

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

FEBRUARY 16, 2010

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

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR GOBLE, TOWNSHIP ATTORNEY DIYANNI

Township Clerk Costello advised that this is a non-smoking facility and anyone who wishes to smoke must leave the property. She also requested that all cell phones be put on mute or turned off.

President Andes advised that there will now be a presentation by Kristin Pamprin and Liisi Lascaro concerning a Farmer's Market.

Kristin Pamprin, President-elect of the Denville Chamber of Commerce, gave a power point presentation covering the economic difficulties faced by local businesses due to the recession, statistics regarding the success of a Farmer's Market and the proposed location of the market. The types of vendors, specific vendors willing to take part and details of the contract that would be required were also noted. A copy of the presentation is attached to these minutes. Ms. Pamprin provided a sample ordinance from West Milford which would circumvent Denville's current ordinance, if adopted by the Council, which prohibits open-air vending. She said that it would allow a Farmer's Market while still prohibiting such vendors as hot dog stands. A copy of the sample ordinance is also attached to these minutes.

Liisi Lascaro took over the presentation and noted that the market will be a private enterprise, sponsored by the Chamber of Commerce in cooperation with the Township of Denville. She said that operating reports will be submitted to the town for evaluation at the end of the season. Ms. Lascaro noted that the market will be working with the Denville Health Department to ensure the health and safety of the community; the Police Department will oversee the parking signage and ensure that the parking regulations are followed. She advised that the market will be part of NJ Fresh and NJ Farmer's Councils and has the support of the NJ Dept. of Agriculture. Ms. Lascaro spoke about the benefits of providing freshly picked, locally grown produce available at the market. She gave the following dates and times that are being proposed for the market: June 27th thru November 21st, 8:30 a.m. to 1:00 p.m. - rain or shine.

Ms. Lascaro advised that reducing garbage and increasing re-cycling would be encouraged at the market. She provided statistics demonstrating the success of farmer's markets. Ms. Lascaro read the mission statement and covered some of the other matters contained in the power point presentation. She spoke of the vendors who are committed to participate, and the type of foods that they will offer for sale.

President Andes thanked the ladies for their presentation. He advised that there was a

meeting last week with the Mayor, Administrator, Ms. Pamprin, Ms. Lascaro and himself to discuss this project.

Mr. Andes noted that, at that meeting he had asked for answers to some of his concerns. He said that he was concerned about the following:

1. Would it have the endorsement of the Chamber of Commerce and the stores that would be affected the most.
2. Mr. Andes said that he has spoken with Jeff O'Hara of Union Hill Farms. He noted that Mr. O'Hara supports the project but says that it is essential the it be part of the N.J. Farmer's Council which provides advertising for the market.
3. An ordinance to protect the Township from street-corner vendors.
4. A one-year review in order to consider extending the hours.
5. Rotating table run by Denville-based, non-profit organizations to help with their fund-raising efforts. Mr. Andes noted that all of their food products would have to come out of a commercial kitchen.

President Andes stated that all of these concerns have been addressed by Ms. Pamprin and Ms. Lascaro. He said that he thinks it is worth trying for a year to see how it works out. President Andes asked if there are any questions or comments from the Council. Councilman Shaw stated that he often uses the Lakeland Bus on Sundays to go into New York. He said that one of the bus stops is across from the Fireside Restaurant. Mr. Shaw asked what kind of provision will be made for the commuters who park in the Bloomfield lot on Sunday to catch the bus to New York.

Ms. Pamprin replied that on Sunday mornings the upper lot will be blocked for the market but the lower Bloomfield lot would be available. She added that, since there are no parking restrictions on the street on Sundays, people would be able to park on the street with no penalty. Mr. Shaw noted that the people park in the lot, not on the street. Ms. Pamprin replied that Sunday the lot is the least-used by commuters and there are still over 50 spots available in the lower Bloomfield lot. Ms. Lascaro interjected that they would like to meet with the Police Department to have the proper signs installed in the Bloomfield lot. Mr. Shaw responded that the people who commute want to be able to get off the bus, cross the street, get in their car and leave. He said that they do not want to walk down to the lower lot. Ms. Pamprin replied that there are very few cars in the upper Bloomfield lot on Sundays. She said that it involves one day a week for twenty-two weeks and it is summertime, so the days are nicer. Ms. Pamprin stated that the downtown businesses need the business that the market is expected to generate. Ms. Lascaro noted that only two rows need to be blocked off for vendors and the other parking would be available for public accommodation. President Andes added that this is why there will be a review after a year, so that issues that arise can be addressed. Clerk Costello suggested that there be a specific area designated in the upper lot for the Sunday theater-goers to park. Ms. Pamprin agreed that the suggestion is a good one and makes sense.

Councilman Stecky commented that it sounds like a great idea. He said that we have heard a lot of positives and we need to watch for any negatives and address them, as we have just done with Mr. Shaw's parking concern.

Councilman Golinski also stated that he thinks it is an exciting and great idea. He noted that it was mentioned that the project is a very "trendy" one, so he like the idea of a one-year trial period. Mr. Golinski said that at the end of the year we can then build in any necessary protection in the event that the trend fades.

President Andes stated that he will ask the ladies to come back at the end of the year with a report. He said that he will give them about a ten-minute spot on the agenda in the off-season and if needed, the ordinance can be tweaked to address any issues that have arisen.

Councilwoman Smith noted that, in looking over the West Milford ordinance, she observed that they obtained input from their Planning Board. She suggested that the ladies appear before our Planning Board and present the project to them and get a recommendation to the Council from them.

Councilwoman Smith also pointed out that there is a \$50 permit fee mentioned in the West Milford ordinance. She said that she doesn't know what the fee would be in Denville but she assumes it would go to the Township. Mrs. Smith noted that it is a small amount of revenue and asked how many vendors are anticipated. Ms. Lascaro replied that they expect about 12 vendors. Mrs. Smith asked Administrator Goble if the Township would have to be named on the insurance, since it is on town property. Mrs. Goble replied in the affirmative. Mrs. Smith advised that one of her main concerns is the clean-up after the market so that it is as pristine when it's over as it was when it began. She asked if that would be the responsibility of the manager. Ms. Pamprin replied that it absolutely would be. Ms. Lascaro added that the vendors would be responsible for their area but she, herself, would have the ultimate responsibility for the site. Mrs. Smith asked how the garbage would be disposed of. Ms. Lascaro replied that the vendors will have to take their garbage with them when they leave. Mrs. Smith said that she thinks it's a great idea and that she supports it.

Councilman Kuser asked if there will be cooked food there that people will actually be eating there. Ms. Lascaro replied that there may be samples from the vendors and, possibly, restaurants will showcase their food. Mr. Kuser clarified his question by asking if people would be purchasing things like sandwiches and french fries. Ms. Lascaro said that they would not have items like that for sale. Mr. Kuser asked if it became necessary to have a street sweeper come in, will the manager take care of that. Ms. Pamprin replied absolutely; she said that the vendor fee should cover all of those extraneous expenses. Mr. Kuser noted that we do rent part of the Bloomfield lot from Gannett so they will have to get permission from them and also name them on the insurance.

Councilman Fitzpatrick asked Administrator Goble if she has spoken to Chief Wagner about any concerns he may have. Mrs. Goble replied that she has spoken to the Chief and he is in favor of it. She said that any concerns he might have are very minimal

compared to the benefits to the Township.

Mayor Husa noted that he initially had concerns about the ordinance aspect, but Ms. Pamprin has done an outstanding job of researching all aspects of the project. He said that he whole-heartedly endorses the project.

President Andes asked Attorney DiYanni for his comments.

Mr. DiYanni said that Ms. Pamprin did a good job in choosing a well-drafted ordinance. He noted that Mrs. Smith is correct in that, procedurally, going forward, if they want a June start time, there is a need for a recommendation from the Planning Board. Mr. DiYanni added that, just like West Milford, he would project that there will be a need to amend some zoning regulations in the Township. He said that would require the Planning Board to give its approval. Mr. DiYanni noted that we would have to draft an ordinance as soon as possible, have the Council discuss it at a workshop and give it the green light to send it to the Planning Board. He said that all of this would have to happen within the next few months. President Andes noted that it would have to come back to the Council for introduction and adoption before it would be in effect. He asked the Mayor if a presentation by the Chamber to the Planning Board might be expedited. The Mayor replied in the affirmative.

Councilwoman Smith asked for a report after the market has been operating for a few weeks instead of waiting until the end of the season.

LIAISON REPORTS:

Councilman Fitzpatrick reported that the Board of Education is still working on their budget and will not be affected by the Governor's cuts to funding to schools. He said that at the last meeting they were hopeful about including the extracurricular activities in the budget, but time will tell.

Mr. Fitzpatrick noted that the PRIDE Dinner will be held on February 26th and tickets may be purchased for \$33 from the Clerk's Office. Councilman Fitzpatrick advised that many times the PRIDE award is given to an organization that does not have a place to display it. He said that there is a request from the PRIDE Council to find a place in Town Hall to display some of these plaques. Administrator Goble suggested that the Community Room would be a good place for that. President Andes added that there are other civic plaques, as well as the Township Charter, that could be displayed in that room.

Mr. Fitzpatrick noted that Denville TV has not yet met. He added that, this month alone, the Library has had three times the number of people coming in than it did last year. Councilman Kuser had no report.

Councilwoman Smith reported that there was an Environmental Commission meeting and a number of applications were discussed. She said that one was for a solar panel farm, which is going to the Planning Board. Mrs. Smith advised that there is another application that is going to the Board of Adjustment for a burger restaurant. She said that it needs a use variance as well as a parking variance since it wants to go into the Shoppes at Union Hill plaza. Mrs. Smith noted that she cannot comment on the third

application because she had a conflict on that one and left the room while it was discussed. Councilwoman Smith advised that the first Local Assistance Board meeting was canceled due to the weather. She said that it is re-scheduled for Tuesday, February 23rd which conflicts with the Council Budget Meeting, so she will be a little late for the Budget Meeting.

Councilman Shaw reported that the Senior Citizens asked him to convey their sincere thanks for all the assistance extended to them by the Township throughout the year. Mr. Shaw advised that he gave a presentation on how to survive an earthquake to the Wednesday Senior group. He said that they were most receptive after the minor earthquake that occurred in Somerset last week. Councilman Shaw noted that the fire doors are being monitored regularly. He said that the Seniors are looking forward to the spaghetti dinner that is sponsored by the Rotary Club of Denville.

Councilman Stecky reported that Franz Fuertges has received permission to move ahead with a limited number of planters for the downtown area. He added that the Morris County Vo-Tech will be involved with the project.

Councilman Golinski reported that he received a compliment for our Fire and Police Departments for their speed and professionalism while responding to one of our citizens who had a medical problem.

President Andes thanked everyone who was able to attend the ceremony, in the frigid weather, celebrating the 100th anniversary of the Boy Scouts. He said that there were about 200 people in attendance in front of the Municipal Building for a candlelight service. Mr. Andes welcomed one of his Scouts from Troop 17, Philip Zurich, who is in attendance tonight working towards his Citizenship in the Community Merit Badge.

MAYOR'S REPORT:

Mayor Husa noted that he gave his report last week and has nothing to add.

ADMINISTRATOR'S REPORT:

Administrator Goble reported on the following departments:

Administration/Finance
Recreation
Municipal Court
Engineering
Tax Assessor
Tax Collector
Utilities Collector
DPW/Parks/Utility Depts.
Police
Health
Social Services
Construction
Municipal Clerk

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Building & Grounds
Purchasing
Planning & Zoning
Fire Department
Senior Dial-A-Ride

A copy of the detailed report is attached to these minutes.

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

CORRESPONDENCE: All copied to Council.

ORDINANCE(S) FOR ADOPTION:

#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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:

MOTION TO READ BY TITLE: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI

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

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

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 FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 2-24-10 ISSUE OF THE CITIZEN

MOTION TO ADOPT: MOVED BY MEMBER SHAW, SECONDED BY MEMBER SMITH

DISCUSSION: Councilman Golinski questioned the clause in the ordinance that states that the Township has appropriated "seed money" in the 2009 and 2010 budgets. He said that, since we have not approved the 2010 budget, he would like to know how we can appropriate money in 2010. Administrator Goble replied that 2009 has been

approved but not 2010. Mr. Kuser asked if it should then read "2009 budget". Mrs. Goble suggested that the words "proposed 2010 budget" could be inserted. Attorney DiYanni advised that it is just an informational paragraph and, if the Council wishes, it can be amended right now. He said that we can just keep it as 2009 for now. Mr. Kuser asked about the energy audits that are proposed to attain a greener and more environmentally friendly atmosphere. Administrator Goble advised that the township received a grant last year for the energy audit. Mr. Kuser replied that he received paper work advising that the Township had dissolved that relationship. Mrs. Goble said that is not correct, we made it work. Councilman Stecky explained that the program is handled for the Board of Public Utilities by an organization called TRC. He said that the audit that was done by S. Winter was not acceptable and Mr. Stecky got the Board of Public Utilities involved. He noted that one of two things will happen now; either Steven Winter will finish the report to the Township's satisfaction or we will bring in another firm to do the audit. Mr. Kuser asked if we still have the grant money. Mr. Stecky replied that we did not lose the grant money, and no money has yet changed hands. Mr. Kuser said that, since it is part of our ordinance, he wanted to be sure the audit is actually happening. Mr. Stecky replied that we are in a battle with Steven Winter and that they are a non-performing company. Mr. Kuser noted that there was a letter from our Attorney basically dissolving our relationship with them. The Mayor explained that they re-grouped and want to try and make it work. Mr. Kuser requested that the Council receive a copy of the letter stating that they want to re-group and that we are going forward with them. Mr. Stecky stated that he doesn't think the letter was ever drafted but that it was more of a threat to S. Winter. He said that they were in a discussion with the Winter Co. and advised that they would be terminated if they did not perform to our satisfaction. Mrs. Goble advised that we never terminated the relationship.

Mr. Kuser referred to Section 2-34.2 e of the ordinance wherein it states that "the Chairperson, Vice-Chairperson and Secretary shall be elected during the last regularly scheduled meeting of any given year for the coming year". He asked if it is usual for out-going committee members to vote for officers for the next year. The Mayor said that he believes that the MAC committee does that. Mr. Kuser replied that it does not sound like a common practice to him. Attorney DiYanni interjected that it is not a legal issue; he said that it can happen and has happened on other committees. The Mayor explained that it was done that way in order for the committee to have its officers in place to begin the new year. Mr. Kuser asked what would happen if the officers were appointed by the Mayor and a new Mayor comes in who would want different officers. Mayor Hussa replied that political considerations were not taken into account. Mr. Kuser asked if the Mayor could see a problem with this. The Mayor responded that he can see what Mr. Kuser is saying and it could possibly be a problem. Councilman Stecky interjected that this is what the Council approved several weeks ago and asked why it is being questioned now. Mr. Kuser replied that it is because it is up for final adoption and now is the time to question it.

President Andes noted that most of the committees that he has been involved with have selected their officers in the beginning of the year, at their reorganization meeting. He cited the Planning Board and Board of Adjustment as examples. Mr. Andes said that he doesn't think this is a deal-breaker and that we need to pass the ordinance in order to get the funding. Mr. Andes said that it is something we can tweak along the way. The Mayor asked Attorney DiYanni if it is a substantial change. Mr. DiYanni replied that it is, but the Council can pass it as it is and amend it as necessary.

Mr. Kuser stated that he is not trying to de-rail the ordinance, but he wants it to be the best it can be. Mrs. Goble explained that the terms of office would have an impact on who would be appointed. The Mayor added that we can correct any problems later on and that he had not foreseen any problems with this ordinance as it is. Councilwoman Smith agreed with Mr. Kuser in that the appointment of officers should occur at the first meeting of the year. She recommended adopting the ordinance as it is now, but putting it on a future agenda for amendment.

President Andes asked if there was a consensus to pass the ordinance this evening and amend the appointment of the committee Chairperson until the first meeting of the new year. Mr. Andes asked Attorney DiYanni to take the necessary action to make the changes in the ordinance. All were in agreement.

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

#02-10 AUTHORIZES ACQUISITION OF GORLACH PROPERTY (OPEN SPACE)

BE IT RESOLVED THT 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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON
MOTION TO READ BY TITLE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER SMITH

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

OPEN PUBLIC HEARING:

Jerry Idec, 1 East Longview Trail, asked if anyone on the Council knows the location of the property that is the subject of this ordinance. President Andes replied that it is over in the vicinity of Muriel Hepner Park. Mr. Idec asked why the address cannot be put in the ordinance in order that the general public could know the location of the property. President Andes replied that he has just conferred with the Attorney and the Township Clerk and it is something that we can do in the future.

CLOSE PUBLIC HEARING.

BE IT RESOLVED THT 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 FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 2-24-10 ISSUE OF THE CITIZEN.

MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW

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

ORDINANCE(S) FOR INTRODUCTION:

#03-10 AUTHORIZES ACQUISITION OF DUDZINSKI/MOSCARITOLO PROPERTY (OPEN SPACE)

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 10901, LOT 13.01- TULIP LANE

BE INTRODUCED AND READ BY TITLE ON FIRST READING

MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

DISCUSSION: No one wished to be heard.

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

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 10901, LOT 13.01

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 3-16-10 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 SMITH, SECONDED BY MEMBER KUSER

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

#04-10 AUTHORIZES ACQUISITION OF THE PUDDINGSTONE DEVELOPERS,

LLC PROPERTY (OPEN SPACE)

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 10901, LOT 14.01 - TULIP LANE

BE INTRODUCED AND READ BY TITLE ON FIRST READING

MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER

DISCUSSION: No one wished to be heard.

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

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 10901, LOT 14.01

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 3-16-10 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 GOLINSKI

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

ITEMS FOR DISCUSSION AND/OR ACTION:

Councilman Fitzpatrick spoke about the great job that the DPW did during the snow storms. He added that there are several areas, such as sidewalks under the Rte. 46 and Rte 80 underpasses and a couple of pedestrian islands, that have been neglected and are in very bad shape. Mr. Fitzpatrick described the areas to which he was referring and noted that he has received complaints from residents that the areas are dangerous. He advised that one area on Route 53 belongs to N. J. Transit and they were contacted and responded that it would be taken care of. Mr. Fitzpatrick stated that there is a law that requires removal within a certain period of time.

Administrator Goble said that is correct and that she spoke with Chief Wagner about the situation. She noted that, with this type of severe storm, residents are generally given a couple of days grace. Mrs. Goble advised that warnings are then issued ; she added that some of our elderly citizens are at the mercy of others to come and shovel

them out. Mrs. Goble noted that if a summons is given to one, then one must be given to all. She said that no complaints were received by her office.

Mayor Husa noted that the same area was a concern, it was addressed at that time and taken care of. He thanked Mr. Fitzpatrick for bringing it to Administration's attention.

Councilman Kuser asked who is responsible for Route 80. Mrs. Goble replied that it is the DOT and commented on how difficult it is to get them out to take care of it. Attorney DiYanni advised that, as long as the Township directs the complaint to the proper agency when they receive a complaint about County or State property, they are not liable.

Councilman Shaw commented that care must be taken when sending the police after the residents. He explained that first summons issued could be to the Township of Denville, if they don't have enough personnel to clear township property.

Mr. Fitzpatrick suggested that we identify the seniors who need assistance shoveling and get some of our volunteers out to help. Mrs. Goble said that she tried to get that going through Social Services, but it never got off the ground. She thanked Mr. Fitzpatrick for bringing the matter up and said that she will continue to work on it.

Councilman Kuser asked President Andes if our sign ordinances could be put on a future meeting to be carefully examined to be sure that it fits our town well. He said that he gets many complaints from residents on the south side of Route 10 about the numerous portable advertising signs on the highway. Mr. Kuser commented that he thinks it should include all signs, including election signs. He asked if we can schedule it for a workshop. President Andes replied that the previous Council also wanted to address this issue, but ran out of time. Administrator Goble agreed that a lot of ordinances need to be addressed. She said that the March and April workshops are already taken up.

Mayor Husa noted that Sal Poli is the one who enforces the sign ordinance. He said that Mr. Poli advised that he cannot deal with every illegal sign in any given day. The Mayor advised that Mr. Poli is very active in enforcing our sign ordinance but it is very difficult to keep up with it. Mr. Kuser replied that he really thinks we need to review the ordinance to be sure it covers the type and number of signs that we see appearing now. There was additional discussion regarding where the signs are going up and the need to address the situation. Administrator Goble suggested that the issue be scheduled for the May workshop. President Andes asked Clerk Costello to make a note of that for the May workshop agenda.

President Andes commented that last month we lost a very active citizen in Denville, both a Councilman and, more importantly, a strong advocate for the children and sports programs of Denville - Jim McCloskey. He said that he has been approached by several sports organizations and by Mr. McCloskey's children, about doing something in his memory. Mr. Andes noted that, since Mr. McCloskey was so instrumental in building Field 7 as well as, personally, building the wall around it, he would like to

propose that a plaque be installed on the wall of Field 7 and name Field 7 in his honor. Mr. Andes asked if an ordinance could be drafted that would be approved so that the dedication would coincide with Opening Day of Little League. Township Clerk Costello advised Mr. Andes that it can be done with a simple resolution. Attorney DiYanni concurred. President Andes asked that a resolution be drafted for the next meeting. Mr. Andes asked for a consensus on presenting such a resolution at the next meeting. The consensus was unanimous in favor of such a resolution.

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

CONSENT AGENDA:

- R-10-42 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN
- R-10-43 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE - \$178.00
- R-10-44 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
- R-10-45 RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL ONE DAY ABC LIQUOR LICENSE
- MOTION TO APPROVE THE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, FITZPATRICK, SHAW, STECKY, GOLINSKI, ANDES

NON-CONSENT RESOLUTIONS

- R-10-46 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR THE POSITION OF MUNICIPAL PUBLIC DEFENDER FOR \$250.00 PER COURT SESSION
- MOTION TO APPROVE R-10-46: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW
AYES: SMITH, SHAW, Fitzpatrick, KUSER, STECKY, GOLINSKI, ANDES
- R-10-47 RESOLUTION AWARING PROFESSIONAL SERVICES CONTRACT TO BRICKER AND ASSOCIATES, INC. FOR THE WORK ASSOCIATED WITH THE TAX MAP REVIEW IN AN AMOUNT NOT TO EXCEED \$2,600.00
- MOTION TO APPROVE R-10-47: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER

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

R-10-48 RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT TO ACQUIRE REAL PROPERTY KNOWN AS THE GORLACH PROPERTY, BLOCK 60207, LOT 100 AND BLOCK 60404, LOT 98 FROM ALFRED GORLACH AND VICTORIA GORLACH FOR \$65,000.00

MOTION TO APPROVE R-10-48: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

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

R-10-49 RESOLUTION REFUNDING THE PAYMENT OF SEWER TAP AND SEWER CAPACITY FOR CALENDAR YEAR 2010 FOR \$2,700.00

MOTION TO APPROVE R-10-49: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

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

R-10-50 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2009 FOR \$2,736.10

MOTION TO APPROVE R-10-50: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SHAW

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

R-10-51 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE FOR #30,268.73

MOTION TO APPROVE R-10-51: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SHAW

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

R-10-52 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO VIRIDIAN ENVIRONMENTAL CONSULTANTS FOR WORK ASSOCIATED WITH BLOCK 10901, LOT 13.01, TULIP LANE KNOWN AS THE "TULIP LANE A PROPERTY" IN AN AMOUNT NOT TO EXCEED \$3,000.00

MOTION TO APPROVE R-10-52: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

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

R-10-53 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT TO BRICKER & ASSOCIATES, INC. FOR SURVEY WORK ASSOCIATED WITH BLOCK 10901, LOT 13.01, TULIP LANE, KNOWN AS THE "TULIP LANE A PROPERTY" IN AN AMOUNT NOT TO EXCEED \$1,400.00

MOTION TO APPROVE R-10-53: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

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

R-10-54 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO VIRIDIAN ENVIRONMENTAL CONSULTANTS FOR WORK ASSOCIATED WITH BLOCK 10901, LOT 14.01 TULIP LANE KNOWN AS THE "TULIP LANE B PROPERTY" IN AN AMOUNT NOT TO EXCEED \$3,000.00

MOTION TO APPROVE R-10-54: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH

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

R-10-55 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO BRICKER & ASSOCIATES, INC. FOR SURVEY WORK ASSOCIATED WITH BLOCK 10901, LOT 14.01, TULIP LANE, KNOWN AS THE "TULIP LANE B PROPERTY" IN AN AMOUNT NOT TO EXCEED \$1,400.00

MOTION TO APPROVE R-10-55: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW

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

MOTION TO APPROVE MINUTES OF 1-30-10: MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK

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

MOTION TO APPROVE MINUTES OF 2-2-10: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

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

ABSTAIN: SMITH

President Andes advised that, at this time, the Council will interview candidates for the vacant seat for Alternate #2 on the Denville Zoning Board of Adjustment. He noted that the Council has received five (5) resumes, which are attached to these minutes. The following individuals

James Belcher
Gene Lolacono
Mark London
Sean Ryan
Mark Venis

Mr. Andes said that the Council has a standard format for conducting these interviews. He asked all of the candidates to leave the room and they will be interviewed

individually, in alphabetical order, beginning with Mr. Belcher. Mr. Andes advised that each candidate will be asked the same questions, after the interviews all candidates will leave the room, the Council will go into Closed Session for discussion and make its decision.

Each candidate was asked to make a brief statement as to why they are applying for this position. They were then asked the following questions:

1. Why do you feel you are the best candidate for this position?
2. What do you see as your role as a member of the Board of Adjustment?
3. What special qualifications and skills would you bring to this position?
4. Do you understand that the Board of Adjustment meets on the first and third Wednesday of each month and that your attendance is necessary to insure a full compliment for voting purposes?

Also, as part of your duties, you will be expected to do site inspections of the matters before the board.

Also, you will be required to attend land use oriented classes.

Can you meet all of these requirements?

Each candidate was asked if there is anything else he wished to add.

Mr. Belcher thanked the Council, Council President and Mayor for the opportunity to apply for the position. He gave his credentials as a teacher, which included drafting and blueprinting. Mr. Belcher added that he built a house in Denville in 1968, is a 42-year resident and has been active as a volunteer in many areas in the community and his church. He said that he has been building homes since 1996 and has worked with the Board of Adjustment in many towns and is very familiar with sub-divisions and how the boards operate.

In answer to Question #1 from President Andes, Mr. Belcher replied that he feels that he has a strong background, lives and is active in Denville and would like to continue to serve Denville.

Question #1: Getting along and trying to work out solutions with the other members.

Question #3: Experience with old and new construction and dealing with Planning and Zoning Boards.

- Question #4:
- a. Is retired and has the time to meet the meeting requirements.
 - b. Yes, it is very important to view the sites firsthand.
 - c. Is willing to take required classes.

Mr. Belcher had nothing further to add.

President Andes asked Mr. Belcher to send in Mr. Lolacono.

Mr. Lolacono stated that he loves Denville and wants to be part of the way the Township is run.

Question #1: Young, active in town; has a business in town and is very fair and

honest.

Question #2: To listen and make the right decision to the best of his ability.

Question #3: Understands construction, listens and comes up with solutions.

Question #4: Mr. Lolacono answered yes to all parts of this question.

Mr. Lolacono had no further comments.

President Andes thanked him for his time and asked him to send in Mr. London.

Mark London stated that he has been a resident of Denville for 33 years and has been interested in town government for all of that time. He noted that he has served as both member and Chair of the Environmental Commission and participated in the preparation of the original Natural Resources Inventory. Mr. London advised that he is a member of the American Institute of Certified Planners and currently works in the planning field.

Question #1: Knows the town, has sat through many Planning, Zoning and Council meetings; was secretary to the Concerned Citizens of Denville; understands the Highlands Act.

Question #2: To know and understand how the land use laws pertain to variances, since they are discretionary and involve hardships.

Question #3: Certified Planner, environmental scientist with expertise in wetlands and wetlands delineation. Spent 5 years as Director of Environmental Review for the New York City Department of City Planning.

Question #4: Mr. London responded affirmatively to all requirements in this question.

Mr. London added that he hopes that the Council will give him due consideration and that he believes that he can serve the town well.

President Andes asked Mr. London to have Mr. Sean Ryan come in.

Mr. Ryan stated that, as a former contractor, he can look at situations from their perspective and deal fairly and without prejudice, with all applicants

Question #1: Mr. Ryan responded that he does not know if he is the best candidate but, if chosen, feels he can keep the best interests of the citizens of Denville in mind and make the right decisions.

Question #2: Provide assurance that any and all new construction is in conformance with all regulations, unless the applicant can show just cause to be granted a variance.

Question #3: As a former contractor, can bring proper perspective and knowledge of building codes.

Question #4: Mr. Ryan answered affirmatively to each requirement of this question.

Mr. Ryan had no further statement.

President Andes asked Mr. Ryan to send Mr. Mark Venis in.

Mr. Venis stated, as his reasons for applying to the position, that he is a resident of Denville and would like to become more involved in the community. He said that, through his service on the Recreation Committee, his commitment and dedication to the town has spoken for itself.

Question #1: Due to dedication, common sense and knowledge. Took classes in architecture, engineering and technology and can read blueprints and plans.

Question #2: Listen to plans for sub-divisions that go before the Board to determine whether or not they conform to code. Is familiar with the proposed restaurant on Route 10 as far as the parking ordinance and signage and whether it is adaptable to Denville's rules.

Question #3: Has common sense, is knowledgeable when it comes to reading blueprints and sees things as black and white according to the rules.

Question #4: Mr. Venis replied that he was not aware that the Board meets on the first Wednesday as well as the third. He said that he may have a minor conflict since he is the President of the Recreation Committee. President Andes asked if Mr. Venis would be willing to step down from the Recreation Committee, should he be chosen for this position. Mr. Venis replied that it is a tough question to answer immediately because he was not aware of the first meeting of the month for the Board. He stated that there are competent people on the Recreation Committee to step in for him and, if he needed to be at the Board of Adjustment meeting, he would be there. Mr. Venis replied affirmatively to the remaining requirements of question #4. President Andes asked if Mr. Venis had anything to add. Mr. Venis noted his background and said that he has done some research on the workings of the Board of Adjustment.

President Andes asked Mr. Venis to step outside.

Mr. Andes then asked for a motion on:

R-10-56 RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS
PERSONNEL MATTERS
MOTION TO APPROVE R-10-56: MOVED BY MEMBER KUSER, SECONDED BY
MEMBER SMITH
AYES: KUSER, SMITH, FITZPATRICK, SHAW, STECKY, GOLINSKI, ANDES

President Andes advised the public that the Council will now go into Closed Session to discuss the interviews that were just conducted. He said that, when they come out of Closed Session, they will choose the Alternate Member for the Board of Adjustment.

Council went into Closed Session at 9:25 p.m.

Council came out of Closed Session at 9:53 p.m.

President Andes thanked the five gentlemen for coming forward to volunteer for this position. He said it is not easy to come before the public and be interviewed like this.
Township Council

