The Meeting was called to order by President Fitzpatrick at 7:32 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Gabel. Township Clerk Donna Costello read the Open Public Meetings Act Statement. Mrs. Costello noted that Councilmen Kuser and Golinski as well as Councilwoman Smith all called to advise that they will not be in attendance this evening.

ROLL CALL: GABEL, LYDEN, SCOLLANS, FITZPATRICK

ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSSEN AND TOWNSHIP PLANNER KASLER

President Fitzpatrick advised that Ordinance #17-13, which deals with the Estling Lake Rehabilitation Plan, will not be voted upon this evening. He said that we are awaiting an approval from the Commissioner of the Department of Community Affairs but added that there will still be a presentation on that ordinance. President Fitzpatrick noted that there will be a public portion on the ordinance which will be continued at the September 3rd meeting.

President Fitzpatrick stated that no action will be taken on the hotel ordinance. He explained that there are notice requirements that have not been met. Attorney Jansen interjected that the recommendation is to withdraw the ordinance until such time as the Planning Board has conducted a re-examination of the Master Plan and then it can be re-introduced.

LIAISON REPORTS:
Councilman Scollans reported that the Triathalon was a huge success. He gave kudos to Councilman Golinski who successfully completed all aspects of the race. Mr. Scollans thanked Mr. Ward for his speedy response to all of the issues that Mr. Scollans brought to him.

Mr. Scollans advised that the next Senior Social will be in September. He explained that the dates are determined by the availability of the church hall and the dates will be published in the Neighbor News.

Mr. Scollans noted that the American Legion has a breakfast on the first Sunday of every month and encouraged everyone to support that event.

Councilman Scollans reported that the Governor has signed off on $3 million to de-snag the Passaic Basin, including the lower Saddle River and the Passaic River Basin.

Mr. Scollans asked President Fitzpatrick if a resolution is being formulated concerning the Rockaway River Cabinet. President Fitzpatrick replied that he believes that the three appointees from Denville have been properly appointed, but a resolution will be drafted if needed.

It was clarified that the appointees are Kevin Scollans, Tom Dean and the Mayor. President Fitzpatrick explained that three members were appointed by the Mayor and
confirmed by a motion expressing Advice and Consent as follows: Mayor Andes, Kevin Scollans as a Council appointment and Tom Dean as a public at large representative. Administrator Ward noted that, in his dealings with the Watershed representative, he was told that Denville is in total compliance with the requirements and is one of the leaders on the Committee.

Mr. Scollans advised that the Environmental Commission and the Green Sustainability Committee will both meet on the fourth Thursday of the month at 6:30 p.m. He added that the Historical Society will resume meetings on the second Wednesday in September.

Mr. Scollans reported that he attended the Sri Lanka Day celebration and said that it was a very nice event and a demonstration of the acceptance of the changing demographics in Denville.

Councilwoman Lyden advised that there will be a Beautification Committee meeting tomorrow evening, Wednesday, August 14th at 7:00 p.m. and all are welcome to attend.

Councilman Gabel reported that the Board of Education is making final preparations for the upcoming school year and the first full year of full-day Kindergarten. Mr. Gabel congratulated the Events and Celebrations Committee for the Triathalon which was an outstanding event.

Councilman Gabel noted that he is working with the Deer Committee on their preparations for this year’s culling.

President Fitzpatrick also commented on the success of the Triathalon and the extraordinary efforts of Councilman Golinski in preparing for and taking part in the event. He said that Mr. Golinski is a great role model for the community and said that he hopes many people will be encouraged to follow his example to work towards a healthier life style.

MAYOR’S REPORT:
Mayor Andes noted that the 30th Annual Sri Lanka Day was a big success, in spite of the moist weather.

The Mayor stated that the Triathalon on Saturday was a magnificent event and was held on a perfect day. He said “hats off” to the entire committee for the great organization and planning of the event. Mayor Andes extended thanks to all the departments and committees that had a hand in organizing and running the event and to all of the participants. He said that the number of emergency incidents were minimal and not of a major nature.

Mayor Andes noted that on Saturday the 3rd Annual Kids TryHarderAthalon will be held. He said that there are usually over 100 participants of various ages and it is heart-warming to watch the four and five-year olds swimming with water wings and biking with training wheels.

The Mayor reminded everyone that September 22nd is the date for the Denville Centennial Family Picnic and the Denville Centennial Treasure Hunt is now in full swing.
Mayor Andes spoke about the de-snagging grant and advised that the Administration has been in constant contact with Senator Bucco’s office to encourage him to press the Governor to sign the bill. He said that as soon as details on how to apply for that grant are available, he will pass them on to the Council.

The Mayor reported that a second meeting was held today with representatives of Indian Lake Association and we are moving forward with the funding for the repair of the portion of the wall that is holding up East Shore Road. He said that work should commence sometime in September or October.

ADMINISTRATOR’S REPORT:
Administrator Ward stated that he is happy to announce that, since the last meeting, the Township has closed on several additional houses on Riverside Drive. He said that currently, the Township has acquired ten (10) of the eleven (11) houses in the flood buy-out program and there is a tentative closing date next week for the eleventh (11th).

Mr. Ward explained that the demolition contractor is taking down the houses as soon as he is provided with the confirmation that all utilities have been disconnected. He said that five (5) have been demolished and the contractor has now received a notice to proceed to demolish nine (9) of the ten (10) houses that we own.

The Administrator noted that the contractor is making good progress on the Valley View Firehouse. The work is on schedule and, more importantly, on budget. He said that the goal is still to have the project substantially completed in time for the Firemen’s Inspection.

Mr. Ward addressed the Police Department renovation and noted that it is substantially completed with only a punch list of items for the contractor to clean up. He said that a Temporary Certificate of Occupancy has been issued.

PUBLIC PORTION:
Gerry Idec, 1 East Longview Trail, asked how one would go about making a complaint about a property maintenance issue.

Administrator Ward replied that an e-mail or telephone call to the Construction office would be the way to report a suspected violation of the Property Maintenance Code. He said that all violations will be addressed separately by our Property Maintenance Code Officer. Mr. Ward added that the severity of the violation will determine the course of action that is taken.

Mr. Idec asked what the time frame would be to answer a complaint. Mr. Ward explained that it would depend on the work load in the Construction Dept. because one individual is currently serving as Construction Official, Building Inspector and Property Maintenance Code Enforcement Officer.

Mr. Idec asked if the name of the complainant would be available to the person being accused of the violation. Mr. Ward replied that, if it is a written complaint and comes under the Open Public Records Act, it would be subject to release.

Attorney Jansen explained that the person’s name would probably be redacted because the Government Records Council has ruled that the name does not have to be Township Council
provided. He said that a complaint would be signed by the Township Code Enforcement Officer, if warranted and not by person lodging the complaint. In this way confrontations can be avoided.

Mr. Idec asked if the person against whom the complaint is lodged would be permitted to fix the problem before receiving a citation. Administrator Ward replied absolutely; he said that our goal is to obtain voluntary compliance without having to issue a summons. Mr. Ward added that it was never intended to be a punitive ordinance, the Township is just seeking compliance.

Mr. Idec asked what agency he would appeal to if he felt the violation was not handled properly.

Attorney Jansen replied that it would be the Administration.

Mr. Idec asked if any part of Franklin Road, which is scheduled for re-paving, is owned by the County or the State. Mr. Ward replied that it is completely owned by the Township.

Franz Fuertges, 109 Ford Road, noted that the State has sprayed a herbicide along the eastbound side of Route 46 which has killed plants that the Township put in some years ago. He asked if the Township can recoup any of the money that it spent on those plants. Mr. Ward replied that he does not believe we have any recourse since that is the risk we take by planting on someone else’s property.

Councilman Scollans interjected that the same thing is being done on Route 10 and agreed that, since it is State property they can do pretty much whatever they want there. He said that he feels that it is totally inappropriate for the State to deface our town by killing the plants along the road. Mr. Scollans suggested that we contact our State Senator about this issue.

President Fitzpatrick stated that Mr. Fuertges has a good point and said that the Administration or Engineer will try to contact whoever is in charge of the day to day operation of spraying. He said that if they meet with resistance, we can certainly speak to our State Senator.

Mayor Andes added that he will contact Senator Bucco.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: Clerk Costello advised that all correspondence has been copied to Council, with the exception of a twenty-one page, sixty-five signature petition that was dropped off yesterday afternoon. She said that it is in opposition to the Estling Lake project and will be copied to the Council tomorrow.

MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:

ORDINANCE#17-13
Township Council
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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GABEL, SECONDED BY
MEMBER LYDEN
AYES: GABEL, LYDEN, FITZPATRICK
NAY: SCOLLANS
President Fitzpatrick asked Planner Jason Kasler to give a brief presentation regarding
this ordinance, which he previously gave at a Planning Board meeting at which many
members of the Estling Lake community were present.
A copy of Mr. Kasler's presentation is attached to these minutes.
Following the presentation President Fitzpatrick opened the floor to the Council
members for questions.
Councilman Scollans noted that he voted no for a couple of reasons. He stated that he
takes issue with Mr. Kasler’s statement that the ordinance will supercede the Master
Plan. Mr. Scollans added that he does not think we need the rehabilitation plan in
order to get this project approved.
Mr. Kasler responded that a rehabilitation plan is a master plan for a specific site. He
said that the legislation was written to allow for a site-specific or region-specific plan.
President Fitzpatrick noted that the Township’s Master Plan needs to be re-evaluated shortly. Mayor Andes interjected that the re-evaluation is scheduled to begin in the
middle of next year.

