

TOWNSHIP OF DENVILLE  
MUNICIPAL COUNCIL  
REGULAR MEETING

JANUARY 19, 2010

The Meeting was called to order at 7:30 p.m. by President Tom Andes. 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: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES

The Clerk reminded all in attendance to kindly turn off all cell phones and added that this is a non-smoking facility. She said that anyone who wishes to smoke must leave the grounds.

ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR/CFO GOBLE,  
TOWNSHIP ATTORNEY SEMRAU, TOWNSHIP PLANNER DENZLER

President Andes noted that there is one addition to the agenda, R-10-31. He advised that the issue of a handicapped ramp on Cedar Lake Road is being removed from the agenda. Mr. Andes commented that the Council members received correspondence regarding the issue today indicating that the request has been withdrawn.

President Andes stated that there is only one item on the agenda that requires Mr. Denzler's presence and he will move that item to the top of the agenda in order to release Mr. Denzler from the remainder of the meeting.

President Andes noted that, under Old and/or New Business, the Council received some correspondence and he asked Mr. Denzler to bring the Council up to speed on the issue.

Mr. Denzler said that Attorney Richard Sweeney is present to speak on behalf of the Rockaway River Country Club. Mr. Denzler explained that the Country Club will be applying to the Board of Adjustment for the expansion of their clubhouse, a new patio and the replacement of a paddle tennis building. He said that, based on our current fees, the figure was over \$40,000. Mr. Denzler advised that Rockaway River Country Club is requesting a waiver of those fees since the improvements are limited in nature. He added that the application fees are based on the total lot and in this case, because there is such a large lot containing the golf course and Country Club, the application fees are ridiculously high for such limited improvements.

President Andes asked Mr. Sweeney for his input.

Mr. Sweeney noted that the situation is exactly as Mr. Denzler described it. He described in detail the area where the improvements are to be made. Mr. Sweeney noted that the size of the lot consists of 157 acres and the application fees amount to \$48,000 and an additional \$35,000; he said that these fees are inappropriate, considering the limited disturbance that is proposed. He said that, under the ordinance, the Council is permitted to modify the fee; he asked that the Council look at what is being done and consider that approximately 155 of the 157 acres is remaining untouched. Mr. Sweeney advised that the Country Club is zoned as residential and that means that everything that they wish to do must go to the Board of Adjustment.

President Andes asked if there were any questions from the Council before he asks Mr. Denzler for his opinion.

Councilwoman Smith asked Mr. Sweeney what amount he has arrived at as the appropriate fee. Mr. Sweeney replied that they calculated a fee based on 1.1 acres of disturbance. He said that they are not seeking any relief from the fixed fees for preliminary site plan and final site plan. Mr. Sweeney advised that the total of those fees would be approximately \$2,700. Mrs. Smith noted that, due to the zoning, the fees would approximate the fees for one building lot. Mr. Sweeney agreed.

President Andes asked Mr. Denzler if he has an opinion as to the right course for the Council to take.

Mr. Denzler replied that, in this case, he does agree with the applicant that the fee could be reduced. He said that this is the only situation where this will occur in the Township due to the nature of the use of the property; he noted that there are only two golf courses in the town that could have this type of application. President Andes asked if this type of application would be handled on a case by case basis, with no precedent being set. Mr. Denzler replied in the affirmative.

Attorney Semrau noted that it would be important for Mr. Denzler to explain what the Preliminary Site Plan fee is for, just for the record.

Mr. Denzler explained that typically a site plan application is based on the whole lot and is done by the square footage of the building and the square footage of the property. He said that allows full review of all the site considerations. Mr. Denzler noted that there is well over 100 acres of vacant land that will not be touched and, in this case, it is the golf course.

Attorney Semrau agreed with the statement by Mr. Sweeney that the ordinance is written in such a way that the Council is permitted to give relief, without setting any precedent. He said that one of the requirements for such relief is to have a recommendation from the Township Engineer or Planner, if the Council wishes to consider a waiver or reduction in fees.

President Andes asked Mr. Denzler if he is in agreement with the revised fees suggested by Mr. Sweeney. Mr. Denzler replied that he is in agreement.

Councilman Golinski asked if such consideration would be given to a residential application if the owner was using a very minute section of their lot. Mr. Denzler replied that a residential application would not even have these kinds of fees. He added that the proposed fees are based on the area of disturbance.

Mayor Husa commented that the decision is up to the Council's discretion but that he agrees that the fee of \$43,000 is way too much for the proposed improvements.

President Andes asked for a motion to reduce the fees and proceed with a resolution at the next meeting.

**MOTION TO FORMULATE A RESOLUTION TO REDUCE THE ROCKAWAY RIVER COUNTRY CLUB SITE PLAN FEES TO BE ADDED TO THE NEXT AGENDA:**

**MOVED BY MEMBER SHAW, SECONDED BY MEMBER KUSER**

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

LIAISON REPORTS:

Councilman Fitzpatrick reported that he attended the last Board of Education meeting at which they discussed some State testing. He noted that Denville did pretty well. Mr. Fitzpatrick added that the schools in Denville do really well in science however, science is not included in the State's "No Child Left Behind" program. He advised that, at the end of last year, the Board of Education formed a Communications Committee to get the word out about all matters pertaining to the Board of Education. Mr. Fitzpatrick stated that the Board also did a presentation on how the budget is prepared; he commented that he found that very helpful since a lot of our tax dollars go there. He encouraged everyone to check it out on the Board's web site.

Councilman Fitzpatrick advised that he attended the Library Trustees meeting and reported that there is a very good attendance rate at the Library. He noted that they will have a preliminary budget to present to the Council at the budget workshop.

Councilman Kuser reported that he attended his first Planning Board meeting and was sworn in as a member. He advised that Sue Filauro was appointed as Chairperson. Mr. Kuser noted that he made contact with the Historical Society and is awaiting information on their meeting schedule. He said that he could also use some information regarding who he should contact on the Open Space Committee for meeting schedules. Mayor Hussa advised that Sue Schmidt is the Chairperson and Jim Florance is the Secretary. He said that they are updating their schedules and usually meet on the 4<sup>th</sup> Tuesday of each month, up until the applications are submitted, and then take a couple of months off. He added that they will be contacting Mr. Kuser for the first meeting.

Councilwoman Smith asked Mr. Fitzpatrick if there was any discussion at the Board of Education meeting regarding the Court decision on the second question.

Mr. Fitzpatrick replied that he believes the decision came out the day after the Board meeting so there was no discussion on it. He explained that one of the Board members challenged the "super majority" rule that was in effect when there was a second question on a Board of Education budget election. Mr. Fitzpatrick noted that the second question concerned extra curricular activities and required a 60% vote to pass; the percentage of yes votes was 59.5%. He said that the "super majority" was challenged by a Board member but the challenge was unsuccessful.

Councilwoman Smith reported that the Environmental Committee is meeting on the 4<sup>th</sup> Thursday of the month. She said that she is waiting to hear from Grace Predmore regarding the meeting schedule of the Local Assistance Board, which only meets 4 or 5 times a year. Mrs. Smith told Administrator Goble that she will be happy to help her with the solid waste budget.

Councilman Shaw reported that the Senior Citizens held their belated, due to weather, New Year Party on Sat. He raised a concern about the party exceeding the Fire Dept. regulation of a maximum of eighty occupants, by 15 persons. Mr. Shaw noted that the configuration of the tables does not allow for an easy flow if there is a need for evacuation. He said that the Seniors run fire drills and it takes them about 1 minute to

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exit through 2 doors, with the exception of 3 or 4 individuals who use walkers and take a bit longer. Mr. Shaw noted that he is concerned that some one will fall while trying to exit in an emergency and many people could be injured. He asked that Administration have the Fire Marshall review the occupancy load for that room and update it if necessary.

Administrator Goble said that she will look into it.

Councilman Stecky reported that the Beautification Committee held a budget and planning meeting last night. He said that with the state of the economy, the Committee may not be able to do all that it would like to do. Mr. Stecky noted that they discussed engaging with Rotary, the Chamber of Commerce and the merchants to try to fill some of the gaps. He said that they will have to co-ordinate with Mrs. Goble since we are not allowed to accept monetary assistance.

Councilman Golinski reported that he met with the Fire Chief and his assistants and, that the first MAC meeting will be held on Thursday.

President Andes reported that he attended the Board of Adjustment re-organization meeting. He said that there is a vacancy on the Board and resumes are being accepted to fill it. Mr. Andes advised that interviews will be conducted in February to fill the vacant seat.

President Andes commented that the Recreation Committee held their reorganization meeting. He noted that he will be attending the League of Municipalities meeting in February.

President Andes reminded the Council members that on January 30<sup>th</sup> the Library Board will be hosting their annual breakfast which the Council members will attend. He said that, immediately following the breakfast meeting, the Council will meet in the Municipal Building to conduct the first Budget Meeting. Mr. Andes noted that the Police Chief and Fire Chief will present their budgets at that time. He added that the Council has been invited to attend the Fire Department's Mutual Aid Dinner in the evening of that same day.

#### MAYOR'S REPORT:

Mayor Husa had no report, but he thanked the Council members for attending the various committees and/or making contact regarding scheduling. He said that these committees need the Council liaisons to be involved.

#### ADMINISTRATOR'S REPORT:

Administrator Goble advised that she is going to re-vamp the presentation of the Departmental reports. She noted that the report was being presented at the first meeting of the month but it is a bit of a crunch for the Department heads to get their report together at the end of the month, in time for the first meeting. Mrs. Goble said that, beginning next month, the Mayor will give his report at the first meeting of the month and she will give her report at the second meeting.

Mrs. Goble then read the Department Reports for December. A copy of the report is

attached to these minutes.

**OPEN PUBLIC PORTION:**

James Veraldi, Micro Strategies, stated that he wishes to speak to the Council regarding communication with the businesses in town. He commented that he has been active in town for about twenty years and noted his participation in the Chamber of Commerce. Mr. Veraldi said that he worked closely with the Township and the Police about six or seven years ago on the parking in town, in order to effect some changes that would be beneficial for all involved. He said that in the last seven months or so we have seen somewhat of a change in communication with the business owners, specifically the Denville Chamber of Commerce. Mr. Veraldi stated that there seem to have been changes made to the parking situation, specifically with regard to overnight parking and fees. He said that he thinks that they came primarily from the Clerk's office. Mr. Veraldi commented that he is not sure why we were not at least in communication. He said that they have representatives on the Economic Development Committee, including himself and other members of the Chamber, which typically was the venue for these types of discussion since they impact businesses. Mr. Veraldi stated that, as we all know, business is a key component of Denville.

Mr. Veraldi advised that on July 10<sup>th</sup>, he received a notice that his vehicles can no longer park overnight in the Bloomfield lot, but must park in the Savage Road lot. He said that ruling became effective on July 13<sup>th</sup>; this notice included fees and overnight parking. Mr. Veraldi noted that the fees for commercial vehicles was increased from \$150 to \$225, relatively speaking a large increase, but fair for the privilege of parking overnight. He said that he has been told that there are only 17 vehicles registered under that policy. Mr. Veraldi advised that he was told that the fee increases were due to raising additional revenue and he feels that solutions, including fee increases, could have been created.

Mr. Veraldi then addressed the one-day parking pass. He explained that the Township offers a pass that allows parking in the lots for the day rather than the hourly parking provided by meters. Mr. Veraldi advised that the fee for that pass increased from \$1 to \$2 on July 1<sup>st</sup>. He said that the businesses that are primarily affected by the one-day pass are those, such as his, that offer training or hold meetings that run well beyond the 2-hr. parking. Mr. Veraldi noted that the benefit of that is that his business exposes many, many people to the Denville businesses and the Denville community. He said that there are other establishments, such as a spa service or any other type of professional service, where there are clients who may come in for quite some time. Mr. Veraldi stated that these fees, without any notice, were increased from \$1 to \$2. He said that may not seem like a big deal, going from \$1 to \$2, but if you are buying thousands of permits a year it is certainly an impact. Mr. Veraldi commented that it is not so much the money, but the lack of communication. Mr. Veraldi noted that he wrote a letter on August 5<sup>th</sup> to Mayor Hussa and the Council and copied the Police Dept., the Clerk's office and the Denville Chamber. He said that Mayor Hussa made several

attempts and did in fact, communicate with him, telling Mr. Veraldi that it was not his purview. He said that no other response whatsoever was received. Mr. Veraldi noted that he was told that it was a lame duck Council and therefore, no one could respond. He said that he does not buy that. Mr. Veraldi advised that, when the renewals came in January, they were told that the company cars must be re-registered (one full-sized van, two mini-vans and two sedans) as commercial vehicles. He said that only one of the vehicles has a commercial plate on it. Mr. Veraldi stated that he was told commercial vehicle means "a company-owned" vehicle. He said that every vehicle in town would have to be checked because many businesses register their vehicles to the business, and should pay the commercial fee.

Mr. Veraldi advised that he went to the Savage Road lot and determined that most of the vehicles that park there are landscapers, a produce truck and a painting contractor (he provided photos of the vehicles in the Savage Road lot). He said that he assumes that the residents who own these vehicles run the business out of their homes and get the benefit of parking in the Savage Road for a mere \$150 or, currently \$225, as opposed to putting the truck in the driveway or using a storage facility for thousands of dollars a year. Mr. Veraldi stated that he is not sure that isn't what the town had in mind when they offered overnight parking to businesses. He said that, more importantly, none of the vehicles parked in Savage Road had any tags. Mr. Veraldi noted that the signage in Savage Road, when the change was made, was incorrect.

He said that the Township has determined that the overnight parking that he has behind his building in the lower Bloomfield lot, which is contained in Ordinance 8-2 and which he was granted six years ago designating these spots as overnight, can no longer be used for overnight. Mr. Veraldi stated that this came to a head in January, at which time Sgt. Donnelly got involved, as well as the Township Attorney. He said that the ordinance still stands and they can park there overnight back there. Mr. Veraldi advised that Sgt. Donnelly, in a round-about way, told him that he believes the ordinance will be changed.

Mr. Veraldi noted, in summary, that he hopes the new Council will become a little more business friendly. He said that parking is on the minds of all the merchants.

Mr. Veraldi commented that it was interesting to hear the committee reports and that he appreciates the fact that the Mayor and Administrator attended the Chamber meeting. He said that he would like to see a representative of the Council become a liaison to the businesses of Denville. Mr. Veraldi noted that the merchants are very supportive of the Beautification Committee and their efforts to enhance the downtown area. He said that he would like the "triangle of communication, with the Township, the Police and the Chamber to be reinstated. Mr. Veraldi stated that he would hope that the information that goes out to the businesses is reviewed by the Council. He said that he is still confused about how they can change what he considers an ordinance with just a note to the permit-holders. Mr. Veraldi stated that we need to have some kind of equitable enforcement if we are forced, probably for good reasons, to park in the Savage Road lot. Mr. Veraldi noted that he would like to be part of that discussion. He said that,

since Savage Road is so near to Route 80, it would be easier to have a vehicle stolen from that lot. He added that a late model sedan would be more likely targeted for theft than a 20-yr. old van that's parked there with no sticker on it. Mr. Veraldi noted that he will continue to offer his services to the Township via the Chamber and as a business owner and looks forward to working with the Council in the future.

President Andes replied that he was not the Council President last year but that, if any changes are made, he will be sure that the Chamber gets that information. He noted that Councilman Shaw is the new liaison to the Chamber of Commerce and will be attending their meetings. Mr. Andes stated that Administration will look into the signage at Savage Road and have it corrected. Township Clerk Costello advised President Andes that the signage has been corrected.

Councilman Shaw commented that he would like to see some of the things that Mr. Veraldi has outlined in writing so that the Council could digest it and take care of them, one at a time. Mr. Veraldi replied that he will forward his August 5<sup>th</sup> correspondence to the Council. Mr. Veraldi noted that he does not think that there is anything that needs to be done immediately, but he thinks that when the parking ordinance is examined, it would be incumbent upon the Council to get the businesses involved. He said that the businesses have worked very well with the Police Department over the years on equitable enforcement. Mr. Veraldi advised that his business requires all its employees to have a parking permit and the company pays approximately \$12,000 for these permits.

Marilyn Trenka, 19 Savage Road, said that she was here in November and will take less of the Council's time this evening. She noted that she was told in November that Township Attorney advises that the Township Council is not permitted to get involved in single family dwellings with regard to second-hand smoke. Ms. Trenka stated that she is here this evening to speak about second-hand smoke in the workplace, at gatherings, in the streets and in restaurants and its effect on people who are exposed to it. Ms. Trenka related that she was told that the Condominium Owners Association would have to take some action first and they have done that. Ms. Trenka displayed the letter and the proposal of the amendment to the by-laws. She said that they needed a vote of 75% of all owners, or 36 owners, to effect an amendment to the by-laws but they only got 20, which was a disappointing outcome, but not the end of the world.

Ms. Trenka cited a non-smokers web site that displays information on ordinances in various states that prohibit smoking. She noted several other organizations across the country that are attempting to disseminate information about the dangers of smoking and second-hand smoke. Ms. Trenka advised that she has information on towns in N.J. that have passed ordinances prohibiting smoking in the workplace, restaurants and bars.

President Andes asked Ms. Trenka if she would copy her information to the Clerk, who will then distribute it to the Council members. He said that, as she knows from previous meetings, it is very hard to regulate what goes on in someone's private home. Mr. Andes noted that was why the legal advice was to go through the Condominium

Association. President Andes asked Attorney Semrau if anything has changed on the legal front that may cause him to give the Council any different advice than he did previously. Attorney Semrau replied that nothing has changed and the proper approach is through the Condominium Association. He said that it is essentially a private matter within the community and, had they received enough votes to carry the amendment they would have received the benefit of the by-law changes. Mr. Semrau noted that his only advice, at this point, would be to attempt again to have the Association add an amendment to the by-laws, but it is not within the jurisdiction of this governing body. Councilman Fitzpatrick noted that Ms. Trenka has mentioned restaurants and work places but has not found anything regarding private dwellings. He said that, if he understands it correctly, the difficulty here is that we are dealing with a private home area. Mr. Fitzpatrick advised that he thinks everyone on the Council would be open to looking at something pertaining to private dwellings in this State. Ms. Trenka asked if she is correct in understanding that the Council has no jurisdiction over private dwellings. Attorney Semrau replied that is correct.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council; voluminous correspondence has been placed on the Council's Master File.

ORDINANCE(S) FOR INTRODUCTION:

#01-10 CREATES GREEN SUSTAINABLE COMMITTEE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 2, ADMINISTRATION, ARTICLE 7, AGENCIES, COMMITTEES AND COMMISSIONS, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SECTION 2-34, GREEN SUSTAINABLE COMMITTEE BE INTRODUCED AND READ BY TITLE ON FIRST READING

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

DISCUSSION: None.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 2, ADMINISTRATION, ARTICLE 7, AGENCIES, COMMITTEES AND COMMISSIONS, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SECTION 2-34, GREEN SUSTAINABLE COMMITTEE 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 2-16-10 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 STECKY, SECONDED BY MEMBER SHAW

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

#2-10 AUTHORIZES ACQUISITION OF THE GORLACH PROPERTY

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 60207, LOT 100 AND BLOCK 60404, LOT 98

BE INTRODUCED AND READ BY TITLE ON FIRST READING

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

DISCUSSION: None.

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

#2-10 AUTHORIZES ACQUISITION OF THE GORLACH PROPERTY

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 60207, LOT 100 AND BLOCK 60404, LOT 98

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 2-16-10 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 STECKY

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

ITEMS FOR DISCUSSION: None.

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

CONSENT AGENDA:

R-10-15 RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR A MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

R-10-16 RESOLUTION AUTHORIZING PARTICIPATION IN THE YEAR 2010 (McARP) MORRIS COUNTY ADAPTIVE RECREATION PROGRAM

R-10-17 RESOLUTION REQUESTING COAH TO REVIEW AND APPROVE ORDINANCE #24-08

R-10-18 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

R-10-19 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE

R-10-20 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES

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

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

R-10-21 RESOLUTION AUTHORIZING AN E.U.S. AGREEMENT WITH DAVID SGALIA OF THE HENRY O. BAKER AGENCY FOR RISK MANAGEMENT CONSULTANT SERVICE FOR THE YEAR 2010

MOTION TO APPROVE R-10-21: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER STECKY

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

R-10-22 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR THE POSITION OF TOWNSHIP ATTORNEY

MOTION TO APPROVE R-10-22: MOVED BY MEMBER FITZPATRICK, SECONDED MEMBER STECKY

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

R-10-23 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF

MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO WILLIAM C. DENZLER, P.P. OF WILLIAM DENZLER AND ASSOCIATES FOR PROFESSIONAL PLANNING SERVICES

MOTION TO APPROVE R-10-23: MOVED BY MEMBER KUSER, SECONDED BY MEMBER GOLINSKI

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

R-10-24 RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES - TOWNSHIP AUDITOR RAYMOND SARINELLI

MOTION TO APPROVE R-10-24: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SHAW

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

R-10-25 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO BRICKER & ASSOCIATES, INC. FOR SURVEY WORK ASSOCIATED WITH BLOCK 60207, LOT 100 (37-39 CRYSTAL DRIVE) AND BLOCK 60404, LOT 98 (18 MELROSE PLACE) KNOWN AS THE "GORLACH PROPERTY"

MOTION TO APPROVE R-10-25: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH

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

R-10-26 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO VIRIDIAN ENVIRONMENTAL CONSULTANTS FOR WORK ASSOCIATED WITH BLOCK 60207, LOT 100 (37-39 CRYSTAL DRIVE) AND BLOCK 60404, LOT 98 (18 MELROSE PLACE) KNOWN AS THE "GORLACH PROPERTY".

MOTION TO APPROVE R-10-26: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY

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

R-10-27 RESOLUTION REFUNDING THE PAYMENT OF OVERPAID TAXES IN VARIOUS AMOUNTS FROM \$250.00 TO \$5,776.30

MOTION TO APPROVE R-10-27: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

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

R-10-28 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - \$2,645.15

MOTION TO APPROVE R-10-28: MOVED BY MEMBER SMITH, SECONDED BY

MEMBER GOLINSKI

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

R-10-29 RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE PAINTING OF THE PALMER ROAD WATER TANK AND ACCEPTING THE ONE YEAR WARRANTY BOND

MOTION TO APPROVE R-10-29: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY

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

R-10-30 RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR THE PURCHASE OF WATER FITTINGS AND VALVES TO THE LEE COMPANY

MOTION TO APPROVE R-10-30: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

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

President Andes commented that, as the Council goes out to look at the roads for the budget, there is one that is not a pavement so it won't be on the list, but it is part of the Capital Projects on which a decision will have to be made. He explained that it is the second narrow stretch on Hillcrest Road, is very narrow and is starting to collapse on the down side. Mr. Andes suggested that, while the Council members are out looking at the roads on the list, they might take a look at this one as well and it will help to expedite our meetings.

R-10-31 RESOLUTION OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY, STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF OUTSTANDING TAXES ON TOWNSHIP OWNED PROPERTY KNOWN AS BLOCK 31405, LOT 16, 77 FOX HILL ROAD

MOTION TO APPROVE R-10-31: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI

Councilwoman Smith asked if the Township acquired that property for unpaid taxes. Mrs. Goble replied that the Township acquired the lien on the property in 2002 according to the printout from the Tax office.

Attorney Semrau explained that his office is going through foreclosures and has filed a foreclosure complaint for a number of properties that are delinquent in taxes. He said that this property was listed, rightly so, as delinquent in taxes. Mr. Semrau went on to say that, when the title work was obtained in order to notify everyone, it was discovered that the property was already foreclosed by the Township many years ago. He added that the Township actually owns the property. He added that, many years ago, the Assessor's office left this on the records of the Township, so it continues to accrue

taxes. Mr. Semrau advised that no one pays those taxes because the Township has been determined to be the rightful owner. He said that it is his recommendation that these taxes be removed so that they don't stand as uncollectible. Mr. Semrau noted that the Tax Assessor has been notified to take the property off the books. He stated that there is no need to foreclose because we have a title search that indicates that the Township owns the property.

Councilwoman Smith asked where the tax bills have been going that we haven't noticed this for all these years. Mr. Semrau replied that they may have gone to a subsequent lien-holder, but it was foreclosed upon in 1977.

Councilman Kuser asked if we can get back the County and School taxes that we always have to pay, no matter what. Mr. Semrau replied that on a tax appeal, when you get a refund of taxes, you can get back the County portion - but not the school taxes. He said that, as far as this situation is concerned, he does not think there is a mechanism to do that, but he will certainly check.

Mr. Kuser asked if this would be a tax appeal. Mr. Semrau replied that it would be considered an over-assessment of taxes.

Administrator Goble advised that, on the print-out she has from the Tax Collector that starts in 2003, the taxes were \$630 per year.

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

MOTION TO APPROVE MINUTES OF 12-22-09: MOVED BY MEMBER SMITH,  
SECONDED BY MEMBER SHAW

AYES: SMITH, SHAW, STECKY, ANDES

ABSTAIN: FITZPATRICK, KUSER, GOLINSKI

MOTION TO APPROVE MINUTES OF 1-5-10: MOVED BY MEMBER SHAW,  
SECONDED BY MEMBER SMITH

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

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

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

MEETING ADJOURNED AT 8:42 P.M.

Respectfully submitted by,

Kathleen A. Costello  
Deputy Township Clerk