

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

MARCH 15, 2011

The Meeting was called to order by President Kuser at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Shaw. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello.

ROLL CALL: ANDES, FITZPATRICK, GOLINSKI, SHAW, SMITH, STECKY, KUSER
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU, CMFO GOBLE, DPW SUPERINTENDENT EGBERT, FACILITIES MANAGER CIARDI AND FIRE CHIEF CROTHERS.

Clerk Costello reminded everyone that this is a non-smoking facility and anyone wishing to smoke must leave the grounds. She also requested that all cell phones be muted or turned off.

President Kuser advised that there will now be a presentation by Edward Russick, Denville Recycling Coordinator.

Mr. Russick thanked the Council for the opportunity to address them this evening. He presented a detailed report including statistics concerning the areas where recyclable materials are picked up at the curbside. Mr. Russick spoke about the ordinance that mandates recycling as well as the fines for noncompliance in Denville, the County and the State. A copy of Mr. Russick's report is attached to these minutes.

LIAISON REPORTS:

Councilman Golinski reported that he met this morning with the Chairwoman of the Local Assistance Board, the Director of Social Services and a representative from the County. He said that he will provide an up-date later in this meeting.

Mr. Golinski advised that the Municipal Alliance Committee welcomed a new member at their last meeting. He advised that the Fire Department was very helpful to our residents during the recent flooding.

Councilman Stecky commented that he had walked on Riverside Drive with the Mayor and spoke with residents during the flooding. He said that a lot of people were surprised by the rapid rate that the storm water rose and how quickly it went down as well.

Councilman Shaw reported that the seniors were very happy with the phone calls that they received, at all hours of the night, warning them of the rising flood waters. He said that at least a dozen seniors spoke to him about it and about the response of the Police and DPW. Mr. Shaw noted that they were all rather shocked at the amount of water they saw in the morning. He said that the response from our employees was outstanding and he told the seniors that he would pass that on at the meeting.

Councilwoman Smith noted that the Historical Society held their first meeting of the year. She said that the Museum is opening on March 26th and additional docents are needed. Mrs. Smith advised that it is a commitment of three hours on a Saturday, from

11 a.m. to 2 p.m. Mrs. Smith added that the Muriel Hepner Park clean-up is also scheduled for March 26th. She said that perhaps we should look for ways to have better maintenance for that park.

Councilman Fitzpatrick added his compliments to the fine work of the Police, DPW and Fire Department during the flooding. He also spoke highly of the Nixel System and advised that alerts are sent out by way of phone, text or e-mail and it was a great help during the floods.

Mr. Fitzpatrick reported that the Morris Knolls MK5K is coming up on April 9th, if anyone is interested in a 5K run or walk. He said that he had the opportunity to march in the Morris County St. Patrick's Day Parade. Mr. Fitzpatrick commented that there were a lot of Denville residents present and that he hopes there will be more of a Council representation next year. He noted that it was a lot of fun and everyone enjoyed themselves.

Councilman Andes reminded everyone that the PRIDE Awards Dinner will be held on March 25th and tickets are available in the Clerk's Office. Mr. Andes introduced Andrew Wisniewski, one of his Boy Scouts who is working on his Eagle Scout project. He said that Andrew only has a handful of merit badges to complete one of which, Citizenship in the Community, brings him here tonight.

Mr. Fitzpatrick interjected that Denville Community TV is here tonight taping the presentation on recycling. He said that everyone should be sure to check it out. President Kuser noted that on April 12th there will be presentations by the Denville Board of Education and the Morris Hills Regional District budget.

MAYOR'S REPORT:

The Mayor agreed with Mr. Fitzpatrick about the St. Patrick's Day Parade. He said that he was there as well, but marched in the back, not with the dignitaries. Mr. Husa agreed also that it was a very enjoyable day and that hopefully next year, Denville will be better represented.

The Mayor spoke about the flood and said that he is sure that, when all the dust settles, it will be discovered that it was a record flood. He said that, despite the fact that the Diamond Spring Road Bridge has been changed to accommodate more flood water, he believes that it will be classified as a forty-year flood. Mr. Husa noted that it would be the third 40-year flood in fifteen years. He said that we have had many 10-yr. and 20-yr. floods. The Mayor commended all of the departments and organizations involved in helping out with the flood and noted that he went and took photos of all the flooded areas. He said that the Fire Department, in particular, worked non-stop.

Mayor Husa advised that the Hub Times is just going to the printer but he mentioned in it that there will be a special flood edition, which will deal with preparation for an imminent flood.

The Mayor reported that Mt. Lakes has confirmed that Brian Mason has been appointed as their Prosecutor. He said that the Council will have it on an agenda in the near future for their approval

Mayor Husa noted that, at the last meeting, a member of the public chastised him for giving a figure of \$200,000 as the average cost of hiring a new police officer. He said that he went back and did some calculation and the actual number for an average police officer in town is \$163,000, which includes all costs, including overtime. The Mayor apologized and said that he was off by \$32,000.

Mayor Husa said that he would like to make his pitch for support from the Council for R-11-70, which transfers the Public Assistance Program from the Township to the County. He noted that he has met with the County on two occasions and found that the people who are on public assistance actually get a lot more assistance when they go with the County. The Mayor noted the following benefits to be derived by transferring to the County:

- There are 30 Social Workers at the County allowing the full-time staff to be covered during vacation times.

- An emergency housing hotline, which is not offered here.

- All services provided at one location.

- Clients must go to Morris County for food stamps now, so that will not change.

- An EBT card, providing many services is available only at the County.

- Records are kept in the computer system, so it is paperless.

- A better Medicaid program is offered.

- A food gift card program is available in the County.

- Special assistance for providing work clothing and other employment needs.

- Computers are available to do job searches.

- A homeless program that is funded directly by the Freeholders.

The Mayor strongly recommended that the Township transfer to the County. He said that our people will get a lot more services than they do now. Mayor Husa stated that we will have the best of both worlds because we will retain a lot of what we do, but the recipients will go to one place for all of their assistance. He said that he feels that our people will be better served with this new arrangement and we will maintain our local office here.

ADMINISTRATOR'S REPORT:

Administrator Ward noted that this flood emergency was his first experience of this kind in Denville. He said that he was extremely impressed by the professionalism and cooperation among all of the organizations involved.

Mr. Ward noted that the other OEM news is that, last week we received a deposit from FEMA for our storm in March of 2010 in the amount of \$19,000. He said that it took a year but we received that reimbursement for the flood of 2010.

