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 Golinski. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello advised that Councilwoman Lyden has a work obligation this evening and Councilwoman Smith is ill so neither will be able to attend this meeting.

ROLL CALL: KUSER, GABEL, GOLINSKI, SCOLLANS, FITZPATRICK
ABSENT: LYDEN, SMITH

ALSO IN ATTENDANCE: ADMINISTRATOR WARD AND ATTORNEY JANSEN

President Fitzpatrick noted that Mayor Andes will join us shortly. The Mayor arrived seconds later.

CEREMONIAL MATTERS AND/OR PRESENTATIONS

R-14-109 RESOLUTION RECOGNIZING MUNICIPAL CLERK’S WEEK MAY 4 THROUGH MAY 10, 2014

President Fitzpatrick spoke briefly about Clerk Costello’s impending retirement and noted that she is held in high esteem for her many years of service to Denville.

MOTION TO APPROVE R-14-109: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI
AYES: SCOLLANS, GOLINSKI, GABEL, KUSER, FITZPATRICK
ABSENT: LYDEN, SMITH

LIAISON REPORTS:

Councilman Gabel reported that the Mayor’s Council for People With Challenges collected over $1,000 for Project Graduation.

Mr. Gabel noted that he attended a golf outing sponsored by a group called SPARK, which is affiliated with the Mayor’s Council for People With Challenges. He said that this group continues to try to raise funds for a group home.

Councilman Gabel advised that Recreation Director Don Bogardus introduced his summer intern Sam Weiss at the Recreation Committee meeting. Mr. Gabel reported that the baseball, softball and t-ball seasons have gotten off to a good start.

Councilman Gabel noted that the Historical Society is holding a yard sale on May 18th. Mr. Gabel stated that any information for summer events should be provided to Don Bogardus for the summer issue of the Rec Room.

Councilman Gabel advised that the Local Assistance Board is sponsoring an outdoor movie night on June 7th at Gardner Field. He said that the movie will be “The Crudes”, admission is $4.00 and it will begin at 8:30 p.m.

Mr. Gabel stated that the Morris Hills Regional School Board approved their budget at the last meeting. He said that it is a $66 million budget but it is $1.5 million less than last year’s budget. Mr. Gabel noted that the 2014-2015 calendar is posted on their web
Councilman Kuser reported on the bus tour of zoning and planning sites. He said that the Mayor, Administrator, members of the Council and volunteers from the Planning Board and Board of Adjustment participated in the tour. Mr. Kuser noted that the Green Fair was held last Saturday and was well attended. He said that at the May 20th Council meeting the winners of the Poster Contest will be announced. He reported that he had also attended the Little League opening day. Councilman Golinski reported that he attended the Environmental Committee meeting where they were making plans for the Green Fair. Mr. Golinski noted that on April 30th the Planning Board had a very spirited meeting on the Estling Village project and the hearing will be further continued to May 28th. Mr. Golinski thanked all of the volunteers who went on the bus tour. Councilman Scollans commented that, as a member of the Community Development Committee, he received an invitation to a reception hosted by the Board of Chosen Freeholders. He said that he also received an invitation to the Senior Dance but is unable to attend either event as he will be out of town. Mr. Scollans reported that the Knights of Columbus held a very successful can shake for the benefit of people with disabilities. Mr. Scollans advised that it was recently discovered that the Birch Run water tower has a 1776 marker on it. He said that the Historical Society is looking into it. President Fitzpatrick reminded everyone that on Saturday, May 17th, the Rockaway River cleanup will be held. He said that it will run from approximately 9:00 a.m. to 3:00 p.m. Mr. Fitzpatrick noted that all volunteers are welcome and there is a role for everyone. He advised that registration will be at the St. Clare’s parking lot. President Fitzpatrick reported that the Chamber of Commerce Breakfast meeting will be held on May 7th at 7:45 a.m. at St. Francis Residential Center. He said that the fee is $15.00 for members and $17.00 for non-members to attend.

MAYOR’S REPORT:
Mayor Andes thanked Councilman Gabel for standing in for him at the National Day of Prayer. He said that he was attending the N. J. Conference of Mayors where he took some classes and did some networking with the DEP on flood mitigation issues. The Mayor commended the Green Committee for doing a great job on the Green Fair. Mayor Andes commented that May 17th is a very full day with the Riverview Fun Fair being held as well as the Dogs Run Wild event at Cook’s Pond and the Rockaway River cleanup. He noted that on May 18th the Senior Social will be held. Mayor Andes advised that on May 20th at 6:45 p.m., before the Council meeting, there will be a ground breaking ceremony at Veterans’ Field to begin the expansion project.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that the Department of Transportation released its grant report today and the Township has been awarded a grant of $165,000 for the
resurfacing of Diamond Spring Road. He said that the area to be resurfaced will run from River Road to the municipality’s boundary with Boonton Township. Mr. Ward also noted that the Township has received word that the County is going to resurface their portion of Diamond Spring Road from Broadway to River Road. Administrator Ward advised that the floor issues at the Valley View Firehouse have been resolved to the satisfaction of the Fire Department and the DPW has done the prep work for resurfacing the driveway apron, which is the last thing to be done. He said that the paving contractor will complete the job as soon as the weather cooperates. Mr. Ward noted that he has received thirteen of fourteen surveys that he had sent out to the residents of Thompson Road. He said that the responses were twelve to one in favor of the proposed parking restrictions of 10:00 a.m. to 2:00 p.m. on school days. Mr. Ward advised that Administration is recommending that the Council introduce that ordinance at the May 20th meeting. He said that the adoption date is flexible since it would technically not go into effect until the next school year.

The Administrator reported that interviews have begun for the position of Sergeant in the Denville Police Dept. He said that there are thirteen candidates vying for the position. Mr. Ward noted that Sgt. Kazaba will be retiring as of June 30th, which prompted the search for a replacement.

The Administrator reported that yesterday he, Mayor Andes, Animal Control Officer Meredith Petrillo and Lt. Keith Partin met with a representative of the DEP’s Fish and Wildlife Service. He said that the individual is the one who is assigned to northern New Jersey to investigate bear complaints of all types. Mr. Ward explained that the Township will be going out to bid for garbage services later this year and we became aware of information that the State may be willing to do a pilot program to provide bear-proof cans to all, or part of the community, or provide a grant to offset the cost of the cans. Mr. Ward gave an overview of the type of cans and the cost for each. He noted that this is in the conceptual stage and more information is needed.

Administrator Ward related a discussion that took place regarding residents raising chickens in the municipality. He said that the Fish and Wildlife representative noted that the number of calls for chickens and rabbits being attacked by bears increased dramatically after Easter when people bought the small animals as gifts. Mr. Ward advised that the representative from DEP recommended that the Township take a very hard look at the prospect of allowing chickens. Mayor Andes interjected that the representative said, “don’t do it”. Administrator Ward noted that he has asked for an informational executive session to discuss collective bargaining, with the permission of the Council.

President Fitzpatrick replied that it can be done immediately after this meeting. He commented that he believes the Township should investigate the possibility of using the bear-proof trash cans because they provide a number of benefits. Administrator Ward interjected that the Township is also looking into increasing recycling pickup to once a week instead of twice a month.

**CORRESPONDENCE:** All copied to Council.
OPEN PUBLIC PORTION: No one wished to be heard.

CLOSE PUBLIC PORTION.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Gabel asked, for the benefit of those in the audience, for a brief update on the contract for the turf fields.
Administrator Ward replied that the contract was awarded at the last meeting. He said that there is an ordinance before the Council this evening that will provide the funds for the lighting to be completed by the same contractor.
Councilman Scollans asked for an update on the Estling Lake emergency road.
Administrator Ward replied that there is nothing concrete at this point, it is something that Administration is still looking into. He said that there is an application pending before the Planning Board and a couple of options are being researched.

ORDINANCE(S) FOR INTRODUCTION

#16-14 ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $420,000 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 $420,000 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 KUSER, SECONDED BY MEMBER GOLINSKI

DISCUSSION: Administrator Ward explained the proposed improvements to Veterans’ Field. He noted that the original bids were all too high and were rejected. Mr. Ward advised that the Township Engineer re-worked the specifications and the contract was awarded but it does not include the lighting. He said that this ordinance provides the additional funds needed to do the lighting.
Councilman Kuser interjected that this money is coming from the Open Space Fund and does not have any tax impact on the residents.
Administrator Ward said that is correct, it is a fully funded ordinance.
Councilman Scollans asked if it is true that if we don’t use these funds, we lose them.
Administrator Ward replied that is not correct, it is our Affordable Housing Trust Fund money that was at risk if we didn’t use it.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $420,000 FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP OF
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 6-10-14 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 GOLINSKI, SECONDED BY MEMBER KUSER
AYES: GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSENT: LYDEN, SMITH

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

CONSENT AGENDA:

R-14-110 RESOLUTION ENDORSING THE TOWNSHIP OF DENVILLE’S APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION ALTERNATIVES PROGRAM (NJDOT TAP) FUNDS
R-14-111 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES IN THE AMOUNT OF $520.00
R-14-112 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-14-113 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE
MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER GABEL, SECONDED BY MEMBER GOLINSKI
AYES: GABEL, GOLINSKI, KUSER, SCOLLANS, FITZPATRICK
ABSENT: LYDEN, SMITH

NON-CONSENT RESOLUTIONS:
R-14-114 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $39,771.43
MOTION TO APPROVE R-14-114: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GOLINSKI
AYES: KUSER, GOLINSKI, GABEL, SCOLLANS, FITZPATRICK
R-14-115 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $6,202.86
MOTION TO APPROVE R-14-115: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, GOLINSKI, FITZPATRICK
ABSENT: LYDEN, SMITH

R-14-116 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)
MOTION TO APPROVE R-14-116: MOVED BY MEMBER GOLINSKI, SECONDED BY KUSER
AYES: GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSENT: LYDEN, SMITH

R-14-117 RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT IN THE MATTER OF RJR DEVELOPERS, LLC v. TOWNSHIP OF DENVILLE AND THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF DENVILLE
MOTION TO APPROVE R-117: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER KUSER
DISCUSSION: Councilman Scollans had a question but Attorney Jansen cautioned that if there are questions, they should be addressed in executive session since this is a pending lawsuit. He said that action could then be taken after that session. Mr. Scollans agreed to abide by that recommendation.

MOTION TO APPROVE MINUTES OF 4-22-14: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSTAIN: GOLINSKI
ABSENT: LYDEN, SMITH

Attorney Jansen stated that the intent of the Council is to come out of Executive Session and perhaps take action on R-14-117.

R-14-118 MOTION AUTHORIZING CLOSED SESSION TO DISCUSS PENDING LITIGATION (RJR DEVELOPERS, LLC v. TOWNSHIP OF DENVILLE) AND COLLECTIVE BARGAINING WITH DPW SUPERVISORS AND DPW EMPLOYEES
MOTION TO APPROVE R-14-118: MOVED BY MEMBER KUSER, SECONDED BY
The Council went into Closed Session at 8:06 p.m.
Council came out of Closed Session at 8:43 p.m.

R-14-117  RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT IN THE MATTER OF RJR DEVELOPERS, LLC v. TOWNSHIP OF DENVILLE AND THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF DENVILLE
It was noted that a motion was already made by Member Golinski, which was seconded by member Kuser.
AYES: GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSENT: LYDEN, SMITH

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

MEETING ADJOURNED AT 8:44 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk