The Meeting was called to order at 6:34 p.m. by President Kuser. The Salute to the Flag was recited, followed by the reading of the Notice of Public Meetings Act Statement by Deputy Township Clerk Kathy Costello. Mrs. Costello announced that this is a non-smoking facility and requested that all cell phones be muted or turned off.

ROLL CALL: ANDES, FITZPATRICK, SHAW, SMITH, STECKY, KUSER

ABSENT AT ROLL CALL: GOLINSKI

ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, ENGINEER JOHN RUSCHKE AND TOWNSHIP ATTORNEY SEMRAU

R-11-171 RESOLUTION AUTHORIZING CLOSED SESSION - ATTORNEY/CLIENT PRIVILEGE

MOTION TO APPROVE R-11-171: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

Attorney Semrau asked if the topics to be discussed in Closed Session can be identified.

Administrator Ward advised that the topics will be:
- Solid Waste Collection Contract
- Regulator Compliance with DEP at the Ford Road Field
- North Shore Road Wall

AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, KUSER

ABSENT AT ROLL CALL: GOLINSKI

Council went into Closed Session at 6:36 p.m.
Council came out of Closed Session at 7:30 p.m.

Councilman Golinski arrived at 7:04 p.m.

The Regular Meeting was re-opened by President Kuser at 7:36 p.m. The Salute to the Flag was recited followed by an Invocation given by Councilman Fitzpatrick.

LIAISON REPORTS:
Councilman Golinski reported that the Firemen’s Carnival was a great success and he thanked everyone who supported the event.
Councilman Stecky reported that the Sustainable Committee is applying for a grant through the Sustainable NJ organization for the first time since being certified. He said that the grant is being offered by Wal-Mart and the Committee has submitted an application.
Mr. Stecky noted that Mr. Fuertges, of the Beautification Committee, has advised that all the planting is done and all that remains is the maintenance, watering and weeding. He said that it would be helpful if the store owners would maintain the planters that are
Councilman Shaw advised that the Senior Citizens are very pleased with what the town is doing to maintain their building. He said that the air-conditioning improved and the furnace has been replaced. Mr. Shaw noted that it means a lot to them, especially in this kind of weather.

Councilwoman Smith reported that the Community Development Department is conducting a facility monitoring program on places that have received grants. She advised that one is the Fire House on Indian Road and the other is VFW Post 2519. Mrs. Smith noted that the monitoring will be on Wednesday, July 20th at 9:30 a.m. and said that she assumes Mr. Ward will take care of that. She passed the memo to Mr. Shaw in case the VFW has not been notified so that they may be prepared. Mr. Shaw replied that they have been notified and are aware that there will be an inspection in order for Community Development to see how their money was spent.

Councilman Fitzpatrick reported that there has been activity on the Planning Board during the last month. He advised that the Planning Board has approved a new business in the location of the old Second Half Restaurant on Route 53. Mr. Fitzpatrick noted that the business is the Picatinny Federal Credit Union and, at the request of the Planning Board, many accommodations were made by Picatinny before approval was granted. He commented that a lot of residents came out and the Planning Board listened to them and came up with a really good alternate solution. Mr. Fitzpatrick added that the Planning Board is continuing to look at the Master Plan over the next several months. He noted that a lot of our planning is going on under a very old environmental study; he said that a new study is costly but we really have to look at doing it within the next couple of years.

Councilman Fitzpatrick advised that the Library has gone over to summer hours on Saturdays and will be open from 9:30 a.m. to 1:00 p.m. during July and August.

Councilman Andes reported that the June Senior Social was a barbecue and was very well attended. He noted that the Joey Bella event was also a very big success with almost 500 people in attendance.

President Kuser had no report.

MAYOR’S REPORT:
The Mayor thanked Darlene Price, John Ciardi and Steven Ward for their work in connection with the July 4th concert and fireworks. He said that the evening was a smashing success.

ADMINISTRATOR’S REPORT:
Administrator Ward reported that road re-surfacing will begin next week and be done in a couple of phases. He noted that some of the roads to be paved next week will include Hillcrest, Broadway, Freeman, Cedar Lake East and Florence. Mr. Ward advised that Hillcrest is scheduled for Monday and letters are going out to everyone in the neighborhood as well as reverse 9-1-1 notification, wherever possible. He said that
every effort is being made to notify the residents on Hillcrest that they must be out of their homes by 7:00 a.m. on Monday because the road will have to be closed for the paving. Mr. Ward said that they will be paving from the top down as part of a multi-year program to pave all of Hillcrest. He advised that the contractor feels that, weather permitting, the paving can be done in one day on Hillcrest. Mr. Ward reported that Broadway will be paved during the evening hours to avoid any inconvenience to local businesses. He said that the milling will be done one night and the paving after 9:00 p.m. the next night. Mr. Ward advised that milling needs to be done on portions of Broadway to ensure optimal life expectancy for the roadway and that the crosswalk pavers are maintained.

