

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

FEBRUARY 2, 2010

The Meeting was called to order at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Stecky. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello noted that she received a call from Councilwoman Smith who advised that she is ill and unable to attend this evening.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, STECKY, ANDES
ABSENT: SMITH

ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR GOBLE AND
TOWNSHIP ATTORNEY DI YANNI

LIAISON REPORTS:

Councilman Fitzpatrick reported that the Board of Education has a meeting this coming Monday and are in the very early stages of examining their budget. He noted that they feel they may be able to fit the extracurricular activities into this year's budget, but there is no guarantee that it will happen. Mr. Fitzpatrick said that they are waiting for a lot of information from the State and that there is a possibility that it can fit in under the cap. Mr. Fitzpatrick encouraged everyone to attend the meetings and have their voices heard. Mr. Fitzpatrick advised that the PRIDE dinner is on Saturday, the 27th of February at 7:30 p.m. at Zeris and tickets are available in the Clerk's Office.

Councilman Fitzpatrick reported that Denville Community TV is off to a good start and has a very clear Mission Statement. He said that they are airing on Cablevision and are pushing for FIOS as well.

Councilman Kuser reported that he attended the Planning Board meeting and the Board discussed the Highlands with Mr. Denzler. He added that the Historical Society and the Open Space Committee have not met as yet.

Councilman Shaw reported that he had previously expressed a concern about the number of people attending functions at the Senior Center. He feels that the evacuation procedure for so many elderly people is dangerous. Mr. Shaw noted that the Administrator asked the Construction Official to check out the legal capacity for that room and the figure has been revised. Councilman Shaw advised that he has spoken with each of the Senior groups and each one has appointed one of their members to be in charge of crowd control. Mr. Shaw added that a member is assigned at each meeting to attend to the doors with crash bars to make sure they are unlocked for emergency exit, should that become necessary during a meeting.

Councilman Shaw said that he has given some material to the President of the Seniors on some of the causes of elderly people suffering falls. He also noted that he will be sharing information on how to survive an earthquake with the Seniors. Mr. Shaw stated that there is a fault under the State of New Jersey and the material he received provides some simple measures that could save a life during an earthquake.

Councilman Stecky reported that a Sustainable Green Committee meeting was held

and the primary focus will be on locating grants to improve energy efficiency. He said that the transition from a Mayor's Advisory Committee to a full Standing Committee was also discussed.

Councilman Golinski reported that the Fire Department's Mutual Aid Dinner was held on Saturday night and it was a great opportunity for the Council to meet with the Denville Officers and Chiefs from neighboring departments.

MAYOR'S REPORT:

Mayor Husa noted that all of the committees are up and running; the Open Space Committee did not meet in January but the schedule is now complete and the Council will receive a copy of that. He said that he will provide a complete schedule of all committee meetings to the Clerk's Office.

The Mayor reported on the following:

RACES

Beautification Committee

Muriel Hepner Park Clean-up Day - March 27th

Deer Hunt 2010

N. J.'s First Bicycle Summit

Parsippany Sewer Groundbreaking Ceremony

Mutual Aid Dinner

Denville TV

Open Space

Rotary Club Bandstand: Mike Meola, Contractor with M. C. School of Technology assisting, Louis Barbieri, Architect. Project entirely by Rotary Club, spanning 3 Presidents.

A copy of the Mayor's full report is attached to these minutes.

ADMINISTRATOR'S REPORT:

Administrator Goble noted that, as discussed previously, she will be giving her report at the second meeting of the month. She reminded everyone that this Friday is "Wear Red Day"; nurse Peggy Grossman is selling pins for \$5 to be donated to the American Heart Association. Mrs. Goble advised that all employees will be wearing red on Friday. She said that if any of the Council would like to buy a pin, they should stop in to see Peggy.

OPEN PUBLIC PORTION:

Franz Fuertges, 109 Ford Road, said that he is addressing the Council and Administration as the Director of the Beautification Committee. He noted that the project for this year is to increase the number of planters in town. Mr. Fuertges advised that, at no cost, concrete pipes can be obtained from the DPW and that Morris County Vo-Tech will assist with decorating them with tiles. He said that he doubts that any financial assistance will be forthcoming from the Vo-Tech, so the burden is on the Township Council

Township. Mr. Fuertges stated that the \$1,500, that he has been told is available to the Committee, is not sufficient. He noted that there was \$3,000 left in the budget at the end of last year, with which he intended to buy tiles but, when he approached the Purchasing Agent recently, he was told that the available funds at this time are \$1,500. Administrator Goble explained that, when Mr. Fuertges approached Administration at the end of December, there was \$3,000 remaining in the Beautification budget. She said that the project for which Mr. Fuertges was requesting the funds, could not be completed in that amount of time. Mrs. Goble further explained that, by State law, you must purchase in the year that your budget was adopted; anything that is in the 2009 budget, had to be charged to the 2009 budget. She advised that the money that was not used lapsed into the fund balance. Mrs. Goble stated that we are on a temporary budget and the State will only allow us to put 26.25% of certain appropriations from our 2009 budget into our 2010 budget. She noted that, after we allow for our non-discretionary costs such as, salaries, utilities, etc., the remainder is split up among the departments. Mrs. Goble said that she had explained to Mr. Fuertges that the budget does not have that money in it because it is a temporary budget.

President Andes asked Mr. Fuertges how much money is needed for the tiles.

Mr. Fuertges replied that the tiles, and all materials to apply them, would be a minimum of \$3,000.

President Andes asked the Mayor if the money is being allocated in the 2010 budget.

Mayor Husa replied that the Beautification Committee voted for it but he doesn't want to give it the go-ahead until he finds out if the Chamber of Commerce wants it. He said that if people don't want them downtown then he thinks we should re-think it a bit.

Mr. Fuertges stated that, if we wait until the budget is approved, it will be too late to do this. He said that the school only has a certain amount of time available to help with the project. Mr. Fuertges urged the Council and Administration to try and find a way to fund the project. He said that there are many willing hands at Vo-Tech who wish to help and that the Chamber of Commerce enthusiastically endorsed it.

The Mayor said that he would put it in the ultimate budget, but the money is not available now.

President Andes asked Mrs. Goble when the money would be available, if the Council were to approve this. Mrs. Goble replied that it would be as soon as the budget is adopted, in April or May. Mr. Andes said that he assumes that would be too late. Mrs. Goble interjected that administration planned to talk to the Chamber to see if they would lend some financial support to the project. She added that Administration has not been ignoring it and it is not a dead issue. Mrs. Goble noted that this was presented to her late this afternoon and she did not have much time to look into what could be done.

President Andes asked if there was a rendering of what this will look like. Mr. Fuertges suggested that the Richard & Summers building is an example of the type of work that he wishes to do. He noted that there is a theme that he wants to follow that will enhance the downtown area.

Councilman Golinski asked if Mr. Fuertges could use the \$1,500 to begin with twenty

planters instead of waiting for the \$3,000 to do all forty at once. President Andes commented that the \$1,500 is not available either. Mrs. Goble advised that the \$1,500 is available right now. Mayor Hussa asked Mr. Fuertges if he could do that. Mr. Fuertges replied that he guesses he could, if he has to. The Mayor said that he thinks doing twenty would be a good idea. He noted that people would notice them and perhaps more people would donate the funds needed for the rest. Administrator Goble commented that the Township is not denying his request but is trying to work with him. She reiterated that the \$1,500 is available and the Purchasing Agent will work with him.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS: President Andes reminded the Council that the Fire Department will be coming in at the Budget Workshop on Saturday as well as Engineering, DPW and Recreation. He said that the roads will be discussed so if anyone has not looked at the roads, please do so. Mr. Andes particularly noted the narrow portion of Hillcrest that is in danger of collapsing. Councilman Stecky noted that he and Councilwoman Smith rode around on Saturday looking at the roads that are on the paving list. He said that they noticed that roads that have had utility work done on them are in particular need of repair. Mr. Stecky stated that it appears that the utility companies cut trenches and then they just patch them when they're finished. He said that the patches are poorly done, they break down when water gets in them and that causes the road to deteriorate. Mr. Stecky questioned what the specifications are for the patch work done by the utility companies. Administrator Goble replied that Engineer Nick Rosania will be present on Saturday and will go over any road issues at that time. Councilman Shaw noted that it seems as though people are always waiting for someone else to make the call when there is a road issue. He said that a phone call will generally remedy the situation.

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

CONSENT AGENDA:

- R-10-32 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - \$460.21

- R-10-33 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - \$465.93

R-10-34 RESOLUTION AUTHORIZING REFUND FOR A PARKING PERMIT FEE
- \$225.00

R-10-35 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC
LIQUOR LICENSE FOR THE ROTARY STREET FESTIVAL

R-10-36 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP
OF DENVILLE

MOTION TO APPROVE THE CONSENT AGENDA: MOVED BY MEMBER KUSER,
SECONDED BY MEMBER STECKY

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

ABSENT: SMITH

NON-CONSENT AGENDA:

R-10-37 RESOLUTION OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY,
STATE OF NEW JERSEY, AUTHORIZING THE REDUCTION IN THE
APPLICATION FEE FOR A VARIANCE SITE PLAN APPLICATION FOR
THE ROCKAWAY RIVER COUNTRY CLUB

MOTION TO APPROVE R-10-37: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER FITZPATRICK

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

ABSENT: SMITH

R-10-38 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING
AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES
CONTRACT FOR THE POSITION OF SPECIAL LABOR COUNSEL -
FREDERIC M. KNAPP, ESQ.

MOTION TO APPROVE R-10-38: MOVED BY MEMBER STECKY, SECONDED BY
MEMBER GOLINSKI

Discussion: Councilman Stecky asked if the rate is the same as we paid last year.

Administrator Goble replied in the affirmative.

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

ABSENT: SMITH

R-10-39 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT
TO HATCH MOTT MACDONALD FOR ENGINEERING SERVICES TO
ASSIST THE TOWNSHIP IN COMPLYING WITH VARIOUS NJDEP
REGULATIONS IN AN AMOUNT NOT TO EXCEED \$6,500.00

MOTION TO APPROVE R-10-39: MOVED BY MEMBER STECKY, SECONDED BY
MEMBER GOLINSKI

Discussion: Councilman Stecky commented that he did not see a pricing schedule
included with this resolution. Administrator Goble replied that it is on file and is the

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same as last year.

AYES: STECKY, GOLINSKI, FITZPATRICK, KUSER, ANDES

NAY: SHAW

ABSENT: SMITH

R-10-40 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID
DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY -
TAMARA ENTERPRISES LLC - 2008 & 2009 - 123 E. MAIN STREET
(JUDGEMENT AMOUNT AND DISPOSITION TO 1ST QUARTER OR
REFUND WAS NOT AVAILABLE AT TIME OF PRINTING)

MOTION TO APPROVE R-10-40: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER STECKY

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

ABSENT: SMITH

MOTION TO APPROVE MINUTES OF 1-12-10 AND 1-19-10: MOVED BY MEMBER
KUSER, SECONDED BY MEMBER STECKY

AYES: KUSER, STECKY, FITZPATRICK, SHAW for 1-19-10, GOLINSKI ANDES

ABSTAIN: SHAW for 1-12-10.

ABSENT: SMITH

MOTION TO ADJOURN: MOVED BY MEMBER FITZPATRICK, SECONDED BY
MEMBER KUSER

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

ABSENT: SMITH

MEETING ADJOURNED AT 8:07 P.M.

Respectfully submitted by:

Kathleen A. Costello
Deputy Township Clerk