Administrator Ward reported that, at one of the last meetings, a member of the public expressed concern that railroad ties behind one of the businesses on Route 53 might be creating a hazard for children playing on them. He noted that N.J. Transit has been contacted and advised of the concern and, although they had not intended to remove them, they said that they will have them removed.

Administrator Ward advised that he presented to the Council, before the meeting, a brief synopsis regarding consulting engineers. He noted that, at the last meeting, the Council established a meeting date for consulting engineers of March 24th. Mr. Ward reported that he and the Mayor had put forth the recommended firms that they will be interviewing that evening with the sub-committee from the Council and the Chairpersons of the Planning Board and the Zoning Board of Adjustment. Mr. Ward advised that the three final firms are Dewberry, Hatch Mott Macdonald and Whistling Associates. He noted that a couple of Council members have asked him to address the benefits of switching to a consulting engineer.

The Administrator explained that the Township currently does use consulting engineers on a fairly regular basis for specialized projects, designs of municipal projects, ballfield design and a variety of other issues that are all done out-of-house. He provided a hand-out to the Council indicating a 3 yr. average cost of consulting engineers' fees; he broke out the cost of the sewer project, since it was a one-time, large expense.

The second page of Mr. Ward's hand-out provides a 3 yr. average for the cost of a staff engineer, including all benefits, but excluding escrow fees from Planning and Zoning. Mr. Ward noted that the third sheet re-caps the Planning Board and Zoning Board of Adjustment activity for the last four years and indicates a marked decline in escrow fees collected, adding that these fees have been historically used to offset the engineer's salary. The last page of Mr. Ward's hand-out gave a three-year comparison with four other municipalities of the per capita engineering costs from 2008 to 2010. He noted that he tried to break-out anything related to the Zoning Board and Planning Board from the communities that he contacted and did not include the sanitary sewer project in Denville. Mr. Ward pointed out that Denville, on an average annual basis, pays \$12.69 per capita based on the 2000 census number and, with the exception of Chatham, the other towns per capita costs for a consulting engineer are considerably lower than Denville, using a staff engineer and a consulting engineer.

Mr. Ward's hand-out is attached to these minutes.

The Administrator noted that there certainly are some benefits to having a staff engineer, such as the convenience of having someone in the building at all times. He said that a consulting engineer would have scheduled hours to meet with staff members and residents. Mr. Ward advised that it will certainly require some shifting of work. He stated that he has spoken with John Ciardi and John Egbert and there are certain things that they already handle. Mr. Ward said that any complicated matters that go beyond the expertise of Mr. Egbert would be addressed by the consulting engineer.

Administrator Ward commented that the cost and services associated with the Boards is billed through the escrow account and result in no cost to the Township; he said that this is one of the pros of going with a consulting engineer. Other pros noted by the Administrator were the multi-jurisdictional knowledge, specialty engineers on staff with a consulting firm and an aggressive approach to obtaining grants, since it usually results in more work for them. He said that those are some of the reasons that he feels this is a good move for the municipality. Mr. Ward added that the timing is good, with the

retirement of the engineer, and he is proposing that the initial contract will run through 12/31/11 and would then be an annual appointment.

Councilwoman Smith asked if she heard correctly, that Mr. Egbert and Mr. Ciardi are reviewing drainage plans. Mr. Ward replied that they are not doing plan reviews. He said that he was speaking about drainage complaints that come in, but an actual plan review would be the responsibility of the consulting engineer.

Councilman Fitzpatrick asked who would supervise the consulting engineer. Mr. Ward replied that he would do that.

Mr. Fitzpatrick asked if, by cutting out the salary of a staff engineer now, the budget will suffer in the future when, he is sure, we will once again need a staff engineer.

Mr. Ward replied that if escrow fees increase, as they are likely to, that will offset the salary of an in-house engineer. Mrs. Goble agreed that, as activity increases, revenue will go up.

Councilman Andes asked how many hours are anticipated as being required of the consulting engineer. Mr. Ward replied that for municipal-based issues the proposals that have been received are for six to ten hours per week. He said that those hours would not include time spent on reviewing Planning Board and Board of Adjustment applications. Mr. Ward advised that they are looking at two, four to five hour days, which can be revised if necessary.

Councilman Stecky extended his compliments to Mr. Ward because he thinks this is a good idea. He said that one of the benefits of having a consulting engineer as opposed to an individual is that you are limited to the skills of the individual. Mr. Stecky noted that with a consulting firm the collective knowledge of different types of engineers is at your disposal and better performance is available. He advised that consulting firms work for private firms as well as government and there is a lot of sharing that can be taken advantage of as well.

President Kuser noted that our Engineering Department has changed dramatically over the last couple of years. He said that, taking just the 2010 numbers, you are at \$7.96 which is close to the consultant fee, within 10% or 12%. Mr. Kuser commented that we have to take into account what it is actually costing us.

President Kuser asked Mr. Ward who is responsible for raising and lowering the gates at Indian Lake. Mr. Ward replied that he thinks that is the purview of the State.

Mayor Husa interjected that the County and State OEM people are responsible. The Mayor advised that he spoke with Mike Feravolo before the last big rain storm and suggested that the gates be lowered a little bit, but Mr. Feravolo responded that we could not do it. He said that the reason is that there may be a bigger impact downstream than we can anticipate in Denville.

Mr. Ward added that Wharton did receive State approval, prior to this last storm, to open up their gates slightly. He said that we, as a downstream municipality, were notified that there was going to be a dam opening.

Mr. Kuser asked if Mr. Ward who would make that decision in our town.

Mr. Ward replied that he thinks it is a State decision and he will call Wharton for more

details.

OPEN PUBLIC PORTION:

Gerry Idec, 1 East Longview Trail, noted that he brings up this subject at every meeting; he feels that any property that the Township buys with Green Acres money should have a purpose. Mr. Idec commented that he feels the property should be open to the public for fishing and boating and that it should be named after the late Mayor O'Keeffe.

Mr. Idec asked if property that is purchased with Green Acres money could be used for a cemetery.

The Mayor responded that the Township did have a purpose for buying the property. He said that it was purchased because it is a watershed property and, by buying it, we diverted the building of 85 to 90 townhouses. Mr. Idec interjected that we just had a nice flood in Denville and we are going to have more floods, whether the town bought the property or not. The Mayor replied that it will help, it won't make it worse.