The Administrator reported some personnel updates noting that Dave Johnson will retire as Supervisor in the Road Department on January 3rd, 2012 after 34 years of very faithful and dedicated service. Mr. Ward reported that interviews were conducted for the Social Services Coordinator position vacated upon Grace Predmore’s retirement. He noted that there were several exceptional applicants and an offer of employment was extended to Deirdre Rock, who will begin the first week of August. Mr. Ward noted that, in the interim, Harriet Kelem and Kathy Covert, have been volunteering three days a week and keeping the Food Bank open. He said “hat’s off” to them for their service and dedication to the residents here in town.

The Administrator reported that Health Officer James Norgalis resigned in order to assume that position in Madison. He said that he has filled in with an RHS and a Health Officer on an as needed basis and will commence interviews tomorrow for a Registered Environmental Health Specialist. Mr. Ward advised that he has a couple of very good, attractive proposals that he will be presenting to the Governing Body in August to permanently fill the position of Health Officer by contracting with another public entity. He said that the County has also expressed its interest in providing health services to us.

Administrator Ward stated that at the last meeting he advised the Council that the Chief Financial Officer, Marie Goble will be retiring effective August 31st. He said that the deadline for applications is this Friday and we have some very excellent applicants to interview. Mr. Ward advised that he has spoken with the Mayor and Council President and, since most of the candidates have tenure in their current positions, it was decided that Auditor Ray Sarinelli and Mr. Ward will conduct the interviews and provide a recommendation to the Mayor and Council, if that is acceptable to the Council.

The Administrator noted that there was a water main break on Route 10 in August of 2006 which he learned about through a letter from the State last December. He said that we apparently have been disputing a bill in the amount of $173,000 from the State in connection with that break. Mr. Ward advised that, by pulling out the prevailing wages in 2006 and breaking the project down, hour by hour, he was able to negotiate a reduction of $59,500 on the bill. He said that the final figure is $114,375.00 which is a 35% saving for the town.

Councilman Fitzpatrick asked if, with the re-paving of Broadway, we will be able to re-locate handicapped parking spaces that are located too far from the cross walks.
Mr. Ward replied that Denville Line Painting is set up to do line painting and striping the day after the paving. He said that, as far as the designation of handicapped parking spaces goes, he will defer to Attorney Semrau as to whether or not it must be done by ordinance.

Attorney Semrau replied that it does have to be done by ordinance. Mr. Ward said that it is something we will have to look into.

Mr. Ward added that up-dates on the road paving will be on the web site as far as delays caused by weather or equipment problems are concerned.

Attorney Semrau asked if the problem requiring replacement of the water main was caused by age or some other issue. The Mayor replied it was age.

Mr. Ward added that it was a general maintenance issue but we did not have the equipment or ability to take care of it in-house. He said that it happened on a Saturday night and the State had to come in to make the repairs.

The Mayor interjected that the State really “socked it to us” and gave kudos to Mr. Ward for negotiating to reduce the cost to the Township.

OPEN PUBLIC PORTION:
Gerry Idec, 1 East Longview Trail, asked, with regard to ordinance #13-11, what the minimum and maximum range of salaries are for the Denville employees.

Mr. Ward replied that every position has a different minimum and maximum range.

Mr. Idec stated that it doesn’t read that way and he wants to know what the minimum and maximum range of salary is for people who work for Denville Township.

Mr. Semrau replied that the minimum and maximum are established by ordinance because the Governing Body can establish parameters. Mr. Idec interrupted Mr. Semrau and stated that they don’t want to answer his question. Mr. Semrau replied that he is going to answer it right now. He said that the maximum is the most that an individual can be compensated by way of the Administration.

Mr. Idec then stated that there was an article in the Citizen indicating that the Township wants to hire an Environmental Health Specialist. He asked what that is.

Mr. Ward explained that one of the main functions of an REHS is inspecting food establishments. He said that the former name was Sanitary Inspector but now the title and license that the official holds is Registered Environmental Health Specialist. Mr. Ward noted that the former Health Officer also held that license and could do both jobs.

He said that we are changing the focus and bringing in a REHS full time and contracting out for Health Officer services, which he believes will provide a higher level of service to the municipality. Mr. Idec commented that it is possible that the Township will be hiring both a REHS and a Health Officer.

Mr. Ward replied that, statutorily, we must have a Health Officer and, as he mentioned in his report, there are various entities that have Public Health Officers who are willing to contract out their services. Mr. Ward explained that the salary market for the REHS position is substantially lower than that of a Health Officer. He further explained that we could then have an REHS and contract for a Health Officer at the same, or a lower cost than just a full-time Health Officer.
Mr. Idec asked if the new person will get a car to take home. Mr. Ward replied that he will not. Mr. Idec noted that the Township provides two cars less due to people leaving the employ of the Township. He asked if, when these positions are filled, will the new employees get a car. Mr. Ward replied that they will not.

William Philips, 114 Hillcrest Dr., said that he is speaking for a number of people from Hillcrest Drive. He advised that the topic of concern is the water main ordinance that was just approved, since the residents of Hillcrest Dr. do not feel they are being treated in a consistent manner with regard to the summer water issue. Mr. Philips explained that, for the last 82 years, the residents of Hillcrest Dr. have had water turned on for Hillcrest Drive from April 15th through October 15th. He noted that the residents of Hillcrest do not understand why the Township could not add repairs to the Hillcrest water system to the Beaver Brook bond ordinance. Mr. Philips further explained that there is a misconception regarding summer water, in that, it is assumed that it is used only for swimming pools, watering plants and that type of use. He said that there is one home that does not have any water at all because the summer water has not been turned on. Mr. Philips added that there are quite a few residents who have very poor wells and need a cross-connection to their homes to help prevent the wells from running dry.

Mr. Philips noted that there was a meeting in March of 2010 with the previous Business Administrator, the Water Dept. Manager, the Superintendent of Public works and residents of Hillcrest Drive. He said that topics that were discussed were the repairs to the summer water system, funding shortfall and future options. Mr. Philips noted that the outcome of the meeting was that the residents agreed to pay a surcharge, in excess of $200, per connected household, in addition to regular water fees. He said that the residents also asked, at that time, for an estimate of repairs and the cost to connect to the municipal water system. Mr. Philips noted that there was no response from the Business Office on either of these requests.

Mr. Philips advised that on March 21, 2011 the residents were notified that, unless they paid $50,000 for repairs the summer water system would not be turned on. He said that was three weeks before the system was due to be turned on. Mr. Philips stated that he does not think it is fair to ask residents to come up with $50,000 in three weeks time for a municipal utility that the Township should be maintaining.

Mr. Philips added that a letter was sent to the Business Office on April 14, 2011 with 20 bullet points on it and only two were addressed, the rest were ignored.

Mr. Philips provided the Clerk with a copy of the correspondence he has referenced which is attached to these minutes.

Administrator Ward responded that the condition of the water system on Hillcrest Drive was brought to his attention earlier this year. He said that the cost of bringing it to a minimal operational level was reviewed. Mr. Ward noted that he does not have the file in front of him which would indicate the cost of making the system functional this year. He said that a letter was sent to the property owners who use the summer system and noted that it has deteriorated considerably over the 80-plus years of use.

Mr. Ward advised that he had told the members of the Association that he would look at
the system with the new engineer to try and find a more permanent solution to the water situation up there. He noted that the above-ground system is in a very poor state of repair. Mr. Ward agreed that the criticism that this cost estimate came to them very late in the year is well-founded. He said that he found out about it in late Spring prior to the system coming on and sent the letter advising that it would cost $50,000 to bring it to a basic functional level.

Mr. Philips asked if the people being served by the Route 10 water main that was just discussed are paying for those repairs.

Mr. Kuser explained that everyone who is using Township water pays for that through bonding when there are major repairs.

There was a brief discussion between Mr. Philips and President Kuser regarding the Hillcrest system and whether it is included as part of the Township’s infrastructure. Mr. Philips noted that it was deeded to the town in 1929.

Mr. Philips stated that he is having a problem with the exceptions made for existing infrastructure and the residents of Hillcrest paid a $200-plus surcharge for their water last year, plus the water usage.

President Kuser asked Mr. Ward to have Engineer Ruschke take a look at this situation. He asked if we own this water system.

Mr. Ward replied that the documentation indicates that part of the above-ground piping was deeded over to the town sometime in the 20’s. Mr. Philips said it was 1929.

President Kuser asked if the Association is interested in year-round water.

Mr. Philips replied that was one of the requests made in the original meeting, how much it would cost for year-round water, but no response was forthcoming from the Business Office. Mr. Philips noted that it was going to be $2,000 per household to have the water hooked up this year.

President Kuser asked Mr. Ward to look into this as soon as possible.’

Bob Donaldson, 138 Hillcrest Dr., stated that his father built the water system around 1912. He said that he did some research but the deed is missing and he doesn’t know the terms with regard to responsibility for maintenance. Mr. Donaldson noted that it would be good to at least know what the terms of the transfer of the property were.

Mr. Kuser asked if it is not a fact that the pipes run over and through people’s private property. He said that no actual property was deeded and posed the question, “how do you deed pipes?”.

Mr. Kuser assured the residents that we will get to the bottom of this.

The Mayor interjected that Administration will speak with Marie Goble because she is the one who consulted with the water department when this decision was made.

Sue Lovenberg, 89 Hillcrest Drive, also spoke about the water system and stated that it has never been maintained. She suggested that it could have been replaced a section at a time when the water was turned off. Ms. Lovenberg noted that milling was mentioned for Broadway before the paving is done. She asked if milling will be done on Hillcrest. Mr. Ward and Mr. Ruschke replied that there will not be wholesale milling on Hillcrest. Ms. Lovenberg commented that the paving doesn’t last because it has been patched and paved in sections so many times. She added that the sides of the road
are higher and every time it rains there are deep trenches that undercut the road and it breaks apart. She said that, unless that’s addressed, this paving won’t help.

Mr. Ruschke stated that Hillcrest is more representative of a wide driveway than a municipal road. He said that they are looking at it very carefully because they don’t want premature failures. Mr. Ruschke noted that paving is very expensive and they want it to last. He added that they try to maintain the existing draining patterns because drainage improvements are not part of the project. Mr. Ruschke explained how the road is prepared prior to doing the actual overlay. Ms. Lovenberg spoke about the need to put in something to hold the sides of the road from washing out. Mr. Ruschke asked for a general vicinity and said that he will go and check it out.

President Kuser asked for a contact person for the Hillcrest residents. Ms. Lovenberg replied that a letter to the Bald Hill Association would be wonderful because they will all get the message.

Giuseppe Capozza, 146 Hillcrest Dr., stated that he got the letter about the $2,000 in order to get water. Mr. Capozza said that he paid the $2,000 and nothing happened. He noted that he got a letter back saying that only three people paid the $2,000, so now he has no water.

Al Atkinson, 4 Ironwood Trail, asked for support for the resolution approving the submission of an application for a grant from Sustainable N.J. He said that it took a lot of work to get certification with Sustainable N.J. in order to be eligible for grant money through that organization. Mr. Atkinson noted that the grant money would be used to upgrade the Environmental Resource Inventory or the Natural Resource Inventory. He advised that the upgrade of our current information would cost between $10,000 and $15,000. Mr. Atkinson noted that we have a base of information to start with and it depends on what level you wish to take the Resource Inventory to. He suggested that the Council look at the numerous brochures available through Anjac and read the great volume of information that is there.

Mr. Kuser asked who the Environmental Commission would work with. Mr. Atkinson suggested that it should be the Planner and Administration to submit the grant. Administrator Ward noted that R-11-168 addresses this issue. He said that the grant opportunity just presented itself and, since this is the only meeting in July, he wanted to get it on this agenda. Mr. Ward advised that he used a very rough estimate of $20,000, but based on the meeting today with the Engineer, the Planner and Mr. Atkinson, the $10,000 to $15,000 figure seems to be more realistic. He said that the resolution can be adjusted at the time it is presented to the Council.

Attorney Semrau stated that, with regard to Councilman Fitzpatrick’s comments about updating the Inventory and environmental concerns of the Township, that is exactly what this report will do. He said that it has been twenty years since that has occurred and this will provide the data that Mr. Fitzpatrick was talking about.

Councilman Stecky explained that the Sustainability Committee discussed the availability of grant money and he, as Chairman, researched what kind of projects Sustainable NJ is inclined to fund. He noted that one project with a very high success rate for funding is the Environmental Resource Inventory. Mr. Stecky advised that the
the consensus of the Committee was to target the Inventory in their application. He said that it is generally funded at the $10,000 level. Mr. Stecky commented that he thinks it would be harmful to us to ask for too much.

Mr. Ward advised that the Township had actually set aside a small amount of money for updating the Inventory and, his suggestion is that the town put in a matching dollar amount. He said that always makes grants more competitive if you can put in a 20% match.

Mr. Ward noted that the intention had been to make it a multi-year saving until enough was accumulated to pay for the up-grade and there is $4,000 or $5,000 in there now. President Kuser asked if the request is for the resolution to be for $12,000.

Councilwoman Smith asked if the resolution should be amended to say “an amount up to”.

Mr. Atkinson advised that the program says that they will award 8 - $10,000 grants, 3 - $25,000 grants and 20 - $1,000 grants. He suggested that we shoot for the $10,000 grant and say that we recognize that there will be additional costs of about $2,000 to $4,000 more, which the municipality will meet. Mr. Atkinson noted that, since the funds are available in the budget, we are not jeopardizing anything but are showing a willingness to contribute to the effort.

Franz Fuertges, 109 Ford Road, asked the Council to appoint one of their members to approach the Chamber of Commerce to seek support in maintaining the planters. He advised that the shop owners were asked to tend to the planters in front of their stores, but there are only a few who cooperated. The Mayor interjected that he has sent a letter to the shop owners in two consecutive years.

Mr. Fuertges urged anyone on the Council who has any contact with the Chamber to encourage them to support this effort.

Mr. Fuertges advised that they have large planters that are ready to be put in place. He noted that he has spoken with the Chief of Police and the Chief directed him to the DOT. Mr. Fuertges stated that the DOT gave them a slew of paperwork and the resolution that is required could not be placed on tonight’s agenda because the it was already completed. He said that the resolution should be passed as soon as possible in order for these planters to be placed at the entrances to Denville.

President Kuser asked if we are set with a resolution.

Administrator Ward replied that he is checking with other towns and that Irene Stefanacci, secretary to the Beautification Committee is putting a resolution together. He said that it should be ready for the next agenda.

Mr. Kuser asked if the planters will impede the line of sight at the highway entrances. Mr. Fuertges replied that he is fully aware of the needs and they will not obstruct traffic in any way.

Administrator Ward explained that the basic premise of the resolution is that the Township will maintain the planter while they are out there. He said that a commitment from the municipality is needed to obtain the permits to place the planters.

Councilman Andes noted that he will contact the President of the Chamber of Commerce. Mr. Fuertges advised that the Beautification Committee will have a
meeting at 7:00 p.m. on July 20th and encouraged members of the Council to attend.
CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:
#11-11 AN ORDINANCE APPROPRIATING $50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROPRIATING $50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS 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 GOLINSKI, SECONDED BY MEMBER SHAW
AYES: GOLINSKI, SHAW, STECKY, ANDES, FITZPATRICK, SMITH, KUSER
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 AND STATE OF NEW JERSEY APPROPRIATING $50,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE TOWNSHIP OF DENVILLE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 7-20-11 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SHAW, SECONDED BY MEMBER FITZPATRICK
AYES: SHAW, FITZPATRICK, ANDES, SMITH, STECKY, GOLINSKI, KUSER

Attorney Semrau interjected that with respect to Ordinances #13-11 and #14-11 they are both salary ordinances. He noted that he has advised Mr. Andes to recuse from participating in the vote on #14-11 and the corresponding resolution, but he may participate with respect to the Supervisory Association ordinance, which is #13-11, since in his opinion it does not constitute a conflict of interest.

#13-11 SALARY ORDINANCE FOR MEMBERS OF THE DENVILLE TOWNSHIP SUPERVISING EMPLOYEES’ ASSOCIATION
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES' ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING

BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, SHAW, STECKY, SMITH, ANDES, KUSER

OPEN PUBLIC HEARING:
Carol Spencer, 86 Woodstone Road, asked what the duration of this contract is. Administrator Ward replied that it is a two year contract.
Mr. Kuser noted that it is retroactive. Ms. Spencer asked if it is for 2010 and 2011. Mr. Kuser replied in the affirmative.
Ms. Spencer asked what the raise percentage is for each of those years. Mr. Ward replied that it is 2% for each year. Ms. Spencer asked if steps are included in these contracts. Mr. Ward replied that there is only one contract here and there are no steps. Ms. Spencer noted that there is another salary ordinance to follow. Mr. Ward responded that is correct but it is for confidential employees and they are not contractual employees. Ms. Spencer repeated that there are no steps in this contract. Mr. Ward said that is correct.
Ms. Spencer asked what the impact is of the June 28th legislation, which took effect immediately for those employees who have no contracts.
Mr. Ward replied that, principally, it applied to health insurance benefits and, since none of the contracts were settled at that point, all employees will have to contribute, based on their salary, a percentage of the total cost of their health benefits.
Ms. Spencer commented that, that law will apply. Mr. Ward replied that it will. Ms. Spencer asked if Denville still has N. J. State Health Benefits plan. Mr. Ward said that is correct. Ms. Spencer commented that these ordinances were not published on the Denville Township web site. She said that, as far as she is concerned, they have broken a commitment to the public. Ms. Spencer noted that the prior ordinance that the Council voted on was, in fact, on the web site, but neither salary ordinance was, prompting the questions she just asked. She told the Council that they made a commitment many meetings ago that they would put ordinances that are up for adoption on the web site for the public to view. Ms. Spencer stated that she finds it ironic that there are two ordinances on for adoption that were not published, but the $50,000 ordinance that the Council just adopted, was published on the web site. She said that it would cause someone to wonder about that and noted that there was a full house of people in opposition the last time salary ordinances were on an agenda. Ms. Spencer commented that she will leave it to those to wonder why these were not published. Deputy Clerk Costello asked Mr. Kuser if she might answer Ms. Spencer’s question. 

Township Council
Mrs. Costello explained that the Clerk has been out for the past six weeks with a severely fractured arm. She said that she has stepped in and tried to take her place, which is impossible, and if there was a glitch, or a foul-up it was hers. Mrs. Costello noted that the ordinances were published in the paper and, if they were not on the web site it was her error.

Ms. Spencer replied, “with all due respect, I’ve done your web site, I’ve sat in your shoes, Council people, I’ve sat in Ted’s shoes and there are more people than Kathy who can put these things on the web site.” She stated that every one of the Council should have checked to see if it was there. Ms. Spencer addressed Mrs. Costello and said that she appreciated that Mrs. Costello was willing to take the fall, but there are seven Council members sitting up there, who should have checked to be sure that their constituents knew these ordinances were coming up.

Ms. Spencer became quite irate and spoke about unemployment, foreclosures and sheriff’s sales. She noted that her father got no raise in his Social Security and she is a County employee and received a 0% raise. Ms. Spencer added that she is not subject to collective bargaining, she is a Freeholder list employee, but is subject to the June 28th legislation and did not get a 2% raise. Ms. Spencer spoke at length about her reasons for opposition to the salary increase. She concluded by telling the Council that they have broken faith with the public and they have to shoulder the blame for this salary increase.

CLOSE PUBLIC PORTION.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES’ ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 7-20-11 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
DISCUSSION: Councilman Golinski agreed with Ms. Spencer’s comment that this really should have been on the web site. He told the Deputy Clerk that he appreciated her speaking up about it but, as a Council and Administrator, we need to institute some checks and balances to see that it doesn’t happen again. He said that, whether or not it is an innocent mistake, it doesn’t look right.

Mr. Ward commented that he bears responsibility as well and does not want Kathy to bear the entire burden of responsibility.

Attorney Semrau added, for the record, that he is not disputing what happened, or didn’t occur but, from a legal perspective, the ordinance was introduced at a public meeting and it was also advertised that it would be addressed and potentially adopted at this meeting and there would be a public hearing. He added that the ordinance is Township Council
always available before adoption at the Clerk's office, free of charge, for anyone who requests it. Mr. Semrau noted that, again, he is not disputing what happened, but feels that it is important that the record reflects that.

Councilman Stecky said that he would also like to get something on the record. He stated that about a year and a half ago, when the Council was originally approached with 3.5% proposed increase, he was the one who pushed for a no vote for that introduction. Mr. Stecky said that ultimately others followed him and he reminded everyone that the original contract proposal was for four years at 3%, 3%, 3.5% and 3.5%. He commented that he feels that the 2% was the best we could get based on "all the stuff that was going on". Mr. Stecky noted that he does not like the 2% but will support it because he thinks it is the best that the Council could get. He advised that the contract ends in December of 2011 and the new Council in January will have to answer to the residents.

President Kuser commented that it is very important that we settle the contracts now. He said that, if we settle all the contracts with the new tool kit that was presented to us, the next few years will be basically zero increases with steps. Mr. Kuser advised that the contract was recommended by Administration, our Attorney and Labor Attorney and it makes a lot of sense. Mr. Kuser reiterated that it is important for us to enter into a contract. He noted that it is very important in the big picture and explained the 2% salary cap, stating that there will be zero increases for the next two or three years.

Mr. Ward advised that the hard cap affected contracts that ended after January 2010 and ours ended December 31st, 2009 so we didn’t fall into the hard cap. He said that with these contracts we will fall into the hard cap.

Councilman Fitzpatrick noted that this has gone on for a very long time and collectively, as a Council and Administration, regardless of anything that went on, we came to the best thing that we could do and he will support it as well.

AYES: GOLINSKI, FITZPATRICK, SHAW, STECKY, ANDES, SMITH, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES, VACATIONS, HOLIDAYS AND OTHER WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING AGREEMENT
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, SMITH, SHAW, STECKY, KUSER
RECUSE: ANDES
OPEN PUBLIC PORTION:
Carol Spencer, 86 Woodstone Road, stated that the same comments that she made on the last ordinance apply here as well. She added that these are the employees who are not covered by collective bargaining, not the people who sit across the table and have a union. Ms. Spencer said that the Council could show some leadership here and not give 2% to these employees, who are some of the highest paid employees, just because they gave it to the supervisors. Ms. Spencer again spoke angrily about Social Security recipients and County employees receiving zero percent increases. She insisted that the Council should have set a policy of zero percent raises with this contract to demonstrate that the new contract that will be negotiated very soon will have zero percent raises. Ms. Spencer noted that there are three other unions and asked where they are. The Mayor replied that they are unsettled.
Gerry Idec, 1 East Longview Trail, said that he disagrees with Ms. Spencer’s comments. He noted that, if the union employees get 2%, the non-union employees also deserve the 2%. Mr. Idec commented that “what’s good for the goose, is good for the gander”.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES, VACATIONS, HOLIDAYS AND OTHER WORK CONDITIONS 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 FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 7-20-11 ISSUE OF THE CITIZEN
MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, SMITH, SHAW, STECKY, KUSER
RECUSE: ANDES

ORDINANCE(S) FOR INTRODUCTION:
#12-11 ORDINANCE REPEALING SECTION 2-22.4, LOCAL ASSISTANCE BOARD, AND AMENDING SECTION 2-21.4, DIVISION OF SOCIAL SERVICES, OF THE REVISED GENERAL ORDINANCES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING SECTION 2-22.4, LOCAL ASSISTANCE BOARD, AND AMENDING SECTION 2-21.4 DIVISION OF SOCIAL SERVICES, OF THE REVISED GENERAL ORDINANCES
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER ANDES, SECONDED BY MEMBER FITZPATRICK
DISCUSSION: No one wished to be heard.
AYES: ANDES, FITZPATRICK, SMITH, SHAW, STECKY, GOLINSKI, KUSER
Township Council
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING SECTION 2-22.4, LOCAL ASSISTANCE BOARD, AND AMENDING SECTION 2-21.4 DIVISION OF SOCIAL SERVICES, OF THE REVISED GENERAL ORDINANCES
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 8-16-11 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 SHAW, SECONDED BY MEMBER GOLINSKI
AYES: SHAW, GOLINSKI, ANDES, FITZPATRICK, SMITH, STECKY, KUSER

#15-11 AMENDING AND SUPPLEMENTING CHAPTER 19, OUTDOOR STORAGE
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 19, LAND USE REGULATIONS, SECTIONS 19-1.2, DEFINITIONS, AND 19-5.714, OUTDOOR STORAGE, OF THE REVISED GENERAL ORDINANCES
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES
DISCUSSION: Councilwoman Smith noted that many times when amendments to ordinances are created, it presents the opportunity to review the ordinance as it was written. She said that, on occasion, an interpretation of some part of the ordinance can be harmful. Mrs. Smith noted that her interpretation of a section of this ordinance was that, if you had a car parked in the front of your house, in your driveway, it would be a violation of the outdoor storage ordinance. She read the revised section concerning registered vehicles in residential zones that makes it clear that cars can be parked in the driveway.
Councilman Fitzpatrick commented that he doesn’t think we should have cars parked on lawns. Mrs. Smith stated that it says, “parked on pavement or driveway area of residential lots”. Mr. Fitzpatrick asked if we could add language that states “within any residential zone, all motor vehicles should be parked in applicable parking spot, pavement or driveway”. Mr. Andes noted that there are situations where there is not enough parking space for the number of vehicles in the household and people park
along side the house, on the lawn.
Mr. Kuser noted that this portion of the ordinance was not changed; the sub-committee dealt with the commercial outdoor storage. He said that it comes down to having common sense for our zoning officials.
Attorney Semrau said that he thinks this is a good fit and to put this in while we are revisiting the ordinance. He noted that from here, if cars are parked on the lawn then the outdoor storage would trigger. Mr. Semrau commented that, at least now, we have addressed the concern that seemed to be missing from the ordinance.
AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING SECTION 2-22.4, LOCAL ASSISTANCE BOARD, AND AMENDING SECTION 2-21.4 DIVISION OF SOCIAL SERVICES, OF THE REVISED GENERAL ORDINANCES
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 8-16-11 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.
Councilwoman Smith noted that the Deputy Clerk said August 18th but meant August 16th. Mrs. Costello thanked Mrs. Smith commenting that the correct date is on the ordinance, she just misspoke.
MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES
AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

#17-11 AMENDING AND SUPPLEMENTING CHAPTER 8, PARKING LOTS AND PARKING METERS WITH THE ADDITION OF SECTION 8-4, COOK’S POND SENIOR HOUSING PARKING LOT, OF THE REVISED GENERAL ORDINANCES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 8 PARKING LOTS AND PARKING METERS, WITH THE ADDITION OF SECTION 8-4, COOK’S POND SENIOR HOUSING PARKING LOT, OF THE REVISED GENERAL ORDINANCES
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
ANDES
DISCUSSION: No one wished to be heard.
AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 8 PARKING LOTS AND PARKING METERS, WITH THE ADDITION OF SECTION 8-4, COOK’S POND SENIOR HOUSING PARKING LOT, OF THE REVISED GENERAL ORDINANCES 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 8-16-11 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 ANDES
AYES: SMITH, ANDES, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

#18-11 ORDNANCE REPEALING A CERTAIN PORTION OF CHAPTER 19, LAND USE REGULATIONS, ARTICLE I, GENERAL PROVISIONS, SECTION 19-1-402, BOARD OF ADJUSTMENT FEES, OF THE REVISED GENERAL ORDINANCES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING A CERTAIN PORTION OF CHAPTER 19, LAND USE REGULATIONS, ARTICLE I, GENERAL PROVISIONS, SECTION 19-1.402, BOARD OF ADJUSTMENT FEES, OF THE REVISED GENERAL ORDINANCES BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER ANDES, SECONDED BY MEMBER SMITH
AYES: ANDES, SMITH, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 8 PARKING LOTS AND PARKING METERS, WITH THE ADDITION OF SECTION 8-4, COOK’S POND SENIOR HOUSING PARKING LOT, OF THE REVISED GENERAL ORDINANCES 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 DENVILLE ON 8-16-11 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 ANDES, SECONDED BY MEMBER SMITH
AYES: ANDES, SMITH, FITZPATRICK, SHAW, STECKY, GOLINSKI, KUSER

President Kuser asked if anyone from the Council, or the public, would like to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-11-154 RESOLUTION AUTHORIZING ADOPTION OF THE TOWNSHIP OF DENVILLE AUDIT REPORT FOR 2010
R-11-155 RESOLUTION TO EXTEND THIRD QUARTER 2010 PROPERTY TAX DUE DATE
R-11-156 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-11-157 RESOLUTION AUTHORIZING RAFFLE LICENSE(S) IN THE TOWNSHIP OF DENVILLE
R-11-158 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, ANDES, SHAW, STECKY, GOLINSKI, KUSER

NON-CONSENT RESOLUTIONS:
R-11-149 RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT TO INTEGRA REALTY RESOURCES FOR APPRAISAL SERVICES RELATING TO THE 43 SMITH ROAD PROPERTY, BLOCK 11101, LOT 3

MOTION TO APPROVE R-11-149: MOVED BY MEMBER ANDES, SECONDED BY MEMBER GOLINSKI
AYES: ANDES, GOLINSKI, FITZPATRICK, SMITH, STECKY, KUSER
NAY: SHAW

R-11-159 RESOLUTION AUTHORIZING THE SIGNING AND EXECUTION OF THE
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND THE DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES’ ASSOCIATION

MOTION TO APPROVE R-11-159: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER ANDES
AYES: GOLINSKI, ANDES, FITZPATRICK, SMITH, SHAW, STECKY, KUSER

R-11-160 RESOLUTION ESTABLISHING 2010 AND 2011 SALARIES FOR CERTAIN TOWNSHIP OF DENVILLE EMPLOYEES NOT GOVERNED BY COLLECTIVE BARGAINING AGREEMENTS

Councilman Andes advised President Kuser that he will recuse himself from this vote.

MOTION TO APPROVE R-11-160: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
AYES: FITZPATRICK, GOLINSKI, SMITH, SHAW, STECKY, KUSER

Councilwoman Smith noted that there was a provision in there that the Unfair Labor Practice charge would be withdrawn. Mr. Ward noted that, that provision was in the Supervisory Employees resolution. Mrs. Smith replied she just wanted to point out that there is more to the 2% than just 2%. Mr. Ward commented that R-11-159 is the one to which Mrs. Smith is referring.

SHAW, STECKY, KUSER
RECUSE: ANDES

R-11-161 RESOLUTION AUTHORIZING GRANT APPLICATION FOR THE 2011 STATE BODY ARMOR REPLACEMENT FUND

MOTION TO APPROVE R-11-161: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER ANDES
AYES: FITZPATRICK, ANDES, SMITH, SHAW, STECKY, GOLINSKI, KUSER

R-11-162 RESOLUTION AUTHORIZING APPLICATION FOR THE 2011 UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP GRANT

MOTION TO APPROVE R-11-162: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
AYES: FITZPATRICK, GOLINSKI, ANDES, SMITH, SHAW, STECKY, KUSER

R-11-163 RESOLUTION REFUNDING THE PAYMENT OF OVERPAID TAXES DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY IN THE

MOTION TO APPROVE R-11-163: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH
AYES: GOLINSKI, SMITH, ANDES, FITZPATRICK, SHAW, STECKY, KUSER

R-11-164 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY IN THE
AMOUNT OF $29,274.94
MOTION TO APPROVE R-11-164: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH
AYES: FITZPATRICK, SMITH, ANDES, SHAW, STECKY, GOLINSKI, KUSER

R-11-165 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY IN THE AMOUNT OF $5,377.41
MOTION TO APPROVE R-11-165: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH
AYES: FITZPATRICK, SMITH, ANDES, SHAW, STECKY, GOLINSKI, KUSER

R-11-166 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY IN THE AMOUNT OF $2,692.73
MOTION TO APPROVE R-11-166: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH
AYES: FITZPATRICK, SMITH, ANDES, SHAW, STECKY, GOLINSKI, KUSER

R-11-167 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY IN THE AMOUNT OF $40,179.04
MOTION TO APPROVE R-11-167: MOVED BY MEMBER SHAW, SECONDED BY MEMBER ANDES
AYES: SHAW, ANDES, FITZPATRICK, STECKY, GOLINSKI, KUSER
NAY: SMITH

R-11-168 RESOLUTION AUTHORIZING THE APPLICATION FOR A SUSTAINABLE JERSEY GRANT FUNDED BY WAL-MART
MOTION TO APPROVE R-11-168: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI
Councilwoman Smith asked if this resolution is being amended to an amount of $10,000. Mr. Ward said that is correct.
MOTION TO APPROVE R-11-168, AS AMENDED: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER GOLINSKI
AYES: FITZPATRICK GOLINSKI, ANDES, SMITH, SHAW, STECKY, KUSER

R-11-169 RESOLUTION AWARDING THREE (3) YEAR CONTRACT FOR RESIDENTIAL SOLID WASTE COLLECTION TO WASTE MANAGEMENT OF NEW JERSEY, INC.
MOTION TO APPROVE R-11-169: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES
DISCUSSION: Councilman Golinski asked why we have R-11-169 and R-11-170 on the
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agenda. President Kuser noted that Mr. Golinski was not present for that discussion. Attorney Semrau explained that there were bids with alternatives, one-year and three-year, that were being evaluated by Administration. He further explained that there were objections by the two lowest bidders to the award of the contract. Mr. Semrau noted that both resolutions were listed tonight and, after a recommendation by Administration, and after legal review, to move R-11-169, which is before the Council and then to withdraw R-11-170.

AYES: SMITH, ANDES, FITZPATRICK, STECKY, GOLINSKI, KUSER
NAY: SHAW

R-11-170 RESOLUTION AWARDING A ONE (1) YEAR CONTRACT FOR RESIDENTIAL SOLID WASTE COLLECTION TO BLUE DIAMOND DISPOSAL, INC.
MOTION TO WITHDRAW R-11-170: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, ANDES, STECKY, GOLINSKI, KUSER
NAY: SHAW

MOTION TO APPROVE MINUTES OF 5-17-11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, ANDES, SHAW, STECKY, FITZPATRICK, KUSER

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

MEETING ADJOURNED AT 9:19 P.M.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk