TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

May 12, 2015

The Meeting was called to order by President Golinski at 7:31 P.M. The Salute to the Flag was recited, followed by the reading of the Open Public Meetings Act Statement by Municipal Clerk Kathryn Bowditch.

ROLL CALL: GABEL, KUSER, SMITH, FITZPATRICK, SCOLLANS, PRESIDENT GOLINSKI
ABSENT: LYDEN

ALSO IN ATTENDANCE: THOMAS ANDES, MAYOR, STEVEN WARD, ADMINISTRATOR, PAULA DeBONA, ESQ., ASSISTANT TOWNSHIP ATTORNEY, SAL POLI, CONSTRUCTION OFFICIAL

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

PROPOSED ORDINANCES
Vacant and Abandoned Properties:
Paula J. DeBona, Esq. explained that in 2014 a new law took effect permitting municipalities to adopt local ordinances which requires creditors who have filed foreclosure actions on a property that is vacant and abandoned to be responsible for the exterior maintenance of that property. Previous law required a municipality to declare a property unfit or abandoned and any upkeep of the property done by the municipality became a lien on that property. The new law allows a municipality greater ability to enforce property maintenance codes. A Notice of Violation (NOV) would be filed with the creditor allowing 30 days to fix the violations or be subject to a $1500 fine for each day the violation continues past the 30 days.

Changes to the following Township ordinances would be required:
• Chapter III, Police Regulations, Section 3-5 Removal of Weeds and Brush;
• Chapter XI, State Uniform Construction Code, Subsection 11-6.5, Notice of Violations;
• Chapter XI-A, Property Maintenance Code; and
• Chapter XXIV, Public Health Nuisance Code.

The Municipal Clerk’s office is currently receiving notifications of foreclosure actions, a copy of which would be given to the Construction office for reference. For any out-of-state creditors, the municipality would have to be notified as to who their in-state registered agent would be or be subject to fines.

There was discussion as to the purpose of the ordinance and if there were any disadvantages to it. The Council unanimously agreed that the proposed ordinance should be placed on the next Regular meeting agenda.

PRESENTATIONS / DISCUSSIONS
Property Maintenance / Construction Update:
Sal Poli, Construction Official distributed to each Council Member a Property Maintenance Report as well as Account Summations – Summary and Summary Reports on Activity in the Construction Department, both of which are attached to these minutes. He reviewed the reports and answered questions from the Council Members.
Mr. Poli confirmed that the intent of Property Maintenance enforcement efforts is to gain compliance and then explained the process followed in order to assist the property owners to be able to fix the violations, which includes personally contacting the homeowner and possibly sending Notices of Violations (NOV). The office has worked with many owners, granting additional time if needed. If there is no contact made by the property owner or progress is not being seen, then summonses are issued. He stated that the Vacant and Abandoned Property ordinance previously discussed would be beneficial to assist in gaining compliance.

Mr. Poli explained that the time of year affects the type of complaints being made, though grass cutting and debris seem to be the biggest complaints and that there is a description of the appeal process in the NOVs which are sent. The Council requested that Property Maintenance be reviewed again next year.

The Construction Department is busier than it has been in the last few years. There is an emphasis on renovations and additions, knock-downs and re-builds. The Activity Reports presented do include most of the 100 units at Estling Village. The increase in activity has required a few changes in staffing levels – a part-time secretary was made full-time on April 1, 2015 and extra hours were requested for the regular part-time inspectors when needed to comply with required time constraints. The current staffing level is able to handle the workload.

Update of the Denville Farmer’s Market and Request to Allow New Jersey Wineries to Attend Market:

Liisi Lascarro, Denville Farmer’s Market Manager, distributed to Council Members and then reviewed, a handout regarding the Denville Farmer’s Market. The handout has been attached to the end of these minutes. Ms. Lascarro confirmed that the Denville Farmer’s Market will never be held on the same day as the Rotary Street Festival. She stated that next year, the summer market will start in May, which is acceptable as the ordinance was previously changed to remove specific dates.

At the end of the presentation, Ms. Lascarro requested that the Township Council consider changing the ordinances to allow for New Jersey wineries to attend the Market, provide samples and sell their wines. The State of New Jersey has a Wine Festival permit which would have to be obtained prior to a New Jersey winery attending the Market.

Paula DeBona, Esq. reviewed the proposed changes to the ordinances. She stated that the Council should address the hours for sampling and selling of the wines as the Farmer’s Market hours are 8:30 A.M. to 1:00 P.M. and the current ordinance does not allow consumption or selling of alcohol prior to 12:00 noon on Sundays.

Ms. Lascarro stated that both Chester and Ramsey have New Jersey wineries at their Sunday Farmer’s Markets which she believes open at 10:00 A.M. and 9:00 A.M. respectively. All Council Members expressed their support of the Farmer’s Market but had concerns about allowing sampling. Some of the concerns included the serving size and number of samples allowed, the hours of sampling, who would be serving the samples and the monitoring of the people requesting the samples so that underage drinking would not occur. Ms. DeBona confirmed the proposed ordinances would require compliance with the State laws.

Mr. Ward stated that other events held in Denville sell alcohol on Sundays by applying for the one-day liquor license. It might be beneficial to include wording that would allow the Council to grant exceptions to the 12:00 noon time on a case by case basis.

Mayor Andes believed this would be a good addition and would take the Market to the next level. He suggested having only one winery per market day, limiting the number of types of wines offered each Market day and that there be no seating.

It was requested that Ms. Lascarro do a little more research and that Administration contact the Police Chief for his recommendations.
Ms. DeBona confirmed State law limits sampling to four - 1.5 ounce samples per patron. The wineries will be required to follow all State laws and guidelines regarding serving the alcohol, which would include not serving to minors. Each vendor and the Denville Farmer’s Market provides the Township with a Certificate of Insurance listing the Township as an additional insured.

**Alcohol Beverage License Fee for Plenary Retail Distribution**

Ms. Bowditch provided an overview of the memorandum provided to the Township Council, requesting consideration by the Council to increase the Plenary Retail Distribution fees over the next two years to the maximum allowed by the State. Any change in fees would not affect the 2015-2016 renewal year, but could be in place for the 2016-2017 renewal year. A spreadsheet was provided with the memorandum showing 11 of 34 Morris County communities are currently charging the maximum allowable for this specific license.

It was suggested that any ordinance include the incremental increases over the years. Mr. Fitzpatrick was in favor of increasing the fee incrementally over the years, but not to the maximum allowed. Discussion ensued regarding increasing the fees - how much, over how many years, no increase.

It was decided by majority consensus that a $250 increase each year over two (2) years would be acceptable.

**MOTION TO ADJOURN:** MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER SMITH

AYES: UNANIMOUS

Meeting adjourned at 9:16 P.M.