

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

OCTOBER 5, 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 Golinski. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello reminded all assembled to turn off or mute their cell phones and noted that this is a non-smoking facility.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU, POLICE CHIEF WAGNER, CFO GOBLE, TOWNSHIP PLANNER DENZLER, FREEHOLD DIRECTOR AND FORMER MAYOR GENE FEYL, FREEHOLDER SCHRIER, FREEHOLDER CHEGWIDDEN.

President Andes noted that the first order of business is a presentation by the Freeholders to the Township of Denville.

Freeholder Director Feyl spoke about the history of obtaining Open Space in Denville and mentioned former Administrator Sandman, former Council members Valva, Smith, Andes and Husa, Township Clerk Costello, as well as former Mayor Spencer noting that all were instrumental in working on acquiring Open Space. He added that Denville's goal was to preserve 2400 acres of Open Space; to date 1300 acres have been preserved. Mr. Feyl advised that 2500 acres is about one-fourth of the town's land mass and he feels that it is a credible goal. Mr. Feyl noted that Planner Denzler was also instrumental in writing the Open Space and Recreation Plan which helped to acquire a lot of the Open Space.

Mayor Husa invited CFO Goble, Planner Denzler and President Andes to join him for the presentation of the check from Freeholder Feyl

Mr. Feyl noted that, before presenting the check, he would like to present the Township with a new County flag because he has noticed that the County flag out front is getting a bit "ratty".

Director Feyl then presented a check covering the purchase of the following properties: Gorchach, Kovacs, Tulip Lane A and Tulip Lane B. He noted that the check comes from the Morris County Open Space Fund and that Denville has drawn down \$9.2 million from that fund for Open Space. Mr. Feyl advised that Denville has closed on every property for which it has applied for funds. He then presented a check in the amount of \$656,500.00, which he said represents tax dollars that Denville has put into the Open Space Fund.

Mayor Husa thanked Mr. Feyl and the Freeholders present. He noted that much work went into these acquisitions and that Mary Ann Cuneo did the lion's share of the work in applying for the grants to purchase these properties.

The Mayor explained how the new properties are being utilized and how they have created very nice parks in their area. He noted that there is a \$25,000 grant for

improvements to the Muriel Hepner Park and explained some of the work being done there.

Freeholder Feyl explained the criteria for properties that are considered for acquisition for Open Space.

Mayor Hussa noted that 30 or 40 properties are visited, and contact made with the owners, each year to try and acquire Open Space. He added that, since working on these properties that we have just acquired, over 150 parcels have been looked at.

LIAISON REPORTS:

Councilman Shaw reported that he accompanied the Seniors on another successful trip to Pennsylvania. He noted that the Seniors are very thankful for the assistance that is rendered by the Township.

Councilman Stecky reported that a Beautification meeting was held a few weeks ago. He said that Chairman Fuertges is aware that funding will be difficult next year and they are looking into alternate ways to obtain funding. Mr. Stecky noted that the word must be spread to the shop owners to keep the sidewalks in front of their stores clean and to water the planters. Councilman Stecky reported that he had attended the opening of the TD Bank on Saturday. He added that it is the first certified green building here in Denville. Mr. Stecky advised that Mr. Ciardi and Administrator Ward have met with the energy people and we are about to execute a contract to take advantage of the energy incentives through the State program.

Councilman Golinski reported that the Municipal Alliance Committee (MAC) had a busy week-end. He said that he attended that Java Jam on Friday night. Mr. Golinski advised that it gives teens a chance to come to a safe environment to hear local teen-aged musicians, with an anti-drug theme. He complimented Officer Revis for remaining for the entire evening, listening to the music and building a rapport with the teenagers. Mr. Golinski noted that Officer Revis had a gift certificate prize for the teenager who yelled out the most anti-drug messages. He added that the MAC committee and Officer Revis also supported the St. Francis Fall Festival on Sunday, hitting the other end of the spectrum - the Seniors. Mr. Golinski noted that he saw Officer Revis interacting with the teenaged volunteers at the Festival as well. He said that many other officers stopped in at the Java Jam to try and keep that line of communication with teens open.

Mr. Golinski thanked the entire Fire Department for supporting the Fall Festival; he said that there were several members of the department and some apparatus that the children were permitted to explore. Mr. Golinski commented that the firemen were an inspiration to a future generation of firefighters who may come to help him if he is in need.

Councilwoman Smith had no report.

Councilman Kuser noted that the Planning Board meeting was cancelled but they do have a meeting coming up. Mr. Kuser stated that it has come to his attention that a Planning Board member does not live in Denville. He asked what the status of that situation is.

The Mayor replied that he has checked it out and the person in question does live in Denville.

Mr. Kuser asked, for the record, if we can find out where he does live.

The Mayor said that he doesn't know but the person has assured him that he does live in Denville. Mr. Kuser asked if anyone knows where the Planning Board member lives. Attorney Semrau replied that the Administrator asked him to look into the matter and he spoke to the Planning Board member and he provided his address to Mr. Semrau. Mr. Semrau advised that he has forwarded the address to Administrator Ward and to the Municipal Clerk. Mr. Kuser asked if that address can be put on the record right now. Mr. Semrau replied that he would rather not and that it is on file in the Clerk's Office. Mr. Kuser asked if it should be put on file in the Planning Board Office.

Mr. Semrau said that it could be forwarded to the Planning Board Secretary, but he doesn't know that it has to be publicly disclosed.

Attorney Semrau reported that he had advised the Planning Board member of the importance of disclosing his residency in the Township and to be assured that, in order to properly configure the Planning Board, he must be a resident. He said that he was made fully aware of the importance of that and gave Mr. Semrau his address.

Mr. Kuser stated that as a Planning Board member, a citizen of Denville and a Councilperson he is a little concerned. He asked Mr. Semrau if he feels 100% sure that this person lives in Denville. Mr. Semrau replied that, based on the fact that he asked for the representation and explained the consequences of not residing in the Township and serving on the board he was satisfied with the address. He added that he explained the personal consequences as well as those to the Township.

Councilman Fitzpatrick reported that the Board of Education is looking at a five-year business plan and are looking for the public's input. He said that they are holding an open public meeting next Wednesday to discuss this plan. Mr. Fitzpatrick advised that there will be three meetings and the schedule can be found on the Board's web site. Mr. Fitzpatrick recommended that everyone check out the Denville Community TV site for four or five pieces that were produced by Fritz Mott's daughter for a Girl Scout project. He said that they are well done.

President Andes reported that the Fire Department Inspection Dinner was a very successful event. He noted that the next day the Senior Social was held and a barbecued chicken dinner was served. Mr. Andes added that the Fall Festival was a very enjoyable event for both the volunteers and the participants.

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

ADMINISTRATOR'S REPORT:

Administrator Ward reported that the 2011 budget memo was distributed to all departments, boards and commissions at the end of last week. He said that he and CFO Goble will be holding preliminary meetings with all departments beginning in the first week of November.

Mr. Ward advised that a contract has been issued for the East Shore Road wall project. He said that the Township Engineer has met with the contractor and a pre-fab wall is being constructed at the present time. Mr. Ward noted that the construction will begin in two or three weeks.

Administrator Ward reported, as a follow-up to Mr. Stecky's comments, that John Ciardi has been working for several months to increase the energy efficiency that began with the energy audit that was completed about one year ago. Mr. Ward noted that there is a "Societal Benefit" charge on the monthly electric bill that everyone pays which goes into a large pool, out of which municipalities and private businesses can seek grants to do energy-efficient upgrades. He said that the grant covers 60% of the upgrade. Mr. Ward advised that there is an additional \$25,000 that we received from completing the energy audit which we can also use toward our portion of the matching requirements. Mr. Ward commented that there was discussion at a previous Council meeting regarding the HVAC unit for the Police Dept. He said that is one modification to the proposal that we are making, in the hope that we can segregate the Police side of the building from the general administration side and achieve greater energy efficiency. Mr. Ward explained that the units that are now in use are difficult to adjust due to the 24/7 heating and cooling required for the Police side of the building. He said that he hopes a presentation can be made before the end of the year.

Administrator Ward advised that at the October 19th meeting, the Tax Assessor will make a brief presentation concerning her departmental operations. He said that she will report on any challenges facing her department and will answer any questions that the Council or public may have. Administrator Ward noted that this is the first of the "Department of the Month" presentations that he spoke of initiating at the last meeting. He said that he feels it will give the Governing Body and the public a better insight into the workings and challenges that face each of our municipal departments.

Administrator Ward reported that the Township had engaged the services of a Traffic Engineer to perform a traffic study on Morris Avenue. He said that the study has been completed and copies have been provided to the Governing Body. Mr. Ward advised that the Police Department has reviewed and endorsed the study, which makes recommendations for some speed reductions on the section of Morris Ave. between Diamond Spring Road and Savage Road. He said that the recommendation has been forwarded to our Attorney for an ordinance to amend our current speed limit ordinance. President Andes thanked Mr. Ward and Chief Wagner for working on that study.

OPEN PUBLIC PORTION:

Deb Koppleman, 14 Rock Ridge Road, stated that she is here on behalf of the St. Francis Fall Festival organizers. She read a statement concerning a proposed resolution not to authorize payment of overtime to police officers who worked at the Festival on Sunday. A copy of Ms. Koppleman's statement is attached to these minutes.

Councilman Shaw commented that Ms. Koppleman is correct, there are lots of events

that are run in this Township. He said that he feels that it is the responsibility of the Chief of Police to cover them as he sees fit. Mr. Shaw stated that, if the Chief can't make that decision, he doesn't know who will. He said that the Chief made the decision to provide for the safety of the visitors and he needs to assign the number of personnel that is needed. Mr. Shaw noted that he doesn't care what event or organization is involved, if people are needed there they have to be called in. He said that it is news to him that there is a problem.

Councilman Kuser asked if we can find out exactly what happened here.

President Andes asked the Mayor for an explanation.

The Mayor replied that he had a statement to make but everyone seems to want to talk on the subject. He suggested that everyone else speak first and then he will make his statement.

Administrator Ward asked Mr. Semrau if, this being a contractual matter, this is the proper forum to discuss it.

Attorney Semrau replied that is correct. He said that he does not know if there has been any formal action at this point in time. Mr. Semrau noted that if the discussion involves whether or not the services were provided without proper authorization or whose responsibility it was, it should be discussed in Executive Session, under contracts and attorney/client privilege because it has to do with services and compensation. He added that it does not preclude the public from speaking or the Mayor from making a statement but, from a legal perspective, further discussion should, at some point in time, take place in Executive Session.

Councilwoman Smith commented that this is the first time that she has heard of this, and asked the Mayor and Administrator if it is something that could be resolved in a short Executive Session discussion.

The Mayor replied that it could, but he would prefer to hear other people's objections first.

Ed Banagan, 38 Old Mill Dr., asked why, when you go to the Zoning Department for information, they give you a form to fill out and they won't talk to you. He said that the form states that your name will not be given out to the person about whom the complaint is being lodged. Mr. Banagan commented that, having said that, he read the minutes from last week's meeting and his name and address were included in those minutes. He asked why the form says it is confidential but, if he makes a statement at this meeting his name and full address are in there. Mr. Banagan wanted to know why it is that the form is confidential, his statement at a meeting is not but this person who is on the Planning Board may or may not live in Denville and does not have to have that information made public. He asked why there are two separate policies.

Attorney Semrau explained that it is required, when speaking at a public meeting, that the person speaking provides their name and address for the record.

Mr. Banagan replied that, what Mr. Semrau is saying is, if you go upstairs and sign a form you should not speak at a public meeting if you don't want your information given out. Mr. Banagan said that, when he signs the form it says it is confidential and he is

asking if that is a State law that your name and address must be stated at a public meeting. Mr. Semrau replied that it is because it is a public meeting.

Mr. Banagan asked if the Planning Board member has to give his name and address. Mr. Semrau replied that he does have to give his address. Mr. Banagan noted that Mr. Kuser asked for it and was told he couldn't have it. Mr. Semrau responded that it is on file. Mr. Banagan then asked if he has to go to this "mystery place" and ask where this man lives. He was advised that it is on file with the Town Clerk.

Mr. Banagan asked about the property maintenance ordinance. President Andes advised that a sub-committee meeting was held and there is nothing to report to Council at this time.

Mr. Banagan asked if there is an ordinance stipulating how many people are permitted to live in a single family house.

Planner Denzler replied that there is nothing on the books for single family homes.

Mr. Banagan asked why there isn't.

President Andes replied that the Council is addressing it now, going through the process. He said that they are looking at abandoned or unoccupied houses, rental units and property maintenance.

Mr. Banagan stated that the Council was upset about the ordinance at the last meeting and said it needed to be re-worked but there was no mention of single-family, owner-occupied dwellings.

Attorney Semrau noted that it is being re-worked and will be brought back to a work session and there will be further public input.

Mr. Banagan asked specifically if the number of people living in single family homes will be addressed. Mr. Andes replied in the affirmative.

Mr. Kuser noted that the subject is dear to Mr. Banagan's heart and he has assured him that the Council will work on it.

Councilman Shaw commented that, getting back to micro-managing, decisions about using personnel in any situation, such as a snow storm, needs to be made by the head of that division. He said that it can't wait until there is a discussion or the Council weighs in on it. Mr. Shaw said that situations come up and they have to be dealt with.

Councilman Kuser commented that he would really like to know what happened.

Adam Schultz, 58 Indian Road, stated that he would like to echo the previous comments in support of our Police officers who came out to help with the St. Francis Fall Festival.

Mr. Schultz noted that he has been a resident of Denville for three years and the way the community came together on Sunday made him proud of the town he lives in. He stated that the idea of not compensating the officers is very distasteful to him.

Patricia Dyer, 48 Cedar Lake West, said that she has lived in Denville for a long time and she saw the town come alive on Sunday with every organization, every volunteer, old and young. She commented that she saw our Fire Department shine and our Police Department stand tall. Mrs. Dyer said that, as one of 600 volunteers, she wants to thank the Council and Administration and re-assure our Mayor that, as a committee, Township Council

we will have everything in place, verified, up front and work in concert with the community. She said that they will never forget the goal, which is to help the whole community, young and old.

Councilman Golinski noted that he feels very uncomfortable that the public apparently knows more about this than he does.

Councilman Fitzpatrick interjected that he would like to second that.

Mr. Golinski said that he thinks that if there is something going on, noting to Mr. Semrau that he knows it has to be done carefully, we should know about it.

Jeff Merrill, 32 Myers Avenue, asked who would make the decision regarding how many police and ambulances should be present at an event in town where about 15,000 people are expected to attend.

President Andes replied that, in his eleven years on the Council, this has never come up before. He said that it was something that was handled by Administration, most probably, the department head. Mr. Merrill asked who is held responsible for it, adding that in his opinion it would be the Chief of Police. Mr. Andes responded that it would be the Director of Public Safety and the Mayor's office. He said it would be that branch of the local government, not the Council.

Mr. Merrill stated that if, in his experience, the Chief needs ten men to handle an event, is it up to him to assign them.

Mr. Andes replied that is a very logical thought process.

Councilman Stecky commented that it seems that there was no confirmed process in place to do this. He said that there are two different categories here:

1. Emergencies: flood, water main break, etc.
2. Planned events like the Street Festival or Harvest Festival.

He said that with events that are well-planned, the Council is advised ahead of time and a budget for the event is proposed. Mr. Stecky said that, before we go into events like this, we need to know how much it will cost and what the impact is. He said that would resolve all of these issues.

Councilwoman Smith interjected that the town has been aware of this for probably more than ten months. She said that she does not know what is going on but she, for one, has been aware of the Festival for a very long time.

Councilman Kuser commented that he does not want to make a decision for the Chief of Police. He said who are we to advise him about safety. Mr. Kuser noted that when 10,000 people gather in one place, we don't want to wait until an emergency happens before we see the Police. He said that it was well run and well planned and was an unbelievable activity in our town and this organization pays a lot of taxes in our town.

Mr. Fitzpatrick again asked what happened.

Attorney Semrau explained that, as everyone knows, the Festival was on Sunday and Mr. Ward received a call from the Mayor on Saturday evening. He said that the Mayor asked Mr. Ward when the Police overtime was authorized for the event. Mr. Semrau noted that Mr. Ward made the determination that, since the Festival was to be held the next day, the matter would be discussed on Monday. He said that he and Mr. Ward Township Council

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had a number of discussions about the actual process of whose jurisdiction it is to authorize overtime for an event that is for a charity organization. Mr. Semrau added that, in his opinion, it differs from the public safety day to day operations. He said that he told Mr. Ward that overtime for such an event should be affirmed by the Governing Body. Mr. Semrau advised that no other action has taken place. He said that was the extent of the discussion and no one's pay has been changed and no one has been told that they will not be paid. Mr. Semrau commented that the question about the process was raised first from the Mayor to the Administrator and then from the Mayor to Mr. Semrau, and that is the extent of where we are. He said that he and Mr. Ward did have a discussion about what policy should be followed in the future and what would be the preferable way with which we would brief the Governing Body going forward. Mr. Semrau stated that this is a distinctly different situation, since it is a charitable event, than others that have been mentioned.

Councilman Golinski asked, in that case, if the Council had done things wrong with the Street Fair by not getting approval when we should have. A number of people responded that nothing was done wrong.

President Andes stated that he thinks it is time for the Mayor to speak.

Mayor Husa read a prepared statement, a copy of which is attached to these minutes. Ellen Sandman, 7 Anna St., for clarification purposes, noted that the committee did have meetings with the Police and also with the Administrator. She said that this was begun, as Councilwoman Smith stated, in December. Mrs. Sandman noted that the Mayor, for whatever reason, was not able to attend all of the organizational meetings but did attend some. She said that, all along the way, they were in constant communication with people that were on the Council, who were aware of what we were trying to accomplish, we met with the Police Department and advised that we were a start-up entity, different from the Harvest Festival. Mrs. Sandman advised that there needs to be a correction as far as payment for the Police is concerned, noting that when she first came here as Administrator in 1985, the Police were paid by the Township, not by St. Clare's. She explained that, once the Festival reached the \$250,000 mark in proceeds, she and Chief Boepple went to the Festival committee and requested that they pay for the police presence from that point on. Mrs. Sandman stated that they have been up-front from the beginning. She said that she has been a Denville resident for over 25 years and has been, not just Administrator but a volunteer for all of that time. Mrs. Sandman noted that she also loves Denville. She commented that it is unfortunate that there is not clarity. Mrs. Sandman noted that the attorney spoke about going forward but, in fairness to our Police Department, they felt that we needed some assistance in this regard. Mrs. Sandman advised that there are many people who can attest to the fact that she had made it very clear at the meetings that this was a new organization that was without much in the way of funds to work with. She said that it never became an issue and the committee all understood that, like the Rotary Street Festival, the proceeds are for the benefit of the community. She said that the proceeds from this Festival are going towards providing safe living quarters for the

residents of St. Francis. Mrs. Sandman added that they thought they were doing a noble operation. She said that, as Pat Dyer stated, many volunteers, many on this Council and many in this audience, gave of their time. Mrs. Sandman stated that never was it in her heart or in her credibility as a resident or a loving citizen of Denville to put anyone in this situation. She said that she wishes there had been more clear communication and that sometimes one has to question people's motives, as to why they do what they do. Mrs. Sandman noted that the Mayor stated that he was not approached and she said that maybe, sometimes, a person has to step up and ask questions.

The Mayor replied that he made himself available if anyone needed anything from the town. He said that he didn't believe there was anything else he had to do on this issue. President Andes commented that Mrs. Sandman made it very clear that she went to the Administrator and the Chief. He asked Mrs. Sandman if that is correct.

Mrs. Sandman replied that it is correct. She said that during the planning, knowing the number of people who came out for the old Harvest Festival, they were concerned about traffic and they approached the Chief. Mrs. Sandman noted that the Chief advised her that there would be someone coming to speak to the committee about that. She said that when you speak to the Administrator, which they did, you are speaking to Administration, which includes the Mayor.

Councilman Kuser asked the Mayor if he is now referring to every organization in town, Bike Rodeo, Memorial Day Parade, Little League Parade and Rotary Street Festival all have to come to a Council meeting and ask the Council to waive Police overtime or to charge them.

The Mayor replied that he doesn't know what the answer is but, when it involves that amount of money, the taxpayers should know. He said that he thinks that the Governing Body should make a decision whether they are going to grant that relief, donation or whatever you want to call it, or not.

Mr. Kuser asked Mr. Semrau if the Festival was obligated by law to have police or could they just have had people all around the streets, running into each other with no public safety.

Mr. Semrau replied that Mr. Denzler is here and he, Mr. Semrau, is not aware of what the permitting process was for this matter. He said that, from the standpoint of Police assistance, especially on the grounds, from a technical/legal standpoint that wouldn't be the Township's responsibility. Mr. Semrau noted that it would be the responsibility of the organizers to insure public safety.

Mrs. Sandman asked Mr. Semrau if the traffic would be the responsibility of the Police Department.

Mr. Semrau replied that he doesn't know what the actual permitting process was. He said that if an event is held that is not Township-sponsored, and it will initiate additional public safety, the Township has the right to request that the organization secure the event. Mr. Semrau added that, from the standpoint of the Township making a decision and participating, the Governing Body may do so. He said that the Governing Body

could, even tonight by way of a motion, endorse or approve Police services that were rendered in connection with this event. Mr. Semrau noted that his suggestion, in going forward, would be to have a policy put together as to when the services will be provided and when they will not be provided.

Administrator Ward commented that he is in substantial concurrence with the Township Attorney, with the exception that he would not personally recommend that an affirmative vote take place this evening. He said that since this involves work already performed, at the direction of the Police officers supervisor, the direction that he has provided to the Finance Department is to process the overtime compensation. Mr. Ward stated, not getting into a contractual discussion that would require a Closed Session, that he believes that the Township has a contractual obligation since these individuals were assigned a specific duty and a retroactive vote may be counter-productive.

Councilwoman Smith commented that she understands the Township's obligation to pay for work that has been performed, but that it does not stop the Administrator, unless the Council acts, from going to the organization to ask them to pay for the cost of the Police services. She said that is why she thinks the motion is necessary.

Mr. Ward replied that he could send a letter to the organization requesting a contribution towards the cost.

Mrs. Smith noted that he misunderstood what she said. She advised that she understands Mr. Ward's comments regarding the Township's obligation to pay this.

Mrs. Smith stated that, without the Council acting and making a recommendation as to where these funds come from, the Administrator or Mayor might go to the people who ran the Fall Festival and ask them to pay for it, unless the Council makes a motion. She said that is why she disagrees and thinks the Council does need to take action to clarify this even though it is retroactive. Mrs. Smith added that, as a new organization, she hopes that they have the success that the Harvest Festival had and can raise \$250,000 a year. She said that she will leave it up to the Council President to seek the action that he thinks we ought to take.

Mrs. Sandman stated, for clarification and for her personal reputation, every permit that was required was requested and was voted upon and she has them here tonight.

Mr. Semrau replied that he does not think that is at all in question. He said that this is an internal matter as to how this should be approved and, in his opinion, it should be approved by this Governing Body. Mr. Semrau noted that this is a charitable organization and, over the years, such organizations have come to the Governing Body for approval. He said that, based on what he has heard tonight, he thinks it would be routine for the Council to make a motion, if that's what the Governing Body feels, because he thinks it is a decision that should have been made by them. Mr. Semrau added that the issue is, in effect, a donation of services.

Councilman Kuser noted that five of the seven Council people worked at the Fall Festival. He asked if that is a conflict of interest for them to now vote on the proposed motion. Mr. Semrau replied that it would not be because they did not receive any kind of compensation.

Councilman Golinski stated that he agrees with Mr. Shaw that the Council should not micro-manage. He asked Mr. Stecky what he knows about police protection.

Mr. Stecky responded that he knows nothing about police protection, he leaves that up to the Chief, but would just like a heads up on what the cost would be. He said that he just needs to know.

Mrs. Sandman interjected that it would not come from the organization because they wouldn't have that information.

Attorney Semrau advised that there are numerous matters that make up the day-to-day operation of the Police Department. He said that those matters are solely and squarely within the purview of the Chief of Police. Mr. Semrau added that when an event such as this comes forward, a request is being made for a donation of services and has a different context. He said that the Chief of Police would certainly be asked what he thinks would be necessary and what his recommendation would be. Mr. Semrau noted that, from the standpoint of the Governing Body which may have other organizations coming forward asking for various kinds of relief and other types of policy decisions, that is not something that is going to face the Chief on a day-to-day basis. He said that it requires this Governing Body to give the go-ahead to donate such services or not.

Mr. Golinski noted that the Council cannot vote on an amount, the Council has to defer to the Chief. Mr. Semrau replied that they can ask the Chief what it is going to take.

Mr. Golinski responded that the Chief may not know; he said that he may have to make a decision on Sunday morning, when the sun comes out, to bring in extra troops.

Mr. Golinski stated that the Chief may have to make a decision to bring in more men when he sees the size of the crowd and the traffic impact, and he can't call the Council into session to ask if he can spend another \$1,000.

Mr. Semrau advised that, from a policy stand-point, all he is saying is someone must come forward and ask the Governing Body if they have any objection to providing those services.

Councilman Fitzpatrick said that perhaps the Council President, Administrator or CFO can clarify this: when the budget is put together at the beginning of the year, doesn't the Council approve a rough figure for overtime for the Police.

Mr. Ward replied that is correct, it is incorporated in the Salary and Wages line of the budget.

Mr. Fitzpatrick, again referring to micro-managing, stated that we have to let the Chief manage his own budget. He noted that for the past three or four years the Chief has been working with fewer staff, less equipment and less materials and every year is still turning out the best Police Department in Morris County. Mr. Fitzpatrick said that now we have a situation where our Police Chief has a budget, that we approved, and he is in charge of managing that budget. He posed the question that, because of this event or something else that comes up, are we at any risk because something went over. Mr. Fitzpatrick stated that he not only considers this a non-issue, but an embarrassment.

Administrator Ward replied that, in generalities, with the projection of overtime there are

so many variables and different types of events that can happen in a Police Department in any one year that can cause the budget to go above or below and there are procedures in place should that happen. He said that at the present time the Police Department is working within the overtime budget.

Councilwoman Smith asked CFO Goble if we have the funds to pay the overtime, without endangering anything.

Mrs. Goble replied that we do.

Tom Dean, 19 Garwood Trail, said that he thinks this is getting way out of proportion. He noted that he sits on the Board of the St. Francis Health Resort and back in the beginning of 2010 the idea of bringing the Festival back was raised. Mr. Dean commented that, through the process, an enormous amount of energy was created. He said that he is in agreement with the Mayor that it is a tremendous amount of overtime. Mr. Dean added that he is frustrated and angry that it was brought up afterwards. Addressing the Mayor, he noted that the Mayor was at some of the meetings at the beginning and, again the organization is mostly volunteers and no one meant to misstep this procedure. He stated that he believes that, as the responsible agents of this community, it could have been the Mayor's responsibility to come to the organization and advise that they needed to do this. Mr. Dean added that no one wanted to cause problems, they wanted to unite the community, which they did. Mr. Dean, from his position on the Board, said that he wants to apologize, even though he does not think it is necessary, and say that no one meant to do anything wrong. Mr. Dean stated that the Mayor's action in waiting until after the fact to bring this up makes it seem as though he has a personal vengeance against the organization. The Mayor replied that he did not wait until after the fact. Mr. Dean asked, if that is the case, why was it not brought up prior to the event. The Mayor said that it occurred to him before the event. Mr. Dean asked if that was Saturday night and the Mayor replied in the affirmative.

Mr. Dean stated that he is not picking on any individual and asked that people understand the nature of what they were doing. He said that he apologizes but feels that this needs to be addressed on the Council level for the future.

Mr. Semrau asked if the Mayor received a request for those services.

Mr. Dean replied that he is not sure of the answer to that but the Mayor was at the meetings, as were many of the Council members. He said that he does know that many, if not all, of the correct licenses were obtained. Mr. Dean also noted that they were questioned as to whether or not, on Sunday, a liquor license had been issued. He said that he knows that no beer company would supply a truck without the proper license being obtained. Mr. Dean advised that the resolution approving the one-day liquor license was approved by Council at the June 22, 2010 meeting.

Attorney Semrau interjected that it sounds as though the discussion could be resolved if the Governing Body, by way of motion, approves the overtime for the event. He said that then all of the concerns would be resolved and, going forward, the Administration can begin to work on a policy for future events.

The Mayor stated, addressing Mr. Dean, that no way was it his obligation to seek out

your needs. He said, "you needed to come to me and bring this to me". Mr. Dean again apologized to the Mayor.

The Mayor continued by saying that it wasn't his responsibility to do so, it was the organizers responsibility.

President Andes interjected that it appears that the organizers went to the Department Heads, the Township and to Administration. Mr. Andes stated that they went to the right person and, because they didn't go directly to the Mayor, it doesn't mean that they didn't do the right thing. Mayor Hussa replied that he has a question for the organizers: why did they not voluntarily contribute, as other Harvest Festivals have done in the past.

President Andes replied that Mrs. Sandman had explained that this is a start-up organization that was without funding. The Mayor asked if they made enough money to cover the overtime expense.

Mr. Dean replied that many of the people who were donating their time to be in charge of different areas of the Festival also donated quite a bit of money in the beginning for seed money because we had never done anything like this before.

The Mayor responded that the question was did they have enough money to cover the overtime as other Festivals have done in the past.

Mr. Dean said that they did not because they did not really know what went on at the previous Festivals.

The Mayor retorted that "Ellen did because she was the Business Administrator".

Mr. Dean said that is incorrect because Mrs. Sandman was not sitting in the same position that she is in now when the Harvest Festival was going on. Mr. Dean added that he thinks this is getting way out of hand.

President Andes stated that he needs to end this. He told the Mayor that this is disturbing and is disturbing to him as the Council President that, after his eleven years, and however many years the Mayor was on the Governing Body, this is the first time that any organization was questioned after the fact, or at that point, at all on Police protection. Mr. Andes commented that, over all these years, it has been at the discretion of the Chief. He added that, when it was passed the point of no return, it was obviously upsetting to these good folks who worked very hard on this. Mr. Andes noted that the St. Francis Health Resort is the oldest organization in town and it provides a valuable service to our residents. He advised that the money that was raised by the Festival is going towards a fire suppression system to keep the senior citizens safe. President Andes stated that they are a valuable commodity in our organization and to be treated like this at the eleventh hour is just plain wrong. Mr. Andes said that what we do for one organization, we have to do for all organizations and they are the fabric of our community. The Mayor said, "then we should". Mr. Andes noted that these are the organizations that make people feel good about living in Denville and is what makes Denville special.

Mr. Andes commented that, when we look at these organizations, it comes down to the Memorial Day Parade. He advised that the Memorial Day Parade is not sponsored by Township Council

Denville, but by the Rockaway-Denville Memorial Association. He said that we are talking about micro-managing whether or not we will have a Memorial Day Parade. Mr. Andes reiterated that "it is just plain wrong" and we need to have these things in Denville. He noted that the Sisters of the Sorrowful Mother, who you might say don't give back to the community like the Rotary or the Firemen, supply us with ballfields for our children for \$1 per year and that is a great value. President Andes stated that we are going to put this to rest with a motion.

Councilwoman Smith asked if she may make a motion to pay for the overtime, which is approximately \$7,000, having been told by our CFO that the funds are available. She said that is her motion.

President Andes asked for a second.

Councilman Fitzpatrick seconded the motion.

Councilman Kuser asked for discussion. Mr. Kuser said that this is setting a precedent and he refuses to vote on this tonight. He said that this is absurd. Mr. Kuser noted that a precedent will be set and the Mayor wants every organization, stating that it is on the record and he heard the Mayor say it, to pay for police overtime.

The Mayor replied that is not what he said. Mr. Kuser retorted that the Mayor said yes. The Mayor denied that stating that he had said that we should put a procedure in place. He said that doesn't mean that they have to come here, they have to submit their request in advance and he thinks that is prudent financial management.

Councilwoman Smith stated that, on the recommendation of our Attorney, she thinks that we need to go ahead with this tonight, as ludicrous as it may be. Mrs. Smith noted that if someone wants to use a room in the Municipal Building, they have to fill out a form; she suggested the Mayor and Administrator, as part of the Administration, that a form should be filled out if someone is running an event, regardless of what organization it is, with all of the requirements that they must fulfill. Mrs. Smith asked Mr. Kuser, until this procedure is in place, to please support this motion and get it over with tonight.

Councilman Shaw stated that he has gone through Harvest Festivals and, putting in a form like that sends the wrong message. He said that we should let the department heads do what they have to do through Administration.

President Andes suggested that, while stating that it is non-precedent setting, the Council support Mr. Ward's decision to let the Chief do what he did in authorizing the overtime.

He asked if that would satisfy the Attorney. Mr. Semrau said it's the same thing, it's approving it. Mr. Andes replied that he doesn't want to approve it, he wants to support Mr. Ward's decision to let the Chief make his decision. He said that he doesn't want to be micro-managing what the Police officers do.

Mrs. Smith commented that, before rescinding her motion, she would like to point out that, doing what Mr. Andes suggests will not prevent the possibility that Administration can go to the organization and ask for money.

Mr. Semrau noted that this is a policy decision. He said that the Council is making a policy decision by the motion that Mrs. Smith has made, supporting any decisions that have been made formerly. Mr. Semrau advised that anything different than that he can't say is the appropriate way it should be done. He added that going forward you may want to give all of that discretion, by way of policy, to the Chief to make those decisions, like he does with all the other day to day issues.

Mrs. Smith responded that we are charged with the health and public safety of our citizens, of course it should be the Police Chief's decision.

Mr. Semrau stated that they have made a very good record for whatever decision they want to make this evening. He said that if another organization comes forward and the answer is no or it's an organization that they don't want to give to because there are not that type of resources or is an organization that they don't believe benefits the municipality, at least they have a record of voting for something and have certainly made a record of why they wanted to vote for this, based upon their comments.

Councilman Stecky stated that there are two elements here:

1. Acknowledge the overtime pay for this time only.
2. Make a commitment to develop a formal policy that will have to be followed.

He said that each member has his or her ideas for that policy and we will workshop it to come up with a process. Mr. Stecky commented that maybe the answer to that process is that it is all in the hands of the Chief. He said that we need to develop a process so that we don't fall into this trap again. Mr. Stecky stated that we fell into a trap. Mr. Andes objected to Mr. Stecky's reference to a trap; he said there was no trap, the organization went through the proper procedure. Mr. Stecky replied that he is not saying that someone set a trap, he said that we stumbled into an opening here that we had no coverage on.

Mr. Kuser noted that the Mayor is the only person in the room who is objecting to this. The Mayor replied that it is the process. He said that he would not deny them the Police overtime, but it is the process. The Mayor stated that they should have requested it and their mechanism did not allow for that. He said that if the Council votes yes, he fully accepts that.

President Andes replied that it appeared that the Mayor tried to influence it and stop it. The Mayor responded that he questioned it.

Councilwoman Smith commented that her motion is that the Township bear the expense of the overtime, as authorized by the Police Chief, for the public safety and welfare of the town.

Mr. Kuser asked if it was for this event or for all events.

Mrs. Smith replied that it is for this event, and her recommendation afterwards would be that a policy be set, or whatever the Council wants to do.

Mr. Golinski stated that he likes everything Mrs. Smith said, except for setting a policy.

Mrs. Smith replied that is not part of her motion.

President Andes asked if this motion sets any precedent that would take any authority from the Chief of Police. He said that Mr. Kuser is correct in saying that the Chief has Township Council

to be able to make every decision on public safety.

Mr. Semrau advised that this motion does not take any authority away from the Chief, it affirms and authorizes him to do what he decided to do with respect to this event.

Mr. Andes asked, if there is an event next week and the Chief sees fit to send men there, does he have to come back to the Council.

Mr. Semrau replied that, if it is a charity event, that's why we need a policy. He added that if there are incidents throughout the Township, that is within the Chief's discretion and that is why they don't normally come up. Mr. Semrau noted that when there are events like this, they should come before the Governing Body, or there should be a policy.

Mr. Golinski asked for clarification of the motion and then commented that it isn't necessary.

Mr. Semrau stated that he feels that it is legally necessary.

MOTION TO AUTHORIZE THE TOWNSHIP TO PAY OVERTIME EXPENSES, AS AUTHORIZED BY THE POLICE CHIEF, FOR THE PUBLIC HEALTH AND WELFARE OF THE PUBLIC FOR THE FALL FESTIVAL: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

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

NAY: SHAW

Before casting their votes, Mr. Kuser and Mr. Golinski each made a statement.

Mr. Kuser said that he voted for this because he thinks it is necessary to stop the Mayor from going after this organization.

Mr. Golinski stated that he is flabbergasted and disgusted that people can't see the benefits of this event. He advised that he had volunteers come up to him from Cape Cod and the Carolinas, saying that they came back to Denville. Mr. Golinski noted that, if it were just about money, that brings money into our town. But, he said, it is not about money, it's the future generation of the Fire Department, it's people working together. He noted that he saw a teacher out there slinging burgers with her pupils. Mr. Golinski remarked that other towns would die for this type of event and he cannot understand why we are making it difficult, but he will vote yes to get it moved on.

When asked for his vote, President Andes stated that he wants it on the record that this is not setting a precedent, that the Chief still has the authority and the autonomy to make that decision.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:

#26-10 BOND ORDINANCE FOR RENOVATIONS TO THE DENVILLE POLICE Township Council

DEPARTMENT

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR RENOVATIONS OF THE POLICE
DEPARTMENT IN AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF
MORRIS, NEW JERSEY, APPROPRIATING \$850,000 THEREFORE AND
AUTHORIZING THE ISSUANCE OF \$807,500 BONDS OR NOTES OF THE
TOWNSHIP TO FINANCE PART OF THE COST THEREOF
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GOLINSKI, SECONDED BY
MEMBER SHAW
AYES: GOLINSKI, SHAW, FITZPATRICK, KUSER, SMITH, STECKY, ANDES
OPEN PUBLIC HEARING: No one wished to be heard.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR RENOVATIONS OF THE POLICE
DEPARTMENT IN AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF
MORRIS, NEW JERSEY, APPROPRIATING \$850,000 THEREFORE AND
AUTHORIZING THE ISSUANCE OF \$807,000 BONDS OR NOTES OF THE
TOWNSHIP TO FINANCE PART OF THE COST THEREOF
BE PASSED ON FINAL READING AND THAT THE ORDINANCE BE PUBLISHED IN
FULL OR BY SUMMARY, TOGETHER WITH THE STATEMENT OF FINAL PASSAGE,
IN THE CITIZEN ON 10-13-10.
MOTION TO ADOPT: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER
SHAW
AYES: GOLINSKI, SHAW, FITZPATRICK, KUSER, ANDES
NAYS: SMITH, STECKY

Mrs. Smith, Mr. Stecky and President Andes each made a statement before casting their votes.

Mrs. Smith stated that she is voting no because she does not feel that this is the way to approach the renovation. Mrs. Smith stated that she stands by her opinion that this should have been done as one entire project (with the Municipal Building) and, we are wasting taxpayer money. She said that we sat here tonight and talked about \$7,000 and this involves over \$800,000 and is not the direction we should have taken.

Mr. Stecky stated that he agrees with Mrs. Smith that it is being done piece meal and he will vote no.

President Andes noted that this process requires five (5) affirmative votes and the approval of the Mayor. Mr. Andes gave a brief history of this project, beginning in 2008 and continuing until January of this year when he, as Council President, made a commitment to Chief Wagner that we would address this situation. He noted that the original plan had the recommendation of the Chief, the Business Administrator and the Facilities Manager, but not that of the Mayor. Mr. Andes added that it went nowhere for a very long time and he was in agreement with Mrs. Smith that we did not want to waste Township Council

any money but wanted to do it right the first time. He said that, keeping in mind that it requires five affirmative votes and the Mayor's approval, several alternatives were brought forward. Mr. Andes advised that this plan will result in the Chief coming back to the Council for additional needs in the Police Station. He said that the plan costs more than he would like to see, but most of the things that will be wasted have a shelf life anyway. President Andes commented that the Police have been working in sub-standard conditions for way too long and something needs to be done now and this was a compromise to that end. He said that this is the plan that the Mayor, Administrator, Facilities Manager and Chief came up with. Mr. Andes noted that it is not perfect, the cost is high for what it is, and money will be wasted, but he will vote yes because something needs to be done.

EXPLANATION BY CHIEF OF POLICE CHRISTOPHER WAGNER OF PROPOSED REVISIONS TO CHAPTER 6 ALCOHOLIC BEVERAGE CONTROL "POSSESSION OR CONSUMPTION BY UNDERAGE PERSONS"

President Andes advised that he had asked the Chief to come in and give a presentation on this, but we will not be acting on it tonight. He said that it will just be some food for thought and, if the Council is interested in proceeding with it, they can contact him about discussing it at a workshop.

Chief Wagner thanked the Council for voting on the bond ordinance and said that it is a good plan, but he will be back.

The Chief advised that he would like to propose an ordinance that would prohibit minors, those under the age of 21, from consuming alcoholic beverages on private property. He noted that the copy that the Council members have is a proposed ordinance drafted by Attorney Semrau.

The Chief explained that in the State criminal code it states that any person under the age of 21 cannot consume alcohol in any public place. He said that the loophole is that persons under the age of 21 can consume as much alcohol as they want on private property and there is no law or prohibition against that.

Chief Wagner advised that under Governor Christie Whitman, municipalities were permitted to enact a law that would prohibit minors from consuming alcohol on private property. The Chief stated that underage drinking on private property is definitely not epidemic in Denville, but three or four times a year there are pretty significant incidents where a large number of juveniles consume alcohol, some to the point of intense intoxication that requires hospitalization and some that require medical attention for injuries sustained as a result of their intoxication. Chief Wagner related an incident where the home of a former Councilman was nearly obliterated by an out of control teenage party in Lake Arrowhead. He noted that, in the State of New Jersey, a parent hosting a party in their home would be held liable for providing alcohol to minors, and for providing a place for minors to consume alcohol, so that is currently covered by State law. Chief Wagner read from reports dated October and November 2009

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indicating that the age range at a party of underage drinkers was 16 and 17 years old. He said that these parties involved two teenagers requiring hospitalization for alcohol intoxication, activation of the Morris County Sheriff's Department Canine Unit and thermal imaging cameras to go out in the woods in a lake community in Denville to search for other, possibly intoxicated juveniles, in the woods.

The Chief explained that, under current law, if the Police are called for a noise complaint and are confronted with a situation where there is a houseful of underage individuals consuming alcohol, there is nothing the Police can do about it. He said that the proposed ordinance will allow the Police to take an individual, under the age of 18, who is found consuming alcohol, into custody for their own protection, and the parents called to come to headquarters and take them home. The Chief further explained that if an individual is between the ages of 18 and 20, a summons can be issued, on site, under a local ordinance for consuming alcohol while underage, on private property. He added that, for juveniles under the age of 18, the violation would be issued at the Police station, and they would then be turned over to the parents.

Chief Wagner advised that they are not looking to patrol the town, seeking teenage parties to raid. He said that they want this ordinance as a deterrent in the event that a late-night complaint leads to discovery of an under-age drinking party, and the Police may act appropriately.

The Chief spoke of various situations caused by under-age drinking that could possibly be avoided by having the strength of this ordinance. He noted that the ordinance puts the juvenile's driver's license in jeopardy of suspension for up to six months, just like a drunk driver. The Chief enumerated many surrounding municipalities that have enacted a similar ordinance to prohibit underage drinking on private property. He read excerpts from e-mails that he received from some of the Chiefs of Police that he contacted about this type of ordinance, attesting to the effectiveness of the ordinance.

Attorney Semrau interjected that, over the years, one of the questions that comes forward is: "What if my son, who is 17 years old, has a glass of wine at a family function, does that mean that the Police are going to come in and arrest me?" Mr. Semrau said that the answer to that question is that, in the ordinance, that is excluded. He added that, if the parent or guardian is with the minor, the police do not have the right to go forward. Mr. Semrau explained that the ordinance is meant for parties where there are multiple underage individuals drinking. The Chief added that it also excludes religious events.

President Andes commented that it appears that the ordinance would allow Police intervention in the event of a complaint from a neighbor or a tip to the Student Resource Officer that a big party is being planned by students. The Chief replied that the Police, if they received a tip about a party, would have to tread lightly and have sufficient reason to knock on the door. He said that he is looking for this for protection of the children reasons only.

Councilwoman Smith asked what would happen now if there is a large party, with adults present, and alcohol is being served to juveniles who are obviously not their children.

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The Chief replied that the adult in charge of the home would be placed under arrest, but none of the juveniles would have any legal consequences. He explained further that they would, however, be taken to headquarters and their parents would be called.

Mrs. Smith asked if kids would try to get around the ordinance by having a parent present. Chief Wagner related an incident where a party was held with over 200 kids present and the father was at home, asleep in bed. He said that they woke the father, who claimed that he did not know what was going on and they arrested him, but the Judge believed the parent and he got off. The Chief noted that, with this ordinance, every child that was there could be issued a summons and would be held liable for their actions..

Mr. Golinski asked, if the 22 yr. old brother was home and 16 and 18 yr. olds were drinking beer, would the brother be liable. The Chief replied that he would because he is the adult who is supervising at the time. Mr. Andes asked, if the brother is 19 what happens. The Chief said that he would be scot-free but, under the proposed ordinance, the 19 yr. old receive a summons and the 22 yr. old would be arrested for providing alcohol, and a place to consume it, to juveniles.

There was a brief discussion regarding the right of privacy in one's home and the Chief noted that the laws restricting police entry are quite stringent.

Councilwoman Smith asked, if she were a juvenile with a driver's license, who walked to a party and was caught consuming alcohol, could her license be suspended. Attorney Semrau replied that it would be at the Court's discretion. The Chief said that the Court may do that. Mr. Kuser stated that the juvenile would probably be fined because he was there, even if he was not drinking. The Chief said that he does not think the ordinance allows for guilt by association. He explained the procedure by which it would be determined that a juvenile had been drinking. The Chief added that consuming alcohol in Gardener Field could also result in a license suspension for up to six months. Mr. Kuser asked if the police could enter if they come in the front door but the party is in the basement. The Chief advised that they would have to see something before they would have the right to enter the home. He said that this ordinance does not trample anyone's Constitutional rights.

Mr. Kuser asked about this type of violation remaining on a juvenile's record. Mr. Semrau noted that at age 18 it would have to be expunged but would remain as an offense as an adult for anyone in the 18 to 21 yr. old range. It was noted that it would be a municipal offense and not a criminal offense.

President Andes stated that he is hearing positive feedback from the Council and doesn't think it needs to go on a workshop. He asked if the Council would like it put on an agenda.

Councilwoman Smith said that she thinks it should be work-shopped and put on the web-site with the verbiage that is being considered and get some comments from the public.

After some brief comments from the Council, it was decided that it would be put on the agenda for the closest possible workshop meeting. The Clerk advised Mr. Andes that Township Council

there will not be another workshop in 2010. President Andes said that he will then schedule it as a discussion item at a regular meeting.

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

CONSENT AGENDA:

R-10-206 RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE
- \$377.00

R-10-207 RESOLUTION AUTHORIZING A REFUND OF A PARTIAL BUILDING
PERMIT FEE - \$385.00

R-10-208 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT
FEE - \$444.00

R-10-209 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT
FEE - \$492.00

R-10-210 RESOLUTION OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY,
STATE OF NEW JERSEY AUTHORIZING ASSESSMENT FOR
UNAUTHORIZED VETERAN'S DEDUCTION FOR PROPERTY KNOWN
AS 378 EAST MAIN STREET, BLOCK 31402, LOT 9

R-10-211 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL
SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN
PROPERTIES IN THE TOWNSHIP OF DENVILLE

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

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

NON-CONSENT AGENDA

R-10-212 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL
SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN
PROPERTIES IN THE TOWNSHIP OF DENVILLE

MOTION TO APPROVE R-10-212: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER SHAW

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

MOTION TO APPROVE MINUTES OF 9/14/10 AND 9/21/10: MOVED BY MEMBER
SMITH, SECONDED BY MEMBER SHAW

AYES: SMITH, SHAW, FITZPATRICK, KUSER, STECKY for 9/21/10, GOLINSKI,
ANDES

ABSTAIN: STECKY for 9/14/10.

R-10-213 RESOLUTION AUTHORIZING CLOSE SESSION - OPEN SPACE
NEGOTIATIONS.

President Andes noted that no action will be taken at the end of the Closed Session.

MOTION TO APPROVE R-10-213: MOVED BY MEMBER GOLINSKI, SECONDED BY
Township Council

10-05-10

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MEMBER SHAW

AYES: GOLINSKI, SHAW, FITZPATRICK, KUSER, SMITH, STECKY, ANDES
Attorney Semrau noted for the record that the acquisition of the Diocese of Paterson property will be discussed in Closed Session.

Council went into Closed Session at 9:46 p.m.

Council came out of Closed Session at 10:01 p.m.

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

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

MEETING ADJOURNED AT 10:03 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Municipal Clerk