Mr. Idec asked the Mayor if he has credentials as an engineer.

The Mayor replied that he does not, but the Morris County Park Commission does, and they fully support this property.

Mr. Idec asked about the second part of his question: can this property be used as a cemetery. Mayor Hussa deferred to Attorney Semrau.

Attorney Semrau replied that he does not believe it can be used for that purpose, especially because Green Acres and Morris County Open Space funding is involved. He said that he is very familiar with the deed restrictions and it cannot be used for a cemetery.

Mr. Idec then spoke about the high price of gasoline and suggested that maybe the Superintendent of DPW could come up with a way for the road Dept. to save money on gas. He said that he thinks all of the trucks should have G.P.S. systems in them in order to keep track of where the vehicles are.

Ed Banagan, 38 Old Mill Drive, asked if, when we have an evaluation in town, do we adjust the levy on the Open Space land that we own.

Attorney Semrau replied that, should the value of the land go up, it would impact the Open Space tax.

Mr. Banagan cited statistics from a newspaper article regarding Open Space tax.

Mr. Semrau noted that the Governing Body has the discretion to reduce the Open Space tax from 3 cents to 1 cent, so it can be adjusted accordingly, after the values are set so that no one pays more.

Mr. Banagan stated that his question was, when there is a revaluation, does the town of Denville change the tax on Open Space. He asked what our past practice is.

CFO Goble advised that we have not had a revaluation since we've had the Open Space tax.

Mr. Banagan commented on the recycling presentation and asked about the importance of businesses reporting their recycling once a year. He asked if there is a check and balance to find out if these businesses are reporting.

Mr. Russick came forward and explained that the businesses have to report once a year, by March 1st, with a one month grace period to allow the town to get all the data together to report to the State by April 1st. Mr. Russick advised that he is trying to reach out to all of the businesses to assure that they fill out the report that is required by law and, that they prepare it accurately. He further explained that the State is on a three-year cycle and is currently working on the 2009 data. Superintendent Egbert noted that the yearly reports come from the Department of Public Works. He said that the check for 2008 has just been received. Mr. Egbert advised that a letter goes out to all businesses from his office, notifying them that they have to fill out this report. He said that they are required to submit the name of the company through which they do their recycling, or indicate that it is done through Denville's DPW. Mr. Egbert stated that his secretaries are keeping a log of what business is responding and sending follow-up correspondence to those who don't reply to the first letter. He said that the report is tallied at the end of the month and Mr. Russick will sign it to be sent to the State.

Mrs. Smith asked what percentage of compliance we are seeing. Mr. Egbert replied that he would estimate it to be about 70%. It was noted that there is no past data available. Mrs. Smith said that she assumes we are working towards 100% compliance since it is a State law. Mr. Egbert replied that they always do but, although Mr. Russick is the Recycling Coordinator, unfortunately Mr. Egbert's office is doing most of it and they are doing the best they can.

President Kuser asked who gets fined for non-compliance. Mr. Egbert replied that it would be up to the Health Officer or Mr. Russick.

Mr. Kuser asked if the Township would be fined by the State for non-compliance by businesses.

Mr. Russick advised that the State and the County pass it down to the municipalities. He said that we have an ordinance in the municipality and we issue a warning the first time and, for subsequent violations, we can fine a minimum of \$250 up to a maximum of \$1,000. Mr. Russick noted that the application is available to the businesses on the Township's web site.

Mr. Banagan commented that the town might need to take a more aggressive approach because, if they spend money on a part-time person, and it is less than they bring in, it's not worth it.

Mr. Banagan's next question concerned the presentation due on April 12th of the Denville K-8 school budget. He said that he believes that Mr. Kuser said that there will be a 1.93% tax increase. Mr. Kuser replied that he does not have the data in front of him but he believes it was 1.55%. Mr. Banagan said that he wrote it down the night Mr. Kuser said it and it was 1.93%. Mr. Kuser replied that is correct, but it changed. He said that it is 1.55% but it goes to 1.99%, if they take into account the revaluation of the town, a drop of \$10 million. Mr. Kuser noted that it is a \$68.56 increase, as of March 7th.

Mr. Banagan asked about the high school. Mr. Kuser replied that he does not have that data but a Board member told him that it is an increase of \$148.00. Mr.

Banagan noted that the municipality is going with a flat tax but not the school boards. Mr. Kuser stated that the County will have a negative tax and the town is hoping to be flat.

Cheryl Redding, 3 Dogwood Drive, asked, with regard to R-11-70, what will happen to the position of Director of Social Services if local assistance is moved to the County.

Mr. Ward replied that we cannot get into a very specific personal discussion. Ms.

Redding asked if the position will still be representing the town, at the current level.

Mr. Ward replied that we will have a transition where we will remain at the current level until we have a very high comfort level that the transition is a success. He said that until it is determined that our current client list, which the State estimates to be between 19 an 30 clients, is being adequately served by the County, the local department will remain at its current level. Ms. Redding stated that the position does more than manage that fund and asked if the position will still be in existence. Mr. Ward replied that only the one element, the administration of public assistance, is being moved to the County. He noted that all of the other programs, such as the food bank, the local food pantry, food drives, referrals for Meals on Wheels and numerous other programs have all been successful and will remain. Mr. Ward advised that one of the main reasons that they felt that this move makes sense is that it is a program that is provided by the County with a large staff. He said that we have a part-time individual working now whereas, at the County level, an individual can go in at any time and there will always be someone there. Mr. Ward noted that, despite our best efforts, with a part-time position such as we have now, there are times when we simply cannot have the office manned. He said that it is only that one task that is being removed locally. Mr. Ward added that over 50% of our local assistance recipients are receiving food stamps and are clients of the County. He said that they will also receive an EBT card, which is a type of debit card that will have their general assistance fund on it as well. Ms. Redding stated that she works as a secretary for a Local Assistance Board and is not sure if the Council is aware that, if this resolution is passed and moves to the County level, the Local Assistance Board will basically cease to exist. She added that the Board is the moving force behind all of the local programs that Mr. Ward mentioned.

Mr. Ward replied that by statute, when Local Assistance is administered locally the town is required to have a Local Assistance Board. He said that a town can have a Local Assistance Board and we certainly have every intention, having a great group of volunteers in town, to maintain that Board. Ms. Redding replied that it would have to be restructured.

The Mayor interjected that he is aware of this and we would eventually restructure it. He said that other volunteers, from other committees would be brought in to a similar role. The Mayor stated that, if anything, it will come out a better, more enhanced body than before.

Mr. Kuser asked what the staff load is at the County. Mr. Ward replied that the County has 30 staff members and about 1,100 cases, which works out to roughly the same case load that we have here.

Mr. Golinski noted that the County people are full-time while our employee is part-time. Robert Belz, 7 Memory Lane, said that the County, in the past three years, has dropped that Open Space Tax that it collects from Denville by 1% per year. He said that the rationale was the economy and availability of Open Space land. Mr. Belz asked if the Township has considered dropping its 1% to .5%.

CFO Goble explained that Denville is presently at 3 cents on \$100. She said that part of that money is used to pay off prior debt on property we have purchased in the past. Mrs. Goble noted that, once that debt is all paid, the Council can look at the tax and consider lowering it.

Mr. Belz asked if there has been any progress regarding the \$190,000 grant we are trying to get from the State. Mr. Ward replied that it is still in the works.

Brian McCabe, 22 Dickerson Rd., advised that, for the last couple of years, he has administered the Rotary Food Drive and the fund drives for the Denville Food Bank. He said that his concern is that, with turning things over to the County, they will not have the same ability to service our local community.

Mr. Ward replied that, although the County has its own food bank which would be available to our residents, we still have every intention of maintaining the position here, locally to continue the food bank. He said that we have a lot of very dedicated volunteers plus our current staff and it is a program that we have every intention of keeping. Mr. Ward noted that the baskets for food donations in the Municipal Bldg. lobby are filled every day. He said that is why they felt that this is the best way to structure the move; to maintain the local programs that really help the local families.

Mr. McCabe asked if there will only be volunteer staff. Mr. Ward replied that funds have been budgeted for paid staff.

Mr. Kuser asked Mr. Ward if Administration has reached out to any of these volunteer organizations that are coming forward tonight. Mr. Ward replied that he did not.

The Mayor said that he contemplated doing that but, because of the sensitive nature of the personnel involved, he discussed it with only a few people.

Mike Rowland, 156 West Glen Road, said that he has practiced law in Denville for thirty years and became a member of the Rotary Club nineteen years ago. He said that, to his great shame, he was unaware that there was a need in Denville for food aid and family support, before he joined Rotary. Mr. Rowland noted that he became involved in both the adopt-a-family program at the holidays and the food drive in the Spring, using the Social Services office as a focus to help the residents of Denville. He spoke about the effect of the economic downturn and its effect on the number of families in need in Denville and in Morris County. Mr. Rowland noted that it is extremely important to have a caring individual to administer to these families and to suggest that it be turned over to a couple of volunteers is extremely short-sighted. He noted that it is very inconvenient for some of these clients to have to travel to Morris County. Mr. Rowland suggested that Administration reach out to the local community service organizations such as Rotary, Kiwanis and Lions Clubs to discuss this kind of move and maybe to

coordinate restructuring, if that is deemed necessary.

Sally Dankos, 24 Birchwood Rd., stated that she has been a member of the Local Assistance Board for twenty-five years. She said that she has filled in for Gracie Predmore on many occasions and noted that we have a special trust fund to which people make contributions that are used to buy food vouchers or to help people pay their rent. Mrs. Dankos asked, if this position goes away, who will oversee that fund to ensure that it is properly distributed.

Administrator Ward replied that, from what he is hearing, there seems to be a misconception about the position. He said that the position is not being eliminated; the part-time paid position will still be maintained in the Social Services office. He reiterated that only one aspect of Social Services is being transferred to the County everything else will remain local. The Administrator noted that Gracie has been great in administering those many services that will remain and, hopefully will continue to do so on a paid basis. Mr. Ward further explained that it will just be the funding from the State, instead of being administered locally, will be given out through the County. Mrs. Dankos asked how much money will be saved by cutting the hours and having a part-time person who is not entitled to benefits.

Mr. Ward replied that the reason for the move is not primarily for the savings, but for the enhanced services for the clientele and the saving is a modest one.

Mrs. Dankos noted that the Mayor mentioned discussing this with some of the members and added that she and some other members are sitting here and don't recall him speaking with them. The Mayor replied that he believes he discussed it with Mrs. Dankos. She asked him when that was. The Mayor responded that it was outside the building one day and he told Mrs. Dankos that he didn't want to go into detail because it was a Council decision and he didn't want to second-guess them. He said that, as he noted before, it was not open for general discussion. Mr. Hussa commented that he must echo what Mr. Ward said, that this is an enhancement to our current program. He said that it is a better program for our people.

Mrs. Dankos advised that she does a lot of work with the senior citizens at Cook's Pond and many do not have transportation. She asked how they will get to Morris County for assistance in today's economy. Mr. Ward replied that, that is one of the issues that was discussed with the County. He said that we have the local senior citizen bus, which is not being affected at all, and they also discussed the fact that clients must go for a review at the County. Mr. Ward noted that the County has taxi vouchers for hardship cases. He added that assistance with transportation will certainly be afforded where necessary.

Mrs. Dankos stated that this has always been a very caring community and asked that the Council think carefully about this change because it is going to affect an awful lot of people.

CLOSE PUBLIC PORTION.

Councilman Golinski requested that he be permitted to make a few remarks before the

the Council discusses the budget, since this proposal will impact the budget.

Mr. Golinski advised that he met with the Chairwoman of our local services, our Director and people from Morris County this morning. He added that he went to visit the Morris County facility as well. Mr. Golinski noted that he was impressed with the facility and the people and said that the facility seemed to run very efficiently. He said that it was easy to find and it was busy, with clients waiting but not the stereotypical scene that is displayed with people lined up all the way down the hall.

Mr. Golinski stated that he would like to clarify a few things from the last meeting and some things that he heard tonight:

1. Right now the Denville requirement is that clients are seen monthly. At the County level, clients are required to be seen only every six months but are permitted to go more frequently, if they so wish.
2. Last week it was noted that transportation would be provided. That has been clarified tonight and transportation is not provided, with the exception of taxi vouchers in a case of extreme need.

The Mayor interjected that the County did say that there is a bus that goes right to their facility. In response to a question from President Kuser, the Mayor noted that it is public transportation. Mr. Golinski advised that, using public transportation, he checked and one would have to take two buses and it would take an hour, one way.

3. 50% of our clients are already going to the County.

Mr. Golinski commented that, other than the access to the Medicaid representative, which is a weekly on-site person from Medicaid that goes to the County, he did not see "a lot more assistance" that was mentioned that the clients would receive.

Mr. Golinski said that better and more opportunities was mentioned, such as:

Full-time staff which he does not necessarily see as a benefit if the individual has to travel over two hours to get to and fro, as opposed to being able to walk into Town Hall between the hours of 8 and 1.

The emergency housing hot line which can be used by our clients now.

The EBT card: Mr. Golinski said that he does not consider this a benefit because it is still the same dollars whether it is a card or a check.

The food gift card program is also provided locally.

The County does not provide work clothes but does provide gift cards, as does our local board.

The County has a computer room with two computers. Mr. Golinski said there are more computers and better accommodations at our Denville Library.

Mr. Golinski noted that he is trying to be objective and is sure that there are benefits to going to the County, but he does not see a lot more assistance.

Councilman Golinski stated that our Local Assistance Board does a fantastic job and, in these economic times, more and more people are turning to them. He said it is a really important time to make this decision. Mr. Golinski spoke about the Board being mandated by the State to administer the local assistance and all of the other programs

they took on themselves. He said that he feels it is important to be sure we are prepared with a good transition plan to continue these programs.

Mr. Golinski asked the Mayor and Administrator if they have asked the Chairwoman of the Local Assistance Board what she and her members think of this plan and whether or not they support it.

The Mayor replied that his assumption was that, since they are involved in this type of work, that they would want to continue to support it. He said that he doesn't think anyone is going to walk out because we are doing this.

Mr. Golinski noted that he is very concerned about the transition plan. He said that he believes that what he heard is that we will keep our Social Services Director, at the current level, until we have reached a comfort level that the changeover is a success.

Mr. Ward replied that the staff will be held at the current level, and number of hours, until they have a comfort level that everyone who is receiving local assistance has made it to the County and there are no hiccups in the transfer process. He noted that the effective date of the resolution is June 1st. Mr. Ward spoke about meeting with Mrs. Predmore, the Local Assistance Board Chairwoman and member of the County Board and his confidence that the transfer can be accomplished very smoothly.

Mr. Golinski asked for a time-frame. Mr. Ward said that they are targeting two and a half months from now. He said that clients will be interviewed well before June 1st to determine eligibility.

Mr. Golinski asked if we are assured that we can maintain a part-time person to manage the local services with the help of the Local Assistance Board.

Mr. Ward replied that, after the transition and once there has been a reduction in hours, he indicated that there will be significant leeway for the employee to work out the schedule that is suitable to her.

Mr. Golinski stated that he is not convinced that we have a rock-solid plan with the support of the Local Assistance Board and he thinks that would be an important thing to go after.

The Mayor stated that there have been more discussions than have been revealed here. He said that there has been a part-time person and will still be a part-time person afterwards. Mayor Husa noted that there are other committees and he has spoken to them as far as taking up the slack goes. He said that, from the commitment of these individuals on other committees, we can enhance what we have here and support the Local Assistance Board. The Mayor advised that they would like to take some of the elements from other committees, combine them and re-form the whole thing and he anticipates that we will come out with a stronger Local Assistance Committee. The Mayor noted that it could not be called a Board because that is the State enabled legislation. He said that he has every intention of having a smooth transition, as Mr. Ward described, and then enhancing our local assistance. He commented on several different groups who run food drives and said that just because we go to the County, it doesn't mean that the whole thing is going to wither on the vine. The Mayor stated that we are going to come out better and more enhanced. He said that he has spoken to

others who are willing to help. The Mayor noted that there are currently five seats on the Local Assistance Board, with many people waiting for an opportunity to serve when one is vacated. He said that when they reform the Board and make it a Committee by ordinance, it can be made up of as many seats as we wish and he knows there will be enough volunteers to fill them. Mr. Kuser asked who will appoint the people to that Committee. The Mayor replied that it depends on how the ordinance is written. He said that normally the Mayor appoints them, but he doesn't care who does it.

President Kuser noted that we are knee-deep in this and before going any further he would like to ask for a motion to remove R-11-70 from the Consent Agenda.

MOTION TO REMOVE R-11-70 FROM THE CONSENT AGENDA: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK

AYES: GOLINSKI, FITZPATRICK, STECKY, SHAW, SMITH, ANDES, KUSER

MOTION TO APPROVE R-11-70: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

Discussion: Councilwoman Smith noted that the reduction in hours for the Social Services Director was proposed to be 40%. She asked if 40% of that person's time was spent dealing with what we are considering transferring to the County. Mrs. Smith commented that Mr. Ward's memo indicated that the hours would be dropped from 25 hrs. to 15hrs. Mr. Ward replied that it was modified and, after the transition to the County, it will be 18 to 20 hours, which he discussed with the employee.

Mrs. Smith stated that it is about 1/3 of her hours and asked if Mr. Ward did an analysis of how many of her hours were spent coordinating the public assistance program versus the entire job.

Mr. Ward replied that it is a significant portion since a lot of the work involved with the administration of public assistance is bookkeeping and accounting. He said that, as far as an actual break-down goes, they wanted to do the transition first and then make sure that there are adequate hours to maintain the rest of the workload. Mr. Ward noted that the actual hours depend on many factors.

Mrs. Smith asked if the position that is currently held at 25 hours, come with benefits.

Mr. Ward replied in the affirmative. Mrs. Smith asked if the position, as proposed, come with benefits. Mr. Ward replied that it does not.

Mrs. Smith thanked Mr. Golinski for his excellent research and said that he really did a thorough job.

Councilwoman Smith stated that, as Mr. Golinski has said, based on the charter we would no longer need a Director nor a Local Assistance Board. She said that, based on the State Charter, the Local Assistance Board is created to monitor these programs.

Mrs. Smith noted that, what she is hearing from the Mayor is, the dissolution of the Director as well as the Local Assistance Board, dependent upon other boards to help create this new committee to do good deeds, which she considers a big understatement. She said that she just does not like the direction this is taking.

Councilman Andes asked what options a client would have, here in Denville, if they

could not get to the Municipal Building for their assistance. He asked if they could use the senior citizens' bus.

Mr. Ward replied that he actually considered that and, after the transition is complete, all who need transportation will be identified and there will be a cooperative effort to coordinate transportation for them.

Mr. Andes stated that this is a huge issue because many of the people who are the recipients of these good acts are senior citizens who have outlived their pension plan; some are not capable of holding down a job and we must be sure we have a way for them to get there. He said that if we don't provide that, then we are cutting services.

Mr. Ward assured him that, anyone who does not have transportation will be provided for by Dial-A-Ride, in coordination with the County.

The question was raised as to whether or not our budget can absorb this change.

Mrs. Goble replied that she feels that we can.

Mr. Fitzpatrick noted that the transition is key and many of the Council members have a certain discomfort with it because they were not aware of some of it. He said that there is a chance that this can work but we are looking at a budget that we hope will be flat.

Mr. Fitzpatrick noted that we have to stop with the "spin"; he said that, if we are doing a zero budget, there have to be sacrifices. He stated that the Council has to "man up" and tell the public what they are and not sugar coat it. Mr. Fitzpatrick commented that the transition is key.

Councilman Shaw noted that he visits the Municipal Building numerous times in a week and has observed clients leaving the building with shopping carts full of food and putting the food in their vehicles. He noted that there are many people who have their own vehicles.

Mr. Golinski advised that there are different types of clients. He noted that, in order to qualify for local assistance, the people that will be going to the County must have less than \$2,000 in total assets. Mr. Golinski said that those individuals most likely do not have cars, but the people who come here for food may be in entirely different circumstances and just need that kind of help.

Mr. Stecky commented that it was stated that people who go to the County are required to be there only once every six months to maintain the aid, but can go more often, if they wish. Mr. Stecky noted that transportation is an issue but, given the number of people who participate in these programs and the number of volunteers we have, he thinks there could be a program instituted to shuttle these people around. He said that he thinks that could be workable.

Mr. Ward noted that, in meeting with the County this morning, one of the key topics was transportation. He said that he had suggested that the initial intake be done here but the County was not comfortable with that. Mr. Ward explained that they preferred to have the clients come to the County and familiarize themselves with the facility, meet their case worker and develop a comfort level with the entire experience. The Administrator commented that he was speaking with the Mayor, and one of the suggestions was to have representatives from the County, which they offered to do,

come before the Council and answer a lot of the service related questions the Council may have. He said that, if there is an interest in that, perhaps at the next Council meeting we could have someone come from the County, which will give the Council an opportunity to visit the County facility.

The Mayor noted that neither he nor Mr. Ward are social workers so they may not be explaining this the way the professionals at the County would.

Mr. Andes noted that we do not have the data about the need for transportation.

He said that he does not feel comfortable with this at all. Mr. Andes stated that this is the first discussion that the Council has had on this issue and the information is spotty at best. He suggested that the motion be tabled, more information be gathered and the motion can always be addressed at a later date. Mr. Andes commented that he does not think this was well-planned and he repeated that he is not comfortable with it. Mr. Andes made a motion to table the resolution.

President Kuser wished to comment before any motion is voted on. He said that this is again a ducks in a row matter. Mr. Kuser said that he has heard about this from the Mayor, Mr. Ward and Mrs. Goble, all saying it is a great deal and is the way to go. He said that we are voting on the budget tonight, and this is in the budget. Mr. Kuser stated that this should have been discussed a year ago.

The Mayor interjected that they discussed it a year ago but the Council had no interest in it.

Mr. Fitzpatrick said that he would like to see a business plan for this. He said that it might have a chance, but we need more information.

President Kuser said that he would like to go over the hours cut because that seems to be a bit ambiguous. He asked what the savings are in dollars, just in hours. Mr. Ward replied that the savings in pay would be \$32,000, which is \$10,000 in pay and \$22,000 in benefits. Mr. Kuser said that he is all for saving money but he doesn't think this was planned out very well. He noted that Mr. Golinski is the only one, having done in-depth research, who has discussed this with him. Mr. Kuser commented that he thinks we need to be more pro-active on what we want to do. He said that he thinks, as a hybrid, we should join the County also and keep the Local Assistance Board. Mr. Kuser noted that he thinks this proposal is premature. He asked for a second for the motion on the floor. Clerk Costello noted that there was not a second on the motion and it, therefore, died. Mr. Andes stated that he rescinded the motion.

Councilman Stecky stated that he is in favor of tabling the motion because he would like to have the County here to fill in the gaps. He said that he thinks the Mayor and Administrator have done a fairly thorough job, but there remain questions that could be answered definitively by the County.

Councilwoman Smith interjected that this could be work shopped and a resolution could be introduced at a later date. She said that this resolution could be defeated now and an identical resolution could be brought up at a later date.

MOTION TO APPROVE R-11-70: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

NAYS: SMITH, FITZPATRICK, GOLINSKI, ANDES, KUSER
AYES: STECKY, SHAW

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

President Kuser advised that everyone should have a draft copy of a proposed ordinance to regulate tattoo shops and sexually oriented businesses in certain zoned areas in town.

He noted that this ordinance comes from the sub-committee and they wanted to get it before the Council and then, perhaps work shop it.

Mr. Andes stated that it came to his attention that right now our downtown is open to sexually oriented businesses, tattoo parlors and fast food. He said that he realizes that fast food is a complicated issue and certainly not an urgent matter to discuss. Mr. Andes noted, however, that tattoo shops are a growing business and they are doing quite well. He commented that, sad to say, we have an abundance of vacant stores downtown and he feels that we would be best served not to have tattoo parlors or adult book stores in our downtown business district. Councilman Andes strongly urged the President to request the Attorney to prepare an ordinance for introduction at the April 5th meeting.

Mr. Fitzpatrick noted that he totally agrees with the sexually-oriented businesses section of the ordinance. He said that, with regard to tattoo shops, the former reputation of these shops has changed with the times. Mr. Fitzpatrick cited a very successful, and very tasteful, tattoo shop in downtown Hackettstown. He said that he thinks we should be careful about completely banning them from our downtown area. Mr. Fitzpatrick added that he thinks certain controls could be applied through other ordinances. He said that, after speaking with shop owners and senior citizens, he finds that the stigma of tattoo parlors is not what it once was. Mr. Fitzpatrick noted that there are about thirteen empty shops and he would encourage the Council to ask around and hear what the consensus might be.

Mr. Andes interjected that we currently have two tattoo parlors in town, one on Route 53 and one on Route 10. He said that he is not indicating that they should be banned in those area, but on Diamond Spring Road, Broadway, Bloomfield Avenue and Main Street areas he thinks we would be better served without them.

Councilwoman Smith commented that the ordinance mentions the highway business district but does not mention Route 10.

Attorney Semrau replied that the Planner addressed zones that he felt would be consistent with the Master Plan.

