TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

MARCH 3, 2015

The Meeting was called to order at 7:34 p.m. by President Golinski. 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 Kathy Bowditch. Ms. Bowditch noted that this is a non-smoking facility and asked that all cell phones be silenced at this time.

ROLL CALL: GABEL, KUSER, SMITH via telephone, SCOLLANS, GOLINSKI
ABSENT: LYDEN, FITZPATRICK.
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSEN.

LIAISON REPORTS:
Councilman Scollans reported that the Board of Education met on February 23rd. He noted that the Council and the public were invited to the meeting for a discussion regarding the Union Hill Schoolhouse. Mr. Scollans advised that the meeting may be viewed on YouTube.
Councilman Scollans reported that he attended the Morris County Community Development meeting on February 19th and picked up a packet concerning applications which he passed on to Administrator Ward.
Councilman Gabel had no report.
Councilman Kuser reported that he received a letter from the Denville Fire Department Association. He asked if President Golinski had also received that letter. Mr. Golinski replied in the affirmative. Mr. Kuser noted that the annual Mike Lioni Wheelchair Basketball game will be held at Morris Catholic High School on March 23rd. He said that it is a great fundraiser.
Councilwoman Smith reported that the first Senior Social of the season will take place on Sunday, March 15th. Mrs. Smith encouraged the Council members to attend.
President Golinski reported that he will be at the Social with the Recreation Committee and noted that the Recreation Committee will meet tomorrow night.

MAYOR’S REPORT:
Mayor Andes reported that the Army Corps of Engineers is reviewing the flood report prepared by Hatch Mott MacDonald in 2012-2013. The Mayor said that he is happy to announce that we have been awarded a grant of $541,000 from the Transportation Enhancement Grant program for Phase II of the Broadway streetscape. He added that Phase I is still under federal review.

ADMINISTRATOR’S REPORT:
Administrator Ward advised that he made a presentation last night to the Community Development Block Grant Committee regarding our application for funds to upgrade the restrooms in the Senior Citizen Center. He said it is Phase II of the improvement
Mr. Ward noted that the application had to be revised when the Township was notified that showers were not an eligible expense. He added that the renovations will allow for installation of showers with either public funding or another grant opportunity at a future time. Mr. Ward stated that the application seemed to be well received and we should receive notification in 6 to 8 weeks.

CORRESPONDENCE: All copied to Council.

OPEN PUBLIC PORTION:
Charles Botti, 73 Mt. Pleasant Turnpike gave a brief history of the Union Hill Schoolhouse, which housed the Denville Board of Education meetings for several years. Mr. Botti urged the Township to acquire the property by applying for funds from the Morris County Historical Trust Fund in order to have it declared an historic site. Councilman Scollans said that he supports Mr. Botti’s recommendation. He noted that the kinds of problems that exist can be easily addressed and the Township should consider the historic value of the building. Councilman Kuser agreed that many of the problems can be easily remedied and the structure is solid. Mr. Kuser said that he would be glad to reach out to the Board of Education to try and get the ball rolling. President Golinski commented that it would be great if something could be done.

CLOSE PUBLIC PORTION.

MATTERS OF OLD AND/OR NEW BUSINESS:
R-15-67 Introduction of the Township of Denville 2015 Municipal Budget. President Golinski asked Administrator Ward if he has any comment on the resolution. Mr. Ward replied that he will speak about the budget at the public hearing for adoption. President Golinski opened the floor to the Council members. Councilman Gabel stated that he is satisfied with what the Administration has put forth and he supports the budget. Councilman Scollans said that he prefers to pay as we go if possible, rather than increase our debt but, other than that, he thinks it is a good budget. Councilwoman Smith stated that she will have more comments during the public hearing but she fully supports this budget. Councilman Kuser commented that the budget was carefully scrutinized and everything seems fine. President Golinski asked if the outbuildings that were discussed for the Police Department and OEM during the Police Department budget presentation are included in the budget. Mr. Ward replied that they are not. President Golinski cited page 40C in the State budget. He directed everyone’s attention to capital for 2015, installation of fixed-base radio flex net meter reading. Mr. Golinski asked for clarification of that item. Administrator Ward replied that page 40C refers to prospective or potential future capital projects. Mr. Golinski pointed out that it is listed in 2015. Mr. Ward replied that it should be moved down to a future year. He said that he will speak to the Auditor tomorrow but does not think it will have any bearing on this budget. With regard to the
remote meter reading system, Mr. Ward explained that it is not an appropriation line item.
President Golinski stated that he is in favor of the budget and complimented everyone for the hard work that went into drafting it.

MOTION TO APPROVE R-15-67: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GABEL.
AYES: SMITH, GABEL, KUSER, SCOLLANS, GOLINSKI
ABSENT: LYDEN, FITZPATRICK

Attorney Jansen noted for the record and for the public present that there will be a public hearing on the budget at the April 7, 2015 meeting at 7:30 p.m.

