The Meeting was called to order at 7:32 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Gabel. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello reminded everyone that this is a non-smoking facility and asked that all cell phones be silenced.

ROLL CALL: KUSER, GABEL, GOLINSKI, LYDEN, SCOLLANS, SMITH, FITZPATRICK
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSSEN AND TOWNSHIP ENGINEER RUSCHKE

CEREMONIAL MATTERS AND/OR PRESENTATIONS

President Fitzpatrick explained that there is a vacancy on the Board of Adjustment and two (2) residents have volunteered to fill that position. He further explained that the current alternate members will move up and the newly appointed member will become the Second Alternate. President Fitzpatrick said that the new member will fill the unexpired term of Alternate #2. He noted that the candidates will be interviewed this evening, a choice will be made by the Council and the new member will be sworn in this evening. President Fitzpatrick thanked the candidates for their generosity in offering to serve on the Board of Adjustment.

President Fitzpatrick said that each candidate will be asked the same series of questions. He noted that one candidate will be asked to wait outside of the Council Chambers while the other candidate is interviewed. President Fitzpatrick advised that the Council will briefly discuss the qualifications of each candidate and vote to appoint one of them.

The two (2) candidates to be interviewed were Dr. William Zois and Mr. Timothy Fisher.

The following questions were asked of Dr. Zois:
1. Why do you feel you are the best candidate for this position?
2. What do you see as your role as a member of the Bd. of Adjustment?
3. Do you have any other special qualifications to bring to the position?
4. Can you meet the requirements of attendance at Board of Adjustment meetings on the first and third Wednesdays of the month, do site inspections and attend Land Use classes?

Dr. Zois responded as follows:
1. Dr. Zois spoke of the various committees that he served on and noted that he previously served on both the Planning Board and the Board of Adjustment. He said that he is anxious to get involved again and volunteer his services.
2. Dr. Zois replied that he understands that he would have to be available to vote in the event that the full complement of the Board was not available. He said that...
he is aware that he would have to visit properties and evaluate what people want to do with their property.

3. Dr. Zois noted that he is a physician and lives with pressure on a daily basis.
4. Dr. Zois replied that it would be no problem for him to fulfill all of the requirements.

President Fitzpatrick asked if there is anything that Dr. Zois would like to add. Dr. Zois responded that he just thinks that he is a good candidate. He said that he feels that he brings a lot of experience to the Board.

Councilman Gabel asked Dr. Zois to explain how he would handle having to make an unpopular decision. Dr. Zois replied that he would vote for what is best for the town and the neighborhood and sometimes that is not a popular decision. He added that the advice of our professionals should also be taken into account.

President Fitzpatrick thanked Dr. Zois and asked that Mr. Fischer be sent in for his interview with the Council.

President Fitzpatrick asked Mr. Fischer the same questions that were asked of Dr. Zois. Mr. Fischer gave the following responses:

1. Mr. Fischer said that he looks at this opportunity as a way of giving back to the town. He mentioned several volunteer activities that he has taken part in and noted that the Board of Adjustment intrigues him. Mr. Fischer said that the Board is a way for people to deal with issues that do not conform to the town’s Land Use ordinances.

2. Mr. Fischer replied that he feels that his role, in the beginning, would be to listen and learn.

3. Mr. Fischer noted that he is a businessman in town and, secondarily, works in the field of real estate. He said that he feels that the combination of the two give a good rounding to what he can bring to the Board.

4. Mr. Fischer responded that he can meet all of the requirements for this position.

President Fitzpatrick asked Mr. Fischer if there is anything that he would like to add. Mr. Fischer replied that he would just like to thank everyone for the opportunity to apply for the Board vacancy.

Councilman Gabel asked Mr. Fischer to explain how he would handle having to make an unpopular decision. Mr. Fischer replied that he would go with what is best for the town and what the board decides or recommends as a whole.

President Fitzpatrick thanked both candidates for their interest and willingness to volunteer.

