

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

NOVEMBER 9, 2010

The Meeting was called to order by President Andes at 7:31 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Fitzpatrick. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Clerk Costello announced that this is a non-smoking facility and that anyone wishing to smoke must leave the property. She also requested that all cell phones be turned off or muted.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU, POLICE CHIEF WAGNER, CFO GOBLE, RECREATION DIRECTOR BOGARDUS AND RECREATION COMMITTEE CHAIRMAN VENIS

President Andes noted that the first order of business will be a presentation by Mayor Husa recognizing Robert Crothers for outstanding service to Picatinny Arsenal. Mayor Husa called Mr. Crothers forward and read a proclamation recognizing Mr. Crothers twenty years of service. Mr. Crothers made a few brief remarks about his career in public service and thanked the Township and the Mayor for this recognition.

Mayor Husa then presented awards to the winners of the Recycling Contest. He noted that two categories were presented for the contest: the Best Use of a Recycled Product and the Best Process for Recycling.

The Mayor advised that the Green Committee looked at all of the entries and decided, unanimously, on the number one idea. He said that the winner was chosen because she is geared to innovation in recycling. The Mayor introduced Joan Boley as the winner. He then read some of the many things that Ms. Boley recycles.

The Mayor announced that Ed Lisi has been awarded second prize for his idea for a recycling process involving recycled water and a tiered garden.

Mayor Husa stated that the third prize goes to Brownie Troop 512.

The Mayor advised that the prizes consisted of \$50 for First Prize, \$25 for Second Prize and \$25 for Third Prize.

President Andes congratulated all of the winners and called for a very brief recess to allow members of the public to vacate the Chambers.

LIAISON REPORTS:

Councilman Shaw advised that the Senior Citizens had a very successful Halloween Party and will attend another Senior Social this coming Sunday.

Mr. Shaw noted that the VFW held a very moving ceremony for Veterans' Day and he thanked all the members of Council, and the Clerk, for attending.

Councilman Stecky reported that the Green Sustainable Committee held a meeting yesterday and they are striving towards Sustainable New Jersey certification. He noted Township Council

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that one of the benefits to be derived from that certification would be eligibility for grant money. Mr. Stecky advised that volunteers are needed on Saturday morning at 9:00 a.m. to remove the summer vegetation and do some winter planting. He said that the volunteers will meet at the Town Clock.

Councilman Golinski reported that the Municipal Alliance Committee held a bowling night for Township students. He noted that the Fire Department held their annual Halloween Parade.

Councilwoman Smith advised that the Local Assistance Board will meet tomorrow evening. She added that they are always open to contributions and food donations for the food pantry. Mrs. Smith suggested that gift cards from the local supermarkets would be greatly appreciated.

Councilman Kuser had no report.

Councilman Fitzpatrick had no report but commented on the Veterans' Day ceremony and how well it was done. He also thanked Councilman Shaw for his service in the Navy.

President Andes welcomed Boy Scouts Andrew Halbyard and Kevin and Eric Johnson who are working towards their Service in the Community Merit Badges.

Mr. Andes thanked Mark Venis and Marie Goble for coordinating the food for the upcoming Senior Social, which he stated is one of the highlights of the year. He also thanked the Council for helping to make sure that there is enough food for all.

President Andes advised that the PAL held their Culinary Quest last night with over 200 people in attendance. He said that it was a wonderful event.

MAYOR'S REPORT:

Mayor Husa commented on the recent art exhibit. He thanked the organizers, praised the quality of the art and noted that the Grand Opening was attended by over 150 people.

The Mayor noted that the 3rd Annual Health Fair, sponsored by the Public Health and Safety Committee, was held on November 3rd. He advised that St. Clare's Hospital did eight different types of free medical screening at the Fair. The Mayor said that some on-the-spot medical services were provided and over 70 people attended the Fair.

Mayor Husa noted that Amanda McGowan, representing FEMA, came to Denville to evaluate the Township's flood preparedness. The evaluation is known as a Community Rating Service Field Inspection. The Mayor advised that Denean Probasco, Zoning Board secretary, has been tasked with coordinating the effort. He said that Ms.

Probasco went over the logistics of the inspection with Ms. McGowan and they were then joined by the Mayor and a representative from the DEP on a short field trip to flood-prone areas in town. Mr. Husa listed some of the areas that were targeted for inspection. The Mayor advised that residents in Denville who are currently paying for flood insurance are paying the same rate as people in the Mississippi Basin. He noted that by receiving points through this inspection, local residents can qualify for discounts of up to 20% on their flood insurance premiums. Mayor Husa stated that the points

are calibrated every six months and he is hoping that everything will be done by the October, 2011 certification. He briefly explained the process for obtaining points. Mayor Husa reported that, with the passage of three resolutions this evening, Denville will have the necessary points for Sustainable N.J. Certification. He said that the certification will make Denville eligible for grants of up to \$50,000.

The Mayor noted that the three resolutions were circulated in August to the Council, Environmental Commission, Planning Board and Board of Adjustment. He added that the resolutions have been endorsed by various groups such as the Police Dept. and Environmental Commission. Mayor Husa apologized for not providing letters that were requested by the Council President in a timely manner. He said that he will ask for a motion to approve the three resolutions a little later tonight.

Mayor Husa advised that he and Administrator Ward attended separate sessions of a seminar given by Carol Spencer at the Fire Academy. He noted that the seminar was entitled "McUrgent" and it concerns a County-wide emergency notification system. The Mayor stated that Denville was among the first municipalities to sign on to this system. Mayor Husa reported that the Beautification Committee's newsletter, "Twigs & Thorns", was issued to members. He reminded everyone that the planters in the downtown area will be winterized this Saturday from 9:00 a.m. to 11:00 a.m.

Mayor Husa gave an itemized list of how the \$25,000 grant for renovation of Muriel Hepner Park will be spent.

The Mayor advised that Denville joined a five-town river clean-up on October 9th. Mayor Husa reported that a Green Acres representative came to Denville in October and inspected all of the properties that the Township has acquired with Green Acres funds over the last decade. He said that Denville passed the inspection with flying colors and will be receiving a sign, provided by Green Acres, for each location, indicating that the property was purchased with Green Acres funds.

The Mayor stated that the off-road bike trail in Muriel Hepner Park will be completed on Saturday from 9:30 a.m. to 11:30 a.m. and volunteers will be welcome. He added that Subway sandwiches will be provided for lunch.

ADMINISTRATOR'S REPORT:

Administrator Ward reported that he, CFO Goble and Purchasing Agent Price sat down with each of the departments and went over the initial round of Administrative Budget hearings. He noted that all of the budgets, after the first round of hearings, are below the 2010 appropriations. Mr. Ward advised that additional hearings for Capital Budget items will be held when all the necessary information has been gathered. He added that, when the Administrative hearings have been completed, budget meetings with the Governing Body will be scheduled.

Administrator Ward stated that he and Mayor Husa will be meeting in the coming weeks with the Administrators and Mayors of various neighboring municipalities to discuss and brainstorm over potential shared service and inter-local opportunities. He noted that the goal would be to provide services more efficiently than we might be doing

currently.

Mr. Ward reported that JCP & L has adjusted its rate schedule for holiday lights that are hung and paid for by the Chamber of Commerce. He said that this has created an economic challenge for the Chamber to hang its full complement of snowflakes. Mr. Ward advised that he met today with representatives of JCP & L, members of the Chamber, DPW Superintendent John Egbert and CFO Goble and a plan was devised that will allow a fair amount of the lights to be installed for a reduced period of time. He said that with the cooperation of JCP & L and the Township, lights will be located throughout the municipality.

Administrator Ward concluded his report by yielding the floor to Recreation Director Don Bogardus who will present the monthly departmental report.

President Andes thanked Administrator Ward for his help in working out the problem of the holiday lights. He then advised Mr. Bogardus that, since he is also listed on the agenda under Matters of Old and/or New Business, he is welcome to cover both subjects at this time.

Mr. Bogardus made a power point presentation covering all areas of the Recreation Department programs. A copy of that presentation is attached to these minutes.

Mr. Bogardus thanked his Recreation Committee for all their hard work in helping to keep these programs going. He explained some of the programs that the Department sponsors.

Mr. Bogardus asked if there were any questions. A gentleman spoke from his seat and his comments were inaudible.

Mr. Bogardus gave an overview of a proposed program for the donation of commemorative benches, picnic tables and trees. A copy of a draft for the program is attached to these minutes. He noted that the program will be self-funding and will not result in any cost to the taxpayer. Mr. Bogardus added that the cost of replacement is built into the original cost. Mr. Bogardus advised that he is presenting this to the Council for consideration at a future meeting.

Councilman Kuser asked how plaques for trees would be handled. Mr. Bogardus replied that one of the sheets explains that the plaque for trees will be in the Municipal Building.

Mr. Kuser asked if the donations will be limited to benches, tables and trees only.

Mr. Bogardus replied that this is a starting point and, if we get this going, we can proceed from there.

Councilwoman Smith asked who will be planting the trees. Mr. Bogardus replied that it will be the Department of Public Works, as well as the setting up of the benches and tables. Mrs. Smith asked if the labor costs are also built into the cost. Mr. Bogardus replied that they are. Mrs. Smith thanked Mr. Bogardus for his presentation and for all that he and his committee do.

President Andes thanked Mr. Bogardus for his presentation.

OPEN PUBLIC PORTION:

Doug Johnson, 5 Seminole Trail, asked if this presentation is in the Recreation newsletter or on the web site. He was advised that it is on the web site.

Mark Venis, 29 Manor Road, Recreation Committee Chairman. Mr. Venis commented that there is a new web site called www.denvillerec.org. He said that Colleen Perry started the site and all activities, including field closures and a list of all Township Parks will be on it. Mr. Venis added that the newsletter, The Rec Room, will be on the new web site as well as the Township site. He spoke about the Triathlon that was held this year and said that they hope to do another in 2011.

Gerald Idec, 1 East Longview Trail, asked why there is no sign designating Hollstein Lake and the area at Regency Condominiums as a park area.

Administrator Ward responded that he and Recreation Director Bogardus have recently come to an agreement with the V-Tech School regarding the students making signs for Hollstein Park and other parks in town. He said that the only hold-up is the determination of the actual design of the signs.

Mr. Idec noted that benches that have been donated at Cook's Pond have been lifted due to ice build-up. He asked if they can be re-set so that they are level.

Mr. Bogardus replied that this is the first time that he has heard about this and he will mention it to Superintendent of DPW Egbert tomorrow.

Mr. Idec commented that, in past years when swimming season ended, storm fencing was erected to keep people off the beach. He noted that there is no fencing up now, the rafts are still in the water and the lifeguard stands are still up. Mr. Idec stated that the Township is responsible for keeping people off the beach when it is closed, for safety reasons.

Mr. Bogardus replied that there are signs stating, "No Swimming When Lifeguards Are Not On Duty". He advised that the equipment is a better quality than in years past and the rafts stay in the water year-round. Mr. Bogardus said that they are meant to stay in water, by manufacturer recommendation. He stated that the same applies to the lifeguard chairs; they are constructed of plastic and are meant to remain outside. Mr. Bogardus noted that the water is accessible from the grass as well as the beach and the signs are meant to warn people not to use the facility when it is closed.

Councilwoman Smith interjected that the orange fencing that was used before was meant more to keep the geese away, not the people.

Mr. Idec continued to argue his position regarding the fencing, etc. and suggested that bi-lingual signs be erected at Cook's Pond Park.

Jack Ryan, 9 Wetmore Dr., said that he is here tonight because of an article in the Daily Record concerning the use of municipal vehicles. He asked if there is some criteria for the use of Township vehicles and who they are assigned to. Mr. Ryan noted that the article stated that two Mayors in Morris County have the use of Township vehicles.

Mayor Hussa responded that he does not have a take-home vehicle and was never assigned a take-home vehicle. He said that he pointed out to the newspaper that it was an error and he has never had a vehicle assigned to home. Mayor Hussa advised that he uses the Township car for town business and never for personal business. He

explained that personal business may be attended to on the way to doing town business. Mr. Ryan stated that he is reacting to the newspaper article and that he thinks it reflects badly on the residents of Denville.

Mayor Husa noted that he has asked for a retraction from the paper because it was an error and he is contemplating writing his own letter to the Editor on the issue. The Mayor further explained the use of the town vehicle.

Township Attorney Semrau interjected that he thinks the Mayor has explained his use of the town vehicle very clearly and the story in the paper was inaccurate.

Mr. Ryan asked if there are surplus vehicles sitting around that are not in use.

President Andes replied that during last year's budget process one of the things that was questioned was municipal vehicles. He said that, since it was important to get the budget completed, it was decided that it would be looked into at the first of the year. Mr. Andes advised that, within weeks of Mr. Ward assuming the position of Business Administrator, he had let Mr. Ward know that the Council wished to look into this matter. He said that all policies and all vehicles were listed and Mr. Ward is working on it now. Administrator Ward had no comment, except to say that he is working on all aspects of vehicle use.

Mr. Ryan suggested that leasing, as opposed to ownership, of vehicles might be considered.

Franz Fuertges, 109 Ford Road, asked Mr. Bogardus if there is any plan regarding which trees will be used.

Mr. Bogardus replied that it would be at the direction of the Forester. He said that they would discuss it with him and decide on the type and species that should be used and a plan will be devised for where each species should be planted.

President Andes asked if the Beautification Committee would be consulted. Mr. Bogardus replied in the affirmative. He further explained that when someone gives a donation for a commemorative tree, he and Mr. Egbert, with guidance from the Beautification Committee and Forester, will choose the species and location for planting.

Administrator Ward interjected that, on a fairly regular basis, residents come in and request the planting of a commemorative tree. He said that this is the first step in creating a policy and criteria to do that.

Mr. Fuertges suggested that abundance of discarded tires might be used to shore up the N. J. coastline. He suggested further that the Mayor and Administrator bring the idea to other municipalities.

The Mayor replied that the ordinance on the table which concerns tires is a local ordinance and could not be used regionally. He said that it has to do with illegal dumping and disposing of tires. The Mayor noted that he is not sure that he agrees with Mr. Fuertges's idea but it could be discussed with some of the Assemblymen to see if there is merit to it.

Councilman Stecky advised Mr. Fuertges that the Green Sustainable Committee and Sustainable New Jersey would be venues to which Mr. Fuertges could present his idea.

Councilman Shaw noted that a great deal of garbage, of all kinds, is dumped in the river upstream from Denville and is washed into the river when it rains. He said that it then comes downstream to Denville.

Ed Banagan, 38 Old Mill Drive, asked if the Township has been reviewing the possibility of allowing payment of taxes by credit card.

CFO Goble replied that it has been looked into and there is a 3% service charge involved which, by law, the Township is not permitted to pay. She said that most people do not want to pay the extra 3% that it would cost to use credit cards. Mrs. Goble advised that they are looking into allowing people to pay on line and that would be at no cost to the residents. Mr. Banagan stated that he would be willing to pay the 3% for the convenience of using the credit card.

Mrs. Goble replied that people would have to look at their finances to determine if it would be worth it to them. She said that they are doing more research on it.

Mr. Banagan retorted that the research has been going on for years and nothing has come of it and he suggested that the residents be asked for their opinion. He asked when the research will be completed.

Mrs. Goble replied that she will present a plan to the Council some time next year.

Mr. Stecky asked how complicated the process could be.

Mrs. Goble advised that there would have to be a third party involved to compute the taxes, plus the 3%.

Mr. Banagan stated that the public should be informed and have the opportunity to make their own decision about using a credit card.

Attorney Semrau noted that the credit card companies provide checks that customers can use to make payments and charge the credit card invoice to the cardholder. He advised that the collection rate for the Tax Department is above average and asked Mrs. Goble if she knows the figure. Mrs. Goble replied that the collection rate is over 98%.

Mr. Banagan asked what significance that number has; he asked what percentage of taxes comes directly from the tax payer and what comes from a mortgage company. He said that the 98% figure does not represent individual taxpayers. Mrs. Goble advised that the Tax Collector could give him that break-down but she, as CFO, only knows that the collection rate is 98%. Mr. Banagan replied that it is not his job to ask the Collector.

President Andes stated that he has never been asked this question before.

Mr. Banagan said that he heard it on the street, he didn't make it up.

Mrs. Goble added that she has never been asked before either.

Mr. Banagan retorted that he asked Mrs. Goble in her office.

Mr. Stecky said that he just wonders about people wanting to pay a 3% premium on their taxes.

Mr. Banagan stated that he just wants to know why we have the right or don't have the right.

Mrs. Goble interjected that many towns feel there is no need to use credit card payment

but she will look into it.

Attorney Semrau added that the processing is different. He said it is a different kind of posting and there are different issues that become costly to the Township.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

Councilman Shaw asked when the Council will talk about \$1million issues being put on the ballot.

President Andes replied that the last time the subject was raised, it was decided that it would be in December or January.

Councilman Shaw stated that he would like to discuss the matter of a man who was charged with hunting along the Beaverbrook. He said that the man is 80 years old and Mr. Shaw asked the Administrator to look into it. Mr. Shaw noted that the Administrator received a one-line answer from the Chief of Police. Councilman Shaw said that the man had shown up at his house and told him exactly what had happened. He said that it was the worst case of someone being charged with a hunting violation that he has ever seen. Mr. Shaw advised that he asked for clarification of that law from the Township Clerk. He said that the law actually says that there is no hunting in Denville. Mr. Shaw noted that we do allow the bow hunters to go out and he has seen them on Ford Road and there were children playing in the fields.

Mr. Shaw said that there are no signs anywhere along Ford Road that say "No Hunting", but the bow hunters are allowed there.

The Mayor advised that every time the signs are put up in that area, someone comes and takes them down.

Mr. Shaw retorted that they need to keep putting them back up because if someone is shot with an arrow out there, someone is going to be in trouble.

The Mayor replied that the signs will go up again tomorrow.

DISCUSSION OF POTENTIAL TIRE DISPOSAL ORDINANCE.

Mayor Husa noted that the Council has received a draft of an ordinance drawn up by Mr. Semrau's office. He commented on the vast amount of tires that have been pulled from the river over the last eleven years. The Mayor stated that he has tried many methods to track down the offenders who dispose of the tires in the river. He said that he has looked the ordinance over carefully and has some minor concerns. The Mayor called the Council's attention to section 35-7c, referring to it as the "real heart" of the ordinance. He quoted from that section which details the method of disposal for tires. The Mayor noted that a transmittal manifest is required to be presented at an authorized tire disposal or recycling facility. He said that the goal in drafting the ordinance was to keep it simple. Mayor Husa stated that the aim is to have all tire

handlers to track the tires that leave their facility and provide verification that the tires have arrived at the designated destination. He noted that Denville has one of the more liberal recycling policies for tire disposal.

President Andes asked how this compares to ordinances in other towns and how has it worked for them.

The Mayor replied that he is not sure that anyone in the State of New Jersey has this ordinance in effect. He said that he knows it exists in other towns outside of N.J. but we are on the cutting edge of this type of ordinance.

Mr. Andes inquired as to whether or not the Mayor has spoken to the tire businesses in town. The Mayor responded that he has spoken to some of them. He said that a member of the Rockaway River Watershed Cabinet, who helps with river clean-ups, went around to some businesses and asked about this ordinance. The Mayor noted that some of them looked at her very sheepishly but did not have much to say about it. He said that others that he has spoken with told him that they already track their tires. Mayor Husa advised that the owner of Apollo Tire assured him that there is a manifest for every tire leaving his facility. He said that there is a lesser degree of control over gas stations that deal with tires.

President Andes asked Chief Wagner how many times people have been caught dumping tires in the river. The Chief replied that it has never happened in the 22 years of his service in Denville.

A discussion followed concerning where the tires are dumped and how they find their way into the Denville section of the Rockaway River.

Councilwoman Smith asked Chief Wagner if, in the event he were to see someone dumping tires, he has the means to arrest them.

The Chief replied that he would not be able to arrest them, but could cite them for dumping or littering. He added that, if not through the Police Dept., they could be cited by the Health Dept. under a local ordinance.

Mrs. Smith commented that, although she applauds the Mayor's efforts in cleaning up the river, she feels that the ordinance puts an undue burden on the businesses in town and won't resolve the problem that he has raised. She said that her guess is that the tires are coming from upstream and are generally caused by individuals dumping them. Mayor Husa argued that it would be a real stretch to think that 2,800 tires could be dumped by individuals.

Councilman Golinski interjected that he has helped with the river clean-up and noticed that many of the tires are very old.

Mrs. Smith commented that, before we move on this, we should investigate what regulations may exist at the State or Federal level and then decide if we need to legislate additionally.

Councilman Kuser asked how many businesses in town would be affected by this ordinance. The Mayor replied that he believes that there are at least twenty facilities.

Mr. Kuser said that he thinks the exact number should be researched.

Councilman Kuser then asked how the Township disposes of the tires that are brought

to the Recycling Center and the tires from our own vehicles. Mrs. Goble advised that we have contracts for disposal and we use our Clean Communities money to pay for it. She noted that they pick up monthly.

Mr. Kuser asked how a mobile tire company, that comes out to Route 80 to change a truck tire, will be handled. The Mayor replied that is something that they had not thought of and that is why this discussion is being held.

Mr. Kuser asked who will enforce this ordinance.

The Mayor replied that the ordinance designates the Police, Health Official, Zoning Officer and Engineer.

Mr. Kuser asked if the Zoning Officer will visit the facilities on a regular basis and examine the paperwork. The Mayor said that is correct and the frequency will be determined.

Mr. Kuser explained the charges that are charged in one local shop that he visited and said that he does not think any local business is dumping tires in the river.

Councilman Stecky commented that it is unlikely that Denville residents are dumping tires in the river because it is too easy to do it legally.

He added that if we have an ordinance like this, we will know whether or not the tires are coming from Denville. Mr. Stecky noted that the manifest would prove that the businesses are properly disposing of tires.

He said that these businesses are already heavily regulated and he does not see this as an undue burden for any business.

There was a prolonged discussion regarding all aspects of disposing of and dumping of tires. Research into where the tires are coming from and the impact of the dumping of these tires on the local businesses was suggested. A camera at the river was also suggested.

Councilwoman Smith suggested that this is over-legislation without enough facts at hand.

Councilman Golinski noted that there are no areas accessible along the river where a truck can dump a load of tires.

The Mayor noted some locations that give access to the river.

Councilman Fitzpatrick stated that he respects the Mayor's passion and anger over the situation and wants to do something immediately. Mr. Fitzpatrick said that he is worried about the detail required to implement this ordinance and that he would need to look very carefully at it before making a decision.

President Andes noted that everyone is upset by the pollution of the river with the tires but that we have to be careful not to put an undue burden on our local businesses and, perhaps drive them out of town.

Attorney Semrau noted that this ordinance is just a draft and, if the Council should go forward with this, it would require that a lot of tonight's comments be answered. He made the following points regarding moving on with the ordinance:

1. It would need further research into State and Federal regulations which may be all that is needed to solve this problem.
2. The Council and Administration may want to look into strengthening the

Township's anti-dumping ordinance. He said that, on the State level, there are fees that can go as high as \$5,000 for dumping. Mr. Semrau suggested that the Council consider a stronger anti-dumping ordinance. He said that it has had a deterrent effect in other municipalities. Mr. Semrau noted that extensive research will be needed to bring this ordinance along to a point where the Council would consider it.

The Mayor commented that he is pleased with the comments that have been made tonight and asked the Council to think about ways to improve the ordinance and get this done in order to solve the problem.

It was suggested that the Mayor meet with the local businesses and ask for their input regarding the ordinance.

President Andes commented that he thinks that the Council would be in favor of a stronger anti-dumping ordinance. He said that it would be a start to the result that the Mayor wants.

DISCUSSION OF POTENTIAL E-TICKETING PROGRAM

Police Chief Wagner noted that the Council has been provided with a flyer concerning E-Ticketing. A copy of the flyer is attached to these minutes. He explained that the system would eliminate the need for officers to hand-write summonses. The Chief advised that the company that he is proposing to use is Info-Cop. He said that the Police Department has been working with this firm for approximately ten years and that they provide the soft-ware for the in-car computers. Chief Wagner distributed a copy of a sample e-ticket to each Council member.

The Chief advised that, after attending the State Chiefs Expo, he and his staff agreed that a smaller laptop computer would be better for the in-car use. He said that decision created a substantial savings over what had been approved in the budget for in-car computer expenditure for this year.

Chief Wagner advised that he has had several meetings with Info-Cop and that his Lieutenants, Denville's Court Administrator and Rockaway Township's Court Administrator took part in one of the meetings as well. He explained how the e-ticket is generated through the computer in the police car, after swiping the driver's license through the card reader in the police car. The Chief noted that the system has the approval of the Administrative Office of the Courts. He advised that, when the officer prints the ticket in the police car, it is automatically sent to the AOC computer in the Court office and to the State of New Jersey. He said that it will eliminate a tremendous amount of paper tickets that the Court would have to purchase for the Police Department. The Chief stated that he is proposing the purchase of 7 units and one hand held unit for the parking enforcement officer.

Chief Wagner then explained the costs involved in purchasing this system.

He said that there is an up-front cost to put the hardware in the car, followed by a per-ticket charge to utilize the soft ware. The Chief advised that, during a meeting with the President of this company, Lt. Nigro figured out that, if you increase your initial outlay,

you decrease the per-ticket charge significantly. He said that they have determined that the figure would be \$10,500 for the first year for eight units, \$8,500 of which can come out of the remaining capital computer line item and the other \$2,000 is in the 2010 computer line item. The Chief noted that by utilizing the funds in that manner, there will be no cost incurred to start the program this year. Chief Wagner said that we then pay .41 per ticket, up to 10,500 tickets which amounts to \$4,347.00, billed quarterly. He advised that any tickets over 10,500 are billed at .26 per ticket and remain at that price for the duration of the contract. The Chief explained the cost difference between e-tickets and paper tickets and advised that there will still be a need for hand-written tickets under certain circumstances. He also went over other benefits to the system and testified to the reliability of the company that provides the system. The Chief asked the Council to consider approving his request.

Councilman Golinski asked the Chief to go over the per-ticket cost once more. The Chief did so.

Mr. Golinski asked who is responsible for the data entry of the tickets now. The Chief replied that it is both the Court personnel and Debbie Egbert in his office. He explained that Debbie Egbert enters the tickets for the Police computer-aided dispatch system and the Court enters it for the DMV system. Mr. Golinski noted that one ticket is entered twice and the Chief said that is correct. The Chief added that this system will immediately take away one entry and, once Info-Cop and the current system, Enforsys, are connected, there will be no entry in the building at all.

Mr. Golinski asked if all of the storage space that was discussed for the Police Department is now not needed. The Chief explained the current system which involves a four-part ticket and this system prints one ticket and, eventually, there will be less need for storage for tickets.

Councilman Stecky asked who else is doing this in N. J.

Chief Wagner replied that Hanover Twp. has it but uses a different vendor. The Chief said that he will research the question and have an answer tomorrow. Mr. Stecky said that he would like to know how it is working and how they like it. He noted that he assumes a cost saving is one of the goals in switching to this system. Chief Wagner replied that, initially there is the printing of 7,000 fewer printed ticket books. He said that the Parking Enforcement Officer writes the lion's share of the tickets and all of his tickets will now be e-tickets. The Chief added that no more than one thousand hand-written tickets will be issued over the course of a year after this system is installed. He further noted that there will be a saving in man-hours as well.

Mr. Stecky asked if the savings could be quantified to determine the time it would take for pay-back of the initial costs. The Chief replied that he can tell him, without any calculations, that it will be seen in one month. Mr. Stecky said "let's see some numbers and it would be nice if that is true".

Attorney Semrau asked the Chief if he has had any discussion with Mt. Lakes. He said that the merging of the two courts seems to be working well and he wonders if they would have an interest in this as well.

Chief Wagner replied that he did not discuss it with them because the towns are independent of each other. He also noted that they pay to print Mt. Lakes traffic summonses; they do not use Denville's tickets.

Councilman Shaw commented that he advises the Senior Citizens about what is on the meeting agenda and, when he told them about this system, they said that we could probably eliminate two police officers. Chief Wagner replied "absolutely, positively not". He said that the process of writing the tickets will not be much faster but it will be neater and easier to read.

Councilwoman Smith asked if recording software is included in the system.

The Chief replied that there is and it will enable him to easily track types of summonses. Mrs. Smith commented that this type of ticketing will get the officers back on the road faster, resulting in an increase in the number of summonses issued. She noted that this will help with the return on investment. The Chief commented that, being totally honest with the Council, he wants to state that there will not be a dramatic increase in the number of tickets issued. He said that, at the start, it will take a while for the officers to become accustomed to the new method and where everything is located on the new e-ticket. Chief Wagner added that it will be faster to issue multiple summonses to the same motorist since the initial information will be in and only the offense will have to be added.

Mrs. Smith also asked the Chief to provide feed-back from other municipalities that are currently using this system.

Councilman Fitzpatrick noted that the collection of tickets is currently through the Municipal Court and asked what the collection rate is. The Chief said that he has no idea.

Mr. Fitzpatrick asked if it might be increased by use of this system. Mr. Fitzpatrick commented that all departments are functioning with less because they have to but he feels that we need more "e-government" across the board. He said that we need to move forward with things like this because he feels it will be a huge cost savings.

Councilman Kuser asked for the cost of a paper ticket, noting that it must be close to .40. The Chief replied that he does not know but, since they are four-part tickets, he assumes that they are not cheap.

Mr. Kuser asked if the supplies for the e-tickets, such as water-proof ink and paper, are included. Chief Wagner replied that the printer requires no ink since it is a thermal printer. He noted that the only thing that is added is a roll of paper; the cost of the system includes all the paper that is needed to write 10,500 tickets. The Chief advised that the system comes with service 365 days a year from 9 a.m. to 5 p.m. and they will come and switch out faulty equipment with new equipment. He said that the prices have increased considerably since they first met with this company but, since they did have meetings last year, the company will honor the prices that they quoted at that time, including the .26 fee for tickets over 10,500 for the remainder of the contract.

Mr. Kuser asked for clarification of the requirement to write 10,500 tickets. The Chief explained that the 10,500 figure at .41 per ticket must be met one time only and the

price then goes to a permanent .26 per ticket.

President Andes noted that it appears that no one on the Council is opposing this program. He said that, assuming we want to do this, it would be best to do it before the end of the year, since the funds are in the budget for it. Mr. Andes asked the Chief to get the information that was asked for by the Council members. He said that it won't be done at the next meeting but should be done before the end of the year.

Administrator Ward noted that there will actually be a resolution approving the State contract and the contract with Info-Cop has been forwarded to the Attorney's office for review as to its acceptability of form. Mr. Semrau interjected that his office has looked at it and it is in order and they will be ready whenever it is needed.

President Andes asked the Mayor if he is in favor of this program. The Mayor responded that he is definitely in favor of the program.

Mr. Andes commented that the Chief will provide the requested information and it will be put on an up-coming agenda.

Councilman Stecky commented that there are three resolutions that have come from the Green Sustainability Committee that have been in the Council's hands for some time. He made a motion to approve the resolutions. Mr. Stecky added that the resolutions were drafted from templates from the Sustainable N. J. web site. He said that approval of these resolutions is needed in order for the Green Sustainability Committee to earn points towards inclusion in Sustainable N. J. Mr. Stecky explained that, once the Township receives certification from Sustainable N.J., we become eligible for grants for energy efficiency and other green sustainable things. He asked for a second on his motion so that the resolutions can be approved.

Attorney Semrau asked if Mr. Stecky's motion is for all three of these resolutions.

President Andes noted that the resolutions are not even numbered. He explained that the resolutions were e-mailed to the Council and the Council asked for comment. Mr. Andes advised that the most prevalent request from the Council was for feedback from the Environmental Commission, the Economic Development Committee and the Chamber of Commerce. President Andes noted that he had told the Mayor that as soon as the Council received those recommendations, he would put the resolutions on the agenda. The Mayor commented that he did not give a copy of those responses to the Council members. Mr. Andes replied that he is aware of that, since the Mayor gave him a copy just prior to the meeting. He said that the reason the resolutions are not on the agenda is because the Council was not provided with the information that was requested.

President Andes read the response from the Chamber of Commerce, regarding the "No Idling" resolution, which stated that they feel the matter is best decided by the Council and the Police Department and they have no formal opinion on the matter. Mr. Andes commented that the response surprised him, since he would think that it has a direct effect on how their businesses are run.

President Andes then read the response from the Economic Development Committee,

also regarding "No Idling", which stated that it is a State law and they see no reason not to support the resolution. He went on to read that there has been no formal meeting of the committee but, informally, some members who were contacted did not oppose the resolution as long as it had no adverse effect on the downtown businesses. Mr. Andes noted that the letter from the Economic Development Committee is signed by Chairman Carmine Costello. Mr. Costello further wrote that, if the resolution has the backing of the Police Department, he feels the Committee should give it their full support. Mr. Andes stated that the Council did not actually get an opinion from the Economic Development Committee but, rather, from one person who has spoken to a couple of other individuals.

President Andes commented that he thinks that the Council really needs to get a feel from the businesses as to how this will effect them because the last thing we want to do is pass an ordinance that will hurt our businesses.

The Mayor asked who it could really hurt.

The Mayor read the Chief of Police's statement which supported the "No Idling" resolution. He asked the Chief if there is a State law regarding no idling. Chief Wagner replied that there is such a law and it specifies idling time in certain temperatures for purposes of warming one's car. The Mayor said that is all that this resolution says.

Mrs. Smith commented that this is a resolution, not an enforcing ordinance. She said that the terms used in the resolution are "educating and encouraging" and, if it would help to obtain grant money, then she would support it.

Mr. Stecky interjected that it is an awareness type of resolution. He said that none of the resolutions are enforceable.

President Andes asked if there is a deadline involved.

Mr. Stecky replied that there is because the Green Sustainable Committee needs to have enough points to be considered for certification when that decision is made in late winter.

Mr. Andes stated that the Council is not against it, they just wanted a report from the committee, which they requested two months ago. He said that he can't believe that the Committee has not met for two months.

The Mayor replied that they didn't meet last month and he thinks that they only meet every 45 days.

Mr. Andes asked the Clerk to assign numbers to the resolutions and put them on the next agenda.

Councilman Kuser asked who wrote the resolutions.

Mr. Stecky replied that they are models from the Sustainable N. J. web site.

Mr. Kuser noted that there is unusual wording in the resolutions.

President Andes noted that the resolutions are just not ready to be introduced for approval. He said that they will be put into proper form and appear on the next agenda. Councilwoman Smith recommended some changes in the wording when the resolutions are put together for the next agenda.

Attorney Semrau interjected that his office will prepare the resolutions.

The Mayor stated that there is a motion on the floor. He was advised that there was no second to the motion and the resolutions will be prepared for the next agenda. Councilman Fitzpatrick asked if something can be done on these resolutions with the stipulation that revisions need to be made. Attorney Semrau stated that, if we are going to do this, it should be done in the proper way, and there is still time to satisfy Mr. Stecky's request for haste. He said that the resolutions will be put into the proper format, be numbered and be a permanent record.

ORDINANCE(S) FOR INTRODUCTION:

#29-10 REVISION TO FEE ORDINANCE RELATIVE TO O.P.R.A.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING A PORTION OF CHAPTER 2-A, FEES, RATES AND CHARGES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: Councilman Golinski noted that, if he is reading this correctly, we don't have a choice in this matter. He was advised that is correct.

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

ABSTAIN: GOLINSKI

Clerk Costello advised Mr. Golinski that, when the State mandates something, we have to adjust our ordinances to meet their requirements.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING A PORTION OF CHAPTER 2-A, FEES, RATES AND CHARGES, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY

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 12-7-10 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, ANDES

ABSTAIN: GOLINSKI

#30-10 REVISION TO WATER RATE FEE ORDINANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, SEWER AND WATER, SECTION 15-2, WATER RATES AND CHARGES, SUBSECTION 15-2.1 RATES FOR WATER USE, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: None.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV, SEWER AND WATER, SECTION 15-2, WATER RATES AND CHARGES, SUBSECTION 15-2.1 RATES FOR WATER USE, OF THE 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 12-7-10 AT 7:30 P.M. IN THE EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW

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

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

#31-10 REGULATION OF DRINKING ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF SECTION 6-7 ENTITLED "POSSESSION OR CONSUMPTION BY UNDERAGE PERSONS"

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: None.

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 CHAPTER 6, ALCOHOLIC
BEVERAGE CONTROL, OF THE REVISED GENERAL ORDINANCES WITH THE
ADDITION OF SECTION 6-7 ENTITLED "POSSESSION OR CONSUMPTION BY
UNDERAGE PERSONS"

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 12-7-10 AT 7:30 P.M. IN THE
EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP
OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL
BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE
BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND
DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO
LAW

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

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

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

CONSENT AGENDA:

R-10-224 RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL
AGREEMENT WITH ST. CLARE'S HOSPITAL, INC. FOR THE USE OF
THE TOWNSHIP OF DENVILLE SALT STORAGE FACILITY

R-10-225 RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR A
CHILD PASSENGER SAFETY GRANT - \$500.00

R-10-226 RESOLUTION AUTHORIZING APPLICATION FOR FUNDS PURSUANT
TO N.J.S.A. 39:4-50.8/N.J.A.C. 13:86 ENTITLED OVER THE LIMIT
UNDER ARREST - 2010 for \$5,000.00

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

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

R-10-227 RESOLUTION AUTHORIZING CHANGE ORDER #4 TO THE
CONTRACT WITH P.M. CONSTRUCTION CORPORATION FOR THE
LOWER/UPPER KITCHELL ROAD AREA PHASE I SANITARY SEWER
EXTENSIONS

MOTION TO APPROVE R-10-227: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

Councilman Stecky asked for clarification regarding the reason why the contract price has gone up and down. Mr. Ward replied that the final cost went down based on materials and supplies. Mrs. Goble further explained that we took the work from DCM and transferred it to PM in order to have the project completed. She said that when the final cost came in it was certified at the lower amount.

Mr. Stecky noted that, even with this amount going down, we are still slightly above the initial cost.

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

R-10-228 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF A COMPUTER SERVER ROOM AIR CONDITIONING SYSTEM TO RANCO MECHANICAL, INC. IN THE AMOUNT OF \$26,400.00.

MOTION TO APPROVE R-10-228: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER

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

R-10-229 RESOLUTION AUTHORIZING RAFFLE LICENSE(S) IN THE TOWNSHIP OF DENVILLE

MOTION TO APPROVE R-10-229: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK

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

R-10-230 RESOLUTION CANCELING THE APPROPRIATION BY ORDINANCE #20-08 WHICH AUTHORIZED THE ACQUISITION OF BLOCK 21201, LOT 6 (DIOCESE OF PATERSON PROPERTY)

MOTION TO APPROVE R-10-230: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH

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

MOTION TO APPROVE THE MINUTES OF 10-5-10-, 10-12-10 AND 10-19-10:

MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

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

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

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

MEETING ADJOURNED AT 10:23 P.M.

Respectfully submitted,

Kathleen A. Costello, Deputy Township Clerk

