelves and they are also planning a movie night to be held on June 7th at 8:00 p.m. He said that the proceeds from this event will benefit the heating fuel fund.
Mr. Gabel noted that the Mayor's Council for People with Challenges participated in Rid Litter Day.
Mr. Gabel reported that the Morris Hills Regional Board of Education will meet next week. He commented that he had the opportunity to travel in Europe, along with Police Chief Wagner and Regional School Board President Roger Snyder, with the Morris
Knolls Choir. Mr. Gabel said that the choir consists of sixty (60) members and they did us proud with their performances.

President Fitzpatrick reported that the Rockaway River cleanup is scheduled for May 17th from about 10:00 a.m. to 1:00 or 2:00 p.m. and there will be a sign-up table at the Green Fair.

MAYOR'S REPORT:
Mayor Andes noted that the National Day of Prayer will be held on Thursday, May 1st at 11:30 a.m. at the Municipal Building.
The Mayor congratulated Ed Maines and Ann Marie Corbett on their 20th Anniversary with the Fire Department.
Mayor Andes advised that the 25th Anniversary of the Joey Bella Fund will be celebrated on Saturday evening with a cocktail party. He said that on Sunday at 1:00 p.m. the Chamber of Commerce will hold a brunch and will honor Christine Kohler of Danceworks as Business Person of the Year and the Parade Committee: Pat Dyer, Sue Banks, Tommy Dean, Nancy Williams, and Bob Ranft.
Mayor Andes noted that the PBA fishing contest will be held on Saturday morning and on Friday at 4 p.m. the pond will be stocked.
The Mayor asked for the Council's support for R-14-101 relating to the Indian Lake wall. He said that it was an emergency situation and the project should be completed this week.

ADMINISTRATOR'S REPORT:
Administrator Ward reported that there are two resolutions relative to the Valley View Firehouse. He noted that both are change orders decreasing the cost of the project, which came in at about $17,000 under budget. Mr. Ward explained that one of the final credits has to do with the floor not being properly installed. He added that the contractor who installed the floors in the two other firehouses will put a new floor in the Valley View Firehouse and there are sufficient funds to cover the new floor. Mr. Ward advised that the final inspection was performed last week and the Certificate of Occupancy is in the process of being issued. He said that once the new floor is finished and the parking area is paved, the Firehouse will be operational.
The Administrator stated that OEM Coordinator Wesley Sharples has advised him that the feedback regarding our applications to FEMA for reimbursement has been positive. He said that the damage was Hurricane Irene related and as soon as there is more information it will be provided to the Council.
Administrator Ward advised that the site restoration is very near completion on the Riverside Drive project and it is anticipated that May 10th will be the planting date on the side opposite the river. He said that they are hoping for a groundbreaking before the May 6th Council meeting.
President Fitzpatrick asked if it would be possible to erect a sign displaying the proposed general landscape.
Councilwoman Smith noted that the Bus Tour with the Planning Board and Board of Adjustment is scheduled for May 3rd at 9:00 a.m.

Administrator Ward reported that the seeding for grass at the Veterans' Field Dog Park was done this week and it is hoped that the park will be open and functional by mid-June.

Mr. Ward advised that the last resolution on the agenda is the award of a contract for the Veterans' Field Improvement Project. He explained that the original bids came in far over budget and the project was re-bid, and an award of the contract is recommended. Mr. Ward explained that, in order to complete the project, there will be a capital cash ordinance, being funded out of the Open Space Fund, on the May 6th agenda. He said that Administration is recommending that the entire project be completed with one contractor.

Administrator Ward expressed his thanks for the kind words spoken about his participation in the Boston Marathon. He said it was a memorable day but his running was not the highlight. Mr. Ward explained that he had told his girlfriend to wait at mile 8.3 with power bars, etc. that he would need. He said that she was there but he didn't need any of those supplies, he wanted her there so he could propose to her. (Applause from the assemblage!) Mr. Ward added that she did say “yes”.

OPEN PUBLIC PORTION:

Gerry Idec, 1 E. Longview Trail, stated that according to N.J. State fishing regulations, if you are over 70 years old a fishing license is not required anywhere in N. J. He asked if that applied to fishing in Cook’s Pond.

Attorney Jansen replied that a license would not be needed but he would still need a Township badge to fish in Cook’s Pond. Mr. Idec reiterated that he would not need a license. Attorney Jansen explained that he would need a badge from the Township to fish in Cook’s Pond because it is a Township recreational facility that requires a fishing badge.

President Fitzpatrick commented that Mr. Idec could fish in the Rockaway River but that Cook’s Pond is specifically a Township park and he would need to have a badge to be in that park.

Mr. Idec then asked about Ord. #12-14, specifically if the purchases are being used for open space purposes.

Attorney Jansen replied that it is for improvements for parks and fields, which are open space purposes.

Mr. Idec asked what the $227,500 in Ord. #13-14 will be used for. Administrator Ward replied that the Palmer Road pump station is in need of an entire new computer system that monitors the filtering of the water. He added that there is also a vehicle, the cost of which is being shared between the sewer and water utilities.

Member of the public - Name and address inaudible. A young lady spoke in opposition to the proposed change in parking regulations on Thompson Road and Fox Hill Road. She said that the students need their cars to get to school and for after school activities.
She stated that it would be unfair to restrict the parking on those streets. President Fitzpatrick thanked her for her input and reiterated that no action will be taken on the proposed ordinance tonight. He said that it has been an ongoing issue and the Council is trying to come up with a solution.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

President Fitzpatrick noted that there is a resolution on the agenda for the renewal of the Deer Management Agreement. He said that the Council received a comprehensive report from the Deer Management Committee. Mr. Fitzpatrick asked if a member of the Committee would like to give a brief summary of the report.

Stan Sebastian, 35 Morris Ave., congratulated the United Bow Hunters for the successful program spanning the last five years. He noted that over 14,000 servings of venison have been donated to the food pantry over that time. Mr. Sebastian thanked the Council for recognizing the importance of continuing the program.

Mr. Sebastian asked about the term of the renewal as stated in the resolution that is on the agenda.

Administrator Ward explained that this is the last year of the existing agreement which was for one year with four one-year renewals. A new agreement will be considered next year.

President Fitzpatrick thanked Mr. Sebastian for the thorough report that was presented to the Council and thanked the Committee for the work that they have done.

Councilman Gabel commented that, having worked with the Committee, he would like to say that they do a fabulous job.

ORDINANCE(S) FOR ADOPTION:

#6-14 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO REGULATE THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO REGULATE THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON; MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN

AYES: SMITH, LYDEN, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
Township Planner Jason Kasler gave a brief overview of the ordinance.
Mr. Kasler noted that the Council has received a letter from the Planning Board
secretary indicating that the Planning Board found that the proposed zoning ordinance
is not inconsistent with the Master Plan.
Mr. Kasler advised that the Planning Board reviewed the proposed ordinance at its last
meeting and made a separate recommendation that the Council may want to look at
making further changes to the definition section of the ordinance.
Attorney Jansen asked if Mr. Kasler has a recommendation on how those definitions
should be addressed. Mr. Kasler replied that, in the ordinance, hotels are being defined
to include entertainment. He said that there is no definition of "hotel" in the existing
Township code, so a definition was needed. Mr. Kasler noted that "entertainment" was
mentioned but is not a defined term, so it could mean in-room ordering of movies. He
said there was a suggestion by Mr. Einhorn that it could mean a strip-club. Mr. Kasler
commented that there are a lot of definitions that are needed. He said that, in his
professional opinion, a more comprehensive revision of definitions may be in order.
Attorney Jansen replied that he agrees that certain terms need to be more clearly
defined. He added that perhaps “entertainment” and what constitutes “personal
services” and “recreational facilities” needs to be addressed. Attorney Jansen stated
that there is really no pressing need to stop this process or amend this ordinance. He
said that if the Council wishes to move forward, we could consider a resolution
accepting the recommendation of the Planning Board, and giving reasons why these
changes could be addressed at a later date, in a separate ordinance.
President Fitzpatrick said that would be his opinion and asked if there were any
questions from the Council on that. No one responded.
Planner Kasler commented that this ordinance is merely “tweaking” the current and not
making wholesale changes.

OPEN PUBLIC HEARING ON ORD. #6-14.
The following individuals spoke on the ordinance and raised questions regarding it:
Sidna Mitchell, 6 Fox Chase Dr., Parsippany
A. Mitra, 6 Fox Chase Dr., Parsippany
Pat Colby, 9 Bowers Pl., Denville
Mitch Budwick, 365 Franklin Rd.
Mary McAleer, 37 W. Glen Rd.
Ted Einhorn, Esq.

Some of the concerns that were expressed were:
The location of hotels.
Flood areas.
The need for a downtown park and more open space areas.
What would be considered a Federal highway.
Whether the I-2 zone is a suitable zone for hotels.
Planner Kasler addressed each issue noting that Route 80 is a Federal highway and any hotel must be within one-half mile of access to the highway. He explained how the determination was made to choose which part of the I-2 zone would be suitable and noted that there is currently no application for a specific hotel before either the Planning Board or the Board of Adjustment. Mr. Kasler noted that only one of three areas in the I-2 zone is suitable, that area being at Morris Avenue and Ford Road. The residents of the Fox Hill Rd. area who spoke thanked Mr. Kasler for the explanation and expressed relief.

Attorney Einhorn introduced Planner Dave Zimmerman and asked him to give his opinion on the ordinance.
David Zimmerman stated that he is a licensed Planner in the State of New Jersey with offices in Morristown, N.J.
Mr. Zimmerman gave a very detailed history of the property on which the Hampton Inn is built, as well as of the surrounding vacant lots. He noted that there are only eight (8) properties in Denville that would satisfy the requirements of this proposed ordinance to support a hotel. Mr. Zimmerman distributed an aerial photo of the eight (8) properties and discussed them with the Council. Some of these lots are already developed with substantial improvements. He noted that they hired a Professional Engineer to examine one of the properties and it was determined that it has a Category I stream running through it which requires a 300 ft. riparian buffer on either side of the stream. Mr. Zimmerman stated that it leaves a very small area available for development. He concluded that this lot does not satisfy the requirements of the ordinance, leaving only one open property that could be developed.
President Fitzpatrick noted that some of the other properties identified by Mr. Zimmerman have structures on them now, but could be redeveloped as hotels.
Mr. Zimmerman stated that the only undeveloped property that meets the ordinance’s requirements is the Barnish property.
Planner Kasler interjected that “by right” is a term of art and the ordinance allows for hotels on all of these properties, whether or not there are currently buildings on them. Mr. Zimmerman stated that this is “spot zoning” and he listed the criteria for spot zoning. He enumerated the hotels that exist in the area and the number of rooms in each, stating that, in his opinion, there is no need for another hotel in this area. Mr. Zimmerman gave tax benefit statistics.
Mr. Zimmerman spoke at length regarding the inadequacy of the definitions in the ordinance, insufficient parking, floor area ratio, alleged spot zoning and alleged inconsistency with the Master Plan.
Attorney Jansen asked Mr. Zimmerman to explain in what respect the ordinance is inconsistent with the Master Plan.
Mr. Zimmerman read from the Master Plan, “commercial, lodging, office and light
industrial uses shall be encouraged at the intersection of Morris Avenue. He said that they are talking about "lodging" and he assumed that they are talking about a family or business type hotel. Mr. Zimmerman stated that the hotel we are talking about could be 50% conference center with a restaurant, which could be a sports bar, and even some shops.

He said that, since the Master Plan will be reexamined this year, he thinks it would be better to wait until that review is completed.

George Myers, 64 Cook's Rd. asked if the tax rate would change if a hotel were to be built in the I-2 zone. Administrator Ward replied that the tax rate is consistent for the entire municipality. He said that the Township could not legally provide preferential tax rates.

Attorney Jansen asked if Mr. Myers is referring to assessed values. Mr. Myers replied in the affirmative.

Administrator Ward advised that the Township is mandated by the County to perform a revaluation in 2015, so every property in Denville will be reassessed. C:

CLOSE PUBLIC HEARING ON ORD. #6-14

Planner Kasler gave a brief rebuttal of Mr. Zimmerman's use of the term "spot zoning". He said that "spot zoning" generally involves one lot, and that hotels, which are currently permitted in the I-1 and I-2 zones are being removed from the I-1 zone and made a conditional use in the I-2 zone and that, in and of itself, would take it out of "spot zoning". Mr. Kasler stated that they are not looking at one lot and one owner; multiple lots and multiple users are being examined. Mr. Kasler reported that the Planning Board came back with the decision that the ordinance is not inconsistent with the Master Plan and he wholeheartedly believes that it is not inconsistent.

Mr. Kasler touched on other comments made by Mr. Zimmerman and concluded that there is a need for this ordinance. He noted that safe and sound planning has been followed and the Township went above and beyond in giving public notice to everyone. President Fitzpatrick noted that the Council has been studying and work-shopping this ordinance for about two years. He said that it was always very clear that there should not and could not be any "spot zoning" because it is not the right thing to do. Mr. Fitzpatrick advised that, for him, passing the Planning Board's scrutiny was a major test of the ordinance.

Councilman Kuser reiterated that there are eight (8) properties that could have hotels, not just one.

He noted that he travels a good deal and the location in proximity to the highway is the proper location. Mr. Kuser added that it is absolutely conceivable that an office building could be torn down in the future and be replaced by a modern hotel.

Attorney Jansen commented that there are two (2) things that the Council must address if it wants to go forward with the adoption of this ordinance.

1. There is a finding by the Planning Board that the ordinance is not
inconsistent with the Master Plan. The Council must be satisfied in their own minds that it is, in fact, consistent with the Master Plan. Mr. Jansen said that the Council can rely on their Professional Planner’s advice but they do have to make that determination on their own.

2. There were some recommendations made by the Planning Board that were addressed in the opening of this session and the Council accepted those recommendations for tightening definitions, etc. If the Council’s intent is not to act on those at this point but, rather, to address them in a more comprehensive way, the Council should so state on the record.

Attorney Jansen then read a resolution into the record (A copy of the resolution is attached to these minutes) the final paragraph of which reads as follows:

"For all of the foregoing reasons, BE IT RESOLVED, by the Municipal Council of the Township of Denville, by affirmative vote of a majority of its full membership, that an ordinance entitled, "AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO REGULATE THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE" be passed on final reading and that a notice of the final passage be published in the April 30, 2014 issue of The Citizen.

MOTION TO ADOPT ORD. #6-14: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, KUSER, SMITH, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

President Fitzpatrick called for a brief recess at 9:41 p.m.
The Meeting resumed at 9:47 p.m.

#7-14 AN ORDINANCE TO AMEND CHAPTER II-A, FEES, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE WITH REGARD TO CONSTRUCTION FEES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE WITH REGARD TO CONSTRUCTION FEES
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

OPEN PUBLIC HEARING: No one wished to be heard.
CLOSE PUBLIC HEARING.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, OF THE GENERAL
ORDINANCES OF THE TOWNSHIP OF DENVILLE WITH REGARD TO
CONSTRUCTION FEES
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 4-30-14 ISSUE OF THE CITIZEN
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

#8-14 AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER IV,
GENERAL LICENSING SECTION 4-11 SIDEWALK CAFES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND CHAPTER IV, GENERAL LICENSING SECTION 4-11
SIDEWALK CAFES
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER GABEL
AYES: SMITH, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND CHAPTER IV, GENERAL LICENSING SECTION 4-11
SIDEWALK CAFES
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 4-30-14 ISSUE OF THE CITIZEN
MOTION TO ADOPT: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER
GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK
ABSENT: GOLINSKI

President Fitzpatrick again noted that Ord. #10-14 will not be acted upon this evening.

Administrator Ward interjected that there is a typo in the body of Ordinance #11-14 - it
says in Section 3(b) “Dayton and Weber” and should read “Dayton and Wendover”. CFO Guarino said that he will make that correction before the ordinance is published.

#11-14 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $1,672,355 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,345,100 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF $1,672,355 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,345,100 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

DISCUSSION: Councilman Scollans asked if it would not be better to “pay as we go” rather than to bond for these items. Administrator Ward replied that CFO Guarino has been aggressive in budgeting additional money for our pay down of bonds and notes, above and beyond the minimum required. He said that allows us to pay down our debt at an accelerated rate.

CFO Guarino explained that whatever debt we incur he tries to make sure we are paying down. He said that this year it is $59,000 more than we are obligated to pay. Mr. Scollans said that he would like to see our debt decrease. Mr. Guarino replied that we have to keep in mind that if we increase the amount of capital funds, then we have to increase the tax rate.

Councilwoman Smith commented that the Council’s philosophy over the years has been to pay in cash for as much as we can, rather than bonding. She said that we only go to bonds when we have to or when the purpose, such as a fire truck, calls for it. Mrs. Smith stated that she thinks we are taking the right path.

Mayor Andes agreed with Mrs. Smith and noted that, while trying to keep the debt as low as possible, there is some debt that is unavoidable and it is a delicate balance. Mr. Scollans asked for figures on the total debt and its costs. Administrator Ward supplied that information.

Attorney Jansen asked the Clerk if the Supplemental Debt Statement has been filed. Clerk Costello replied that it has.

Councilman Kuser spoke briefly about the Township’s paying down of debt and the wisdom of bonding for certain items.
Councilman Scollans asked for a graph showing the Township's debt for the last three years as well as what the debt is now, with the cost of that debt. Mayor Andes stated that it comes down to deciding if we want to "pay as we go" and pass the total bill onto the taxpayers at that time or bond for the purchase and pay the debt down.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF
THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF $1,672,355 THEREFOR AND
AUTHORIZING THE ISSUANCE OF $1,345,100 BONDS OR NOTES OF THE
TOWNSHIP TO FINANCE PART OF THE COST THEREOF
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 5-20-14 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, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

#12-14 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR
PURPOSES IN THE SUM OF $261,000 FROM THE OPEN SPACE
TRUST FUND OF THE TOWNSHIP OF DENVILLE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $261,000 FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF
DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER
KUSER
DISCUSSION: None.
AYES: LYDEN, KUSER, GABEL, SMITH, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $261,000 FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF
DENVILLE
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 5-20-14 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 SMITH
AYES: LYDEN, SMITH, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

#13-14 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR
PURPOSES IN THE SUM OF $227,500 FROM THE WATER CAPITAL
IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $227,500 FROM THE WATER CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER
GABEL
DISCUSSION: None.
AYES: KUSER, GABEL, SMITH, LYDEN, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $227,500 FROM THE WATER CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
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 5-20-14 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 SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK
ABSENT: GOLINSKI

#14-14 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $138,500 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED: ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $138,500 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
DISCUSSION: None.
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, FITZPATRICK
ABSENT: GOLINSKI
BE IT RESOLVED THAT AN ORDINANCE ENTITLED: ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $138,500 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
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 5-20-14 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, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
#15-14 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
DISCUSSION: None.
AYES: KUSER, LYDEN, GABEL, SMITH, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
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 5-20-14 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 SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK
ABSENT: GOLINSKI

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 ITEMS:
R-14-92 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $1,639.46
Resolution Endorsing Submission of 2013 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection

Resolution Authorizing Raffle Licenses in the Township of Denville

Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

Resolution Authorizing Issuance of Special One Day ABC Liquor License

Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $2,102.06

Resolution Authorizing Application for the 2014 United States Department of Justice Bulletproof Vest Partnership (BVP) Grant in the Amount of $5,363.10

Motion to Approve Consent Agenda: Moved by Member Smith, Seconded by Member Scollans
Ayes: Smith, Scollans, Gabel, Kuser, Lyden, Fitzpatrick
Absent: Golinski

Non-Consent Resolutions:

R-14-99 A Resolution of the Township of Denville Authorizing the Execution of an Agreement with the United Bow Hunters of New Jersey for the Management of Deer for the Period Commencing September 6, 2014 and Ending February 19, 2015

Motion to Approve R-14-99: Moved by Member Scollans, Seconded by Member Gabel
Ayes: Scollans, Gabel, Kuser, Smith, Lyden, Fitzpatrick
Absent: Golinski

R-14-100 Resolution Authorizing Change Order #4 in the Amount of a $2,500 Decrease in the Contract with Riefolo Construction Company Relative to Additions and Alterations to the Valley View Fire Company #3

Motion to Approve R-14-100: Moved by Member Lyden, Seconded by Member Scollans
Ayes: Lyden, Scollans, Gabel, Kuser, Smith, Fitzpatrick
Absent: Golinski

R-14-100A Resolution Authorizing Change Order #5 in the Amount of a $14,404.39 Decrease in the Contract with Riefolo Construction Company Relative to Additions and
ALTERATIONS TO THE VALLEY VIEW FIRE COMPANY #3

MOTION TO APPROVE R-14-100A: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, FITZPATRICK
ABSENT: GOLINSKI

R-14-101 RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF DENVILLE PURSUANT TO N.J.S.A. 40A:11-6 RATIFYING THE AWARD OF AN EMERGENCY CONTRACT WITHOUT COMPETITIVE BIDDING AS AN EXCEPTION TO THE BIDDING STATUTES

MOTION TO APPROVE R-14-101: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, FITZPATRICK
ABSTAIN: LYDEN
ABSENT: GOLINSKI

R-14-102 RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH GARDEN STATE FIREWORKS FOR THE JULY 4, 2014 FIREWORKS EXHIBITION

MOTION TO APPROVE R-14-102: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SCOLLANS
AYES: SMITH, SCOLLANS, GABEL, KUSER, LYDEN, FITZPATRICK
ABSENT: GOLINSKI

R-14-103 RESOLUTION AUTHORIZING FIRST EXTENSION AND ADDENDUM TO CONTRACT WITH FIELD PRO ENTERPRISES, LLC

MOTION TO APPROVE R-14-103: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, LYDEN, FITZPATRICK
ABSENT: GOLINSKI

R-14-104 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $44,698.94

MOTION TO APPROVE R-14-104: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, KUSER, GABEL, SMITH, FITZPATRICK
ABSENT: GOLINSKI

R-14-105 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2013 IN THE AMOUNT OF $2,708.81

MOTION TO APPROVE R-14-105: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, FITZPATRICK
ABSENT: GOLINSKI

R-14-106 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
APPLIED LANDSCAPE TECHNOLOGIES, INC. FOR THE VETERANS' MEMORIAL PARK FIELD IMPROVEMENTS
MOTION TO APPROVE R-14-106: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
DISCUSSION: Councilwoman Lyden asked if this is for the turf fields. Administrator Ward replied in the affirmative and added that, the only thing that it does not include is lighting for the existing ball fields.
AYES: KUSER, GABEL, SMITH, LYDEN, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
R-14-107 A RESOLUTION AUTHORIZING SETTLEMENT OF CERTAIN TAX APPEALS - ST. FRANCIS LIFE CARE CORP.
MOTION TO APPROVE R-14-107: MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, SMITH, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
R-14-108 A RESOLUTION AUTHORIZING SETTLEMENT OF CERTAIN TAX APPEALS - NEMEROFSKY, BALOGH, GLEN WILLOW PROPERTIES, NATALE, MARZOUK AND SNYDER
MOTION TO APPROVE R-14-108: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER KUSER
AYES: LYDEN, KUSER, GABEL, SMITH, SCOLLANS, FITZPATRICK
ABSENT: GOLINSKI
MOTION TO APPROVE MINUTES OF 4-1-14 AND 4-8-14: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SCOLLANS
AYES: SMITH, SCOLLANS, GABEL, KUSER, LYDEN, except 4-8-14, FITZPATRICK
ABSTAIN: LYDEN for 4-8-14.
ABSENT: GOLINSKI
MOTION TO ADJOURN: MOVED BY MEMBER SMITH, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS.
MEETING ADJOURNED AT 10:20 P.M.

Respectfully submitted by,

Kathleen A. Costello
Deputy Township Clerk
RESOLUTION

WHEREAS, the Municipal Council of the Township of Denville has introduced Ordinance #6-14 entitled, "AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO REGULATE THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE"; and

WHEREAS, pursuant to N.J.S.A. 40:550-26, the aforesaid ordinance was forwarded to the Planning Board for a report and recommendation; and

WHEREAS, the Planning Board considered the proposed ordinance amendment on April 9, 2014 and, after providing an opportunity for public input on this proposed rezoning and after receiving comments from the public, the Planning Board found that the Ordinance effectuates the goals and objectives of the Master Plan and is therefore not inconsistent with the recently approved 2013 Re-examination report as well as the 2000 Master Plan and its various elements; and

WHEREAS, the Planning Board recommended that the term "Hotel" in the Ordinance be refined as it relates to the additional facilities and services enumerated within the definition including but not limited to "Entertainment", "Personal Services" and "Recreational Facilities"; and

WHEREAS, N.J.S.A. 40:55D-62 provides that a zoning ordinance shall be consistent with the land use plan element and the housing plan element of a master plan or designed to effectuate such plan elements, provided that an ordinance that is inconsistent with those elements may be adopted by affirmative vote of the full authorized membership of the governing body with the reasons of the governing body for so acting set forth in a resolution and recorded in the minutes when adopting the ordinance; and
WHEREAS, the Municipal Council has reviewed a report from the Township Planner regarding whether Ordinance #6-14 is consistent with or designed to effectuate the land use plan element and the housing plan element of the Master Plan; and

WHEREAS, the Township Planner's report finds that Ordinance #6-14 is consistent with the land use plan element and the housing plan element of the Master Plan; and

WHEREAS, Ordinance #6-14 effectuates the following goals and objectives of the current Land Use Plan Element of the Master Plan and the 2013 Re-examination Report:

a) I-1 Industrial zone should be modified to delete retail use as a permitted use. Properties located in the I-1 zone are constrained as to being favorable for retail uses. The I-1 zone should also not draw retail uses away from the nearby central business district.

b) Emphasis should be given to preserve environmentally sensitive areas and create adequate buffers when dealing with aquifers, streams, and wetlands.

c) Standards by which to preserve the character and quality of established neighborhoods and business areas should be promulgated by the Township Council. The two land uses and the occupants therein need each other and need to peacefully co-exist.

d) Avoiding adverse impacts on the local environment and adopting ordinances and techniques which will protect, to the extent of municipal powers, sensitive wetlands, steep slopes, woodlands and flood prone areas.

e) To maintain and enhance the viability of the various commercial districts by:
(1) Encouraging an appropriate mix of land uses which will complement each other and meet the retail and service needs of the Township and surrounding areas;

(2) Provide sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of business patrons and employees;

(3) By discouraging an automobile-only oriented pattern of development within the central business district.

f) Recognizing and adjusting land use planning efforts where necessary to address changing demographic characteristics and conditions found within the municipality.

g) Maintaining the Township’s system of streets and roads to continue to provide for the safe and efficient movement of traffic and to discourage routes which adversely impact existing and future residential neighborhoods.

h) Enacting land use ordinances and rendering land use decisions which are fiscally responsible and which promote an economically sound and balanced municipal tax base; and

WHEREAS, the removal of hotels from the I-1 zone and the reclassification of hotels from a permitted use to a conditional use in the I-2 zone would have no impact on the housing plan element of the Master Plan; and

WHEREAS, the Municipal Council is convinced that Ordinance #6-14 is consistent with the housing element and land use element of the Master Plan and is also designed to effectuate those elements of the Master Plan but is aware that there have been
suggestions by an objector to the Ordinance that the Ordinance may be inconsistent with the land use element and/or housing element of the Master Plan; and

WHEREAS, the Municipal Council wishes to spread upon the minutes of this meeting its reasons for proceeding with the adoption of this ordinance despite any perceived inconsistencies with the land use plan element and housing element and/or any other elements of the Master Plan and without having provided the additional refinement to the definition of "Hotel" as suggested by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville in the County of Morris and State of New Jersey, by affirmative vote of a majority of its full authorized membership, as follows:

The governing body has determined to proceed with the adoption of Ordinance #6-14 for the following reasons:

1. The ordinance removes hotels as a permitted use in the I-1 zone, of which the majority of the properties in said zone are accessible from East Main Street (New Jersey Route 53), a two-lane urban arterial roadway with residential land uses behind the industrial zone. A hotel use is not a complimentary use in the Township’s I-1 zones and would create irreparable harm to the surrounding residential zones. The economic element of the master plan states, in part: "Route 53 is ideally suited to redevelopment as a professional office and light, limited impact industrial zone. This area is one that seems to have some unique characteristics and should be the focus of a separate independent study."

By removing the hotel use from the I-1 zoning, this ordinance addresses the master plan recommendation that the Route 53
corridor is ideally suited for redevelopment for offices and light, limited impact industrial uses.

2. The ordinance permits hotels as a conditional use in the I-2 zones which are located at the borders of the municipality with direct access to the federal highway system, which complements the service needs of the Township and surrounding areas.

3. This ordinance permits retail only as an accessory use within hotel uses and therefore would not draw away from retail in the central business district.

4. One of the conditions placed upon hotels in the I-2 zones is that they are not permitted in any "A" or "AE" designated FEMA flood areas as they are environmentally sensitive lands. Therefore, this ordinance advances the objectives of the Master Plan to preserve environmentally sensitive areas and to avoid adverse impacts on the local environment.

5. The ordinance utilizes a variety of land use regulations such as Floor Area Ratio, building height, required landscaping and required buffers to ensure that the use can co-exist next to surrounding land uses.

6. The ordinance utilizes a variety of land use regulations such as Floor Area Ratio (FAR), building height, required landscaping and required buffers and permits an increase in FAR for each 1% of landscaping above the minimum requirement. The developer is entitled to an increase in FAR by 0.02% to a maximum FAR of 0.55 provided that sufficient parking is provided for all of the needs of the use. This
effectuates the goals of the Master Plan to provide sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of business patrons and employees.

7. By removing hotels, which are highly automobile dependent, from the more congested I-1 zones and restricting hotels to the I-2 zones, this ordinance supports the goal of the Master Plan to discourage an automobile-only oriented pattern of development within the central business district.

8. This ordinance implements the goal of the Master Plan to recognize and adjust land use planning efforts where necessary to address changing demographic characteristics and conditions by removing hotel uses from the I-1 zones and permitting hotels as conditional uses in the I-2 zones.

9. Removing hotels from the I-1 zones removes the risk of the adverse impacts of traffic on existing and future residential neighborhoods. The I-2 zones, where hotels are permitted as a conditional use by this ordinance, are located at or near the borders of the municipality and the conditional use standard mandates that hotels have direct access to the federal highway system within 0.5 miles.

10. The ordinance promotes an economically sound and balanced municipal tax base by allowing hotels in the only zone in the Township that contains an existing hotel. This ordinance will bring that hotel into greater conformity with the zoning ordinance. In addition, new
hotels in the area will create healthy competition and spur future development in the area. The economic element of the Master Plan provides, in part:

"Another commerce area currently zoned for industrial growth is the Ford Road/Morris Avenue tract. Commercial, lodging, office, and light industrial use should all be encouraged. Equally, retail use should be disallowed since this would conflict with the downtown business district. Access to these tracts from Route 80 makes them ideal for these uses.

... Commercial, lodging, office and light industrial uses should be encouraged at the intersection of Morris Avenue and Ford Road. Retail uses should not be permitted in this section of Denville."

11. The Municipal Council agrees that the definition of "Hotel" should be refined to more clearly define what specific uses are encompassed by the terms "Entertainment", Personal Services" and "Recreational Facilities" but believes that these changes can be implemented at a later date by separate ordinance.

For all of the foregoing reasons, BE IT RESOLVED, by the Municipal Council of the Township of Denville, by the affirmative vote of a majority of its full membership, that an ordinance entitled, "AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO REGULATE THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE" be passed on final reading and that a notice of the final passage be published in the April 30, 2014 issue of The Citizen.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
I would like to thank Administrator Steven Ward, CFO Mike Guarino, Administrative Assistant Kathy Bowtch, all of our Department heads and the Town Council for putting together a very responsible budget. This budget includes:

- The continuation of the scientific-based road resurfacing selection program
- Funding the extremely harsh winter’s snow budget
- Replacing and upgrading critical DPW fleet vehicles, some that had to be added because they did not survive the winter
- DPW Radio System Upgrade to ensure direct communication with Police, Fire, Schools, St. Clare’s Hospital and OEM
- Automated Fuel Management System
- Senior Citizen Vehicle Replacement
- Upgrades to Police Dispatch Center to ensure more efficient emergency dispatching capabilities
- Library Parking Lot Paving and Sidewalk Replacement
- De-icing Brine System, tank and equipment (to eliminate our dependency on other municipalities)
- Parking lot resurfacing at Valleyview Fire House
- Ice Rescue Suits for the Fire Department

The budget will also allow us to complete projects started in previous years:

- VVFH
- East Shore Road Wall Replacement (final sections…advanced due to failure of deteriorating wall).
- Riverside Drive Flood Mitigation, FEMA Buy-out and Rain Garden Construction Project
- Flap Valve Installation and Various Local Drainage Improvements and 2nd Phase of Flood Mitigation Study
- Downtown Streetscape Improvements which is pending NJDOT approval

The Township maintains a very conservative fiscal policy. Which enabled us to:

- Increased fund balance between 2013 and 2014 which enabled the Township to anticipate $200,000 of additional fund balance as an offsetting budget revenue.
- The Township negotiated settlements with 3 of the Township’s 5 collective bargaining units resulted in historically record low overall salary increases.
- The Township negotiated changes in health benefits, health insurance budget decreased between 2013 and 2014 by a total of $27,970 despite an increase in health insurance premiums).
• Overall the 2014 budget realized a reduction in spending by $18,924 demonstrating that we efficiently and effectively managed those items within our control.
• Total Impact from Local Operations at $3.74 to average taxpayer.

Unfortunately our Township continues to see a loss in our ratable base.
• Between 2013 and 2014, $32.8 million loss in ratable base (tax impact: $25.05 – to average tax payer)
• Between 2012 and 2014, $55 million loss in ratable base

The loss in ratable coupled with the pay back settlement for previous years put the budget in a very significant increase of $125 on the average home.

I like to thank the Council for their conservative budgeting over the years and for making some very difficult decisions in finalizing this budget.
• For conservatively saving more than $1,000,000 in its reserve for tax appeals over past years to prepare for this tax appeal.
• For allocating FEMA revenue usage 3 years @ $73,054 to 2 years @ $109,582.
• For recognizing that payments appropriations can commence in 2015 for the Morris County Tax Board ordered Revaluation

Although the overall tax increase of $93.54 on the average home is less than desirable. It is due solely to a lose in ratables and the back payments the Township must make. This budget maintains the Township infrastructure and the services our residents require and keeps us on a conservative fiscal plan.

Thomas W. Andes
Mayor
Township of Denville
973-625-8300x224