TOWNSHIP OF DENVILLE  
MUNICIPAL COUNCIL  
REGULAR MEETING  

SEPTEMBER 4, 2012

The Meeting was called to order at 7:30 p.m. by President Kuser. The Salute to the Flag was recited, followed by an Invocation given by Councilman Golinski. The Open Public Meetings Act Statement was read by Deputy Township Clerk Kathy Costello. Mrs. Costello reminded all present that this is a non-smoking facility and requested that all cell phones be silenced.

ROLL CALL: FITZPATRICK, GABEL, GOLINSKI, LYDEN, SCOLLANS, SMITH, KUSER ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSEN AND TOWNSHIP PLANNER DENZLER.

CEREMONIAL MATTERS AND/OR PRESENTATIONS

RECOGNITION OF DAN ZALESKI FOR HIS COURAGE AND HEROISM

Councilman Fitzpatrick called Dan Zaleski and Cheryl Galante forward. Mr. Fitzpatrick commented on Mr. Zaleski’s service to his country with two tours of duty in Iraq. He noted that some of the things that Mr. Zaleski learned during his time in Iraq helped him during his efforts to rescue Ms. Galante. Mr. Fitzpatrick explained that Ms. Galante was severely injured in a car accident and Mr. Zaleski stopped to help. He said that Mr. Zaleski’s calm, yet commanding and gentle manner, enabled him to keep Ms. Galante still and focused for the half-hour it took for paramedics to arrive and extract her from the vehicle. Ms. Galante expressed her sincere and undying appreciation for Mr. Zaleski’s actions and stated that she is sure she would not be here this evening were it not for his efforts.

Councilman Fitzpatrick read a proclamation which he then presented to Mr. Zaleski and Mayor Andes added his comments in praise of Mr. Zaleski’s brave actions. The Mayor presented Mr. Zaleski with a Denville pin for Outstanding Service.

President Kuser added his thanks for Mr. Zaleski’s service.

LIAISON REPORTS:

Councilman Scollans reported that he has attended several Senior Citizen meetings. He said that the recurring complaint is lack of communication between the Township and the Seniors. Mr. Scollans noted that they feel that they are not made aware of upcoming events. He said that he proposed installing a monitor in the Senior Building several months ago and he would like to make that proposal again. Mr. Scollans commented that, if not a monitor, a monthly bulletin might be prepared to keep the Seniors up to date.

Councilman Golinski advised that he will be attending the Open Space Walk of two properties that is scheduled for Saturday, September 22nd.

Township Council
Mr. Golinski noted that the Local Assistance Board has scheduled an outdoor movie night on October 13th, with the goal of raising money to help families in need. He said that there has been a successful effort to beef up the food pantry to assist needy families.

Councilwoman Lyden had no report.

Councilwoman Smith advised that she has spoken with the Chairman of the Board of Adjustment and they would like to have a bus tour, as they have done in the past. She said that the tour would include the Planning Board, Board of Adjustment and the Council to explore the properties to see what the result of their decisions has been. Mrs. Smith added that she has spoken with the Council President, Administrator and Mayor and the tour will be arranged for the Fall or early Spring.

Councilman Fitzpatrick noted that the Mayor will be speaking about the efforts by the Mayor’s Advisory Board on Rivers and Streams, as well as surrounding towns, to quell flooding during major storms.

Councilman Gabel reported that he attended the Board of Education meeting and that they recently appointed Christina Theodoropoulos as Assistant Principal in the Riverview School. He said that, with the new school year commencing, the Superintendent, the Board and the new interim Superintendent have made great strides in maintaining and stabilizing the effective educational environment for all teachers and students. Mr. Gabel noted that the financial position of the district continues to improve and several capital projects that they have undertaken have been accomplished. He said that the Board has maintained its A+ credit rating. Mr. Gabel advised that the Board’s newsletter, The Pathfinder, will be published soon and it will highlight a number of issues, such as personnel, goals and initiatives set forth by the Board.

Mr. Gabel reported that a small committee has been formed to look at the re-designing of the Township’s web site. He noted that Mayor Andes, Administrator Ward, John Ciardi and himself had a conference call with the firm that maintained our previous site and are in the process of looking for a new design that will be pleasing and an efficient and effective tool.

President Kuser reminded everyone to drive safely and be aware of the school buses, now that the schools have reopened. He added that he attended the Try Harder Triathalon and it was well attended and very enjoyable for the children.

MAYOR’S REPORT:
Mayor Andes noted that the most participants to date took part in the Triathalon. He said that there were 120 children, ages 5 to 13, and watching the little ones swimming with their water wings and biking with their training wheels was a sight to behold. The Mayor noted that Cook’s Pond was purchased by the town and ultimately named the James Dyer Park and it is in beautiful condition.

The Mayor advised that it is hoped that the web site will be up and running by the end of the year.

Mayor Andes reported that the first meeting of the Field Use Advisory Committee was Township Council
held and field use and improvements were discussed. He said that there was also a
meeting of the Parking Committee with the Township Engineer and the parking expert.
Mayor Andes reported that de-snagging of the river was accomplished from August 13th
to August 29th and the workers did a great job. He said that Wharton, Dover,
Rockaway, Rockaway Township and Denville chipped in DPW workers and equipment
and worked from the lower portion of Wharton to Denville. He said that Boonton and
Boonton Twp. will be doing a de-snagging program on their own. Mayor Andes stated
that this is an ongoing project because, as the river widens, trees fall in from the banks
and the river needs to be de-snagged again.
Councilman Fitzpatrick commented that this is the first time that Denville has taken the
lead and he commended Mayor Andes and Administrator Ward for their strong
leadership in getting all of these towns together to get the job done.
Mayor Andes thanked Mr. Fitzpatrick but stated that although he and Freeholder
Director Chegwidden were persistent in holding meetings with the other Mayors, when it
comes right down to it, the credit goes to John Egbert. He said that John knew how
important it was to the town and he grabbed the bull by the horns and made sure that
the job was done.

ADMINISTRATOR’S REPORT:
Administrator Ward advised that the buyouts are moving forward and the environmental
analysis has come back clean on all of the properties. He said that nine of eleven have
signed contracts and someone from the County and a representative of FEMA are
coming tomorrow to discuss closings on these properties.
Administrator Ward advised that he and the Mayor met with a Professor who is with the
Rutgers Cooperative Extension to discuss the restoration design and what we are going
to do to partner with FEMA and the County program after the property is demolished to
restore it to its natural state. He said that Rutgers will work with us in designing riparian
buffers in the wetlands, which will not only restore the land to its natural state but will be
a way to absorb additional water.
The Administrator noted that, beginning Thursday evening, the Chamber and the
Economic Development Committee will begin doing marketing research. He said that it
will be led by the Seton Hall University Business School. Mr. Ward noted that the
students will be seeking answers to questions regarding what the patrons feel about
their experiences in Denville and determine what can be improved.

OPEN PUBLIC PORTION:
Gerry Idec, 1 Longview Trail, asked for clarification of R-12-225.
Attorney Jansen replied that it is a resolution authorizing the execution of a contract for
the purchase of the Valva property.
Mr. Idec asked where the property is located and what the cross street is.
President Kuser replied that it is at the end of Michael St.
Mr. Idec asked why the Township is buying it.
Township Council
President Kuser responded that the Council voted to move forward with the purchase for Open space. He explained that this resolution is not for the purchase of the property; it is submitting a request to the County for funds. Mr. Kuser noted that the purchase is contingent upon the Township receiving the funds from the County. Attorney Jansen clarified that this resolution authorizes execution of a contract to purchase but the deal is contingent upon an ordinance ultimately being adopted and the receipt of the requested funds.

Mr. Idec asked what the Township is paying for the property. Administrator Ward replied that it is $500,000 and the appraised value is $640,000. Mr. Idec asked why the street address of a property that is being considered for purchase is not included on the agenda. He said that people can’t tell by a block and lot, where a property is located.

President Kuser advised that it is on the paperwork in the Clerk’s Office. He said that we will try to provide that information in the future.

Mr. Idec commented that $200,000 or more was used from emergency funds for the big storm. He wanted to know if that money will be replaced. President Kuser advised that the money was taken from the Fund Balance. He said that we have applications for reimbursement in to FEMA and are starting to receive some of that money, which will be reflected in next year’s budget.

Mr. Idec stated, with regard to the hotel overlay zone, that it will mean bringing a ratable into the town and there is no reason why they should not get what they want.

CLOSE PUBLIC PORTION.

ORDINANCE(S) FOR ADOPTION:
#16-12 HOTEL OVERLAY ZONE
President Kuser noted that the public hearing on this ordinance was opened at the 8-14-12 meeting. A motion to continue the public hearing and table further consideration of Ordinance #16-12 to the September 4, 2012 meeting was approved.

Attorney Jansen explained that the Council received several recommendations from the Planning Board for modifications to the pending ordinance and some other issues were raised at the last public hearing. Mr. Jansen advised that Mayor Andes, Administrator Ward, Planner Denzler and himself have consulted and their recommendation to the Council, at this time, is that this particular ordinance be withdrawn. He said that the intent is to come back to the Council with a revised ordinance at a later date.

MOTION TO WITHDRAW ORDINANCE #12-16: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
AYES: GOLINSKI, GABEL, FITZPATRICK, SMITH, LYDEN, SCOLLANS, KUSER

President Kuser advised that this ordinance will go to the ordinance sub-committee and the recommendations of the Planning Board will be discussed. He said that, hopefully, Township Council
it will be re-introduced at a later date.

Attorney Jansen noted that the public hearing was continued until tonight’s meeting so anyone wishing to be heard should have a chance to do so.

President Kuser asked if anyone from the public wished to be heard on this ordinance. No one responded.

CLOSE PUBLIC HEARING.