MATTERS OF OLD AND/OR NEW BUSINESS:
Councilman Gabel noted that on February 3rd the Council passed R-15-44 which authorized the Kiwanis Club to hold their annual circus. Mr. Gabel advised that, due to various operational difficulties, the Kiwanis Club has decided not to present the circus this year.
Councilman Scollans noted that the Board of Education has a Technology Manager who handles putting its meetings on YouTube and they pay $100 per night to substitutes in her absence. He said that he highly recommends that the Council meetings be put on YouTube.
President Golinski replied that we will watch it for a while longer and discuss it at a workshop later in the year. He said that he wants to be sure that we do our due diligence on it before we get into it.
There was a brief discussion concerning the selection and appointment process for filling the vacancy on the Board of Adjustment.
Councilman Scollans spoke about the bad road conditions noting that there are serious problems all over town. He suggested that another evaluation of the roads be done and that the road problems be re-prioritized.

ORDINANCES FOR ADOPTION:
#2-15
BE IT RESOLVED that an Ordinance entitled:
Calendar Year 2015 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank Pursuant to N.J.S.A. 40A:4-45.14

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, SCOLLANS, GOLINSKI
ABSENT: LYDEN, FITZPATRICK

OPEN PUBLIC HEARING:
Charles Botti, 73 Mt. Pleasant Tpke. asked for an explanation of this ordinance.
President Golinski noted that he intended to ask for an explanation anyway so, seeing no other members of the public who wish to be heard, he will close the public hearing.

CLOSE PUBLIC HEARING.

President Golinski stated that, as he understands it, the Cap Bank is there to be used in case we have to exceed the 2% cap.

Administrator Ward noted that Mr. Golinski’s interpretation is very close and, in concept is correct. He explained that the Cap Bank was established in 1977. He further explained how it works.

Attorney Jansen read one sentence from an auditor’s letter several years ago that he feels answers the questions that most people have regarding the Cap Bank.

President Golinski stated that he was incorrect in closing the public hearing. He said that the public hearing on this ordinance will remain open until the March 17th meeting and asked Mr. Botti if he had any further comment.

Mr. Botti asked if that means that the difference between 3.5% and where we are will go into the Cap Bank. Mr. Ward replied that is correct.

President Golinski asked Attorney Jansen is we are back on track procedurally.

Attorney Jansen explained that there was a publication issue and it was decided to open the Public Hearing tonight because it was introduced with the expectation of a Public Hearing tonight. He said that it has been advertised that the Public Hearing will be on March 17th so the Public Hearing will simply continue until March 17th.

ORDINANCES FOR INTRODUCTION:
#3-15
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Authorizing Execution of Right-of-Way Use Agreement with Lightower Fiber Networks I, LLC for Purposes of Providing Telecommunications Services.

Be Introduced and Read by Title on First Reading:

MOTION TO INTRODUCE: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER KUSER
DISCUSSION: President Golinski, for the purpose of clarification, said that his understanding is that the ordinance allows Lightower to utilize our existing poles and conduits but not to dig additional trenches.

Attorney Jansen explained that it lets Lightower use Verizon’s poles and underground conduits. He said that it is in a right-of-way Use Agreement and is authorized by statute for up to a 50 year term.

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

BE IT RESOLVED that an Ordinance entitled:
An Ordinance Authorizing Execution of Right-of-Way Use Agreement with Lightower Fiber Networks I, LLC for Purposes of Providing Telecommunications Services.

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 04-07-15 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 newspaper according to law.

MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, KUSER, SMITH, GOLINSKI
ABSENT: LYDEN, FITZPATRICK

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

CONSENT AGENDA:
R-15-68 Resolution Authorizing Refund of Recreation Department Fees.
R-15-69 Resolution Authorizing the Release of a Performance Bond Previously Posted by RJR Developers, LLC.
R-15-70 Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $40.00.
R-15-71 Resolution Authorizing Self Examination of the Township of Denville 2015 Budget.
R-15-72 Resolution Authorizing Raffle Licenses in the Township of Denville.
R-15-73 Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $1,397.71.
R-15-74 Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $1,079.47.
R-15-75 Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $1,901.62.

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

NON-CONSENT RESOLUTIONS:
R-15-76: Resolution Authorizing the Refund of Money Due to the Redemption of a Tax Sale Certificate in the Amount of $36,015.47.

MOTION TO APPROVE R-15-76: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER KUSER
AYES: SCOLLANS, KUSER, GABEL, SMITH, GOLINSKI
ABSENT: LYDEN, FITZPATRICK

It was determined that there is not a quorum of members eligible to vote on the
February 17th minutes so the minutes for will be on the March 10th meeting for approval.

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

The Meeting adjourned at 8:15 p.m.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk