

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

APRIL 6, 2010

The Meeting was called to order at 7:30 p.m. by President Andes. The Salute to the Flag was recited, followed by an Invocation given by Councilman Shaw. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Clerk Costello noted that this is a non-smoking facility and if anyone needs to smoke they must leave the grounds. She requested that cell phone be turned off or muted.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR GOBLE, TOWNSHIP ATTORNEY Di YANNI, PLANNER DENZLER, ENGINEER ROSANIA, HEALTH OFFICER NORGALIS, FACILITIES MANAGER CIARDI, DPW SUPERINTENDENT EGBERT AND WATER LICENSE OPERATOR LOWELL.

President Andes noted that the first order of business is a presentation by Dr. Drucilla Clark from the Denville Board of Education.

Dr. Clark thanked the Council for allowing her to come and make the annual presentation of the school budget. She introduced Seth Yan Johnson, President of the Board of Education and John Paragian, Chairman of the Finance Committee.

Dr. Clark also introduced Business Administrator John Serapiglia, who will present the budget process.

Mr. Serapiglia gave a power point presentation of the school budget and gave the Council a hand-out detailing the proposed budget. The two documents are attached to these minutes.

President Andes asked if the Mayor or the Council members have any questions.

Mayor Husa advised that on April 26th, he and the Administrator and Council are inviting local Mayors and Council people to come to Denville and discuss the reduction in State Aid to municipalities and school districts. He said that we are not certain that it is legal and we are going to explore it. Mr. Husa noted that Administrator Goble has suggested that the School Board members be invited to attend.

Councilwoman Smith asked how much of the extra-curricular activities are hoped to be re-instated. Dr. Clark replied that all of them will be re-instated and will be paid for in part by the Pay to Play. Mrs. Smith said that she assumes that the parents are happy with that. Dr. Clark responded that they are and that parents attended multiple Board meetings and suggested it.

President Andes thanked Dr. Clark and the gentlemen for coming this evening, wished them luck with their budget and said that the Council looks forward to seeing them on April 26th.

President Andes noted that Councilman Golinski advised him that there have been water main break issues on Beaver Brook Lane. He said that he spoke to Administration about it and asked Mrs. Goble for an up-date.

Mrs. Goble replied that, when she spoke with President Andes, the Mayor had already been meeting with some of the residents, so it is in the Mayor's hands. She noted that she has asked our Engineer, DPW Superintendent and our Water/Sewer Licensed Operator to be present for any questions that may arise tonight.

Mayor Husa advised that there are a number of issues on Beaver Brook, which he has put in the form of a letter, and he has made a commitment on some things and has discussed them with Mrs. Goble and Mr. Rosania. He said that there is some discrepancy between the Township and the residents regarding some of the issues involved.

The Mayor spoke to each of the issues that he has put in his letter and said that he will provide the letter to the Council. A copy of the letter is attached to the minutes. Councilwoman Smith noted that the Mayor mentioned when the sewer problems were replaced but did not talk about the water main.

The Mayor replied that there is a bit of confusion about what caused the water main breaks. He said that Engineer Rosania will tell you that some are a result of the asbestos concrete pipes simply breaking and some could be a result of the sewer line construction.

President Andes asked that Mr. Rosania, Mr. Egbert and Mr. Lowell come forward and have a seat at the tables. He said that he thinks we need to hear from the experts exactly what is going on on Beaver Brook Lane.

Mr. Rosania noted that the residents of Beaver Brook Lane have been experiencing problems for about two years due to problems with an area of the Phase I sewer construction. He stated that there is a section of about 20 ft., out of 2,000 ft., there is a sag in the sewer and PM Construction is out there de-watering and fixing that section. Mr. Rosania advised that on about 10% of Denville's streets, where there are water mains, there is asbestos cement pipe. He explained that when the sewer project began it was meant to just replace septic systems; adding water lines on streets that had no water lines at all was an added feature of the project. Mr. Rosania stated that the dozen or so breaks that were caused during sewer construction by a backhoe accidentally pulling out the main is typical. He said that they are more concerned with the four breaks since 2008 that may be attributed to settlement. Mr. Rosania explained how the settlement can occur and that it can be expected to happen. He advised that the water was tested by the Health Officer, at the request of a resident, because of the pipe being constructed of asbestos concrete. Mr. Rosania said that the result indicated that the water contained only one-half of the lowest level that would be considered a problem. But, he noted, that it tips the scales a bit towards including Beaver Brook in a capital project with two other sites.

Mr. Rosania stated that he would recommend that we continue to organize a water capital ordinance to do three things:

1. Continue the loop connection over the Beaver Brook bridge.
2. Continue the water mains associated with the sewer project - Phase II
3. Replace the water main on Beaver Brook Lane

Mr. Rosania advised that they have put together some figures for all of that work and could conceivably go out to bid by the end of the year. He said that there is no emergency at hand and that pretty much addresses the water situation.

President Andes asked if there are any other streets in the sewer project area that have asbestos concrete pipes.

Mr. Rosania said that he would ask Mr. Lowell to chime in on that.

Mr. Egbert advised that they are having the same issue over in Rock Ridge between East Glen and West Glen. He said that the problem is a carry-over from the Norton project. Mr. Egbert explained to the residents who called about the last two breaks that the sewer lines were put in under the water main and the disturbance of the soil caused the leak in the main.

President Andes asked Mrs. Goble if it is correct that for the replacement of any water main, the funding would come out of the water utility.

Mrs. Goble advised that we are introducing our budget tonight and, once the budget is adopted, there are funds in there to cover fees for engineering studies. She said that when the studies are done and everything is put together, we would have our water capital ordinance.

President Andes addressed Mr. Lowell and Mr. Norgalis and said that Mr. Rosania has stated that the fibers in the water were on the low end of the action level. He asked if they had any additional comments about the water quality on Beaver Brook.

Mr. Norgalis commented that, at the request of the residents, he contacted the Department of Health and Senior Services at the State to inquire into their cancer registry. He explained that he was looking for any cancer clusters that would be outside the norms. Mr. Norgalis noted that Beaver Brook Lane, Ford Road and Kitchell Road do not have cancer rates that are considered to be outside of the norms for Morris County. He said that there was not an abnormal amount of cases of cancer that are associated with the ingestion of fibers from asbestos pipe. Mr. Norgalis advised that there are fibers in the water; 4.4 million fibers and the action level is 7 million. He explained that the 7 million means a level of increased cancer risk over a lifetime of ingesting asbestos fibers. Mr. Norgalis agreed with Mr. Rosania's suggestion that replacing the water mains should be explored.

Mr. Lowell added that Denville water exceeds every parameter set by the EPA and DEP. He said that other streets that had been experiencing numerous breaks were handled in this manner as well.

President Andes asked who tests the water on a weekly basis. Mr. Lowell explained that bacteria water samples are gathered weekly by the men in the Water Department. He noted that volatile organic samples are taken quarterly and numerous other types of tests, most of which he performs himself.

Mr. Andes asked if Mr. Lowell could include Beaver Brook in his testing for asbestos.

Mr. Lowell explained that testing for asbestos is only required every three years and is not scheduled again until 2011. He said that Beaver Brook was tested in June or July 2009. Mr. Andes stated that he thinks it should be tested again. Mr. Shaw agreed.

The resident at 44 Beaver Brook Lane volunteered to have his water tested. Mr. Lowell asked what about the rest of the asbestos streets.

Mr. Rosania noted that he thinks what Mr. Lowell is saying is that he agrees that continue on our normal replacement of these types of mains. He advised that Mr. Norgalis has provided a list of all the different standards that we test for, primary and secondary, required by the State of New Jersey to assure safe water. Mr. Rosania said that it is not a bad idea to test again in that area and it will just confirm that it is below the action level. He commented that certainly, at the request of the Council, the water will be re-tested to make the residents feel more comfortable.

President Andes noted the following time line:

1. Monitor the pipe
2. Put together a capital ordinance, including the completion of the loop over the Beaver Brook bridge

Mr. Rosania interjected that the loop has nothing to do with surrounding towns. He said that we already have emergency connections to other towns. President Andes noted that the loop is for safety reasons to make sure that, in any emergency, there will be water to Beaver Brook and Ford Road. Mr. Lowell advised that it will help minimize outages.