MOTION TO SELECT TIM FISCHER TO FILL BOARD OF ADJUSTMENT VACANCY:
MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
AYES: GOLINSKI, GABEL, SMITH, KUSER, LYDEN, SCOLLANS, FITZPATRICK
Township Council
Attorney Jansen read the following resolution:

R-13-153A RESOLUTION APPOINTING MEMBERS TO THE ZONING BOARD OF
ADJUSTMENT

BE IT RESOLVED by the Municipal Council of the Township of Denville that the
following appointments to the Zoning Board of Adjustment are hereby made:

• Tom Dolan is appointed to fill the unexpired term of former Regular
Member Sean Ryan (2016)
• Susan Richter is appointed to fill the unexpired term of former Alternate #1
Tom Dolan (2013)
• Timothy Fischer is appointed to fill the unexpired term of former Alternate
#2 Susan Richter (2014)

MOTION TO APPROVE R-13-153A: MOVED BY MEMBER GOLINSKI, SECONDED
BY MEMBER GABEL
AYES: GOLINSKI, GABEL, SMITH, KUSER, LYDEN, SCOLLANS, FITZPATRICK
Township Clerk Donna Costello then administered the Oath of Office to Timothy
Fischer.

PRESENTATION BY TOWNSHIP ENGINEER RUSCHKE ON DOWNTOWN STREET
SCAPE IMPROVEMENTS PHASE I - NJDOT ENHANCEMENT GRANT

Engineer Ruschke noted that the Township has received a grant from the N. J. Dept. of
Transportation, in the amount of $288,000.00. He said that the grant was authorized
and identified as funding for Phase I Street Scape Improvements on Broadway. Mr.
Ruschke added that the Phase I targeted area is Diamond Spring Road to First Avenue
and Phase II will be from First Avenue to the intersection with Bloomfield Avenue. He
said that the Administration proposed that we apply to the DOT for Phase II this year,
with the hope of completing Broadway within a relatively short period of time.
Mr. Ruschke advised that there have been numerous meetings with various groups who
have an interest in how this project should be done. He said that there is an interest in
maintaining the existing corridor that Broadway offers. Mr. Ruschke said that the
concerns of the Police Department regarding traffic and parking were given
considerable attention.
Mr. Ruschke noted that, keeping with the same configuration of the sidewalk, the
proposal is as follows:

1. The existing curb would be replaced with a new concrete curb.
   A utility corridor - a four (4) foot strip along the sidewalk, will be created. The
   street lighting would be upgraded within that corridor, which is a substantial
   portion of the cost. Two types of lighting are being proposed: A. higher fixtures
   with extending arms; B. smaller fixtures to be placed between the type A poles.
2. Maintain and modify existing sound system.
3. Replace landscaping: remove existing trees and replace with flowering trees.

Township Council
4. Utility strip will have concrete pavers and the remainder of the sidewalk will remain the responsibility of the property owners, as is indicated in our current ordinance.

5. Administration will be proposing some modifications to the current street opening ordinance. Sidewalk pavers would then have to conform in color and pattern. This is being looked at for a future date.

6. The smaller utility poles will have two flowering baskets, a connection for the speaker system and an outlet to accommodate Holiday lights.

President Fitzpatrick commented that it looks like a great plan and he appreciates their getting it all together for this meeting. He said that it is critical that our downtown area be top of the line because everything funnels down from that. President Fitzpatrick suggested that lighting is crucial and he thinks it should be energy efficient but with a soft light not a harsh light. He offered information about a web site for an organization, called The International Dark Sky Association, that specializes in lighting of all kinds.

Mayor Andes thanked Mr. Ruschke for his presentation and noted that he covered just about everything that they have discussed. He said that the two things Mr. Ruschke did not mention are American flag brackets and the possibility of an automatic watering system. The Mayor noted that the grant writer that was retained last year is responsible for acquiring this grant. He advised that our matching portion is $60,000.00, for a total of $348,000.00. Mayor Andes commented that we are lucky in that we are starting this project using other people’s money. He added that it is imperative that we continue it over the next few years and it is his goal that we do all of the streets in the downtown area and complete the project in this decade. Mayor Andes advised that Denville will be applying for two grants this year - one from the DOT and one from the Federal Government. He said that this grant is from the Federal Government but through the NJDOT.