OPEN PUBLIC HEARING ON #17-13:
Gerry Idec, 1 E. Longview Trl., commented that there should be an access road that
could be used in case of emergency.
President Fitzpatrick replied that this issue has been discussed in detail at previous
meetings and he explained the options that may be considered. He noted that there
has always been an issue with an access road at that location and, if this project is not
permitted, another factory could go in there with all the problems it could bring.
Mayor Andes added that about five different options have been explored. He said that
some are cost prohibitive, one was offered at no cost to the Township but would involve
putting four hundred apartments on the site and added that several “emergency only”
access roads are on the list of possibilities.
Al Edwards, 50 Estling Lake Road, asked for a clarification of the twenty-foot rear yard
setback. He questioned the setback where the rear of the building is facing Estling
Lake Road. Mr. Kasler replied that the rear yard would be measured from the closest
point of that building to the rear property line.
Mr. Edwards commented that, aside from the every 4-5 year closing of the crossing by
N.J Transit for maintenance, the trains stall quite often and block the crossing for a
Township Council
couple of hours.

PRESIDENT FITZPATRICK ADVISED THAT THE PUBLIC HEARING WILL CONTINUE ON SEPTEMBER 3rd, 2013.
NO FURTHER ACTION WILL BE TAKEN ON THIS ORDINANCE THIS EVENING.

ORDINANCE #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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

OPEN PUBLIC HEARING: No one wished to be heard.

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 FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 8-21-13 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, LYDEN, FITZPATRICK

Attorney Jansen stated that Ordinance #18-13 requires a vote of a majority of the full membership of the governing body, so with four (4) affirmative votes the ordinance passes.

Attorney Jansen advised that his recommendation, with respect to Ordinance #19-13, is that it be withdrawn. Mr. Jansen explained that because of the change in classification within the B-2 District, the I-1 Industrial District and the I-2 Industrial District, the number of notices that have to be provided to affected property owners is huge. He said that there would be approximately 750 in Denville alone, plus notices to residents in Rockaway Borough, Rockaway Township, Mountain Lakes, Parsippany and Randolph. Attorney Jansen added that notice must be provided by both certified mail and regular Township Council
mail which could potentially amount to a couple of thousand individualized notices. He said that there is no requirement for individual notification if a zoning change comes about as a result of a re-examination of the Master Plan by the Planning Board. The Planning Board has been asked to take a look at this and consider a Master Plan re-examination. Attorney Jansen said that his recommendation to the Council is to withdraw this ordinance and if and when we have a re-examination report from the Planning Board, which is scheduled for consideration on September 11th, we will re-introduce an appropriate ordinance.

MOTION TO WITHDRAW ORDINANCE #19-13: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

President Fitzpatrick called for a brief recess at 8:42 p.m. The meeting resumed at 8:46 P.M.

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-13-171 RESOLUTION AUTHORIZING GRANT APPLICATION FOR THE STATE OF NEW JERSEY 2013 BODY ARMOR REPLACEMENT FUND
R-13-172 RESOLUTION AUTHORIZING AGREEMENT REGARDING PROPERTY LOCATED AT 121 EAST SHORE ROAD
R-13-173 RESOLUTION AUTHORIZING EXECUTION OF A GRANT OF CONSERVATION RESTRICTION/EASEMENT RELATIVE TO BLOCK 60005, LOT 1 (FORD ROAD RECREATION FIELD)
R-13-174 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES
R-13-175 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-13-176 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE
R-13-177 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-13-178 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR VETERAN’S MEMORIAL PARK IMPROVEMENT PROJECT
R-13-179 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR FOREST TRAIL PUMP STATION
R-13-180 RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE
R-13-181 RESOLUTION TO CANCEL SEWER AND WATER CHARGES

Township Council
8-13-13
ASSESSED AND LEVIED AGAINST BLOCK 50408, LOT 108 (19 RIVERSIDE DR.)

R-13-182 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE

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

NON-CONSENT RESOLUTIONS:
R-13-183 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

MOTION TO APPROVE R-13-183: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK

R-13-184 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY CONFIRMING THE SALE OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

MOTION TO APPROVE R-13-184: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

MOTION TO APPROVE MINUTES OF 7-16-13: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, LYDEN, FITZPATRICK

MOTION TO ADJOURN: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

MEETING ADJOURNED AT 8:49 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Municipal Clerk