The Meeting was called to order by President Kuser at 7:34 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Gabel. Township Clerk Costello advised that Councilwoman Smith and Councilmen Scollans and Golinski will not be in attendance this evening.

ROLL CALL: FITZPATRICK, GABEL, LYDEN, KUSER

The Open Public Meetings Act Statement was read by Township Clerk Costello.

ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD AND TOWNSHIP ATTORNEY JANSEN

LIAISON REPORTS:
Councilman Gabel reported that the Board of Education voted on three issues at their last meeting:

1. The Board voted to accept the resignation of Superintendent Drucilla Clark, effective 6-30-12 and a search committee has been established to accept resumes for that position.
2. The Board voted to approve an agreement between the Denville Board of Ed. and the Denville Education Association for the 2012-2014 school years.
3. The Board voted to approve the 2012-2013 Denville School District Budget.

Councilman Fitzpatrick reported that the Mayor’s Advisory Committee on Rivers and Streams has applied for a Block grant from the County. He said that the Committee expects to be recommended for approval by the sub-committee at the County. Mr. Fitzpatrick noted that the sub-committee is an independent, non-political group that has a detailed criteria for how they award those grants. He said that he does not think it is realistic to expect the Freeholders to overturn a decision from this sub-committee. Mr. Fitzpatrick advised that the Advisory Committee is planning an aggressive de-snagging of the river. He said that areas in the river that are of the most concern will be designated at a Committee meeting tomorrow night.

Councilwoman Lyden had no report.

President Kuser reported that the Economic Development Committee met and they are focusing on the downtown area, with parking being the number one issue to be discussed. He commented that the Senior Social was held last Sunday, was well attended and both he and Mayor Andes attended.

President Kuser advised that the Recreation Committee meeting was also well attended and many new recreation programs were discussed.

MAYOR’S REPORT:
Mayor Andes advised that he attended the first DARE graduation of the year at St. Mary’s School. He added that a wonderful program was presented and it was clear that the children got a lot out of the DARE program. Mayor Andes asked the Council to consider R-12-88 for passage this evening. He noted that it is a resolution authorizing
The hiring of an architect to provide the Township with a cost analysis with regard to the renovations to the Valley View Firehouse.

The Mayor reported that he has met with seven Mayors or Administrators of towns upstream of Denville. He said that many are on board and they are putting a coalition together for the de-snagging of the Rockaway River. Mayor Andes advised that the goal for tomorrow night’s meeting is to assemble a task force to determine where the worst snagging is in the river, with maps and GPS devices. He said that each town will be tasked with attacking these areas to clear the river and streams.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that the Township has been notified by NJDOT that the grant application for funding the resurfacing of Bloomfield Avenue has been approved in the amount of $135,000.00. He added that the ANJEC grant was submitted last week and, if approved, will allow us to update our Environmental Resources Inventory. Mr. Ward commented that this has not been done since 1976.

The Administrator noted that the first payment for reimbursement of municipal expenses related to Hurricane Irene was received from FEMA yesterday in the amount of $28,555.00. He commented that it is his understanding that the reimbursements will be coming in slowly and the amount we have received is less than 10% of all of our expenses and about 7.5% of all of our submittals, if we do indeed receive 75% reimbursement. Mr. Ward stated that the Firehouse is not included in our current submittals; he said that once we have a firm estimate, we will apply to FEMA on a separate application.

The Administrator commented that the update of our personnel policy manual is almost completed and will be sent to our Labor Attorney for his review and endorsement. Administrator Ward reported that the deadline for tax appeals was yesterday and 174 individuals have filed appeals for 2012, as opposed to 93 in 2011. He explained that the Auditor doubled our reserve for tax appeals, in anticipation of an increase in appeals this year.

Mayor Andes noted that he had forgotten to introduce two guests in the audience tonight. He introduced Sean Johnson, a Scout who is working on attaining his Citizenship in the Community Merit Badge and Kate and Nicole Bauer, who are working on a Citizenship project in college.

OPEN PUBLIC PORTION:
David Hobart, 72 Lakewood Drive, advised that he is the Lakes Chairman of the Board of Trustees of the Lake Arrowhead Club. He advised that there has been a problem with geese at the lakes for several years. Mr. Hobart stated that his community has been doing egg addling on their own for a few years and he understands that the Council has officially authorized that process as well. He said that there has been an increase in the geese population this year and would like to request that the lakes in the
Lake Arrowhead community be included in the Township’s plans for geese depredation. Administrator Ward explained that, every December or January, the Township applies to the U.S. Dept. of Agriculture to contract with them for the control of the geese. He noted that in a community where he previously worked, the Health Dept. treated the grass. Mr. Ward noted that two of the products used are Geese Ex and Flight Control; he said that these products are non-toxic and not harmful to humans. Mr. Ward explained that the products produce a flavor that is unpleasant to the geese. He suggested to Mr. Hobart that his association invest in these cost-effective products, as well as continuing with the addling program. Mr. Ward advised that he will speak to the Health Officer and ask what other USDA programs are available for geese control. He said that we are on the USDA’s schedule but they have not been here as yet.

Franz Fuertges, 109 Ford Road, asked for the Council’s support of the Beautification Committee, not for physical support, but for matters outside of the Committee’s purview. He noted that there is a sign on Kitchell Road and Morris Avenue that has been there since before the sewer project started and is still there, although the project has been completed. President Kuser advised that it is an Administration matter and Mr. Ward will look into it.

Mr. Fuertges asked that the Council be more aware of what is going on around the town. He spoke about the condition of Route 53 and the accumulation of sand and leaves and the need to contact the State to have the roadway cleaned up. President Kuser advised that it is a State roadway and asked Administrator Ward to contact the State again about the condition of that road.

Mr. Ward explained that he had a meeting with the Police Dept., NJDOT and NJ Transit in an effort to get them to coordinate their efforts to keep the area clean. He said that will again contact the State.

Mr. Fuertges stated that the Beautification Committee has started planting and it is not feasible for the Committee to water these plants regularly. He said that the people whose frontage the planters are on should be asked to water the plants. President Kuser asked Mr. Fuertges if he has a question for the Council. He said that the issues Mr. Fuertges is raising are ones that should be taken up with Administration. Mr. Kuser stated that he, and the other Council members, look at our town when driving through it. He said that if any of them sees something awry they bring it to the attention of Administration and try to resolve it. President Kuser again told Mr. Fuertges that if he has a question for the Council he will be happy to answer it.

Mr. Fuertges stated that he has contacted business owners along Route 53 and asked them to help with keeping the area clean. He advised that he also spoke with the Manager of the Burger King.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS: None.
ORDINANCE(S) FOR INTRODUCTION:

#4-12 CONFIDENTIAL EMPLOYEES’ SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #14-2011
CONCERNING SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP
OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT
GOVERNED BY COLLECTIVE BARGAINING
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER FITZPATRICK, SECONDED BY
MEMBER GABEL
DISCUSSION: None.
AYES: FITZPATRICK, GABEL, LYDEN, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #14-2011
CONCERNING SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP
OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT
GOVERNED BY COLLECTIVE BARGAINING
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 MAY 1, 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 GABEL, SECONDED
BY MEMBER FITZPATRICK
AYES: GABEL, FITZPATRICK, LYDEN, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS.

#5-12 DPW SUPERVISORS’ SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY
FOR THOSE EMPLOYEES OF THE DENVILLE TOWNSHIP PUBLIC WORKS
SUPERVISORS’ ASSOCIATION
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER GABEL, SECONDED BY MEMBER
FITZPATRICK
DISCUSSION: Councilman Fitzpatrick noted that this ordinance is retroactive to January 1, 2010 whereas the Police contract is effective 2012 and asked if they are different.

Administrator Ward replied that there are no Police contracts on tonight. He explained that various contracts expired on different dates. Mr. Ward further explained that, when the ordinance is adopted, there will be resolutions that will authorize the Mayor to execute the contracts and/or resolutions to establish exact salaries. The Public Works Supervisors' contract terminated on December 31, 2009.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR THOSE EMPLOYEES OF THE DENVILLE TOWNSHIP PUBLIC WORKS SUPERVISORS' ASSOCIATION
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 MAY 1, 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 LYDEN, SECONDED BY MEMBER FITZPATRICK
AYES: LYDEN, FITZPATRICK, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

#6-12 DPW EMPLOYEES’ ASSOCIATION SALARY ORDINANCE
It was determined that if Mrs. Lyden recuses herself on this ordinance we will not have a quorum to proceed.

MOTION TO TABLE #6-12: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GABEL
AYES: FITZPATRICK, GABEL, LYDEN, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

#7-12 EMPLOYEES’ ASSOCIATION SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP WHO ARE MEMBERS OF
MOTION TO INTRODUCE: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER GABEL
DISCUSSION: None
AYES: LYDEN, GABEL, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY
FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP WHO ARE MEMBERS OF
THE EMPLOYEES’ ASSOCIATION
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 MAY 1, 2012 AT 7:30 P.M. IN THE
EVENING, PREVAILING TIME, 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, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

#8-12 PART-TIME & SEASONAL EMPLOYEES SALARY ORDINANCE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES FOR PART-TIME AND SEASONAL
EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND
STATE OF NEW JERSEY NOT RECOGNIZED IN A COLLECTIVE BARGAINING
AGREEMENT
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER
GABEL
DISCUSSION: None.
AYES: LYDEN, GABEL, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES FOR PART-TIME AND SEASONAL
EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT RECOGNIZED IN A COLLECTIVE BARGAINING AGREEMENT
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 MAY 1, 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 GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

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-12-79 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY - $2,051.28
R-12-80 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE (NORTON PROJECT)
R-12-81 RESOLUTION AUTHORIZING KIWANIS CLUB CIRCUS
R-12-82 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSES
R-12-83 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER FITZPATRICK
AYES: LYDEN, FITZPATRICK, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

NON-CONSENT RESOLUTIONS:
R-12-84 RESOLUTION AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE
GUARANTEE FOR REGENCY AT DENVILLE, PHASE III
MOTION TO APPROVE R-12-83: MOVED BY MEMBER LYDEN, SECONDED
BY MEMBER FITZPATRICK
AYES: LYDEN, FITZPATRICK, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-85 RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT OF UTILITY
EASEMENTS DATED 2-6-12 RELATIVE TO REGENCY AT DENVILLE,
LLC
MOTION TO APPROVE R-12-85: MOVED BY MEMBER LYDEN, SECONDED BY
MEMBER GABEL
AYES: LYDEN, GABEL, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-86 RESOLUTION PROVIDING FOR REIMBURSEMENT TO POWWW IN
THE AMOUNT OF $4,500.00 FOR AN AUDIT RELATIVE TO THE
PURCHASE OF THE CURTIS PROPERTY IN 2011
MOTION TO APPROVE R-12-86: MOVED BY MEMBER FITZPATRICK, SECONDED
BY MEMBER LYDEN
DISCUSSION: Councilman Fitzpatrick asked for clarification of the $4,500.00 payment
to POWWW. Administrator Ward explained that we agreed to reimburse POWWW for
audit fees, specifically related to the purchase of the Curtis property for Open Space.
AYES: FITZPATRICK, LYDEN, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-87 RESOLUTION AUTHORIZING AWARD OF BID FOR RENOVATIONS TO
THE BATHROOMS AT GARDNER FIELD
MOTION TO APPROVE R-12-87: MOVED BY MEMBER LYDEN, SECONDED BY
MEMBER FITZPATRICK
DISCUSSION: Councilman Gable asked is if a completion date is part of the contract.
Mr. Ward replied that he does not know but Mr. Ciardi has advised him that the
contractor is ready to proceed as soon as the resolution is approved. He added that we
are expecting to receive 75% reimbursement from FEMA for this work.
AYES: LYDEN, FITZPATRICK, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-88 RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL
SERVICES FOR ARCHITECTURAL RENDERINGS FOR RENOVATIONS
TO VALLEY VIEW FIREHOUSE
MOTION TO APPROVE R-12-88: MOVED BY MEMBER LYDEN, SECONDED BY
MEMBER GABEL
DISCUSSION: Councilman Fitzpatrick asked if there were multiple bids and this one
was the best. Mr. Ward replied that there were three proposals and this one was the best of those that were presented.

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

R-12-89 RESOLUTION AUTHORIZING AN AGREEMENT FOR 2012 COMMUNITY HEALTH SERVICES WITH ST. CLARE’S HOSPITAL
MOTION TO APPROVE R-12-89: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER LYDEN
AYES: FITZPATRICK, LYDEN, GABEL, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-90 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $186,548.73
MOTION TO APPROVE R-12-90: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

MOTION TO APPROVE MINUTES OF 3-13-12: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER GABEL
AYES: LYDEN, GABEL, FITZPATRICK, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

R-12-91 RESOLUTION AUTHORIZING CLOSED SESSION FOR UPDATE ON PROPERTY ACQUISITIONS ON RIVERSIDE DRIVE
MOTION TO APPROVE R-12-91: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GABEL
AYES: FITZPATRICK, GABEL, LYDEN, KUSER
ABSENT: SMITH, GOLINSKI, SCOLLANS

President Kuser thanked the public for their attendance and advised that action may be taken after the Closed Session.
Council went into Closed Session at 8:16 p.m.
Council came out of Closed Session at 8:40 p.m.

MOTION TO ADJOURN: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER GABEL
AYES: UNANIMOUS
ABSENT: SMITH, GOLINSKI, SCOLLANS
Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kathleen A. Costello
Deputy Municipal Clerk