Mr. Rosania reiterated the four issues at hand:

1. The loop over the bridge
2. The Beaver Brook Lane water main replacement
3. The water mains on section two of the sewer project
4. Monitoring of the test results of the Beaver Brook water

Mr. Andes asked for a time line. Mr. Rosania replied that he thinks the project can be bid by the end of the year and be in the ground by this time next year. Mr. Andes asked how many seasons must pass, after the main is installed, before the street can be paved. Mr. Rosania replied that, after the main is installed and back-filled, it would be one complete year. Mr. Rosania explained all of the steps that will be taken in the interim to improve conditions on Beaver Brook Lane.

Councilman Stecky suggested that the biological bacteria testing be done on the water as well as the asbestos testing.

Councilwoman Smith wanted to go over the time line again. She said that, as she understands it, the first item is the sewer repair on Beaver Brook and she asked when that will be done. Mr. Rosania replied that it should be done within the next two weeks. Mrs. Smith asked what the impact on the residents will be while the work is in progress. Mr. Rosania said that there will be some inconvenience getting in and out of the street. Mrs. Smith asked if it is correct that the water main will not be replaced until the Spring of 2011 and the road not paved until Spring 2012. Mr. Rosania replied that is correct. Mrs. Smith asked when Mr. Rosania will be looking into other problems that exist on Beaver Brook. Mr. Rosania said that he has had discussions with John Ruschke of Hatch Mott McDonald and they would like to maintain the natural flow of water across the road to the Beaver Brook. He said that it will be examined more closely during this

project.

Councilman Golinski asked if there is anything that we can ask the contractor to do to minimize the current impact on the residents. Mr. Rosania replied that he will talk to them and try to speed it up.

President Andes opened the Public Portion on this topic only.

Michael Callahan, 21 Beaver Brook Lane, commented on research that he has done concerning asbestos pipe. He noted that he requested that the testing of water be done on Beaver Brook Lane rather than at the source of the water, where it comes out of the ground. Mr. Callahan spoke about the difference between ingesting and inhaling asbestos fibers and noted that he, and many of his neighbors, have humidifiers that disperse the fibers through the air. Mr. Callahan noted that the water main dead ends at the end of Beaver Brook so all of the water that will go through that loop will not flow through the street but will stop at the dead end. He commented that the line that goes from the beginning of Beaver Brook Lane to the base of the Ford Road bridge, with a hydrant connected, was installed at a cost of \$100,000. Mr. Callahan said that he has been informed that we will now spend an additional \$150,000 to take that line over the bridge to connect it to the other water main in case of a fire emergency at the industrial complex. He noted that his research indicates that two water mains already exist on Ford Road. Mr. Rosania interjected that all of the professionals and the Council have stated that they are in favor of replacing that main. Mr. Callahan responded that the residents feel that the time line, of 2012 for completion, is ludicrous. Mr. Callahan commented on the funds that were spent to remove trees at Zeek Park. He asked that the problem be remediated as soon as possible. Mr. Callahan made a plea, on behalf of the residents of Beaver Brook Lane, that the situation be addressed immediately. President Andes explained that the money used for the tree removal for the park was from the Open Space Fund. He said that money could not be used for a water or sewer project, it is strictly for Open Space. Mr. Andes emphasized that funds for water projects come out of the Water Utility, sewer projects out of the Sewer Utility and Open Space projects out of the Open Space Fund. Mr. Callahan asked if there is money in that fund today to take care of Beaver Brook Lane. President Andes replied that there is not; it is a capital project and a bond ordinance would have to be passed. He said that there is a process that must be followed. Mr. Callahan asked if the DPW has the manpower replace the water main. The answer was that they do not; Mrs. Goble added, "nor do we have the funding available".

Mr. Rosania explained that the schedule that they have proposed is the quickest possible way to go about this. He reiterated that there is a process that must be followed.

Mr. Andes noted that bringing the water main down to the bridge was due to concern for the homes on Ford Road and Beaver Brook, should there be a fire.

Mr. Callahan expressed the frustration of the Beaver Brook residents.

President Andes noted that the wheels of government never work as quickly as the

public would like. He said that we do not have the funds in the Water Utility today for this project.

Administrator/CFO Goble gave a detailed explanation regarding how and when funds are available for capital projects, as well as the bonding, bidding and advertising requirements before the project can start. She assured Mr. Callahan that it will be done as quickly as possible.

President Andes requested that any water tests that are necessary be done on Beaver Brook Lane.

Councilman Kuser asked if the line could be flushed since it is a dead end. He was told that they cannot. Mr. Lowell noted that there is a fire hydrant at the end of the street.

Mr. Rosania commented that there is a proposed development nearby and perhaps it could be connected to that by a loop.

Mr. Kuser suggested that the line be flushed now and then tested for asbestos.

Mr. Lowell advised that a 3/4 inch blow-off can be installed at this time to take the water out.

Mr. Kuser asked about putting in drainage on Beaver Brook.

Mr. Callahan gave a detail suggestion regarding how the drainage into the river can be accomplished.

Mr. Rosania noted that the most economical way to affect the drainage would be sheet flow across the road.

President Andes asked if there was a water run-off issue prior to the sewer project. Mr. Rosania replied that there always have been water issues.

Councilwoman Smith reiterated the comments of Mr. Andes and Mrs. Goble about the necessity of following a process and that it will be fast-tracked as much as possible.

She said that the pre-existing water issues may have been exacerbated by the sewer project and the unprecedented rain that we have just experienced. Mrs. Smith suggested that an engineering study be undertaken and that it include the flooding in the road. She said that she believes that everyone on the Council is in agreement that the water main should be replaced as quickly as possible.

Dave Benyo, 44 Beaver Brook Lane, asked that handicapped signs and speed humps be installed on the street. He said that he is not in favor of the radar sign because he does not think it is accurate, due to the way people drive on that road.

Mr. Andes advised that the radar sign is a Police issue. Mrs. Goble interjected that she will speak to the Chief. Mr. Andes noted that there are a host of issues that come with speed humps and, over the years, the town has been reluctant to put them on dead end streets. Mr. Andes said that the emergency services hate the speed humps but that the traffic professionals may be able to come up with something that will satisfy the residents' needs and not put pressure on the emergency services people.

Mr. Benyo stated that he would like to see the catch basin at the end of the road extended into the leech field. Mr. Benyo also offered to have the water in his house tested.

Councilman Shaw noted that, after the final coat is put down on the road, the speed on

the street will increase.

Ernie O'Dell Whitaker, 42 Beaver Brook Lane, suggested that sidewalks be installed with water pipes under the sidewalk on each side. He said that, if there was then a problem, the sidewalk could be dug up instead of the road. Mr. Rosania advised that there are a lot of problems and costs involved with that and it would not really be cheaper. President Andes explained that, if sidewalks were installed, it would require an assessment which the residents would be paying.

Tom Ghilain, 35 Beaver Brook Lane, asked if there is any way to get the current contractor to accelerate his progress. He said that the block is closed when the contractor begins at 7:00 a.m. and, last night was closed until 5:30 p.m. Mr. Ghilain noted that it is fine in nice weather, but when the weather is bad the residents have a long walk from where they have to park. He advised that there is only one worker with him. Mr. Rosania replied that the one worker is the well pump worker and when the pump is in operation, that man will leave and a whole bunch of workers will be there to get the job done.

Donna Zablatzky, 12 Beaver Brook Lane, stated that there are problems with the road grading and the storm drains. She said that the drains often get clogged and she would like to see the trench dug out so the water can run to the brook. Mr. Rosania noted that it has been an ongoing thing and water does dissipate but agreed that it does clog because it is in the wetlands area. Mrs. Zablatzky also noted that the residents wanted gas run to the neighborhood but that hasn't been done.

Councilman Stecky noted that he called NJNG twice and they sent someone out to do a survey. He said that he was pushing for gas in the neighborhood as well. Mr. Stecky advised that there was not enough support in the neighborhood to warrant NJNG running the line.

There was a question regarding the pumps at that location and it was noted that the alarm goes off every day. Mr. Rosania replied that there is some "tweaking" that needs to be done with the levels and floats but the pump is doing fairly well. Mr. Egbert noted that when he and his crew went out there for the main break, they observed that the manhole lid was off and someone was pumping water into the main. He said that it is against the State law to do that. Mr. Egbert explained that is why we are getting high levels at the pump station after the rain. He stated that no one should be opening the sewer to pump clear water into it. Mr. Egbert noted that they are working at determining the proper levels in order to prevent the alarm from going off.

President Andes advised that, as the study progresses, he will ask Councilman Golinski to notify the neighbors about when there will be a presentation to the Council on each of these issues as they come along. He explained that, in that way, the residents can be a part of the process as we move along.

Mr. Andes closed the Public Portion on this topic.

President Andes called for a brief recess at 8:56 p.m.
The Meeting resumed at 9:02 p.m.

President Andes advised that the next order of business is the adding of R-10-93A to the agenda and added that the agenda will be re-arranged to accommodate a procedural matter. He said that, at this time, we will have the introduction of the following ordinance:

**#8-10 AUTHORIZES EXCEEDING THE MUNICIPAL BUDGET APPROPRIATION
LIMIT/ESTABLISH CAP BANK**

President Andes asked Administrator Goble to explain the need for this ordinance.

Mrs. Goble explained that the ordinance is being introduced at the recommendation of the Auditor. She said that there is no cap percentage this year and we need to do this to provide ourselves with a cap bank as a back-up for next year if the State raises the cap percentage.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
SHAW

DISCUSSION: No one wished to be heard.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14)
BE PASSED ON FIRST READING

AND BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE
CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE ON 5-4-10 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 SHAW

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

Mr. Andes noted that the next matter for consideration is the following resolution:

**R-10-85 INTRODUCTION OF THE TOWNSHIP OF DENVILLE 2010 MUNICIPAL
BUDGET**

Mr. Andes advised that there will be a public hearing on the 2010 Budget at the May 4th Council meeting.

MOTION TO APPROVE R-10-85: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

Before taking a roll call, President Andes recapped for the benefit of the Press and public the steps that occurred in reaching this budget. He noted that, at the start of the budget process, the tax increase would have been \$100 for the average house in Denville. Mr. Andes advised that, after several budget meetings and many hours of hard work by the Administrator, Mayor and Council, it was reduced to a manageable \$17 per year for the average house. He said that the Township then received notice from the State that it would not be receiving an expected grant of \$459,000. Mrs. Goble interjected that the money is from the Energy Receipt Tax and we are still investigating as to whether or not the State has the legal right to withhold it from the municipality. Mr. Andes stated that the loss of that grant raised the tax increase to \$76; he added that, after additional trimming, the Council came to a consensus that amounted to a \$59 per year increase on the average house. President Andes said that is where the budget stands at this time and he asked the Mayor if he agrees with those statements. Mayor Husa replied that he agrees and he commended the Council for the long an arduous process that they followed to arrive at this final budget. He said that he thinks that everyone used very good judgement but he will save any real comments for when the budget is adopted. The Mayor again thanked the Council for their hard work during the budget process, especially the new people who have not been through this before. Mayor Husa said that he certainly, absolutely supports the budget. He noted that he wishes we could have done better but there just is no where else to cut.

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

LIAISON REPORTS:

Councilwoman Smith had no report.

Councilman Kuser had no report.

Councilman Fitzpatrick reported that the PRIDE Council will be conducting Rid Litter Day on Saturday, April 10th beginning at 10:00 a.m. He also noted that Morris Knolls High School is conducting a 5K run on Saturday, beginning at 8:00 a.m. at the Community Church on Diamond Spring Road.

Councilman Shaw noted that the Senior Citizens have made a couple of trips which everyone enjoyed. He said that some of the Seniors are unhappy because the budget is not flat, but he explained the details to them. Mr. Shaw advised that the Senior Social was held at the Church of the Savior, there was a full house and everyone enjoyed the day. He added that the "Senior Prom" will be held shortly and they are looking forward to that.

Councilman Stecky reported that he, Councilman Fitzpatrick and Mayor Husa took part in a clean-up of Muriel Hepner Park. He said that it was in preparation for applying for a grant to put in a picnic area, picnic benches and a barbecue pit. Mr. Stecky noted that the Mayor will speak more about that.

Mr. Stecky advised that he received a telephone call from the Director of Beautification,

Franz Fuertges, to let him know that all the materials for the downtown planters have been delivered to Morris County Vo-Tech to begin work on them. He added that, last week-end, some students from Morris Knolls High School were helping to plant flowers in the existing planters. Mr. Stecky asked if the businesses could be enlisted to help keep the sidewalks clean by sweeping the debris into the curb on a day that the sweeper is coming by. Mrs. Goble replied that she will bring it up at the Chamber meeting tomorrow night.

Mr. Stecky reminded everyone that the Earth Day event will be held in the Municipal Building on the evening of April 22nd.

Councilman Golinski had no report.

President Andes reported that the Little League Opening Day will be held on Saturday, April 17th at 10:00 a.m. He noted that the parade will assemble on Second Avenue and Broadway. Mr. Andes advised that the residents of Hillcrest send their thanks to the Council for addressing the serious road issues that they brought to the Council's attention.

MAYOR'S REPORT: A copy is attached to these minutes.

ADMINISTRATOR'S REPORT:

Administrator Goble advised that she will give her report on the 20th of April and will be on vacation from April 13th through April 19th.

OPEN PUBLIC PORTION:

Volker Fuertges, 111 Ford Road, stated that he lives in the area of Phase II of the sewer project. He requested that the Council, in order to minimize the inconvenience of the sewer project, arrange to have the dead end portion of Ford Road opened providing another access to the homes during construction.

President Andes replied that it is not something that the Council has any control over. He asked for comments from Administration. Mrs. Goble noted that she has been speaking about this with Mr. Egbert and asked him to come forward and reply.

Mr. Egbert reported that, about a year ago, he, Mr. Lowell, Mr. Rosania and Mrs. Goble had a conversation regarding that dead end road. He said that the road is in the Morris County Park System and is not a roadway anymore, it is a walking path. Mr. Egbert noted that, since it is not the Township's property, we have no control over it. Mrs. Goble interjected that the County was not willing to assume the liability, make any improvements or bear any costs that might be involved.

President Andes asked if it would carry any weight if the Council passed a resolution asking them to open it. Mrs. Goble replied that she does not believe so; she said that it is cost-prohibitive and everyone is cutting budgets.

Councilman Golinski posed the question of whether, if it were not a cost issue, there may be residents who do not want it opened up because it could become a thoroughfare.

Mrs. Goble noted that she has spoken to the County numerous times with a negative

response. She said that, if the Council wishes, they can pass a resolution but she thinks that the result will be the same.

Councilman Shaw commented that the original reason for closing the road was due to dumping of debris in that area.

Mrs. Goble stated that she will contact the County one more time.

Councilwoman Smith stated that she believes that we would have emergency access through there. Mr. Egbert replied that the answer is no, it is overgrown and is not a road anymore, it is a walking path. Mrs. Smith commented that, due to the deteriorated condition of the path, she does not think it is a viable solution.

Franz Fuertges, 109 Ford Road, said that it was a public road and used as such when he first moved to Ford Road. He stated that the residents were happy when it was closed off and they do not want it to become an open road again. Mr. Fuertges noted that, when the road is closed for construction, he may not be able to make his deliveries and would be more than a hardship and he would be awfully furious should that happen. Mr. Fuertges noted that the residents just want it made passable temporarily during construction, and then have it closed again.

Mrs. Goble reiterated that she has spoken to the County numerous times and she will contact them again.

Mr. Fuertges stated, on a happier note, that fresh plants were put in downtown and, with the help of many volunteers it was accomplished very quickly. He said that plans are underway to plant roses at the clock tower.

With regard to opening the road, Mr. Andes commented that, once we know what period of time is involve, it may be more tolerable to the County.

Mr. Fuertges asked if dirt could be provided to him to fill in a large depression caused by the sewer contractor. Mrs. Goble replied that she will have Mr. Rosania check it out.

Joe Blanchard, 121 Ford Road, spoke about growing up on Ford Road. He said that his concern about the closed road is that his son has juvenile diabetes and, should he have a medical emergency during the construction period they would have great difficulty accessing their home.

Mr. Blanchard asked if the residents will have to decommission their wells when the water comes through in Phase II. Mr. Lowell replied that they do not have to decommission the wells but they cannot have water coming into the house from both sources.

Councilman Fitzpatrick suggested that the County Freeholders be contacted regarding the opening of the road. He said that they meet on Wednesdays in the Courthouse in Morristown and also have a public portion at their meetings.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:

#5-10 AMENDS 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 A PORTION OF CHAPTER 2, ADMINISTRATION, SECTION 2-34, GREEN SUSTAINABLE COMMITTEE, OF THE REVISED GENERAL ORDINANCES

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 HEARING: No one wished to be heard.

CLOSE PUBLIC HEARING.

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 A PORTION OF CHAPTER 2, ADMINISTRATION, SECTION 2-34, GREEN SUSTAINABLE COMMITTEE, OF THE REVISED GENERAL ORDINANCES

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 4-14-10 ISSUE OF THE CITIZEN.

MOTION TO ADOPT: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI

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

#7-10 PROCEDURES FOR OPERATION OF A SEASONAL FARMER'S MARKET IN THE TOWNSHIP OF DENVILLE

Attorney DiYanni advised that, before adoption of this ordinance, he would like to make an amendment. He said that it is a minor amendment to Section 19-7.14A, sub section f - Hours of Operation. Mr. DiYanni noted that there has been a request that the 1:30 p.m. closing time be amended to 3:30 p.m. to allow flexibility for future years. President Andes commented that this was discussed at the first meeting concerning the Farmer's Market.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 19 (ZONING) PERTAINING TO THE TOWNSHIP'S LAND USE REGULATIONS TO ESTABLISH PROCEDURES TO PERMIT THE OPERATION OF A SEASONAL FARMER'S MARKET

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

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

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

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF
CHAPTER 19 (ZONING) PERTAINING TO THE TOWNSHIP'S LAND USE
REGULATIONS TO ESTABLISH PROCEDURES TO PERMIT THE OPERATION OF A
SEASONAL FARMER'S MARKET
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 4-14-10 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SHAW, SECONDED BY MEMBER
FITZPATRICK
AYES: SHAW, FITZPATRICK, KUSER, SMITH, STECKY, GOLINSKI, ANDES

ORDINANCE(S) FOR INTRODUCTION:

#9-10 PROHIBITS FOR PROFIT BUSINESS UPON LIBRARY PREMISES
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND CHAPTER XXV, LIBRARY PROPERTY AND BOOKS,
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER FITZPATRICK, SECONDED BY
MEMBER GOLINSKI
DISCUSSION: No one wished to be heard.
AYES: FITZPATRICK, GOLINSKI, KUSER, SMITH, SHAW, STECKY, ANDES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO AMEND CHAPTER XXV, LIBRARY PROPERTY AND BOOKS,
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE
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 5-4-10 AT 7:30 P.M. IN THE
EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP
OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL
BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.

BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW.

MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SHAW SECONDED BY MEMBER STECKY

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

#10-10 AMENDS TAXI & LIMOUSINE RATES AND OTHER PROVISIONS PURSUANT TO STATE STATUTE - N.J.S.A.48:16-17

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 9, TAXICABS, OF THE REVISED GENERAL ORDINANCES

BE INTRODUCED AND READ BY TITLE ON FIRST READING

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

DISCUSSION: No one wished to be heard.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 9, TAXICABS, OF THE REVISED GENERAL ORDINANCES

BE PASSED ON FIRST READING

AND BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE ON 5-4-10 AT 7:30 P.M. IN THE EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.

BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW.

MOTION TO PASS ON FIRST READING: MOVED BY MEMBER STECKY, SECONDED BY MEMBER KUSER

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

ITEMS FOR DISCUSSION AND/OR ACTION:

President Andes called Mr. Lowell forward.

Administrator Goble interjected that she was under the impression that she and Clerk Costello had discussed this and had decided that this topic would not be addressed at this meeting. She said that since Mr. Lowell is present they could do so, but that she,

herself, is not prepared to do so. Mrs. Costello said that, obviously, it was a typo because we rushed through this on Holy Thursday. Mrs. Goble noted that she does not have an agreement with dates or figures with her this evening. It was decided that the topic of a Water License Operator Agreement with Mr. Lowell would be rescheduled to the April 20th meeting. Mr. Andes thanked Mr. Lowell and Mr. Egbert for coming this evening.

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

CONSENT AGENDA:

- R-10-86 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
- R-10-87 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
- R-10-88 RESOLUTION TO AFFIRM THE TOWNSHIP OF DENVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS OR VOLUNTEERS
- R-10-89 RESOLUTION AUTHORIZING THE TOWNSHIP OF DENVILLE TO EXECUTE AN AGREEMENT WITH ROCK RIDGE COMMUNITY CLUB TO USE ITS FIELD LOCATED ON EAST GLEN ROAD
- R-10-90 RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SPYLEN OF DENVILLE, INC. T/A WENDY'S OLD FASHIONED HAMBURGERS FOR THE USE OF ITS PROPERTY FOR RECREATIONAL PURPOSES
- R-10-91 RESOLUTION AUTHORIZING AMENDMENT OF LEASE AGREEMENT BY AND BETWEEN THE SISTERS OF THE SORROWFUL MOTHER GENERALATE, INC. AND THE TOWNSHIP OF DENVILLE FOR THE USE OF RECREATIONAL FIELDS ON POCONO ROAD
- MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER FITZPATRICK
AYES: GOLINSKI, FITZPATRICK, KUSER, SMITH, SHAW, STECKY, ANDES

R-10-92 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO HARRY L. SCHWARZ & CO. FOR APPRAISAL SERVICES RELATING TO OPENAKI/KITCHELL SEWER EXPANSION PROJECT IN AN AMOUNT NOT TO EXCEED \$15,000.00

MOTION TO ADOPT R-10-92: MOVED BY MEMBER STECKY, SECONDED BY MEMBER GOLINSKI

DISCUSSION: Councilman Stecky questioned the provision that allows the consultant to hire additional professionals. He said that, although there is a limit of \$15,000, it does not define any limit for the additional consultants. Mrs. Goble replied that he would have to come to the Township for permission before using any other consultants, provide a fee schedule and the Council could vote on it at that time. Mr. Stecky requested that the resolution be "tightened up" to insure that the appraiser cannot bring in additional consultants without the Council's prior approval.

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

R-10-93 RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR THE SEATBELT ENFORCEMENT CAMPAIGN "CLICK-TI OR TICKET"

MOTION TO APPROVE R-10-93: MOVED BY MEMBER KUSER, SECONDED BY MEMBER FITZPATRICK

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

R-10-93A RESOLUTION AUTHORIZING THE TOWNSHIP OF DENVILLE TO APPLY FOR A GRANT FROM ANJEC FOR PLANNING ASSISTANCE

MOTION TO APPROVE R-10-93A: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SHAW

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

MOTION TO APPROVE MINUTES OF 3/2/10, 3/6/10 AND 3/9/10: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

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

President Andes noted that next week's workshop meeting has a very full agenda. He said that representatives of the Highlands will give an update. Mr. Andes advised that Mr. Denzler will give a Highlands update from his perspective as well as a COAH update. He said that signs, property maintenance, road openings and lighting will also be discussed. Mr. Andes suggested that the time parameters that are being set on the agenda be adhered to and asked that the Council come prepared with questions.

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

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

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MEETING ADJOURNED AT 9:45 P.M.

Respectfully submitted by,

Kathleen A. Costello
Deputy Township Clerk