Mrs. Smith asked if someone wanted a sexually oriented business or a tattoo parlor, they would have to put it on Route 10?

Attorney Semrau replied no, the ordinance is just talking about which zones would be precluded. He said that, by law, the town has to have certain areas where these

establishments can be built.

Mr. Andes explained that it is a matter of not wanting these types of businesses in our downtown area. He said that the sub-committee was looking for the easiest route to protect the downtown.

Mrs. Smith noted that a fast food restaurant was allowed on Route 10 and this allows a sexually oriented business or tattoo shop to open next to Maggie Moo's but not Denville Dairy. She said it perplexes her, adding that we have Denville Commons that is extraordinarily vacant.

Mr. Semrau replied that, as of this moment, these types of establishments can open anywhere in town. He said that the ordinance is trying to narrow the districts where these uses are permitted.

Mr. Shaw commented that usually, the people who own these establishments have the financial ability to challenge any ordinance that they feel is inappropriate.

Mr. Semrau noted that they would have the right to apply for a use variance.

Mr. Shaw added that it must be written in such a way that it will be constitutionally upheld.

Mr. Stecky said that he also noted that Route 10 is glaringly excluded from this ordinance and asked if it could be added.

Mr. Semrau replied that he would have to speak with Mr. Denzler about that because, from a planning perspective where there already exists this type of establishment, and you have other districts where you seek to prohibit them, there is that consistency. He added that, as Mr. Shaw just said, we want to be sure there are no constitutional issues.

Mr. Semrau noted that we want the zone to be where it is appropriate.

There was a brief discussion concerning existing stores, potential stores opening in the same area and constitutional issues that may arise.

President Kuser advised that this is just for discussion tonight and he has thought of some things that could be changed.

Mr. Golinski stated that he thinks we should protect what we can.

Mr. Semrau added that the Council has the opportunity to put the appropriate uses in certain areas and protect other areas from changing their character.

President Kuser asked the Council members to send any suggestions that they may have to Clerk Costello in order to get the ordinance cleaned up for introduction.

The Mayor commented that the ordinance was not totally run through the sub-committee. Mr. Kuser noted that the Mayor was present at the sub-committee meeting.

The Mayor replied that they didn't talk about it much and he didn't think it was resolved and they wanted to bring it here. He said that he thinks it should go back to the sub-committee. Mayor Hussa stated that Mr. DiYanni would be there and maybe Mr. Semrau would have some more input.

Mr. Andes interjected that he thinks that this is what Mr. Denzler and Mr. DiYanni suggested because it would protect the downtown, virtually immediately. He said that the other issues that were raised, such as Route 46 and Route 10, can be discussed at another time. Mr. Andes noted that passing this ordinance does not preclude the

Council taking action on the other matters. He said that what it does do is protect the downtown within a period of sixty days and that's why he thinks we should move on it. President Kuser agreed with Mr. Andes that it is important to protect the downtown. The Mayor commented that a couple of Council members had issues with the ordinance. Mrs. Smith stated that her earlier comments were addressed and she is in favor of protecting the downtown. The Mayor then stated that he will support the ordinance if the Council wants to move forward.

President Kuser said that he will poll the Council on this ordinance regarding downtown and the other issues can be addressed later.

Mr. Fitzpatrick stated that he has a problem with the section on tattoo shops.

Attorney Semrau suggested that Mr. Kuser ask in terms of both exclusions because there are both the sexually oriented businesses and the tattoo shops. He said that we could separate the two if there is that much of a distinction.

Mr. Fitzpatrick suggested that the sub-committee run it by the Chamber of Commerce, if they have not already done so.

Andes	Yes	Fitzpatrick	Yes	Smith	Yes
Shaw	Yes	Stecky	Yes	Golinski	Yes
Kuser	Yes				

Mr. Kuser noted that there is a State Statute prohibiting sexually oriented businesses within 1000 feet of places like churches, homes, school bus stops and various other places of that nature. President Kuser stated that Attorney Semrau will go over this with Attorney DiYanni and Mr. Kuser will check with Mr. Denzler. He said that perhaps he will ask Mr. Denzler to come in and speak to the Council at a work shop meeting.

Mrs. Smith asked Mr. Kuser if, when this goes back to committee, he could see that it is restricted to industrial parks.

Mr. Kuser replied that they had talked about that, but industrial parks are not zoned for retail but maybe it can be further investigated.

Mr. Semrau noted that, if you go in that direction, you will be zoning to permit something in another area of the Township. He said that he feels that the focus right now is to preclude it in two significant districts and move ahead with that. Mr. Semrau added that thereafter, they will have a better vision as to where these zones could go in the township.

President Kuser stated that they will move forward with this and discuss it with Mr. Denzler and Mr. DiYanni and come up with an ordinance to be discussed with the Council and, if it's good we'll move forward.

President Kuser called for a brief recess at 9:51 p.m.

The meeting resumed at 9:59 p.m.

ORDINANCE(S) FOR INTRODUCTION:

#6-11 **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND ESTABLISH A CAP BANK**

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER ANDES, SECONDED BY MEMBER
SMITH

Discussion: CFO Goble explained that this is something we do every year, on the advice of our auditor. She said that we have never had to use this extra cap base but, just in case something comes up in the future that caused us to exceed the cap, we have this bank to fall back on. Mrs. Goble further explained that there are two separate caps, one on the levy and one on appropriations, and this one is appropriations. She said that we just cancelled the 2008 bank that we did not use. Mrs. Goble noted that we have a bank for 2009 and now, on the advice of the auditor, we are creating a bank for 2010. She said that it does not mean you will use this money and, in fact, she thinks that in the future it will be thrown out. Mrs. Goble advised that we are no where near our cap but the auditor recommended that we do it.

Mr. Shaw asked for further a explanation of where the money comes from
Mrs. Goble explained that we are allowed to raise the spending limit by 2%; this allows us to raise it by 3.5%, if the need should arise that we have to. She noted that, in the last eight years, we have not had to use it because we never exceed what we are allowed to spend. Mrs. Goble further explained that it is a paper safeguard which would allow you to go over the cap, if the need arose.

AYES: ANDES, SMITH, GOLINSKI, STECKY, SHAW, FITZPATRICK, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)
BE PASSED ON FIRST READING

AND 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 4-19-11 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 SHAW, SECONDED
BY MEMBER SMITH

AYES: SHAW, SMITH, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY AMENDING A CERTAIN PORTION OF CHAPTER 19, LAND USE
REGULATIONS, ARTICLE V, ZONE REGULATIONS, SECTION 19-5.714A,
SEASONAL FARMER'S MARKET SALES, OF THE REVISED GENERAL
ORDINANCES

BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY
MEMBER SHAW

DISCUSSION: None.

AYES: GOLINSKI, SHAW, STECKY, SMITH, FITZPATRICK, ANDES, KUSER

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY AMENDING A CERTAIN PORTION OF CHAPTER 19, LAND USE
REGULATIONS, ARTICLE V, ZONE REGULATIONS, SECTION 19-5.714A,
SEASONAL FARMER'S MARKET SALES, OF THE REVISED GENERAL
ORDINANCES

BE PASSED ON FIRST READING

AND 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 4-19-11 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 STECKY

AYES: SMITH, STECKY, GOLINSKI, SHAW, FITZPATRICK, ANDES, KUSER

ITEMS FOR DISCUSSION AND/OR ACTION:

R-11-66 2011 MUNICIPAL BUDGET INTRODUCTION

Township Clerk Costello advised that the resolution is sheet two in the State budget,
which is appropriating a total general appropriation of \$20,532,827.00.

Discussion: Councilman Shaw asked if this is a flat budget. Mrs. Goble replied it is a
flat tax rate. Mr. Ward added that there is no increase in the municipal tax rate; he said
that in the actual budget, there is an increase due to various factors. He explained that
the actual dollar amount of the budget is increased but the municipal tax rate is flat.

MOTION TO APPROVE R-11-66: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER STECKY

Mr. Andes asked how the action taken to reverse Social Services affects the budget. Mr. Ward advised that he and Mrs. Goble had discussed that and, if that is the eventual outcome, the budget can absorb it. Mr. Ward noted that all of the new hires that are incorporated in the budget, include a family plan so that flexibility is in there.

Mrs. Goble said that there are a few figures that have changed since the preliminary budget that was presented to the Council and the final one being introduced tonight. She advised that we received a couple of unexpected grants and they are now included and change the figures slightly.

President Kuser, as a means of clarification, noted that a "flat tax" means a zero increase in the municipal tax rate.

Councilman Golinski asked what change was made in the fuel budget. Mr. Ward advised that \$6,000 or \$7,000 was added. Mr. Golinski said that if it is in the ballpark of 20%, that's fine.

President Kuser noted that there will be a public hearing on the budget at adoption.

Councilman Fitzpatrick commented that, when looking at a zero increase, there are definitely sacrifices that have to be made. He said that he hopes we can make the engineering change that was discussed tonight work, he is concerned about the manpower in DPW and is glad to see that Social Services can be absorbed. Mr. Fitzpatrick noted that losing the DARE program for the Spring was hugely disappointing but he thinks it is good that we have a flat budget.

AYES: SMITH, STECKY, GOLINSKI, SHAW, FITZPATRICK, ANDES, KUSER

President Kuser advised that R-11-70 has been removed from the Consent Agenda. He asked if anyone would like to have anything removed from the Consent Agenda. There was no response.

CONSENT AGENDA:

- R-11-67 RESOLUTION AUTHORIZING PARTICIPATION IN THE YEAR 2011 (McARP) MORRIS COUNTY ADAPTIVE RECREATION PROGRAM
- R-11-68 RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE IN THE AMOUNT OF \$50.00
- R-11-69 RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL ONE DAY ABC LIQUOR LICENSE - MCHS HOCKEY TEAM FUND-RAISER

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

AYES: SMITH, FITZPATRICK, GOLINSKI, STECKY, SHAW, ANDES, KUSER

NON-CONSENT RESOLUTIONS:

- R-11-71 RESOLUTION AUTHORIZING THE TRANSFER OF CALENDAR YEAR 2010 BUDGET APPROPRIATION RESERVES IN THE AMOUNT OF \$175,173.00

MOTION TO APPROVE R-11-71: MOVED BY MEMBER SMITH, SECONDED BY

MEMBER ANDES

AYES: SMITH, ANDES, GOLINSKI, STECKY, SHAW, FITZPATRICK, KUSER

R-11-72 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF WATER FITTINGS AND VALVES TO WATER WORKS SUPPLY COMPANY, INC. IN THE AMOUNT OF \$49,125.29.

MOTION TO APPROVE R-11-72: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

Discussion: Mr. Stecky asked if he is correct in thinking that there was a lower price for this bid. Township Clerk Costello replied that there was a lower bid but the bidder did not qualify.

AYES: SMITH, STECKY, GOLINSKI, SHAW, FITZPATRICK, ANDES, KUSER

MOTION TO APPROVE MINUTES OF 2-10-11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

AYES: SMITH, STECKY, ANDES, KUSER

ABSTAIN: GOLINSKI, SHAW, FITZPATRICK

R-11-73: RESOLUTION AUTHORIZING CLOSED SESSION FOR DISCUSSION OF TAX APPEALS.

MOTION TO APPROVE R-11-73: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

Attorney Semrau noted that everyone was provided with a confidential memorandum as to some of the tax appeals that would be discussed if necessary, in Executive Session. He said that he wanted to make sure that, if there is no need to go into Executive Session, the Council can take action now. Mr. Semrau stated that, if anyone has questions and wants to go into Executive Session, we can do so.

Mrs. Smith advised that she has questions but the session should be short and we can then take action. Mr. Semrau stated that there may be action taken upon returning to open session.

AYES: SMITH, FITZPATRICK, GOLINSKI, STECKY, SHAW, ANDES, KUSER.

Council went into Closed Session at 10:15 p.m.
Council came out of Closed Session at 10:28 p.m.

R-11-74 RESOLUTION AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

MOTION TO APPROVE R-11-74: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW

AYES: SMITH, SHAW, GOLINSKI, STECKY, FITZPATRICK, ANDES, KUSER.

R-11-75 RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS

Township Council
3-15-11
Page 23

NEGOTIATIONS.

MOTION TO APPROVE R-11-75: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER GOLINSKI

AYES: SHAW, GOLINSKI, STECKY, SMITH, FITZPATRICK, ANDES, KUSER.

Council went into the second Closed Session at 10:28 p.m.

Council came out of Closed Session at 11:06 p.m.

MOTION TO ADJOURN: MOVED BY MEMBER STECKY, SECONDED BY MEMBER
SHAW

AYES: UNANIMOUS.

MEETING ADJOURNED AT 11:07 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk