TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

JUNE 25, 2013

The Meeting was called to order by President Fitzpatrick at 7:30 p.m. 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 reminded all present that this is a non-smoking facility and requested that all cell phones be silenced at this time.

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

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

LIAISON REPORTS:
Councilman Scollans reported that he attended the Ladies Meeting at the Senior Center and questions were raised regarding low income housing. He said that they did not understand that low income housing is not necessarily just for Denville residents and he explained that to them.

Mr. Scollans commented on the beautiful job that has been done by Franz Fuertges and his committee with the planting of flowers at the Denville Cemetery. He added that the Beautification Committee lost one of its very dedicated members and, for himself a wonderful neighbor and friend, at the passing of Bob Riker. Mr. Scollans asked for a moment of silence for Mr. Riker.

Councilman Scollans noted that the Senior Social will be held on June 30th. He advised that he attended the Green Sustainability Committee meeting and Mark London has been appointed as the new Chairman.

Mr. Scollans reported that the Historical Society will not meet again until September. Councilman Golinski complimented Ruth Gimbel who is the Chairperson of Denville TV. He said that he has seen the first unedited footage of the parade and it is fantastic. Mr. Golinski noted that the Denville TV Committee is meeting at 8:00 p.m. tomorrow night at Town Hall and would welcome volunteers to help put footage together.

Councilman Golinski advised that he attended the Planning Board meeting and they went over the plans for re-paving the parking lot at Morris County School of Technology.

Councilwoman Lyden had no report.

Councilwoman Smith had no report.

Councilman Kuser reiterated that the Senior Social is this Sunday, June 30th. He had no other report.

Councilman Gabel reported that the Board of Education is still searching for a new Superintendent. He said that they are in full swing with the remodeling to accommodate the full-day Kindergarten.

Mr. Gabel noted that final preparations are under way for the July 4th fireworks celebration and he will let the Mayor give further details on that.
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Mr. Gabel reported that the Mayor’s Committee for People With Challenges hosted, with Eagle Scout Ryan Mulroney, a Performing Arts Show last Thursday at Morris Catholic High School. He said that it was part of Mr. Mulroney’s Eagle Scout project and it was well received by all who attended. Councilman Gabel stated that he and his daughter walked through the night last week in the American Cancer Society’s Relay for Life Walk. He said that it started on Saturday at 4:00 p.m. and finished at 6:00 a.m. the next morning. Mr. Gabel reported that the event raised $45,000 for cancer research.

President Fitzpatrick reported that the Mayor’s Advisory Committee on Flooding of Rivers and Streams will be meeting on July 17th and all are welcome to attend. He said that, unfortunately the current co-chairmen of this committee can no longer continue in that capacity and the Committee will be looking for a new chairperson.
Mr. Fitzpatrick noted that the Fireman’s Carnival starts tonight and will run through Saturday, with fireworks tomorrow night.
President Fitzpatrick recognized former Mayors Spencer and Hussa who are present this evening.

**MAYOR’S REPORT:**
Mayor Andes commented that the show that the People With Challenges Committee was involved with was a musical show that was put on for children with disabilities. He said that they are children of high school age who are integrating with society. Mayor Andes advised that he received a thank you e-mail from one of the moms who told him that, on her way home from the show with her son, her son sang for the first time ever and he is nineteen years old. The Mayor said that it was a very touching e-mail.

Mayor Andes reported that Morris Plains held their “Patriotic Day” on the first day of their Farmer’s Market and all were dressed in patriotic garb. He said that all of the proceeds from the event went to the Denville Animal Shelter, so our shared animal control services came back to help us. The Mayor noted that the Sunrise Rotary held their Duck Race on Saturday and about 400 competitive ducks were in the water. He said that a good time was had by all. Mayor Andes commented that the firemen are looking for volunteers to help sell 50/50 tickets at the Carnival.

The Mayor reported that Thursday night the Chamber of Commerce is hosting a “Girls Night Out” on Broadway. He noted that next week the Joey Bella Fund will hold their Tricky Tray and Barbecue on the 2nd and 3rd and the expanded fireworks will be held on July 4th. Mayor Andes advised that the band “Function” will be playing before the fireworks and the Morris County Community Band will play during the fireworks.

**ADMINISTRATOR’S REPORT:**
Administrator Ward reported that demolitions have commenced on Riverside Drive. He said that there was a small ceremony last Monday to mark the occasion. Mr. Ward noted that, as of today, 33 Riverside Dr. and 27 Riverside Dr. have been demolished,
the ground has been leveled and stabilization grass seed has been spread on the site. He said that the contractor anticipates that by mid to late July he will have completed the demolition of the first eight (8) properties that we have taken ownership of. Mr. Ward advised that there is a closing tentatively scheduled for July 1st for 24 Riverside Dr., which will give us five (5) consecutive properties along the riverfront. He added that he received word yesterday from one of the seller’s attorneys that the lending institution has given verbal acceptance of the short sale offer. Mr. Ward noted that, as of right now, it seems that we are on track to close on at least ten (10) of the eleven (11) properties that we are seeking to acquire.

Administrator Ward advised that we have also received some preliminary draft plans from the Rutgers Cooperative Extension on the restoration and park that they are going to propose. He said that they also suggested different kinds of plants to be used in the restoration of the riparian buffer.

The Administrator reported that the contractor is moving along very nicely on the Valley View Firehouse project. He said that a construction meeting was held this morning and pilings and trusses will be installed next week. Mr. Ward noted that the contractor is still projecting substantial completion by late August, or early September. He said that the goal is to be able to hold the Firemen’s Inspection there on September 28th. Mr. Ward advised that there are two change orders coming on the project. He said that one of them is a $20,000 reduction in the price which is related to a redundant item in the contract specifications. Mr. Ward noted that the other change order is related to the unsuitable soil that had to be replaced at a cost of $15,000, so the project, at this point is under budget by about $5,000.

Administrator Ward stated that his final item is to congratulate two of our DPW staff members, John Egbert and Tom Andes, who both passed the CPWM course and are now both Certified Public Works Managers. Mr. Ward noted that it is a multi-year intensive course schedule and has a certification exam with a State-wide pass rate which is typically low, often 50%. He said congratulations to both of them and a special thanks to John Ruschke, who served as our licensed Public Works Manager until our staff members acquired that certification.

President Fitzpatrick spoke about the demolition ceremony and commented on how fortunate it was that the residents were taken out safely during the flooding and now they will not have to face that kind of tragedy again. Councilman Kuser interjected that we should give a large vote of thanks to the County for their financial help in making all of this happen.

OPEN PUBLIC PORTION:
Gerry Idec, 1 E. Longview Trail, asked what is meant by “no passing zone” in R-13-141. President Fitzpatrick replied that it is a recommendation from the State Dept. of Transportation. He said that the DOT is requiring this resolution from the Township, in support of this zone on Route 46. Mr. Idec asked what they mean by “no-passing zone”.
Councilman Golinski interjected that he believes it refers to the section west of Route 80 where there is a double yellow line. Mr. Golinski said that when there is a double yellow line on a highway, there is no passing.

Administrator Ward explained that the State wants a resolution from the Township expressing support for keeping the stretch from the Rockaway border to the Route 80 overpass, where there is only one lane in each direction, a no-passing zone.

Mr. Idec then stated that there is a person in his neighborhood who speeds and he wants to know how to handle that.

President Fitzpatrick suggested that Mr. Idec contact the traffic officer in the Police Department.


Administrator Ward replied that it was adopted on June 11th.

Mr. Hussa gave and impassioned argument opposing the removal of the piers from the Rockaway River. He cited their historical value and the many approvals and permits from the State that would be required in order to remove them. Mr. Hussa asked if studies have been done and if the removal of the piers is in the Master Plan.

President Fitzpatrick replied that he will defer to Administration as far as the Master Plan goes. Mr. Hussa amended his statement saying that he meant to say the "historic element" of the Master Plan.

Mr. Fitzpatrick said that, with regard to studies, this was a recommendation in the flood mitigation study that was done by our Township Engineer last year.

Administrator Ward explained that the Township is aware of the need for permits and has met with the DEP and a representative from their historic resources division, who basically laid out exactly what permits and approvals are required in order for the DEP to grant permission. He noted that it was referenced in Phase I of the mitigation study and Phase II will include a hydrology study which will have the measurements as to the impact with and without the piers.

Mr. Hussa asked when the Township is planning to remove the piers.

Mr. Ward replied that we are in the very preliminary stage of the process and there are still permits and permissions to be obtained as well as additional information that DEP is requesting from us before we get to the actual point of removing them.

Councilman Kuser asked Mr. Hussa if he thinks he could get the Canal Society and the Historical Society to maintain and clean the piers on a regular basis.

Mr. Hussa replied that they are all volunteers and he doesn't know if that could happen but he will ask.

Councilman Gabel noted that, after he and a team of fourteen volunteers completely cleaned those piers, only three weeks later, while canoeing in the river with his son, the piers were completely surrounded by debris. He said that something definitely must be done with the piers.

Councilman Scollans advised that during the cleanup last year a crane had to be used to remove trees and debris from the piers.

Mr. Hussa applauded the work of those who were involved with the cleanup but said
that the removal of the piers will not go well with the people of Denville. President Fitzpatrick stated that we have to trust our professionals to give us the right advice.

Jeanette Botti, 73 Mt. Pleasant Tpke., asked for clarification of R-13-142 regarding a settlement between the Township and the Shongum Lake Property Owners. Administrator Ward gave the details leading up to the settlement and noted that the Township will have to be notified in advance if Shongum Lake plans to open their flood gates before a major storm. He said that will give Denville an opportunity to object if they find Shongum Lake's reason for opening them unacceptable.

Brian Walsh, 360 Franklin Road, asked for the location of the property referred to in R-13-147, as being in need of rehabilitation. President Fitzpatrick replied that it is on Estling Lake Road near the train station. He said that it is an old abandoned factory and the Council has discussed an ordinance which would designate the site for rehabilitation. President Fitzpatrick noted that it is a great opportunity for the Township because, by ordinance, the Council can specify what will be permitted to go there. Administrator Ward added that the property met certain qualifications, such as unpaid taxes. He said that the next step will be a change of the zoning to allow this abandoned factory that is in foreclosure to become residential luxury apartments.

Mr. Walsh asked about the houses on Riverside Dr. that the Township bought. He said that they are all on the opposite side of the street from the river. Mr. Ward replied that five are on the river side and six are on the opposite side but they are contiguous to one another. President Fitzpatrick added that all of the homes have been labeled as "severe repetitive loss" homes. He said that FEMA declared that these homes have sustained such loss that they were the only ones that were eligible.

John Walker, 44 Riverside Drive, stated that he was a part of the cleanup group and he does not believe that Denville will be remembered for three piers, two miles downstream. He said that what we do know is that debris backs up on these piers in the middle of the river and they need to be removed. Mr. Walker asked the Council to please take out the piers in order to reduce the flooding as much as possible.

John Cahillane, 15 Freeman Ave., thanked the Council, Clerk, Mayor, Administrator as well as the two former Mayors who were present for their service to Denville. He stated unequivocally that he has loved his twenty years here in Denville. Mr. Cahillane said that he hopes they will greet the new owners of his restaurant as warmly as he was greeted when he came to Denville. He said that he also helped during the floods and it was truly a disaster for those homeowners.

President Fitzpatrick thanked Mr. Cahillane for all of his help and asked him to introduce the new owners of the Rattlesnake Ranch.

Mr. Cahillane introduced Todd Simonds, Edgar Yones and Peter Patel. Each gentleman gave a thumbnail sketch of their experience and noted that they are very happy to be coming to Denville.

John Heubner, 100 Morris Ave., said that, if people care enough about the piers to keep
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them clean, it would solve the problem. He noted that, once they are gone, they are gone forever.  
CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
President Fitzpatrick advised that there will be a discussion regarding the Housing Rehabilitation Program. He asked Mr. Ward to go through some of the options that are available to residents for housing rehabilitation.  
Administrator Ward read from a memo drafted by Kathy Bowditch explaining the Program. A copy of that memo is attached to these minutes. Mr. Ward noted that a brochure has been provided to the Council and is available to the public this evening. A copy of that brochure is also attached to these minutes.  
Mr. Ward cited two specific rehabilitation projects that were recently completed in Denville and advised of the amounts provided by the Township from the Affordable Housing Trust Fund.  
President Fitzpatrick thanked Mr. Ward for his comprehensive explanation of the Program and thanked Kathy Bowditch for attending this evening. He noted that Construction Official Sal Poli has also arrived and is available for questions. Mr. Fitzpatrick then opened the floor for questions from the Council.

Councilwoman Smith asked Ms. Bowditch to describe the condition of the homes that necessitated rehabilitation.  
Ms. Bowditch described the deplorable conditions that existed in the home that was rehabilitated at a cost of $70,000 ($20,000 from the County and $50,000 from Denville). She explained that the home was not increased in size, that is not permitted under this program, but things were brought up to code in order to make the home livable and comfortable for the four (4) residents. Ms. Bowditch added that the residents who benefitted from the project were extremely thankful for the help.  
Mrs. Smith commented that the people had nowhere to go and were living in substandard conditions. She said that it is a good program and the goal is to bring these homes up to a reasonable standard of living which allows them to stay in their own homes.  
Councilman Gabel asked if people learn about this program through Social Services or the Health or Construction Departments.  
Ms. Bowditch explained that our Social Services Director as well as the sub-code inspectors and Construction Official all are aware of this program. She said that, if they run into this kind of condition in a home, they can speak to the resident and provide them with information about the program and give them a brochure explaining it. Ms. Bowditch noted that the biggest hurdle they face is that people are reluctant to allow people from the County to come in and inspect their home. She added that the
program has been well publicized. Councilman Kuser stated that it is a great program but it is unfortunate that it doesn’t cover other things. He spoke of a constituent whose front porch is disintegrating. He said that he doesn’t know if that would fall under this program but it is unfortunate because they don’t have the money to fix it and it is an unsafe situation. Mr. Kuser thanked Kathy Bowditch for coming in and explaining the program so clearly. Ms. Bowditch replied that Mr. Kuser should have resident contact the County because this type of situation may be something that would qualify as a major repair. Councilwoman Loden said that it is a great program and she has constituents as well who may benefit from it. She commented that she will look into it with them. Councilman Golinski said that he has a few questions about the numbers. He noted that the County contributes 1/10 of the available funding of $200,000 to each project so it is important to get the word out quickly in order for our residents to apply. Mr. Golinski asked if people should apply early in the year. Ms. Bowditch replied that she believes that the County is made aware of the amount that they will receive in March or April but she can get a definite answer on that. Mr. Golinski asked about the origin of the money that goes into the Affordable Housing Trust Fund. Administrator Ward replied that it comes from developer’s fees. He said that if anyone makes an improvement or builds a new home, a percentage of the assessed value is contributed to this fund that is dedicated to the development of affordable housing in the Township of Denville. Mr. Golinski commented that the rehabilitation money does not come from the general tax base. Mr. Ware replied that it does not. Attorney Jansen interjected that the important thing to keep in mind is that we have to spend that money. He said that if we don’t spend it, the State will take it to help balance the State budget.

Mr. Golinski asked if it happened that we encouraged our residents to use the program and the County funds were depleted, could we use those funds, under the same qualifying criteria to rehabilitate homes in Denville. Mr. Bowditch replied that her understanding, having never run into that situation, is that somehow we would have to have someone qualify the applicants. She said that, since the applications go to the County, we could ask them to do it, should they inform the applicants that there is no money available. Ms. Bowditch stated that we could then provide the funds and it would just be a matter of having someone o.k. the qualifications. She added that the person qualifying the applications has to be trained in what to look for, besides gross income, so asking the County in that scenario could work.

Councilman Scollans asked if the housing rehabilitation program ties into the Estling Lake property. Administrator Ward replied that it is a completely different situation. Attorney Jansen commented that they both use the word rehabilitation but they are totally unrelated. Mr. Scollans said that he thinks it’s a great program and obviously anything that we can
do to help our residents is a wonderful thing. President Fitzpatrick asked to be given materials about this program to give to residents. Ms. Bowditch replied that the brochure provides all the information on qualifications and gives contact numbers. She said that they must then request the application from Morris County Community Development. Mr. Fitzpatrick asked if the Construction Department has the information to distribute as well as the Social Services Department. He asked for copies of the brochure for the Council and suggested that it go on the web site as well. President Fitzpatrick asked if, once the resident obtains an application, are they then on their own to complete it. Ms. Bowditch replied that the County is available to assist them. She said that they do leave it to the resident to get the three (3) estimates that are required and to make any necessary phone calls. Ms. Bowditch advised that the County can provide a list of contractors who would be willing to give estimates. Mr. Fitzpatrick suggested, since government forms are not always easy to fill out, that perhaps we could ask our Social Services Department to lend a hand in filling out the applications. Ms. Bowditch said that she is sure they get help because she has never had a complaint about filling out the forms. She said that the biggest complaint is having someone come into their house. Councilman Scollans suggested that it would be helpful if this kind of information was given to the Council at least three or four days before the meeting in order for them to read it and understand what it is all about. Administrator Ward interjected that a memo with all of this information was distributed to the Council last week. Councilwoman Smith suggested that the resolution be brought up for a vote at this time and thanked Ms. Bowditch for the work she has done. She said that Kathy could then leave knowing we approved the resolution and be free for the remainder of the evening. President Fitzpatrick replied that he has no problem with doing that.

R-13-153 RESOLUTION AUTHORIZING FUNDS COMMITTED FOR REHABILITATION COSTS FOR CALENDAR YEAR 2012 AND 2013 FROM THE AFFORDABLE HOUSING TRUST FUND TO THE DENVILLE REHABILITATION TRUST FUND

MOTION TO APPROVE R-13-153: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK

President Fitzpatrick thanked Ms. Bowditch for her presence and for the concise information. He also thanked Mrs. Smith for her suggestion to expedite consideration of R-13-153.

ORDINANCE(S) FOR ADOPTION:
#13-13 CAPITAL ORDINANCE FOR VARIOUS IMPROVEMENTS OR
PURPOSES IN THE SUM OF $179,525
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $179,525 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK
President Fitzpatrick asked Administrator Ward for a brief synopsis of this ordinance,
for the benefit of the public.
Administrator Ward advised that the items included in the ordinance were discussed
during the capital section of the 2013 budget. He said that the items are being fully
funded and there are no notes or bonds being issued for the acquisition of items listed
in the ordinance. Mr. Ward then listed the items that are included in the ordinance.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $179,525 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE JULY 3, 2013 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, GOLINSKI, SCOLLANS, FITZPATRICK

#14-13 ADOPT PROPERTY MAINTENANCE CODE
President Fitzpatrick read a portion of the preamble to this ordinance which can be
found in the first paragraph of the ordinance.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE
CODE
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SCOLLANS, SECONDED BY
MEMBER KUSER
AYES: SCOLLANS, KUSER, GABEL, LYDEN, GOLINSKI, FITZPATRICK
ABSTAIN: SMITH
OPEN PUBLIC HEARING:
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The following residents spoke in strong opposition to the Property Maintenance Ordinance. They urged the Council to vote NO on the ordinance and draft a new one that would more clearly address the issues in Denville, rather than adopting an International code.

Patricia Santoro, 5 Kennedy Dr.
John Hubner, 100 Florence Ave.
Carol Spencer, 86 Woodstone Rd.
Carol Daily, 37 Smith Rd.
Ted Hussa, 20 Hewettson Rd.
Ray Baxter, 381 Franklin Rd.
Gerry Idec, 1 E. Longview Trail
Jeanette Botti, 73 Mt. Pleasant Tpke.

Brian Walsh, 380 Franklin Rd., was of the opinion that the ordinance would not really help.
Bob Belz, 7 Memory Lane, spoke in support of the Property Maintenance Ordinance.

Attorney Jansen, during the Public Hearing, explained the circumstances under which the Code Official has the right to enter a home (i.e. with the property owner’s consent or after securing a warrant). He also noted that the violations that are addressed are the ones that are called to the attention of the enforcing official.
Mr. Jansen added that the Township doesn’t have the resources to send someone out to inspect every house in Denville. He said that certainly is not the intent of the Governing Body, as he understands it. Attorney Jansen further explained that there are many issues that are not addressed in the current Code and this ordinance gives the Construction Official an additional tool to address them.

CLOSE PUBLIC HEARING.

President Fitzpatrick advised that the matter will now be open for discussion among the Council.
President Fitzpatrick asked Construction Official Poli to speak about the Property Maintenance Codes in our immediate neighboring communities, in terms of more or less detail versus this code.
Mr. Poli replied that most of the surrounding property maintenance codes were modeled after the IPMC code. He added that most changes were in definitions of terms and titles.
Mr. Poli, in response to a question from President Fitzpatrick, went through the process involved in gaining access to a home, if the owner does not grant permission. The appeal process was also discussed. Administrator Ward interjected that Social Services also gets involved when there is a hardship case and has contacts with many agencies to assist in these cases.
President Fitzpatrick asked Attorney Jansen about what can be enforced.
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Attorney Jansen replied that in all law enforcement there is the exercise of discretion. He said that the first step is the notice of violation. There is then an opportunity to appeal. If there is no effort to comply, a summons would be issued.
Mr. Jansen noted that the penalties, although they may seem severe, are the penalties for a disorderly person's offense, and every ordinance violation in Denville carries those penalties. He added that it does not mean that the Judge is going to impose 90 days in jail for any given offense.
There was additional discussion regarding the imposition of penalties, the types of offenses and the discretion of the Judge in imposing them.
Mayor Andes spoke about his opposition to any property maintenance code until about four years ago. He said that it is his intention, as well as that of Administration, to watch this ordinance very closely and make changes accordingly.
Mr. Poli noted that this ordinance will help him to address issues that he was previously unable to address and will make the quality of life better for the residents.

Councilman Kuser asked if the ICC Code is what we currently follow in the Construction Department. Mr. Poli replied that we use the Uniform Construction Code which is the State law that implements the ICC code, the New Jersey version of it, by reference. He said that all of the sections on building, residential, plumbing, electric and so on are adopted.
Mr. Kuser asked about grandfathering in this code. Mr. Poli replied that under the Uniform Construction Code, Chapter VI is the rehabilitation code, which grants some relief to pre-existing conditions.
There was a brief discussion concerning work being done without proper permits. President Fitzpatrick went through his list of questions asked by the public and answered them succinctly. He said that he is going to set up a new sub-committee, made up of different members than those that served on the two previous sub-committees on this ordinance, and we will review this again in three months.
Attorney Jansen suggested that President Fitzpatrick get a motion to adopt on the floor and he can then have further discussion from the Council before roll call.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE JULY 3, 2013 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER
DISCUSSION: Councilman Kuser commented that the abandoned buildings in Denville may not have gotten to that state if there had been a property maintenance code in place. He said that this is part of the intent of this ordinance. Mr. Kuser spoke extensively about specific properties that have not had any action taken because there
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was no ordinance in place that would provide the Township officials with the tools to do anything. Mr. Kuser urged the Council to pass this ordinance. Councilman Gabel said that he has done a great amount of research on this. He said that he has spoken to his constituents and listened to what they had to say to determine what impact this will have on our town. Mr. Gabel advised that he has come to the conclusion that, although this ordinance is not perfect, it is the best step forward for Denville to provide the proper officials the tools they need to appropriately and respectfully address the properties in our town that need attention. He said that, through vigilant monitoring he knows that the intent of the ordinance will be upheld and not abused. Councilman Gabel stated that he will support the ordinance. Councilman Scollans, noted his experience as a home inspector and explained what a building inspection entails. He said that no building inspector can require a homeowner to meet present day codes. Mr. Scollans stated that he supports this ordinance. Councilwoman Lyden, said that she listened to both sides very carefully and feels that, in the overall scheme of things, this ordinance will be a positive step in protecting the health and safety of all the citizens of Denville. She said that she will support the ordinance.

Councilman Golinski, thanked the public for spending the time in researching this issue and trying to get the problems in their community solved. There was a discussion between Mr. Golinski and Mr. Poli regarding ceiling heights and the fact that one code allows a certain height when the other does not. Attorney Jansen explained that State statutes and regulations supercede local ordinances. Mr. Golinski asked if the Township could create an ordinance that specifically targeted bank-owned properties in severe disrepair and force them into compliance. Attorney Jansen replied that that could not be done. Mr. Golinski asked if single family, owner-occupied homes could be exempt from certain chapters and sections of this ordinance, which would basically keep us out of the interior of owner-occupied homes. Attorney Jansen replied that, if the Council wants to do that, they would have to start over. He said that they cannot make those amendments tonight and go forward. Mr. Jansen advised that they would have to re-introduce the ordinance and re-advertise because those are substantive changes. President Fitzpatrick asked if the ordinance could be amended at a later date. Attorney Jansen responded in the affirmative. Councilman Golinski stated that he is not comfortable supporting an ordinance that he has concerns about. He said he would like to keep working on it. President Fitzpatrick commented that it is very easy to take a position on something and, because of pride, refuse to change it. He said that he has learned, since being on the Council, that he cannot do that. Mr. Fitzpatrick said that he is a Republican and does not want an overbearing government. He noted that, since he has been on the Council and is out talking to people, he realizes that there is a difference between government and community. Mr. Fitzpatrick commented that this ordinance is about a community, not a Federal Government trying to impose on our Constitutional rights.
He said that this is a community that is asking for something. President Fitzpatrick noted that he has completely changed his thinking and is glad that he did. He said that he feels that he is obligated to do what he thinks is the right thing for our town. Mr. Fitzpatrick was passionate in his comments about Denville and how important this ordinance is to improve the quality of life for all residents and assured the public that income from this ordinance was never mentioned in the two and one-half years that this ordinance has been in the making. President Fitzpatrick stated unequivocally that he will support this ordinance because he believes in it.

Councilwoman Smith gave her view of the ordinance and said that she does not believe in passing an ordinance that can’t be enforced, just for the sake of having an ordinance. She said that she is against any property maintenance ordinance and was on the subcommittee reviewing this one. Mrs. Smith noted that the answer to “why should we do this” is that there are situations in town that cannot be fixed. She said that she agrees with the public that there are things in this ordinance that have to be fixed. Mrs. Smith read the preamble to the ordinance. Mrs. Smith stated that she does not like this ordinance and will keep on top of the assurance that there will be another subcommittee to look at it. She said that she would appreciate receiving e-mails from anyone who wants to point out specific items in the ordinance that they feel should be changed. Mrs. Smith advised that she definitely has the strength to say NO, but she feels it would be the wrong thing to do in this situation and she will support the ordinance.

ROLL CALL ON ADOPTION:
AYES: GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK,
NAY: GOLINSKI

ORDINANCE(S) FOR INTRODUCTION:
#16-13 AUTHORIZES VARIOUS CAPITAL IMPROVEMENTS
BE IT RESOLVED THAT AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 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 GOLINSKI, SECONDED BY MEMBER GABEL
DISCUSSION: None.
AYES: GOLINSKI, GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK

BE IT RESOLVED THAT AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 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 7-16-13 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 SMITH, SECONDED BY MEMBER GABEL
AYES: SMITH, GABEL, KUSER, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK

Councilwoman Smith requested that R-13-133 be removed from the Consent Agenda and voted on separately.
President Fitzpatrick agreed to remove it. He asked if anyone else from the public or the Council would like to have anything else removed from the Consent Agenda. No one responded.

CONSENT AGENDA RESOLUTIONS:

R-13-134 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE

R-13-135 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

R-13-137 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES

R-13-138 RESOLUTION TO CANCEL SEWER AND WATER CHARGES ASSESSED AND LEVIED AGAINST CERTAIN PROPERTIES

R-13-139 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A.40A:4-87

R-13-140 RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR IMPAIRED DRIVING ENFORCEMENT PURSUANT TO THE N.J. DIVISION OF HIGHWAY TRAFFIC SAFETY DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN GRANT FROM 8-16-13 THROUGH 9-2-13

R-13-141 RESOLUTION IN SUPPORT OF THE USE OF A NO PASSING ZONE ON ROUTE 46

R-13-142 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN THE MATTER ENTITLED TOWNSHIP OF DENVILLE v. SHONGUM LAKE PROPERTY OWNERS' ASSOCIATION, BEARING DOCKET NUMBER MRS-L-2682-12

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH,
Township Council
6-25-13
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SECONDED BY MEMBER LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, GOLINSKI except R-13-134, SCOLLANS, FITZPATRICK
ABSTAIN: GOLINSKI on R-13-134

NON-CONSENT RESOLUTIONS:
R-13-133 RESOLUTION AUTHORIZING PERSON TO PERSON TRANSFER OF RATTLESNAKE RANCH CAFÉ PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE #1408-33-008-010
MOTION TO APPROVE R-13-133: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, GOLINSKI, FITZPATRICK
REVOKE: SCOLLANS

R-13-144 RESOLUTION AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF DENVILLE FOR 2013-2014
MOTION TO APPROVE R-13-144: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, FITZPATRICK
ABSTAIN: LYDEN, GOLINSKI, SCOLLANS

R-13-145 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY
MOTION TO APPROVE R-13-145: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK

R-13-146 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE
MOTION TO APPROVE R-13-146: MOVED BY MEMBER KUSER, SECONDED BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK

R-13-147 RESOLUTION REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION
MOTION TO APPROVE R-13-147: MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER
AYES: GABEL, KUSER, SMITH, LYDEN, GOLINSKI, FITZPATRICK
NAY: SCOLLANS
R-13-149 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE:
AYES: GABEL, KUSER, SMITH, LYDEN, GOLINSKI, FITZPATRICK
NAY: SCOLLANS
R-13-149 Resolution Requesting Approval of Items of Revenue
And Appropriation N.J.S.A. 40A:4-87

MOTION TO APPROVE R-13-149: MOVED BY MEMBER LYDEN, SECONDED BY
MEMBER GABEL
AYES: LYDEN, GABEL, KUSER, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK
R-13-150 Resolution Amending EI Associates Contract and
Authorizing Change Order #1
MOTION TO APPROVE R-13-150: MOVED BY MEMBER SCOLLANS, SECONDED
BY MEMBER KUSER
AYES: SCOLLANS, KUSER, GABEL, SMITH, LYDEN, GOLINSKI, FITZPATRICK
R-13-151 Resolution Authorizing Agreement with Peter and Paula
Didato for Sewer Lateral Connection to Sewer System
MOTION TO APPROVE R-13-151: MOVED BY MEMBER GABEL, SECONDED BY
MEMBER SMITH
AYES: GABEL, SMITH, KUSER, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK
R-13-152 Resolution Authorizing Agreement for Environmental
Resource Inventory Services
MOTION TO APPROVE R-13-152: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER SCOLLANS
AYES: SMITH, SCOLLANS, GABEL, KUSER, LYDEN, GOLINSKI, FITZPATRICK

MOTION TO APPROVE MINUTES OF 6-11-13: MOVED BY MEMBER GOLINSKI,
SECONDED BY MEMBER KUSER
AYES: GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSTAIN: SMITH, LYDEN

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

MEETING ADJOURNED AT 10:49 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk
MEMORANDUM

TO: Township Council President Gene Fitzpatrick
    Township Council Members

FROM: Kathryn Bowditch, Municipal Housing Liaison

DATE: June 25, 2013

RE: HOUSING REHABILITATION PROGRAM

The Township of Denville provides housing rehabilitation for its citizens through the Morris County Housing Rehabilitation Program, which is funded by an annual grant from the U.S. Department of Housing and Urban Development (‘HUD’). The current year’s grant amount, for all 37 participating Morris County municipalities, is $200,000, which is less than what has typically been received in previous years. This money is available on a first-come, first-serve basis and has been typically been depleted prior to year end.

The assistance provided by this program is in the form of a no interest/no payment, forgivable loan of either 6-years or 10-years, depending upon the amount of money required for assistance. For assistance amounts less than $5,000, the homeowner must remain in the home for at least 6 years, while assistance amounts greater than or equal to $5,000, would require the homeowner to remain in the home for at least 10 years. After the allotted time, the homeowner’s loan is forgiven. The maximum amount provided by Morris County Community Development (‘MCCD’) to each eligible household is $20,000. If repair costs are greater than $20,000, the Township provides the difference from its Affordable Housing Trust Fund, which then becomes part of the forgivable loan obligation.

Residents potentially interested in this program should contact MCCD to request an application and to determine eligibility for participation in the program. The current income limits as well as five general requirements are found in the attached brochure. Residents interested in potentially participating in this program must not enter into any contract or start any repair for which they are seeking funding from this program. Repairs qualifying under this program would be to fix major system failures (i.e. - replacements of roofs, furnaces, electrical upgrades, sewer/water hook-ups, etc) and bring the home into conformance with current codes. It is required that a
representative from MCCD be permitted to enter the residence to determine what repairs are eligible for funding.

Once eligibility is determined, the homeowner shall then obtain three (3) estimates from licensed contractors for the work specified through the MCCD. The most responsible lowest bid is awarded the contract; however the homeowner may choose a higher bid, but would then be responsible to pay any difference in cost. The contractor is required to obtain all necessary permits with the municipality and an MCCD representative ensures all work is completed in accordance with the specifications.

Rehabilitation of homes is a component of the Township’s plan in addressing its affordable housing obligation. The Township receives one (1) credit for each rehabilitation home per year for the number of years the property has the loan (i.e. one unit credit for 6 years for homes with a loan less than $5,000; one unit credit for 10 years for homes with a loan greater than or equal to $5,000).

Since 2000, this program has helped 38 Township residents improve their homes, resulting in hard costs totaling $438,571.50, of which the Township’s contribution from the Affordable Housing Trust Fund was $71,186.00.

The following chart shows the number of rehabilitated homes in Denville each year beginning in 2000 through 2012.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Rehabilitated Homes / Year</th>
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</thead>
<tbody>
<tr>
<td>2000</td>
<td>1</td>
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<tr>
<td>2001</td>
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<td>5</td>
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<tr>
<td>2011</td>
<td>2</td>
</tr>
<tr>
<td>2012</td>
<td>2</td>
</tr>
</tbody>
</table>

If you have any questions, please feel free to contact me.

Attachment (1)

cc: Thomas Andes, Mayor
    Steven Ward, Business Administrator
    Michael Guarino, CFO
The Morris County Community Development Program is funded through the U.S. Department of Housing and Urban Development (HUD). This program is a cooperative effort of the federal government through the Morris County Board of Chosen Freeholders and 37 municipalities to meet housing and neighborhood needs throughout the County. The Housing Rehabilitation Program is only one of the many activities receiving funding through this annual grant.

Does YOUR House Need Work?

A Publication of the Morris County Board of Chosen Freeholders

The Morris County Housing Rehabilitation Program