ITEMS FOR DISCUSSION AND/OR ACTION

CY2012/SFY 2013
BEST PRACTICES INVENTORY PROGRAM

Administrator Ward explained that the Best Practices Inventory Program is tied to the State Aid to municipalities by the score that the municipality achieves. He noted that at no time has the Township lost any State Aid due to its score on the Best Practices Worksheet. Mr. Ward added that our score this year was 46 out of a possible 50 and the four negative items were issues that are out of our control. He advised that it is a requirement of the Program that the Best Practices Inventory be placed on the agenda for open discussion by the Council.

The Council asked for clarification on the following:

Councilman Gabel, on #24, asked for clarification of the answer “prospective”. Mr. Ward replied that there have been twice as many tax appeals this year as there were last year. He said that as the tax appeals increase and our fair market value fluctuates, we will have to consider a revaluation.

Councilman Gabel, on #48, asked for an explanation of the answer “No”. Mr. Ward replied that it is a collective bargaining item with the Police and DPW. Mr. Gabel asked if it would be something that is subject to future negotiations. Mr. Ward replied that is correct.

Councilman Golinski, with regard to #27, noted that the Township answered that P/T employees are excluded and SHBP (State Health Benefits Plan) requires elected officials to participate. He said that he was surprised to see that question because, when the Council tried to eliminate elected officials from participating, they were told that State Law prohibits them from doing that.

Mr. Ward replied that this question is frustrating because the SHBP requires that elected officials be permitted to participate, but our officials have declined to do so. He said that we, therefore, have to answer “no” to the question.

Attorney Jansen further clarified that it is not a broad statutory provision, it is the State Health Benefits Program’s rule. He said that those municipalities that have private carriers have the opportunity to exclude members of the governing body, but in the State Health Benefits Program you do not.

President Kuser noted that #37 asks if the Township makes documents available, free of charge, to the public which show the current salaries of all personnel as well as Township Council
comparison documents over a three year period. Mr. Kuser commented that he knows that we have that data and mentioned several locations where it is available, such as the Internet, our budget book and Data Universe. He stated that, since we answered “no” to that question, perhaps Mr. Ward could research that to see if those places where the information is available will satisfy that requirement.

Mr. Ward replied that there are some employees that are not in the PERS system and they would not show up on Data Universe.

Councilwoman Smith noted that with the score that we have achieved, the Township’s State Aid will not be reduced. She said that she feels that it should be pointed out that Denville is highly compliant with the Best Practices Program.

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

CONSENT AGENDA:

R-12-214 RESOLUTION AUTHORIZING TREATMENT WORKS APPROVAL (TWA) FOR BLOCK 70502, LOT 339, 128 HILLCREST DRIVE IN THE TOWNSHIP OF DENVILLE

R-12-215 RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS FOR MUNICIPAL COURT FEES IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-9.1 ET SEQ.

R-12-216 RESOLUTION ENDORSING PROPOSED LEGISLATION TO PROVIDE ADDITIONAL PROTECTION TO MUNICIPALITIES DOWNSTREAM THROUGH THE LOWERING OF IMPOUNDMENTS PRIOR TO STORM EVENTS

R-12-217 RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR DRUNK DRIVING ENFORCEMENT PROGRAM GRANT PURSUANT TO N.J.S.A. 39:4-50.8/N.J.A.C. 13:86

R-12-218 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

R-12-219 RESOLUTION REFUNDING THE PAYMENT OF SUBSEQUENT UTILITY AMOUNT PAID ON CERTIFICATE #2011-065 BY LIEN HOLDER

R-12-220 RESOLUTION AUTHORIZING REFUND OF A COAH DEVELOPMENT FEE

R-12-221 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEE

R-12-222 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SCOLLANS, Township Council

9-4-12
SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, FITZPATRICK, SMITH, LYDEN except for R-12-222, GOLINSKI, KUSER
ABSTAIN: LYDEN for R-12-222

NON-CONSENT RESOLUTIONS

R-12-223 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-47
MOTION TO APPROVE R-12-223: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER LYDEN
AYES: GOLINSKI, LYDEN, GABEL, FITZPATRICK, SMITH, SCOLLANS, KUSER

R-12-224 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE
MOTION TO APPROVE R-12-224: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
AYES: GOLINSKI, GABEL, FITZPATRICK, SMITH, LYDEN, SCOLLANS, KUSER

R-12-225 RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR SALE FOR ACQUISITION OF A PORTION OF BLOCK 10401, LOT 13
MOTION TO APPROVE R-12-225: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER GABEL
AYES: LYDEN, GABEL, SCOLLANS, KUSER
ABSTAIN: FITZPATRICK
NAY: SMITH, GOLINSKI

MOTION TO APPROVE MINUTES OF 7/17/12 AND 8/14/12: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER LYDEN
AYES: GOLINSKI, LYDEN, GABEL, FITZPATRICK, SMITH, SCOLLANS, KUSER

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

MEETING ADJOURNED AT 8:11 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk