

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

FEBRUARY 9, 2010

The Meeting was called to order by President Andes at 7:00 p.m. The Salute to the Flag was recited, followed by the reading of the Open Public Meetings Act Statement by Deputy Clerk Costello. Mrs. Costello reminded everyone present that this is a non-smoking facility and anyone who wishes to smoke must leave the grounds. She asked that all cell phones be muted or turned off.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR GOBLE, ATTORNEY SEMRAU, ENGINEER ROSANIA, COAH ATTORNEY DE BONA, PLANNER DENZLER, FIRE CHIEF CROTHERS, 2ND ASST. FIRE CHIEF SHARPLES, 3RD ASST. FIRE CHIEF LEZCANO, MEMBERS OF THE PLANNING BOARD AND COAH LIAISON BOWDITCH.

President Andes announced that he will now open the meeting to anyone who wants to speak on any subject **except** the Highlands or COAH.

OPEN PUBLIC PORTION.

CLOSE PUBLIC PORTION.

Mr. Andes said that there will be a public portion regarding the Highlands and COAH after the presentation on those topics.

President Andes advised that there will be a brief presentation by the Fire Department. Mr. Andes gave a re-cap of the Fire Department's request at the last budget meeting. He noted that the Valley View ambulance is scheduled to be replaced this year and the model of ambulance that they prefer will not be available after this year. Mr. Andes added that the Union Hill ambulance is scheduled for replacement next year. Chief Crothers reported that the First Aid Captain, with the aid of 3rd Asst. Chief Lezcano, has gathered the information that the Council requested. He said that Captain Keating could not be here this evening and Asst. Chief Lezcano will make the presentation.

Asst. Chief Lezcano provided a hand-out to the Council members, a copy of which is attached to these minutes. Mr. Lezcano noted that the Council had requested information concerning the cost of two ambulances rather than one. He made the following points in favor of that plan:

1. A saving of 5 - 7% on each one, which translates into \$9,000 to \$12,000 per ambulance. The preferred Ford chassis is still available - but will not be after 2010.

2. Ambulance #231 at Union Hill is scheduled for replacement in 2011. He said that the current mileage on this vehicle is 29,000. Mr. Lezcano explained that, although this seems like low mileage, the vehicle idles 75% of the time, which also causes wear on the engine.

3. Problems with the Ford 2011 chassis:
 - a. Is equipped with a V-10 gasoline engine, diesel engines will no longer be available.
 - b. Mileage from a gasoline engine is 1/3 less than that of a diesel engine.
 - c. Gasoline engines require more maintenance time and is more expensive to repair.
 - d. 75% of the time that an ambulance is on a call it is idling and gasoline engines are not built to idle.
4. Other available chassis:
 - a. Chevy Chassis - not recommended by vendors
 1. Reports of electrical problems in truck and compartment.
 2. Reports of frame falling apart due to weight issues
 - b. International chassis
 1. Smaller patient compartment
 2. Weight - approx. 1 - 2 ½ ton increase
 3. Height - approx. 4 inches higher
 4. Higher fuel cost
 5. Higher maintenance expenses
 6. Uncomfortable ride in patient compartment
 7. Recommended by vendors for chassis to be used as an equipment carrier - not an ambulance. International Chassis would cost between \$40,000 to \$73,000 more than the current ambulance.

Councilman Kuser asked if the box on ambulance #231 is ten years old and can it be transferred to another vehicle. Chief Crothers replied that it's not worth doing; it has been tried and doesn't work.

Mr. Kuser said that it needs to be noted that the smaller unit is needed to be able to get into the lake areas.

Chief Crothers said that is correct and that only about 1/3 of the Fire Dept. will drive the bigger unit. He added that there is less room in the patient box.

Councilman Shaw asked how much money we are actually talking about here.

Chief Crothers replied that each ambulance is priced at \$180,000, two would be \$360,000 and, after the discount, it would be \$340,000 for both ambulances. He said that if we wait to replace the second ambulance next year, and have to go with the International, the price would be more like \$220,000 for that one ambulance.

President Andes asked if the Valley View floor would be able to handle the International ambulance. Chief Crothers replied it probably would not. Mr. Andes explained that the floor in the Valley View Firehouse is deficient because there is a basement under that floor.

Councilwoman Smith asked if there is any re-sale value to the current ambulances, and asked if it would be better to sell them now or later.

The Chief replied that we could try Gov Deals but he has no idea what the re-sale value

would be. Mrs. Smith asked what our experience has been with selling vehicles. Mr. Crothers replied that, as far as he knows, we have only sold one ladder truck and one rescue truck and did alright with those sales. He said that we could possibly get \$10,000 - \$15,000 for each vehicle.

Mrs. Smith asked what ambulances are coming up for replacement. The Chief replied that truck #228 is due in 7 years. Mrs. Smith commented that it gives the manufacturers time to come back with a cab and diesel engine that would suit our department. President Andes asked Mrs. Goble where we stand with trying to expedite this because of the demand for this vehicle.

Mrs. Goble replied that we had talked about doing a bond ordinance and taking the 5% down payment from our Capital Improvement Fund because we could start that process now. She said that if we didn't do that, we would be looking at the end of the summer as a time frame. Mrs. Goble advised that we would take \$17,000 out of our Capital Improvement Fund and replenish it when we do our budget process in order to keep the fund at a level that we are comfortable with. The Administrator advised that a bond ordinance could be prepared for the next meeting for introduction and be adopted at the March 16th meeting. Mrs. Goble added that we have gotten much better prices by using Gov Deals when selling old Police cars than we would with a trade-in. She noted that whatever we cleared by using Gov Deals would go back into the Capital Fund. Councilwoman Smith asked if that would be a realistic time frame for the Fire Department to acquire these ambulances.

Asst. Chief Lezcano replied that it would be, since the vendors that we generally use, have indicated that they have enough of a supply for this year.

President Andes noted that this will have to go out to bid and asked if by, "the vendors we generally use", he means vendors that normally win the bid. Asst. Chief Lezcano said that is correct.

Councilman Kuser asked if that means we don't have to rush with the bond ordinance as long as we buy before the end of the year.

Chief Crothers replied that we could wait, but it would be a risk.

Mr. Kuser asked the Administrator if bonding could go through the County.

Mrs. Goble replied that this is too small an issue for the County. She said that we could do the bond ordinance and not sell the note until we have another bond item to add to it.

Mrs. Goble advised that we could look at the market at that time.

Mr. Kuser asked if the Fire Department is recommending that we move quickly. Chief Crothers stated that the chassis are there now, but he can't guarantee that other towns won't start buying them out.

Councilwoman Smith asked for Administration's recommendation.

Administrator Goble replied that she feels that we need to listen to the Fire Department when it comes to what their needs are.

Mrs. Smith commented that she was at the Firehouse last Saturday and was amazed at Township Council

the frequency and the lateness of the hour of the calls that came in. She commended the people who come out at all hours and the remarkable service they provide. Mrs. Smith stated that it makes sense to buy the two ambulances.

Councilman Stecky commented that we have not yet seen the budget and we don't know where we stand on it and we are talking about spending money that we don't know that we have. Administrator Goble advised that the capital is always done first. Mr. Stecky said that we went through a very detailed presentation with the Police Chief and met with the Fire Department. He said that it obviously sounds like a good deal but the question is, do we have the money. Administrator Goble replied that she, personally, feels that we do. She said that the down payment is \$17,000 and she doesn't think that \$17,000 will have any impact on anything in our budget. Mrs. Goble noted that if we were talking about paying cash and laying out \$300,000, that would be a different matter. Mr. Stecky asked if this will affect operating costs. He asked if those costs would go up or down. The Chief replied that, with lower maintenance, etc., the operating costs should go down.

Councilman Shaw commented that he has a concern about other departments coming in with capital requests that may be equal to that of the Fire Department.

Administrator Goble advised that the capital project requests are much fewer this year than in previous years. She said that the biggest projects this year are road paving and this one. Mrs. Goble said that there is not much requested in equipment from the DPW, Parks or the Police Department.

Councilman Golinski asked Mrs. Goble if we can, as a Council, recommend going out to bid and, if we are in dire circumstances with the budget, cut it back to one ambulance instead of two. Administrator Goble replied that it could not be done that way because the Bond Council has to know exactly what we are doing; and the bid would be the same thing when it is advertised. Mrs. Goble noted that we are meeting on February 20th to discuss capital items and, if everyone would feel more comfortable waiting the eleven days, we could discuss it then.

Mrs. Goble made it clear that she won't go to Bond Council and pay the fees if this Council is not sure that they want to go that route.

Councilwoman Smith noted that she doesn't see a need to wait, since the capital outlay is so much less than in previous years. Mrs. Goble reiterated that the \$17,000 is available in the Capital Improvement Fund and can be absorbed in the 2010 budget. Attorney Semrau advised that if the bids come in and exceed the budget, the bids can be rejected.

Mayor Husa said that he agrees with Mr. Stecky that it would be nice to see the full capital picture, but we always rely on our Fire Department experts to give us the right information and they are telling us that we are going to save.

President Andes asked for a consensus on purchasing two ambulances this year, out of the normal budget process:

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

Township Council

Andes Yes

Councilman Stecky qualified his yes vote by saying that he wants to see the numbers. President Andes thanked the Fire Department representatives for the information that they provided this evening. He also thanked them for their service to Denville.

President Andes advised that the next topic for discussion is the Highlands Act and he asked Attorney Semrau to provide an overview of the presentation.

Attorney Semrau noted that the agenda indicates that there will be a discussion regarding the Highlands Act. He said that, as has been mentioned, the Township Planner, Bill Denzler is present, as well as the Counsel on Affordable Housing Paula DeBona. Mr. Semrau advised that the three of them, he, Mr. Denzler and Attorney DeBona, have put together a presentation so that everyone here can understand where we are in the Highlands process. He noted that the order will be: a presentation by Mr. Denzler, giving an overview of the Highlands Act and discussing current planning issues with respect to the Township of Denville. Mr. Semrau stated that the next part of the presentation would be to apply issues pertaining to the Highlands Act and its impact on the municipality.

Attorney Semrau added that one of the things that they were very sensitive to in putting this presentation together was that this is a policy decision of the Township. He stressed that it is not for the Attorneys or the Planner to make a recommendation, but only to provide all of the facts and information in order that the Township may make an informed policy decision. Mr. Semrau asked that all questions be held until the end of the presentation because many questions in the early part will be answered in the latter part of the presentation.

President Andes asked Administrator Goble if there was anything she wished to discuss while the presentation is being set up.

Administrator Goble spoke about budget dates. She noted that one is scheduled for Saturday 2/20 which will cover the capital budget that was to be discussed at the canceled meeting of 2/6. Mrs. Goble said that 2/23 was discussed for going over operating expenses and starting the meeting at 6:30 or 7:00 p.m. She advised that another meeting will be necessary and suggested Thursday, 2/25. President Andes noted that the choices are 2/25 or 3/6 and asked Mrs. Goble which she would prefer. Mrs. Goble replied that her preference would be to have meetings on 2/23 and 2/25 and, if another meeting is required we could go into March. She added that, we should start the meetings at 6:30 or 7:00 p.m. and limit the meetings to three hours. There was a brief discussion regarding member availability and the following dates and times were decided upon:

Saturday, February 20th at 9:00 a.m.

Tuesday, February 23rd at 6:30 p.m.

Saturday, March 6th, at 9:00 a.m.

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Councilwoman Smith asked when the Council will receive their budget books. Mrs. Goble replied that they will have them for the meeting of February 20th.

Mr. Denzler then gave a power point presentation lasting approximately 40 minutes. A copy of the presentation is attached to these minutes.

The presentation covered the following items;

- History of the Highlands Act
- Region covered by the Act as well as the number of municipalities included in both the Preservation Area and the Planning Area
- Water Supply Facts of the NJ Highlands Region
- Breakdown of Preservation and Planning Areas as related to Denville Township
- Land Use Capability Maps
- Zones in the Preservation and Planning Areas
- Sub-zones in the Preservation and Planning Areas
- Opting In versus Opting Out - Regulatory Controls
- 2000 Master Plan Revision
- 2006 Master Plan Re-Examination
- Denville Township - Actual Growth 2004 to 2008
- Municipal Build-Out
- Affordable Housing Obligation
- Resources and Sensitive Lands
- Development Issues
- The Decision to Opt In or Not
- Impacts on Planning Program
- Planning Area - Opt-In Comparison
- Additional Regulatory Controls
- Concerns as to Highlands Act
- Policy Decisions to be Determined by the Mayor and Council

Several maps were included in the presentation.

Under Policy Decisions, Mr. Denzler listed the following three options:

1. Continue with current course for Plan conformance as it pertains to both the Preservation and Planning Area.
2. Rescind portion of Resolution R-09-258 as it pertains to the Petitions for Plan Conformance for lands lying within the Planning Area.
3. Township Council (through Ordinances) and Planning Board (through Master Plan) can, at any time, incorporate relevant ideas from the Highlands Plan which may promote the goals and objectives of the Township as it pertains to future land use and environmental protection.

Mr. Denzler showed a slide indicating the vacant land in Denville and one that indicated the municipalities that made their determination with regard to the Highlands by the December deadline. He noted that 56 municipalities, of the 88 in the Highlands area, decided to follow the Preservation Area only and 6 decided to follow the Planning Area.

Mr. Denzler advised that Denville is in the Planning area only, with the exception of 7 acres in the Preservation area, and that 7 acres is in a water area and could never be developed in either scenario - opting in or opting out. Mr. Denzler commented that one of the issues pertaining to recreational development is the Veteran's Field expansion off Zeek Road. He showed a slide indicating the environmental constraints that would impact this project. Mr. Denzler advised that, based on discussions with the staff Planner at the Highlands Council and Director Eileen Swan, it is basically a matter of timing. He said that the restrictions would not be in place until the Council adopted ordinances pertaining to the Planning Area. Mr. Denzler said that, as it pertains to the timing, he understands that it is a three-year project that these ordinances could be authorized by the Highlands at any point during 2009. He said that, as a fall-back, there are mitigation potentials; if we take down acres of forest, we might have to replace acres of forest somewhere else in the Township. Or, he added, we may have remedial methods for ground water re-charge, particularly as it pertains to any extension of the parking lot. Mr. Denzler reiterated that it really comes down to timing for this issue.

President Andes called for a brief recess at 8:23 p.m.
The Meeting resumed at 8:31 p.m.

President Andes stated that, as everyone can tell from Mr. Denzler's presentation, this is a very complicated issue. He said that he would now like to entertain questions and comments from the Mayor, Council and Planning Board member, and then open the meeting to the public.

Mayor Husa commented that most of the questions he had have been answered by Mr. Denzler. He said that those questions pertained to Veteran's Park. The Mayor stated that his understanding of the clustering issue is that it only applies to the conservation zone. He noted that Julia Summers has the answer to that question. Mayor Husa asked Mr. Denzler how our COAH number went from 0 to 90.

Mr. Denzler replied that the number 93 comes from two components: the actual build-out and the actual growth from 2004 - 2008.

He said that, in terms of the build-out, it says that we are going to produce 50 more residential structures, based on a 20% set-aside and that equals 10 units. Mr. Denzler stated that, based on the actual growth between 2004 and 2008, the affordable housing obligation is 83 units. He said that is based on a mix of what residential properties were permitted by building permits, as well as new commercial that went up over that period. Mr. Denzler noted that, when you add that to the ten from the build-out, you get the figure of 93. He advised that the figure can be reduced by the credits we have going into the plan and he believes that is 49; types of housing can also add to our credits, so the figure could potentially become zero.

Councilman Stecky asked if the 90 is cast in stone. Mr. Denzler replied that it is the number that we have to start with. Mr. Stecky said that the number would then be somewhere between zero and 90, depending upon how we manage our credits. Mr.

Denzler replied in the affirmative. Attorney DeBona added that it also depends on the Affordable Housing regulations, which we can't predict. There was a brief exchange regarding the political aspects of the COAH regulations.

Councilwoman Smith asked Mr. Denzler if the reduction that he is speaking of going into Highlands, also exists for COAH if we don't go into Highlands. Mr. Denzler replied in the affirmative; he said that the same 49 would apply. Mrs. Smith asked, in that case, if the 160 could be reduced to 120 as well, depending on the mixture of the type of housing. Mr. Denzler said that is correct and the type of housing, such as assisted living, would also have an impact on the reduction. He added that the Highlands number does not account for the number of single family lots that would be exempted under the Highlands Act, which the build-out number does not include in their calculations.

The Mayor had no further questions.

The Administrator had no questions.

Councilman Golinski asked about the 555 non-conforming units as it pertains to waste water capacity. He asked what the figure would be if the waste water capacity were taken into account. Mr. Denzler replied that he does not have that figure because it is a mix and some will have to be used for commercial purposes.

Mr. Golinski asked what Denville would get from the Tax Stabilization Fund. Mr. Denzler replied that in theory, under the Highlands Act, the State will provide funds to towns that request it, to cover loss of tax ratables for properties that would be reduced in value based on the lack of developability. Attorney Semrau clarified Mr. Denzler's explanation by stating that, if there is a tax appeal that warrants a reduction, there is some funding through the Highlands Act for reimbursement. He said that it is just for some of the loss that is experienced by the town. Mr. Semrau noted that it would have to be demonstrated that the loss was due to the Highlands Act and the municipality would then be considered for reimbursement. There was a brief exchange between Councilwoman Smith and Attorney Semrau regarding reimbursement for a tax appeal on vacant property. Mr. Semrau reiterated that it would have to be demonstrated that the Town lost money because of the Highlands Act.

Councilman Golinski asked if it is correct that the Governor imposed a 90 day freeze on COAH, prohibiting them from taking any action concerning third round obligation and that the municipalities are getting a 30 day extension to make a decision about the Highlands. Attorney DeBona replied that is what it appears to be. She said that she is not familiar with why the Highlands said April 1st. Mr. Golinski commented that it seems as though it should be after the 90 day freeze. Mrs. DeBona said that she agrees.

Mayor Husa noted that the March 1st date was only for us to give the Highlands a draft of our housing plan and it was non-binding. He said that, in view of the COAH freeze, the Highlands is giving a one-month extension to submit the non-binding housing plan draft. Mr. Denzler stated that it is a courtesy, but a plan would have to be submitted by June 8th.

Mr. Golinski asked if our current master plan protects our water resources. Mr. Denzler

replied that it does not. Attorney Semrau advised that it does not preclude the Township having its own land use plan to protect them.

Councilman Shaw stated that, with the unstable situation in Trenton, and since there is still time to make a final decision, we should stay the course. He said that he thinks we should stay with the Highlands until we know what is going to happen in Trenton.

Councilman Stecky noted that, on the Water Supply Fact sheet, it only references ground water wells, but there is no mention of surface water. Mr. Denzler replied that his information is directly from the Highlands web site. He said that whether it is surface water or aquifer, the number of people that they are saying are being served by the Highlands water is basically the same. Mr. Denzler commented that these are their facts. Mr. Stecky stated that, according to DEP regulations, it is recommended that women and children only eat one fish per month from the Rockaway River and the Boonton Reservoir.

Councilman Stecky asked Mr. Denzler what the purpose was of the slides about the Master Plan and the Re-Examination of the Master Plan. He inquired as to whether that was just to bring people up to speed on it. Mr. Denzler replied that it was to bring the new Council and the public up to speed on what the Council has done over the past decade to take into consideration the environmental resources and development within the Township. Mr. Stecky asked if it would be a fair statement to say that it wouldn't take much to move our current Master Plan into full qualification with the Highlands Master Plan. Mr. Denzler replied, no there would be a lot involved because you have to be very specific. He displayed the Regional Master Plan and said that it is a 400 page document and the Township would have to conform to all of the policies and objectives of this document. Mr. Denzler advised that that means the Township would have to change all of the goals, objectives and policies of each of the elements of our Township Master Plan. He said that, while some of them are close, all of the wording would have to be changed in order to conform to it. Mr. Stecky noted that one of Mr. Denzler's slides indicates the progress we have made towards compliance with the Highlands Regional Plan.

Councilwoman Smith commented that the Highlands mentions passive recreation but not active. She said that the definition of active would be, for example, ball fields. Mr. Denzler said that is correct, passive would be more like jogging trails, open space, bird watching, etc., active being a more intense use.

Mrs. Smith asked if there is a clock ticking with regard to Veteran's Field. Mr. Denzler replied that Veteran's Field will not be in the Plan until the final ordinance is adopted by this governing body. He said that the Highlands Council has indicated that it is grandfathered until the time that such ordinances are adopted. Mr. Denzler noted that we are continuing the process and could find that we've met everything and the plan conformance could occur this year. He said that it is his understanding that the Veteran's Field project is a three-year project, so it could conceivably extend beyond the grandfathering. Mrs. Smith asked about any future field projects. Mr. Denzler replied that in a few years time, he would assume all of the ordinances will have been

adopted and the Township would have to go through, at best, the mitigation process. Mrs. Smith asked for clarification of her understanding that with conformance there can be no new non-residential, meaning commercial, building. Mr. Denzler said that is correct; based on the build-out and vacant land analysis there is no new commercial building, under the Highlands rules, indicated. He noted that re-development of existing commercial property is permitted, but there are limitations to that also.

Mrs. Smith asked Mr. Denzler to discuss what residential property versus commercial property does to our bottom line, in the context of ratables.

Mr. Denzler replied that, typically in a municipality, you need a balance of residential and commercial. He said that the biggest cost with residential is school children because it costs more to educate a child than can be recovered in municipal taxes.

Mr. Denzler stated that a town needs commercial growth to balance out the cost of school-age children's education. He noted that, under the Highlands plan, with no new commercial growth and no new ratables, the difference could be between \$3 and \$6 million. Mrs. Smith commented that, without ratables, the burden would fall on the residents and would have to be made up in tax increases.

Mrs. Smith asked about the constraints on re-development of commercial sites in the context of what type of business could replace another type. Mr. Denzler said there could be a potential change of use situation, for example, a car dealership to an office or retail. He noted that, in those cases, there is always a limitation on parking. He added that there is also the limitation of not being permitted to take un-paved surfaces and pave them over for re-development purposes. Mr. Denzler noted that, under the Highlands, there would also be water preservation constraints that would be site dependent.

Councilman Kuser asked if we would get any legal help with a builder's remedy law suit since we have 7 acres in the Preservation Area.

Mr. Denzler replied that it would only be if the suit concerned property in the Preservation Area.

Mr. Kuser asked the Mayor, since he is a big proponent of going into the Highlands, what his number one reason is for continuing on this course.

The Mayor responded that there isn't any one reason, but he will provide Mr. Kuser with three reasons.

1. We have a water deficit, as indicated on Mr. Denzler's slide, in the northern and central part of town. He said that if we start building we will have to import more water.
2. The Mayor said that he likes the COAH reduction.
3. Mayor Husa noted that, if you look at the numbers, taking the constraints, water and sewer, we are really built-out.

The Mayor commented that, by conforming to Highlands, we are not doing anything different than what we would be doing by not conforming. He said that we don't have a rush of businesses coming into the Route 10 corridor. Mr. Husa stated that, he thinks, if we don't opt into the Highlands we become a target for over-development. He said

that he is open to changes to his views but that is how he sees it at this time.

Councilman Fitzpatrick asked Mr. Denzler about the current residential vacant lots that could potentially be developed. Mr. Denzler advised that there are currently over 600, residentially zoned, vacant lots. He said that, based on the exemptions provided in the Highlands Act these lots, even taking one-third of them out, without following the Highlands restrictions, could be developed. Mr. Denzler added that non-residential properties are not exempted. Mr. Fitzpatrick asked if there are any plans to have the Executive Director of the Highlands Council come back to speak to this Council. Mayor Husa responded in the affirmative.

Mr. Fitzpatrick asked Administrator Goble how far along we are in the development of Veteran's Field. Mrs. Goble replied that the project has not even been approved yet and will be discussed at the February 20th budget meeting for the first time and is, at least, months away.

President Andes noted that the previous Council approved the fields without any money because, at that time, the plan was to do it with volunteers. He said that did not work out and now it needs to be funded. Mrs. Goble added that it will be discussed at the budget meeting and the plan is to fund it through our Open Space Tax.

Mr. Stecky questioned the comment that it was approved without money. He said that he was told that the money was available through Open Space. Mrs. Goble explained that the money will come from Open Space but the Council still has to approve the plan. The Mayor commented that it is his understanding that once there is an ordinance approving the project, it would not need DEP approval or Highlands approval because it is a municipal project. He said that, if we can have an ordinance approved by June 8th, it wouldn't matter how long the project takes because it would be grandfathered. The Mayor noted that Mr. Semrau had told him about a similar project in West Milford.

Mr. Semrau explained that project and stated that the Highlands was helpful in attempting to seek a waiver from the DEP rules and regulations. He said that notwithstanding the fact that it is a municipal project, it is still a complicated process and needs waivers in order for the project to go forward. There was additional discussion regarding the difficulty in dealing with the DEP. Mr. Semrau added that the Diocese property is cleared to some extent because it has had farming activity and is not as complicated as the West Milford situation.

Councilman Fitzpatrick noted that there are seven other towns that are similar to Denville in terms of Planning and Preservation; he asked if these towns are in basically the same level as far as how far along we are. Mr. Denzler replied in the affirmative but added that each town has different problems.

Mr. Fitzpatrick asked if Mr. Denzler has any visibility concerning how or who will be appointed to the Regional Board of the Highlands Council. Mr. Denzler replied that the Governor will make the appointments, but he does not know when that will take place or who will be appointed.

President Andes noted that there are other expansion projects in the works, besides Veteran's Field, such as an expansion at Cook's Pond. Mr. Denzler said that, again, it

is a timing issue. He noted that there are no ordinances in place so the project can proceed. He said that, if the ordinances were adopted, it would be the same scenario as Veteran's Field. Mr. Andes asked about the proposed bandstand at Gardner Field. Mr. Denzler noted that the bandstand project is located in a moderate intensity reparian buffer, is a timing issue and would be looked at by the DEP differently pre-ordinance and post-ordinance.

President Andes said that, assuming we decided that the Highlands is not right for us right now and we submitted our plan to COAH in June, could we then opt into the Highlands after that and get the reduced COAH option. Mr. Denzler replied in the affirmative.

President Andes asked if anyone from the Planning Board had any questions or comments.

Marilyn Kuntz, 34 Kitchell Road, member of the Planning Board since 2000. Ms. Kuntz noted that she is speaking on her own behalf.

Ms. Kuntz stated that the Planning Board met for two hours on January 27th and asked many questions. She said that the Board came to the conclusion that they did not have enough information. Ms. Kuntz noted that they heard all positives but no negatives, and there are always negatives to any issue. She said that, as a result of that, no vote was taken to recommend to the Council that we opt into the Highlands. Ms. Kuntz advised that all of the Board members agreed that there were too many unanswered questions. She said that the other issue that came up was clustering. Ms. Kuntz commented that Ms. Julia Sommers, Executive Director of the Highlands Coalition and Mr. David Pfeiffer, Highlands Project Director were present at the January 27th meeting and she asked them the question about cluster housing. She noted that the web site for the Highlands Master Plan is virtually impossible to read and get a true understanding of what it contains. Ms. Kuntz advised that it is 489 pages long and is extremely convoluted. She said that she read, in different sections on the web site, that the Highlands Council can dictate if a zone is not acceptable for development and move that development to another area that they deem acceptable. Ms. Kuntz advised that the Master Plan is filled with vague and confusing language that does not specify exactly what can be done, or not done. She said that she is concerned about cluster housing and feels that we would be giving away our home rule to someone who does not know Denville. Ms. Kuntz noted that she would be more than happy to listen to Julia Sommers explanation of cluster housing.

President Andes advised that Ms. Sommers will have an opportunity to speak during the public portion.

President Andes asked if any other member of the Planning Board wished to speak. No one responded. Mr. Andes said that he will open the public portion of the meeting and, because of the large attendance this evening, he will limit each speaker to 5 minutes. He asked that the speaker come forward, state his or her name and address and speak into the microphone. Mr. Andes requested that the public ask whatever questions they may have and they will be answered by the professionals in attendance.

OPEN PUBLIC PORTION:

Glen Buie, 15 Frazer Road, 11 year member of the Planning Board. Mr. Buie commented that he is concerned about opting into the Highlands. He said that he feels we would be protecting our water at the cost of losing control of planning in the Township. Mr. Buie noted that he thinks we should continue to update the Master Plan, control and curb growth and continue to develop recreation.

Eugene Porfido, an attorney from Succasunna, noted that he represents Karen Schrak of Zeek Road. Mr. Porfido spoke about municipalities turning over their home rule to another entity and disagreed with that concept. He also spoke about the DEP and DOT and said that the State is drowning in bureaucracy. Mr. Porfido stated that the town will have more growth and the town should control it. He urged the Council not to opt into the Highlands.

Don Casse, President of Hub Soccer, 21 Snyder Ave., stated that this Act is just another example of social engineering coming out of Trenton and penalizing small towns like Denville. He said that we have adequate environmental laws and regulations now and he fears that opting in will stagnate our economic development. Mr. Casse said that he believes that COAH will go away and other ways will be found to provide affordable housing. He spoke about Open Space and the controls placed upon it; he added that we are in desperate need of recreational fields for the increasing sports-oriented population, both youth and adult. Mr. Casse expressed disappointment in the progress of the Veteran's Field project and said that he hopes it will be grandfathered.

Jason Rittie, an attorney with the firm of Einhorn, Harris on East Main St. in Denville. Mr. Rittie stated that both he, and Mr. Einhorn have appeared before many boards here in Denville. He said that they would like to note for the record their objection to opting into the Highlands. Mr. Rittie noted that it is unclear how any grandfather clause will be granted or if they will be granted. He commented that if preliminary approval has been given, but not final approval, or if a building permit has not yet been issued, in the next three years when the project is undertaken, they may lose their protections under that approval. Mr. Rittie stated that growth is going to happen and the Township has done a fabulous job in controlling it. He urged the Council not to give up home rule.

Charles Botti, 73 Mt. Pleasant Turnpike, said that this is a very difficult decision for the Council. Mr. Botti asked if the two presentations this evening will be a part of the minutes for availability to the public at a future date. President Andes replied that they will be. Mr. Botti noted that if all of the towns around us opt into the Highlands and we do not, builders will attack us and, in a short period of time produce a lot of development that will impact our schools. He said that new schools will be needed and taxes will increase. Mr. Botti stated that the Highlands restrictions on commercial development will result in no benefit to the town from the vacant business sites on Rte.

53. Mr. Botti asked Attorney Semrau if the decisions of the Planning Board and Board of Adjustment would be reviewed by the Highlands if the Township opted in. Mr. Semrau replied that it would be sent to the Highlands Council which would have fifteen days to review it. Mr. Botti asked if the Highlands Council could veto the plan if they didn't like it. Mr. Semrau said that they would have to find some inconsistency to the Highlands Act. Mr. Botti asked about the vacant residential lots that have been discussed and asked how they could be developed if they are sub-standard. Mr. Denzler explained that variances and exemptions would be required. Mr. Botti stated that his bottom line is that there has been a lot of information here and a lot is happening in Trenton. He said that he thinks it would be to the town's benefit if the Council does not make a decision tonight and does not change their prior decision.

Karen Schrak, Franklin Road. Ms. Schrak stated that she owns property on 19-21 Zeek Road. Ms. Schrak advised that she bought 22 acres as an investment, hoping to subdivide and use it as her retirement nest egg. She noted that opting into the Highlands would leave her with virtually worthless property because she would not be able to develop it. She made an impassioned plea to the Council not to opt into the Highlands and render her property worthless.

Louis Barbieri, 19 Sunset Trail, stated that he is a 33-year resident of Denville and that he disagrees with inclusion in the Highlands. He listed five reasons for his opinion:

1. Unjust to many citizens who have purchased property for investment or development
2. It is a negative act for the future economy of Denville and northwest New Jersey and will be devastating to the construction industry.
3. It will negatively affect the sources of municipal taxes for current property owners in Denville and other Highlands areas. With no Commercial growth taxes will increase at a higher rate.
4. The existing Planning and Zoning Boards and land use ordinances are sufficient to control over-development in sensitive areas of the Township.
5. Too much government interference with the local municipalities is a bad thing.

Joan Lisi, 16 Ridgewood Parkway, spoke about the value of environmental protection. She said that the closer we get to build-out, the harder the options that are left to us. Ms. Lisi noted that there are some glaring issues that are not covered in the Regional Master Plan and they need to be re-visited. She expressed concerns about water resources and the cutting down of trees that protect them. Ms. Lisi noted that the RVRSA is running out of sewer capacity. She said that we have to look outside of the town for water resources because our water doesn't come just from Denville. Ms. Lisi commented that re-development is the only option to build-out and Denville is 90% built-out. She also spoke of commercial re-development.

Julia Sommers, Executive Director of the Highlands Coalition. Ms. Sommers stated that Mr. Stecky is correct, much of the water from this region is surface water and that is what we export to the rest of the State. She said that Denville is not opting out of the Highlands Council because it has not opted in at this point. Ms. Sommers advised that Denville could choose not to conform, but it is not opting out.

Ms. Sommers gave the following responses to comments that have been made this evening:

1. Once the Township conforms there are no additional approvals needed because they are in conformance.
2. Planning Board decisions will be sent to the Highlands Council for their review only if it is completely out of whack with what the town conformed to.
3. Comparing COAH & Highlands affordable housing numbers. The Highlands obligation is a “forever” number, whereas COAH’s numbers will change in 2018 to a much higher number than they require now. Zoning can be overturned if challenged in the future if the Township does not conform.
4. Executive Order #12 issued today by the Governor, has already been challenged by a law suit.
5. Water deficits were pointed out on one of Mr. Denzler’s slides.
6. Ratables. Easy to get. A study of Morris County ratables indicates that the towns with the highest ratables have the highest taxes.
7. Map of vacant land included all of Denville’s preserved land, which cannot be considered vacant.
8. Clustering. There was a question about the ability of the Highlands to change things after a town has conformed. Ms. Sommers stated that the Highlands cannot change the town’s zoning after it has gone through the conformance process. She said that clustering is a tool that would be used almost exclusively in the conservation zone.

Ms. Sommers advised that she spoke with Eileen Swan today and Ms. Swan suggested that a list of issues be compiled by the Council and the Highlands Council be requested to come and specifically address those issues. Ms. Sommers requested that the Council not make a decision tonight, but wait until the issues are answered by the Highlands.

Bob Grant, 114 Ridgewood Parkway East, 37-year resident of Denville. Mr. Grant said that what is missing from tonight’s discussion is a detailed analysis of the impact of opting out of the Highlands Planning Zone. He noted that the COAH obligation is not a legislative matter; it was a Supreme Court decision in the Mt. Laurel case. Mr. Grant spoke about the proposed bill that would put the decision about affordable housing back on the municipalities and stated that the towns would be at the mercy of developers who would not hesitate to use the builder’s remedy to sue the town. Mr. Township Council

Grant spoke at length about development and the increase in school-age children which would necessitate constructing additional schools. Mr. Grant commented that he feels that the safest route for now is to stay opted in and review the data, investigate what the consequences of opting out would be and make a decision at that time.

Fred Lash, 14 Mirador Court, 64-year resident of Denville. Mr. Lash asked the Council to rescind the resolution passed by the previous Council concerning the Highlands Council. He stated that the dangers of opting in without enough data are at least as great as the dangers of being out for the time being. He noted that the resolution passed in November was rushed through and shouldn't be given much credence. Mr. Lash said that it troubles him that our elected officials would let some distant entity run our day to day lives. He stated that the COAH obligation being reduced should not carry any weight in this decision because those numbers change constantly. Mr. Lash spoke about the increase in taxes and noted that it is caused largely by State mandates. He said that communities need to grow and be alive and vibrant. Mr. Lash stated that more opportunity for public input was offered on a change in parking fines, or any other matter that requires an ordinance, than was offered on this matter last November. He noted the process required to pass an ordinance and added that the resolution that was passed in November did not require anything like that. Mr. Lash asked the Council to rescind the resolution that was passed last November.

Pete Grawher, 18 Dayton Road, stated that he only heard about this two weeks ago and is floored that Denville is even considering it. He said that he has been following the Highlands Act since its inception and feels that they should come out with a "Highlands for Dummies" so that ordinary people could understand it. Mr. Grawher commented that it is just another layer of bureaucracy in government and it should be given to the people to decide. He said that he doesn't appreciate the fact that it was pushed through at the last minute last year because it insults his intelligence.

Jerry Idec, Indian Lake, asked if this issue can be put on a voter referendum. Attorney Semrau replied that it would not be binding, it would just be an opinion of the residents. He said that the town would not be bound by such a referendum because it is a question of policy for the Council. Mr. Idec said that means that the citizens of Denville, as a whole, cannot decide whether or not they want to be a part of the Highlands. Mr. Semrau replied that is correct. He said that the citizens' message is sent by the elected officials and a referendum would send the message to the people they elect as to how the citizens want this policy to be made.

President Andes noted that this is a very complex issue and indicated the sparse attendance at this meeting. Attorney Semrau said that it would be difficult to even phrase the question on a referendum because of the complexity of the issue.

Ken Spencer, 17 Cedar Lake West, stated that he lives within 300 feet of the Rockaway Township Council

Watershed. Mr. Spencer related his experience with attempting to build an addition. He noted that he received all of the necessary approvals from the town and is now being stone-walled by the DEP. Mr. Spencer said that, in his opinion, the DEP is another layer of bureaucracy that was created because it sounds good that they will protect the water. He said that he feels the town has done an excellent job over the years of fighting off builders, buying open space and making intelligent decisions. Mr. Spencer noted that we can just continue to do that and he recommended that the Council opt out of the Highlands.

Mike Meola, Jr., 150 Casterline Road, stated that he feels that we have enough bureaucracy in place. He said that he is a small builder, constructing one or two houses a year. Mr. Meola spoke about the investment in property being rendered worthless by Highlands constraints. He noted that the zoning ordinances currently in place in Denville make it impossible to build hundreds of homes a year. He said that the decision by the Council is a double-edged sword; they could be protecting the town while destroying its citizens.

Vito Weisenleder, 28 Meadow brook Road, Boonton Twp. Mr. Weisenleder advised that he owns a 16 acre lot on Luger Road that he wants to develop. He said that he would like to put in a high-tech facility employing about 75 employees. Mr. Weisenleder noted that, if the Council opts into the Highlands, development of that lot will be impossible, 75 people will not have jobs and the Township will lose a ratable. He said that, on top of all of that, if the Council opts in his property will be useless.

Dan Stempert, 63 Manor Road, President of Denville Little League. Mr. Stempert said that he would like to echo Mr. Casse's comments regarding field space. He expressed concern that the proposed Veteran's Field will actually be completed or, that anything else could be done about fields in the future. Mr. Stempert, speaking as a private citizen, commented on the two individuals who will be seriously affected by opting into the Highlands Act. He said that he hopes the Council will think hard before opting in.

Jim Schoner, 65 Kitchell Road, member of Planning Board and Environmental Commission. He said that he feels there is a good basis for the Highlands Act but there are many unanswered questions. Mr. Schoner agreed that there should be a meeting with the Highlands Council at which they could respond to a list of questions posed by the Township Council. He noted that there is plenty of time to decide and suggested that the Council stay the course and not rescind the prior resolution until they have more information.

Louis Maffei, 47 Magnolia Ave., commented that the issue is when high-density town homes are built in a town like Denville where it really doesn't belong. He said that the major highways become grid-locked because of these types of development and that Township Council

there is nothing wrong with single family homes. Mr. Maffei noted that he thinks the plan should be re-visited and, if possible, have high-density housing limited.

Bruce D'Adamo, 6 Wilson Avenue, spoke about the protection afforded by COAH. He said that if there is anything in the Highlands Act that should be of utmost consideration here, it is the restrictions on affordable housing obligations that are afforded to the Township under the Highlands plan. Mr. D'Adamo noted that water supply restrictions, tax obligations and school obligations, due to the builder's remedy, were all here before COAH and will return if COAH goes away.

Marilyn Kuntz, 34 Kitchell Road, speaking as a 43-year resident of Denville. Ms. Kuntz stated that she is very happy with what our Master Plan has been doing. She said that, as a citizen, she does not believe the statement that "we will be attacked by builders if we don't opt in". Ms. Kuntz noted that every presentation regarding the Highlands has been given by individuals who are in favor of the Act. She said that all the questions from the Council are surface questions. Ms. Kuntz urged the Council to go into the Internet and read the Regional Master Plan to learn what they really want to do. She said that they would see what the consequences would be down the road, and they are unthinkable. Ms. Kuntz commented that nobody knows how this will be implemented; she considers it a pilot program. She stated that, for the Township to opt in without having all of the information, is wrong.

President Andes said that he will allow Ms. Spencer five minutes and then Mr. Ranft after which he will close the public portion.

Carol Spencer, 86 Woodstone Road, said that she does not believe that there is any resolution on tonight's agenda and asked Mr. Andes if that is the case.

President Andes replied that is incorrect. He said that they can do one of three things tonight: stay the course, rescind the resolution passed last November. At this point, Mr. Andes asked Mr. Semrau to interpret the options. Mr. Semrau repeated the first two and added that the third would be to incorporate the Township's own planning documents, which would rescind or withdraw the resolution.

Ms. Spencer noted that she is confused by the statement that the Township has not opted in, when she is hearing everyone say that the November resolution was to opt in. Planner Denzler explained that the resolution stated the Township's intent to opt into the Planning and Preservation area. He said that the town is not technically opted in until the last ordinance is adopted by this Council.

Ms. Spencer stated, as clarification, that the town can continue its intent to opt in or can state that it has no intention of opting in. Mr. Semrau amended that to be "at this time" because nothing is permanent until the ordinances are adopted. He said that, even if the resolution is rescinded, the town can go back and change its mind. Ms. Spencer agreed with Ms. Kuntz in that, the Council should read the Regional Master Plan to find Township Council

out exactly what the Township is obligating itself to. She spoke about the history of COAH in Denville and urged the Council to sit and wait to see what happens.

Bob Ranft, 167 Diamond Spring Road, member of Denville Recreation Committee. Mr. Ranft stated that he finds the Highlands Act very confusing. He stated that we need more active recreation facilities in the Township of Denville. Mr. Ranft asked that the Council take that into consideration when making their decision.

CLOSE PUBLIC PORTION.

President Andes asked Mr. Denzler if he had any closing comments.

Mr. Denzler stated that, looking at it from a planning perspective throughout the presentation, he has concerns with the economic aspects of the Highlands Plan. He said that water resources are a significant issue here in the Township, but as a planner, he feels that a lot could be done through zoning and Master Plan work to remedy that. Mr. Denzler noted that with the flux in Trenton with COAH, the DEP and the Highlands itself, there is the option to take a wait and see stance. He said that he disagrees with the fears that we will have thousands of housing units built because we don't even have the infrastructure for it. Mr. Denzler advised that, with the Highlands exemptions, we are basically in the same boat whether we opt in or not. He said that it will create the issue of additional school children without the commercial growth to offset that.

Attorney DeBona added that the affordable housing issue will always be a part of any town's growth in some way.

Attorney Semrau commented that the discussion this evening was excellent no matter which side of the argument was taken. He said that it points to a lot of issues and concerns and is very relevant to the Township. Mr. Semrau pointed out that the Council must make a policy decision and it is not one that anyone can make a recommendation on. He said that whatever decision the Council comes to tonight will be temporary.

President Andes asked if the Council had any questions to ask of the professionals.

Councilman Stecky noted that at the 11-24-09 meeting there was a discussion regarding commercial properties that could be developed, but would need substantial variances. He said that the commercial properties that Mr. Denzler states could potentially be developed are in serious trouble under the existing Master Plan, with the need for variances. Mr. Denzler replied that, as he indicated, through the Master Plan process and changes in ordinances, some of those would be more appropriately re-zoned. Mr. Stecky noted that some properties, that are felt to be appropriate for a certain type of development by the owner, may not be without a lot of variances. Mr. Denzler replied that the type of development that is allowed for any lot is site specific. Mr. Stecky asked if this is according to our Master Plan and not the Highlands. Mr. Denzler said that is correct, but changes to the Master Plan are made at the local level not by someone down in Trenton.

Councilwoman Smith commented that Mr. Stecky is referring to a discussion in Township Council

November concerning the possibility of developing commercial sites through the Master Plan and ordinance changes. She noted that things like assisted living facilities were considered. Mrs. Smith added that, given today's environment, it couldn't be built under the existing variances but under the Highlands it couldn't be built, period.

Councilman Shaw stated that he feels that, from what he is reading in the newspapers, we will know in a month or so whether COAH or the Highlands survives the decisions made in Trenton. Attorney DeBona replied that it could change but we can't predict when that may be. She said that the Governor has given his task force 90 days, so we will see some action taken at the end of that time.

President Andes commented that in November, when the Council voted for the Preservation area and the Planning area, he was one of the Council members that voted no because he needed more information. Mr. Andes noted that the Council has two choices tonight: stay the course or pass a resolution that will rescind the Council's intent to opt into the Highlands at this time. He said that he thinks that all of the Council members believe in the theory of the Highlands Act; it's the enactment of it that makes the decision difficult.

President Andes opened the floor to the Council for comments and/or recommendations.

Councilwoman Smith stated that she voted no in November with Mr. Andes due to a lack of information. She said that she has investigated, done some reading and has learned more here this evening. Mrs. Smith noted that we need to protect our water, we need a tree ordinance and we need to protect our wells. She said that the Council, with all necessary input, can follow the process to put ordinances into place to protect our resources. Mrs. Smith stated that we can take the best of the Highlands and use it to benefit Denville. Councilwoman Smith noted the following concerns:

1. Exemptions are a question to her
2. Economic issues, although important, are not an overriding concern.
3. She believes in home rule.
4. Giving up ratables is a mistake.

Mrs. Smith said that she has learned more but has not changed her opinion. She stated that she does not believe that we should be in the Planning area and she thinks we should take a vote tonight.

Councilman Kuser commented that he feels the Council should absolutely take a vote tonight. He said that they have until March 1st with a possible extension to April 1st. Mr. Kuser noted that we know how easy it is to get into the Highlands because they did it in November, with virtually no discussion. He added that we don't know how hard it is to get out. Mr. Kuser asked why we would stay a course that we are not familiar with when there are so many unanswered issues. He said that he will vote to rescind and wait. Councilman Kuser noted that every professional has stated that it is premature to do this. He said that he believes in our Planning and Zoning Boards, that we can strengthen our local rule and he thinks we should.

Councilman Golinski stated that he is very concerned about protecting our water Township Council

resources. He said that he was happy to hear that our own Master Plan is well on the way to conforming with the Highlands. Mr. Golinski commented that he feels that we can, and should take the action necessary to protect well heads and other areas that we have not been caring for as we should. He said that the Council's decision will have a major impact on the citizens of Denville today and in the future. Mr. Golinski stated that we have so little control now that he is reluctant to give up what little control and flexibility we do have. Councilman Golinski commented that, if we have to conform to 468 pages of rules that our professionals find difficult to understand, it is a real concern to him. He said that he doesn't think that the Council that passed this resolution had all of the information it needed to go forward. Mr. Golinski stated that he will vote to rescind.

Councilman Fitzpatrick said that he is very much in favor of protecting the environment. He noted that there are some things in the Highlands plan that are great. He added that there is something about it that he is very wary of and it is the State. The Councilman commented that he hopes that the time will come when he can sit here and say that this is in the right spot for us to opt in, but he hasn't seen that yet. He said that he was a little disappointed that the Council did move into this rather quickly, in late November, around the holidays, with very little public input. Mr. Fitzpatrick stated that tonight has been the best Council meeting that he has seen in two years. He recommended patience on both sides of the question and said that he needs to see more information. Mr. Fitzpatrick said that he feels we should rescind the resolution.

Councilman Stecky said that his position is that the Council should stay the course. He stated that he would like to see another meeting with Eileen Swan with a list of questions for her to answer. Mr. Stecky added that he would favor a referendum to find out what the taxpayers think. He noted that another concern, that was brought up by Attorney DeBona at the 11-24-09 meeting, is that in opting out right now with other towns around us opting in, we will be a target for developers. Mr. Stecky stated that if we rescind tonight we will be open to developers tomorrow. He said that the professionals don't all share the same opinion and that he is a professional as well and has a different read on the need to do regional planning like the Highlands. Mr. Stecky noted that everyone has a bias and you are now hearing his bias. He said that his vote is to stay the course.

Mayor Hussa commented that the State gave us home rule and can very easily take it away tomorrow. He said that the action to rescind the resolution is unnecessary because all that needs to be done to opt out is to not pass the conformance ordinance by June 8th and submit the fair share housing plan to COAH. The Mayor advised that he spoke with Attorney Dorsey on Saturday and, from that conversation, it is the Mayor's understanding that a referendum could only be held if it was to oppose an ordinance. He said that he feels that the best thing to do is to wait and see.

President Andes commented that he has concerns about the recreation aspects and, if we opt out it eliminates any questions about that. He noted that, while having his own personal opinions like everyone else, he has tried to remain as open-minded as Township Council

possible throughout this whole process. Mr. Andes stated that he is in favor of rescinding the resolution but he will commit, as Council President, that this will not be the last meeting on this issue. Mr. Andes commented that if the resolution is rescinded, it will give Mr. Denzler a lot more homework to do. He said that the Council will be looking for ordinances to protect the water resources and getting them implemented. President Andes then asked for a motion for the following resolution:

R-10-41 RESOLUTION TO RESCIND A PORTION OF RESOLUTION R-09-258
 TO WITHDRAW SUBMISSION OF PETITION FOR PLAN
 CONFORMANCE TO THE HIGHLANDS WATER PROTECTION AND
 PLANNING COUNCIL FOR LAND IN THE PLANNING AREA

MOTION TO APPROVE R-10-41: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER GOLINSKI

AYES: SMITH, GOLINSKI, FITZPATRICK, KUSER, ANDES

NAYS: STECKY, SHAW

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

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

MEETING ADJOURNED AT 11:08 P.M.

Respectfully submitted by,

Kathleen A. Costello
Deputy Municipal Clerk