The Mayor commented that when meetings were held with Rutgers and with Seton Hall the goal was to have a plan that was not a cookie cutter of every other town. He said that we want to have a downtown that is unique, warm and welcoming. Mayor Andes stated that he thinks they have come up with a good plan in Phase I and he will be asking for the Council’s commitment to continue this, certainly for next year, and then ongoing until the downtown is completed. He asked Mr. Ruschke to explain the color scheme that is being planned.

Mr. Ruschke said that the fixtures will be a green, similar to the clock tower, with gold trim around the poles. He advised that the lights will be LED for cost efficiency. Mr. Ruschke noted that the energy cost of the lights will be different than the current plan under which we pay a flat fee to the utility company for street lights. He said that under the new service we will pay a utility bill for actual light usage which, with the use of LED lighting, may result in a cost savings.

Mr. Ruschke spoke about installing trees in-house and keeping the uniformity of size by purchasing all of the trees, Phase I and Phase II, at the same time and storing the Township Council
Phase II trees in a greenhouse until they are needed.
Administrator Ward interjected that there were meetings with numerous groups who currently have a hand in maintaining the downtown area to get their input. He said that two other groups, the Chamber of Commerce and the Economic Development Committee, also met with Administration. Mr. Ward noted that the Chamber expressed a desire to make an investment in upgrading the holiday decorations. He said that the snowflakes will not work with the new lights and the Chamber and Economic Development Committee are comfortable with that. Mr. Ward noted that what will work is a wreath and the Chamber and Economic Development Committee are quite excited about that, as well as holiday-themed banners.
President Fitzpatrick opened the floor for questions from the Council.
The Council members asked question concerning the following aspects of the plan:
- Use of solar panels
- Types of trees to be used and the height of the trees
- Sidewalk and street width
- Parking - handicapped as well as the number of spaces
- Possibility of a watering system
- Possibility of Wi-fi in the downtown area
- Replacement of trash receptacles to conform with new color scheme
- Time-frame for completion of Phase I
- Bike lanes
- Color and pattern of pavers
All of the Council’s questions were addressed and explained by Mr. Ruschke.
Administrator Ward advised that there is a resolution on tonight’s agenda to award the design service phase of the project to John Ruschke and Hatch Mott MacDonald to put this in bid specification form. He said that there will probably be a request to go out to bid submitted to the Council in September with a bid award made in October or November. Mr. Ward added that it is anticipated that construction will begin in the winter or early spring and be completed in time for the Memorial Day Parade in 2014.

President Fitzpatrick called for a brief recess at 8:39 p.m.
The Meeting resumed at 8:43 p.m.

LIAISON REPORTS:
Councilman Gabel reported that the Events Committee kicked off their Centennial Treasure Hunt which will run through September 7th. He said that details are on the web site and it is a fun family activity.
He noted that the Triathlon is slated for Sunday, August 11th. Mr. Gabel advised that there was no Board of Education meeting to report on.
Councilman Kuser had no report.
Councilwoman Smith had no report.
President Fitzpatrick reported that there will be a meeting of the Mayor’s Advisory Township Council
Committee on Rivers and Streams tomorrow, Tuesday, July 17th at 6:30 in the Municipal Building. He said that the meeting is open to everyone and volunteers are always needed and are most welcome.

Mr. Fitzpatrick noted that he sent an e-mail to the Mayor and Administrator regarding the condition of some of the roads along the route for the Triathlon. He said that there are some potholes that perhaps DPW could patch and also do a good sweeping of the route before the race.

Councilwoman Lyden left the meeting at 8:45 p.m. Mrs. Lyden had a car accident earlier in the evening and, as a result, was experiencing a good deal of discomfort.

Councilman Golinski had no report.

Councilman Scollans reported that the Senior Social held on June 29th was well attended and Mark Venis and his crew did their usual fine job. He said that the next Senior Social will be in September.

Mr. Scollans noted that the Rockaway River Cabinet will continue to function. He said that there are seven municipalities that have committed to support the program. Mr. Scollans stated that there is a possibility that more towns will become involved now that there is a more dedicated program. He said that the Committee membership is asking each town to pass a resolution stating that they want to support the program and to provide a liaison to the Committee. Mr. Scollans added that he is filling that role right now for Denville. He said that he asked the Council President to initiate such a resolution. President Fitzpatrick asked Mr. Scollans if he has a sample resolution and said that he agrees that it would be a good thing to do. He asked Attorney Jansen for his input.

Attorney Jansen commented that it would be logical, since the Rockaway River Cabinet is proposing such a resolution for the Council to adopt, that they come up with a format that they would like to see used. He said that it should address the various issues that they have. Councilman Scollans stated that he will reach out to them. He said that the meetings have been moved from the third Monday to the fourth Thursday of the month.

MAYOR’S REPORT:

Mayor Andes reported that the Chamber of Commerce ran an event in June called “Girls Night Out”. He said that they had food and a sampling of adult beverages from store to store. The Mayor said it was very successful and he would suspect that we will see it again. He noted that the Joey Bella Fund held its annual events which were also very successful.

Mayor Andes commented that Gardner Field was packed on the 4th of July and the music was great. He said that at 9:30 p.m., right on schedule, the band, Funktion, finished up, the brass band took over with patriotic music and the fireworks started. The Mayor said that the fireworks were great but they ended in half the time for which we had contracted. He said that they are investigating what transpired with regard to the short fireworks program. The Mayor noted that the Township stopped payment on Township Council
the second check that was given to the company for the fireworks. He said that the day after the event he put out an apology on all segments of the social media.

Mayor Andes reported that the Junior Police Academy is being held this week and the graduation will be held at the Vo-Tech School on Friday at 1:00 p.m.

The Mayor noted that the Women’s Club is holding a fundraiser at the River Barn on Green Pond Road on Wednesday evening. He added that August 3rd will be Sri Lanka Day and Recreation Director Bogardus is organizing teams for softball, cricket and rugby games.

Mayor Andes spoke about the Treasure Hunt and explained that it starts in the downtown area and lays out a route through the community.

**ADMINISTRATOR’S REPORT:**

Administrator Ward advised President Fitzpatrick that a work order has been put in at DPW to patch any holes along the route of the Triathlon.

Mr. Ward noted that, with respect to the Riverside Dr. flood buyouts, we have now acquired eight of eleven homes. He said that we have no firm closing dates on the last three but there is considerable activity between our attorney’s office, the sellers’ attorneys and the banks on two of the remaining three.

The Administrator advised that the Valley View Firehouse project is on schedule for completion in late August or early September. He said that the goal has always been to have a CO or TCO by September 29th for the Inspection Dinner. Mr. Ward noted that there are two change orders to this contract on tonight’s agenda and advised that the net impact on the contract is zero. He explained that one decreases the contract and the other increases it, both by $20,000.

Administrator Ward reported that numerous complaints had been received regarding the railroad crossing just west of Ford Road. He said that they were able to track down the owners of that crossing and it is the Morris/Erie Railroad. Mr. Ward stated that they have been contacted and will be making the necessary repairs to make the crossing smoother either some time later this year or early next year.

The Administrator advised that our Plumbing Inspector of 22 years, Frank Ritchie, retired on June 28th. He said that Nick Tubito, who had occasionally subbed for Mr. Ritchie has been hired. Mr. Ward explained that it will remain a part-time position but, in order to give better customer service, instead of having three full-time days, there will be five, four to five hour days.

Administrator Ward noted that a temporary CO was issued late last week for the Police Department construction. He said that it is anticipated that the Sally Port will be completed by later this week or early next week.

**PUBLIC PORTION:**

Gerry Idec, 1 E. Longview Trl., asked when the Property Maintenance Code Ordinance will go into effect. Administrator Ward replied that becomes effective twenty days after publication of the adopted ordinance which, in this case, would be July 23rd.

Mr. Idec stated that the Construction Official had said that he doesn’t have the manpower to enforce that ordinance. He asked if that means that the town is going to
hire another code enforcement person.
Mr. Ward replied that there is currently a vacancy in the department. He said that they were waiting to see if the Property Maintenance Code would be adopted before advertising that vacancy. Mr. Ward advised that it will be advertised as a part-time position and will include property maintenance enforcement.
Mr. Idec asked if the Construction Department can issue violations. Mr. Ward replied that they can issue summonses as can the Animal Control Officer and the Health Department. He added that the fines are levied by the Municipal Judge, not by the enforcement officer.
Mr. Idec asked about a schedule of pre-set fines.
Mr. Ward explained the procedure as consisting of the following:
1. Seek compliance.
2. Issue a formal complaint
3. Code official issues summons to appear before the municipal Judge, who will levy the fine, the amount of which will be at his discretion.
Mr. Ward advised that a policy will be determined regarding how complaints should be made, but all complaints will be investigated by the code official.
Ted Einhorn, Route 53, Denville, asked about the status of the First Avenue parking lot. He said that he often eats lunch at Doc’s restaurant and that lot is always full. Administrator Ward explained that the meters were destroyed in the storm but the lot is a mix of permit parking and free three-hour parking in the spaces that were previously metered.
Peter Platt, 71 Morris Ave., explained that there is a sharp bend in the road in front of his home and accidents have occurred when exiting his driveway. He noted that there was a sign that indicated that there was a hidden driveway. Mr. Platt further explained that he was requested by the township to cut the bushes in front of his house back by 25 feet. He said that he brought the situation to the attention of the Police Chief and now the sign has been removed. Mr. Platt advised that he has contacted everyone that he thought might be able to arrange to have the sign replaced, but was told he would have to pay for it. He said that they considered the sign a distraction. Mr. Platt stated that he would like to have the sign put back.
President Fitzpatrick asked Mr. Ward for his input.
Administrator Ward advised that he was made aware of this situation during his first or second week as Administrator in 2010. He said that he made a site inspection with Chief Wagner and Lt. Partin and knows that Mr. Ruschke has been there as well. Mr. Ward explained that enhancing the line of sight, not only for Mr. Platt’s driveway but for the roadway as well, was the reason for asking that the bushes be moved back. He said that the services of Boy Scouts were offered to move the bushes but that offer was declined. Mr. Ward added that the sign was removed before he came to work in Denville, so that happened several years ago. He said that the Police Chief and Engineer concurred on the removal of the sign as a matter of safety.
Attorney Jansen explained the separation of powers in our form of government and noted that the Council is a legislative and budgetary committee. He further explained the options that may be available to the Township if, after notification from the town to cut the bushes, the homeowner fails to comply. President Fitzpatrick interjected that the Council is limited in what it can do. He asked if Mr. Platt has a written agreement with the town about the sign. Mr. Platt replied that there is no written agreement. Mr. Fitzpatrick reiterated that it is not in the Council’s purview to be involved in this type of issue. He suggested that Mr. Platt forward any information that he may have to Administration and they can have our Attorney take a look at it. Councilwoman Smith suggested that Administration research it again and let the Council know the results. Franz Fuertges, 109 Ford Road, spoke about the Beautification Committee’s frugal spending of their allotted funds. He noted that he has asked the Township to have one of our public employees sent to classes to become certified to apply chemicals. Mr. Fuertges asked why this hasn’t been done. President Fitzpatrick asked Administration for their opinion regarding certification of a DPW employee to apply chemicals. Administrator Ward replied that they will look into it. He said that Mr. Egbert has some opinions on that but it has been a while since they have spoken about it and he can’t remember what the specific issues were. Mr. Ward added that if there is someone with the ability to obtain that certification, in a cost effective manner, it is something that both he and the Mayor would support. President Fitzpatrick said that, if it is something that is feasible, the Council will look at it at budget time.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Golinski asked for an update on the proposal to extend the Farmer’s Market into the winter. Administrator Ward replied that, after the request was made by Liisi Lescaro, at her last update to the Council, the ordinance was researched by the Attorney and all departments that are involved with the running of the market. He said that Ms. Lescaro indicated that within the next week or two she will present her final comments on the draft ordinance. Mr. Ward noted that, at that time, Administration will be ready to present the ordinance to the Council. He said that there are some minor provisions that will need to be tweaked. Councilman Golinski commented that he noted that one of the provisions is that the market will be closed if the temperature goes below 32 degrees. He stated that he strongly disagrees with that provision noting many other events that are not closed because of low temperatures.
Administrator Ward explained the rationale behind the provision, part of which was insurance liability. President Fitzpatrick interjected that an update from Ms. Lescaro is expected before the winter season with her recommendations. He said that would be the time to address any concerns that the Council may have with the ordinance. Mayor Andes said that, other than using a calendar date to close the market, Administration felt that using a specific temperature would allow for the market to be open year round. He asked the Council to forward any suggestions or recommendations that they may have to him and they will be considered.

ORDINANCE(S) FOR ADOPTION:

#15-13

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES 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 KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE JULY 24, 2013 ISSUE OF THE CITIZEN
MOTION TO ADOPT: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, SMITH, KUSER, GOLINSKI, FITZPATRICK
ABSENT: LYDEN

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

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 $120,000 FROM THE SEWER 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 24, 2013 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-154 RESOLUTION RELATING TO ORDINANCE #17-13:
RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION
MOTION TO APPROVE R-13-154: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH
AYES: KUSER, SMITH, GABEL, GOLINSKI, FITZPATRICK
NAY: SCOLLANS
ABSENT: LYDEN

Councilman Scollans commented that he feels this document circumvents the Board of Adjustment. He said that the Board of Adjustment was not mentioned in the document, dated June 12th, that was presented to the Council. Mr. Scollans stated that it also circumvents the Master Plan, which he does not believe that the Council should do. He also objected to a statement in the document regarding COAH housing, since that housing can go to people who are not Denville residents.

ORDINANCE(S) FOR INTRODUCTION:
#17-13
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN
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 8-13-13 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 KUSER
DISCUSSION: Councilman Golinski asked Councilman Scollans to further expand on his comment about COAH. Mr. Scollans replied that the document indicates that it would have a positive influence on COAH. He said that he disagrees with that statement. Mr. Scollans commented that, while housing built by COAH is a good thing, it does not necessarily benefit Denville people because it may not go to Denville people.
Attorney Jansen called the Council’s attention to the corrected ordinance (copied on green paper for Council) and to the section that references COAH.
Councilman Scollans reiterated that his two main concerns are that the ordinance circumvents the Board of Adjustment and the Master Plan.
Attorney Jansen explained that this is a statutory procedure under the Local Redevelopment and Housing Law. He said that it is not a commonly used procedure and added that it is being used for one block and lot only.
There was additional discussion regarding what this ordinance will and will not permit.
AYES: SMITH, KUSER, GABEL, GOLINSKI, FITZPATRICK
NAY: SCOLLANS
ABSENT: LYDEN
#18-13
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES,
CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING LOTS

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: Administrator Ward noted that the ordinance concerning parking that is before the Council actually goes back to Hurricane Irene. He said that some of the parking issues and the temporary changes that were made have resulted in the changes proposed by this ordinance. Mr. Ward advised that input was obtained from both business owners and residents when considering these changes. He added that three traffic surveys were performed during this time as well.

Administrator Ward provided the details of the parking and fee changes, all of which may be found in the ordinance that is available in the Clerk’s office.

Mr. Ward advised that Administration recommends that the funding, in the amount of $18,000, that had been allocated for the replacement of parking meters be used for re-stripping and re-surfacing as much of the lots as possible this year. He said that it should be done in a very logical and understandable format to avoid any confusion.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES, CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING LOTS

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 8-13-13 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 GOLINSKI

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

#19-13

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO CONTROL THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH
DISCUSSION: None.
AYES: GOLINSKI, SMITH, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO CONTROL THE LOCATION OF HOTELS IN 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 8-13-13 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, GOLINSKI, SCOLLANS, FITZPATRICK
ABSENT: LYDEN
President Fitzpatrick asked if anyone from the Council or the public wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-13-155 RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE TOWNSHIP OF DENVILLE AND RIEFOLO CONSTRUCTION COMPANY RELATIVE TO THE VALLEY VIEW FIRE COMPANY #3
R-13-156 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING A SALE THROUGH GOV DEALS OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE
R-13-157 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-13-158 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE
REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $1,196.93

R-13-159 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

R-13-160 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF $93.00

R-13-161 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2012 IN THE AMOUNT OF $884.67

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH
AYES: SCOLLANS, SMITH, GABEL, KUSER, GOLINSKI, FITZPATRICK
ABSENT: LYDEN

NON-CONSENT RESOLUTIONS:
R-13-162 RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR GENERAL CONTRACTING CONSTRUCTION SERVICES TO GL GROUP, INC.

MOTION TO APPROVE R-13-162: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH
AYES: GOLINSKI, SMITH, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-163 RESOLUTION AUTHORIZING CHANGE ORDER #2 IN THE AMOUNT OF $20,000 TO REPLACE UNSUITABLE SOIL WITH STONE AS WELL AS TO PERFORM EXTERIOR WALL MODIFICATIONS AT VALLEY VIEW FIRE COMPANY #3

MOTION TO APPROVE R-13-163: MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER
AYES: GABEL, KUSER, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-164 RESOLUTION AUTHORIZING SHARED SERVICE AGREEMENT FOR THE PRODUCTION AND MAINTENANCE OF DIGITAL PROPERTY TAX MAPS BETWEEN THE TOWNSHIP OF DENVILLE AND THE COUNTY OF MORRIS

MOTION TO APPROVE R-13-164: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GOLINSKI
AYES: KUSER, GOLINSKI, GABEL, SMITH, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-165 RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE DEVELOPMENT OF FLOOD RISK REDUCTION CONCEPTS FOR DENVILLE CENTER

MOTION TO APPROVE R-13-165: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
DISCUSSION: President Fitzpatrick noted that since there will probably not be a full
report on this until next year, he would request a one-page report from Mr. Ruschke at some time later this year.

Councilman Golinski asked for clarification of the “scope of deliverables”. Engineer Ruschke replied that this task is primarily computer modeling in an attempt to quantify the flood risk concepts that are proposed. He said that rather than a comprehensive written report it will be piles and piles of computer print-outs and tables. Councilwoman Smith asked if it will contain a recommendation. Mr. Ruschke replied that it will. Mr. Ruschke explained, in detail, how he will go about determining different recommendations based on the computer modeling. He said that he hopes to be able to make some recommendations by the end of this year.

Mrs. Smith commented that it is critical to get this done quickly in order to be ready for budget time and also in order to know the cost factor to apply for grants. Attorney Jansen interjected that in the Shongum Lake Property Owners settlement one of the recommendations was that we have a report from the Engineer to back up our contention that, when Shongum Lake opens their dam, the effect on downtown Denville is “X”. He asked if that is something that would be addressed in this phase.

Mr. Ruschke replied that if he can do it effectively with what he is focusing on, he will certainly include that.

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

R-13-166 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION - N.J.S.A. 40A:4-87
MOTION TO APPROVE R-13-166: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-167 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY - $46,380.50
MOTION TO APPROVE R-13-167: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER KUSER
DISCUSSION: Councilman Golinski asked Attorney Jansen if there is any legal way that the Council can vote no on this resolution.

Attorney Jansen said no, that the refund is due to the judgement of the Tax Court. He explained that, even if the entire Council voted no, the Tax Collector would still have to refund this money because there is a judgement. President Fitzpatrick commented that this is a “checks and balances” issue by which the Council protects the purse strings of the Township.

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

R-13-168 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF
$10,562.26

MOTION TO APPROVE R-13-168: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

R-13-169 RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND BID PERIOD SERVICES OF THE BROADWAY STREETSCAPE PROJECT - PHASE I
MOTION TO APPROVE R-13-169: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER KUSER
DISCUSSION: Councilwoman Smith commented that acoustics and irrigation have been discussed tonight but she does not see those items included in the scope of work. She asked if any of that can be included. Mr. Ruschke replied that it was always the intent to add the conduit for acoustics and work with Bob Ott to make sure that was accommodated. He said that the irrigation system will likely be designed by the potential bidders.
AYES: SCOLLANS, KUSER, GABEL, SMITH, GOLINSKI, FITZPATRICK
ABSENT: LYDEN

R-13-170 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $28,878.88
MOTION TO APPROVE R-13-170: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, SMITH, KUSER, GOLINSKI, FITZPATRICK
ABSENT: LYDEN

MOTION TO ADOPT MINUTES OF 6-18-13 AND 6-25-13: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH
AYES: KUSER, SMITH, GABEL, GOLINSKI, SCOLLANS, FITZPATRICK
ABSENT: LYDEN

MOTION TO ADJOURN: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GOLINSKI
AYES: UNANIMOUS
ABSENT: LYDEN
MEETING ADJOURNED AT 10:32 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk