

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

DECEMBER 21, 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.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, CFO GOBLE ,
FACILITIES MANAGER CIARDI, COAH REPRESENTATIVE BOWDITCH AND
TOWNSHIP ATTORNEY SEMRAU

LIAISON REPORTS:

Councilman Shaw reported that the Senior Citizens held an affair on Sunday, which he was unable to attend. He noted that they evidently ran short of food and there was not enough for second helpings. Mr. Shaw advised that one individual, a senior citizen from another town, gave the volunteers a hard time. He said that it was handled very diplomatically but that he feels it was an insult to all of the people who volunteer to make these events so pleasant and successful.

Councilwoman Smith interjected that she attended that social and there was plenty of food for all but, it might not have been the specific food that this individual wanted. Mrs. Goble added that there were no take-home packages. Mrs. Smith noted that those are only provided at Thanksgiving for home-bound seniors who cannot attend. Mr. Shaw advised that he explained to the senior citizens that he, and the other volunteers are guests at these events and, for anyone to verbally attack some of the volunteers was totally wrong. Councilman Shaw noted that the reason he was not in attendance at that social was that he was at the VFW at a party for military personnel from Picatinny. He said that the families enjoyed having their picture taken with Santa Claus and \$20 gift cards were distributed to the families.

Councilman Stecky reported that the Beautification Committee wished to thank all who volunteered and noted that their activities are on the back burner until the Spring.

Mr. Stecky advised that the Green Sustainable Committee applied for the last few points that they need for certification as a sustainable town in the Sustainable N. J. program. He said that the decision will be made in January and we should know by early Spring if we are fully in the Sustainable N. J. program.

Councilman Golinski reported that he participated in the Local Assistance Board's Toy Drive and giveaway on Thursday. He noted that over 600 toys were distributed to fifty families and he thought it was a very nice event.

Councilwoman Smith had no report but wished everyone a Happy and Healthy New Year and a Merry Christmas.

Councilman Kuser echoed Mrs. Smith's holiday wishes.

Councilman Fitzpatrick had no report but said that the Library will be contacting the Council regarding their annual Board meeting and breakfast.

President Andes reminded the Council that they have been invited to the Fire

Department's Swearing-In Ceremony on January 1st at 4:00 p.m.

MAYOR'S REPORT:

Before reading his report, the Mayor urged the Council to support the resolution for shared Animal Control services with Morris Plains.

The Mayor asked the Council to approve R-10-275 regarding the N. J. Multi-Jurisdictional Hazard Mitigation Plan. He explained that the items in the plan are not items that Denville is obligated to fund, they are part of a grant request. Mayor Husa noted that Denean Probasco, who has been working on this, thinks that, if it is not approved tonight, it could delay the grant for six months to a year.

The Mayor then read his report which covers November and December. A copy of that report is attached to these minutes.

ADMINISTRATOR'S REPORT:

Administrator Ward noted that all the items in his report are action items on the agenda. He said that when we get to Ord. #33-10 there will be a slight adjustment to the numbers. Mr. Ward advised that the actual grant amount is incorrect; the supplemental grant is listed as \$25,000 instead of \$20,000. He said that two numbers will be adjusted when we get to that point.

OPEN PUBLIC PORTION:

Gerald Idec, 1 East Longview Trail, asked if Denville will have to hire a full, or part-time, employee due to the shared services with Morris Plains. Administrator Ward replied that they looked at the average call volume for Morris Plains for the last several years and it is quite minimal. He said that the volume can be handled by our current staff since it is only about 100 calls per year, or 2 calls per week. Mr. Ward added that the types of calls that our Animal Control Officer will cover is very limited.

Mr. Idec asked if more space would be needed and a larger shelter built. Mr. Ward replied that there will be no additional shelter either.

Mr. Idec then asked if an animal is found to have rabies, will we have to transport it. He also asked if we would bear the cost of euthanising an animal and the cost of our Animal Control Officer going to court. Mr. Ward advised that Morris Plains holds their Court sessions in the evening and any overtime related to the Animal Control Officer would be covered by Morris Plains. He explained that euthanasia is usually done in-house by the Animal Control Officer at a minimal charge and, depending on the circumstances, is typically charged back to the home owner.

Mr. Idec asked how many people are employed by Denville to handle animal control. Mr. Ward replied that it is just one.

Jeff Biggs, 6 Husa Place, thanked the Council for all the work they have done throughout the year.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

R-10-255 RESOLUTION AUTHORIZING THE TOWNSHIP OF DENVILLE TO PARTICIPATE IN THE NEW JERSEY CLEAN ENERGY DIRECT INSTALL PROGRAM

MOTION TO APPROVE R-10-255: MOVED BY MEMBER STECKY, SECONDED BY MEMBER SHAW

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

ORDINANCE(S) FOR ADOPTION:

#32-10 AMENDMENTS TO FEE ORDINANCE IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE AMENDING AND SUPPLEMENTING PORTIONS OF CHAPTER 2-A, FEES, RATES AND CHARGES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:

MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI

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

OPEN PUBLIC HEARING: No one wished to be heard.

CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE AMENDING AND SUPPLEMENTING PORTIONS OF CHAPTER 2-A, FEES, RATES AND CHARGES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 12-29-10 ISSUE OF THE CITIZEN

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

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

ORDINANCE(S) FOR INTRODUCTION:

#33-10 PROVIDES ENERGY SAVING UPGRADES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE PROVIDING FOR LIGHTING AND H.V.A.C. ENERGY SAVING UPGRADES IN THE AMOUNT OF \$68,533.00

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION:

Administrator Ward noted that in Section One of the Ordinance, where it says, "Hereby appropriating", the correct figure is \$44,886. He said that two lines below that the figure should be \$20,000 instead of \$25,000. Mr. Ward noted that part of the reason that this ordinance is on tonight's agenda is to make us eligible for the \$20,000 grant. He advised that the error in the grant amount in the ordinance was just picked up this evening and the two changes that he has noted will make the ordinance correct. Councilwoman Smith asked where the \$44,886 is coming from. CFO Goble replied that she will be cancelling some existing ordinances in January. She noted that the money is in the Capital Improvement Fund now and when the ordinances, for projects that were not done, are cancelled the Capital Improvement Fund will be replenished. Mrs. Goble added that we cannot afford not to do this project and she explained the risks of not doing the upgrades. Mr. Ward noted that the analysis of all the improvements, in reduced energy costs alone, show that our outlay will be repaid within less than two years just in reduced energy bills.

Councilman Kuser asked about the \$3,647.00 for an energy audit and asked if this is a new audit that will be required. CFO Goble replied that it was the audit that was already conducted and they matched the cost and gave us a check for that amount and we just reserved it. She explained that, when the audit was done, we were required by the State to fund 25% of it; the State then refunded the 25% to us and we reserved it. Mr. Kuser questioned the new air-conditioner that is being installed in the Senior Center. Facilities Manager Ciardi explained that the air-conditioner is not part of the energy audit, it is part of the Direct Install Program. He noted that, because we did the energy audit, it allows us to get into this program and get our block grant which was very beneficial to the Township. Mr. Ciardi further explained that the energy audit was fully funded: 75% was directly back to the town and the other 25% can be applied towards energy-saving work. Mr. Kuser praised Mr. Ciardi for doing an excellent job.

Councilman Stecky noted that there are two operational advantages derived from this:

1. We are replacing a lot of equipment that is near the end of its lifetime and avoiding a capital cost in the near future.
2. Because of the sharing of equipment by the Municipal building and the Police Department, there is a lot of equipment that is run in this building that supports the Police building. Mr. Stecky noted that the up-grades will separate the Municipal Building from the Police Department so that each building may run on its own schedule.

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

**BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE PROVIDING FOR LIGHTING AND H.V.A.C. ENERGY SAVING
UPGRADES IN THE AMOUNT OF \$68,533.00**

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 1-4-11 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 KUSER, SECONDED BY MEMBER SHAW

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

President Andes asked if anyone from the public or the Council wished to have anything removed from the Consent Agenda.

CONSENT AGENDA:

- R-10-256 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE - \$46.50
- R-10-257 RESOLUTION OF THE TOWNSHIP OF DENVILLE ENDORSING HOME APPLICATION TO MORRIS COUNTY COMMUNITY DEVELOPMENT BY MORRIS HABITAT FOR HUMANITY
- R-10-258 RESOLUTION AUTHORIZING APPROPRIATION FROM THE AFFORDABLE HOUSING TRUST FUND FOR USE IN DEVELOPMENT OF AFFORDABLE HOUSING BY HABITAT FOR HUMANITY
- R-10-259 RESOLUTION RE-APPOINTING MEMBERS OF THE BOARD OF ADJUSTMENT FOR THE TOWNSHIP OF DENVILLE
- R-10-260 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING A SALE WITH GOV DEALS OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE
- R-10-261 RESOLUTION AUTHORIZING A REQUEST FOR APPROVAL OF AN ITEM OF REVENUE AND APPROPRIATION - N.J.S.A. 40A:4-87 (POLICE GRANT)
- R-10-262 RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT - \$150.00
- R-10-263 RESOLUTION AUTHORIZING TAX COLLECTOR TO PROCESS PROPERTY TAX REFUNDS OF LESS THAN \$10.00
- R-10-264 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY
- R-10-265 RESOLUTION TO CANCEL TAXES FOR CALENDAR YEAR 2010 - VARIOUS AMOUNTS
- R-10-266 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$58.68

- R-10-267 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$267.05
- R-10-268 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$993.39
- R-10-269 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$97.54
- R-10-270 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$469.43
- R-10-271 RESOLUTION REFUNDING THE PAYMENT OF OVERPAID TAXES FOR 2010 IN VARIOUS AMOUNTS
- R-10-272 RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND THE BOROUGH OF MORRIS PLAINS FOR ANIMAL CONTROL SERVICES
- R-10-273 RESOLUTION REGARDING PURCHASING REQUIREMENTS RELATIVE TO THE STATE OF NEW JERSEY PURCHASING AGENT RE-CERTIFICATION, QPA ACHIEVEMENT AND RAISING BID THRESHOLD

MOTION TO APPROVE THE CONSENT AGENDA: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY
AYES: SMITH, STECKY, FITZPATRICK, KUSER, SHAW, GOLINSKI, ANDES

- R-10-274 RESOLUTION AUTHORIZING TRANSFER OF CALENDAR YEAR 2010 BUDGET APPROPRIATIONS

MOTION TO APPROVE R-10-274: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SHAW

Councilwoman Smith questioned the additional \$10,000 that was moved into Building & Grounds for a higher than anticipated landscape contract. She asked if that was not a new contract this year. CFO Goble replied that she and Mr. Ciardi underestimated the cost because it was a new contract and so much was being changed. She added that it is still \$20,000 less than the previous contract.

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

- R-10-275 RESOLUTION OF THE TOWNSHIP OF DENVILLE ADOPTING THE MORRIS COUNTY, NEW JERSEY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN DATED JULY 23, 2010

MOTION TO APPROVE R-10-275: MOVED BY MEMBER SHAW, SECONDED BY MEMBER STECKY

Councilman Golinski asked if the Council was sent a copy of the plan. The Mayor

replied that the plan is a book and it's on file in the Clerk's Office and has been on file upstairs for a while.

President Andes noted that the Mayor was not aware of its existence until a couple of days ago.

The Mayor stated that it is a plan that all of the towns put together, including Denville, and it lists various types of calamities and presents a plan. He added that the part in the back of the book that deals with hazard mitigation is not an obligation of Denville to do any single item. The Mayor noted that it was a request from the County that we provide them with what we wanted to have included in a grant but we are under no obligation to do any one item in the grant.

Mr. Golinski commented that he does not see this as a request for a grant. He asked Mr. Hussa how the grant plays into this.

The Mayor explained that the items that are in question regarding hazard mitigation were the result of a 2008 request by the County for all of the towns (the Mayor stated that he thinks every single town in Morris County submitted items) to submit items that they wanted to be considered as part of the grant. He said that it is a County grant. The Mayor directed the Council's attention to the chart that explains who is responsible for the costs for all of the hazard mitigation items and noted that Denville is not responsible for any of the costs.

Mr. Golinski asked for some examples of what items are included in that plan.

Mayor Hussa replied that the Den Brook mitigation project is in there; it has to do with the removal of non-native soil to create more retention area. He said that there is a proposal for a berm across the lower Den Brook to prevent Gearhart and that neighborhood from flooding. Mr. Ward added that some of the plan includes acquiring property in the flood zone, elevating property in the flood zone and a variety of those types of items. The Mayor noted that those items would be funded by FEMA.

Mr. Golinski asked who is on Denville's Hazard Mitigation Working Group.

The Mayor replied that it is George Peterson, the Mayor, the Engineer's Department but, mostly the OEM and himself. He said that he was the one who submitted the items so he was listed as Point of Contact.

Mr. Golinski noted the paragraph in the resolution that indicated that, "if grant funds are received by FEMA in order to implement flood mitigation projects, said projects shall be reviewed by the Township and matching funds shall be dependent upon the confines and limitations of the municipal budget". The Mayor replied, "There you go. That says we are not obligated either."

Mr. Golinski stated that it says "matching funds". The Mayor said that, if matching funds were required, the Council would have to consider whether or not we would participate in that particular item. He noted that flood control in Denville is not an exact science and each item has to be examined on its merits.

Councilman Fitzpatrick asked what the urgency is for this resolution. He commented that it is a hefty document and he would like to have a little more time.

The Mayor replied that Denean says that, if we wait until next year, it may set us back

from the next round of CRS review. He said that if the Council wants to take another couple of weeks to look it over they can but, it is not that critical a thing. The Mayor stated that all we are doing is what every other of 37 towns is doing, endorsing the County plan. Mr. Ward interjected that five towns have adopted it, thus far.

Mr. Andes commented that he was going to say all 37 is impossible because many are not even participating. The Mayor said that he expects that eventually everyone will adopt it because they all gave their input.

Mr. Ward explained the timing issue for CRS certification as having one requisite that the town must either have its own plan or adopt their County's plan. He said that it was a requisite before we applied but they gave us some leeway because it was going to be presented to the governing body. Mayor Husa noted that if we don't adopt this at all, then we must develop our own plan in order to be in the CRS process.

Mr. Fitzpatrick asked if we were not aware of the time factor previously. The Mayor replied that Denean has been working on ten or fifteen items and they are all kind of related but he has not been following each one individually. He said that he doesn't know exactly when she pointed this out.

Mr. Fitzpatrick commented that flooding is a concern of his and his constituents but, it would have been nice to have more time to study this.

Councilwoman Smith asked Administrator Ward if he has reviewed the County plan.

Mr. Ward replied that he has and, obviously, flooding is a multi-jurisdictional problem in which flooding in one town will effect towns that are downstream. He noted that the County plan and he feels that the major part of that plan involves just best management practices, background data, flooding history data throughout the County and identifying hot spots. Mr. Ward stated that he feels that is 80% of the plan. He said that he feels it is based on best management practices on more of a regional level than a local level.

Mrs. Smith asked if it has been reviewed by our Engineer.

The Mayor replied that it has and that he provided this resolution.

Mrs. Smith asked the Mayor if he expects that these grants, if available, will require matching funds. She said that, in this economic climate, most of the towns will probably not have funds for it.

The Mayor replied that, although he could not recall the specific item, there was only one item that named Denville as the responsible party. Mrs. Smith asked for the number. The Mayor responded that it was \$50,000 but there were other agencies, so there is a sharing of that figure.

Mrs. Smith asked if the Mayor thinks there are grants that would benefit Denville, that we won't have to match funds for. The Mayor replied absolutely, the FEMA elevation grants are all funded by FEMA. Mrs. Smith, referring to the timing, noted that she understands that we would have to be a member in 2010 to be eligible for grant money in 2011. She asked the Mayor if it is his belief that, if we don't approve this now, there is the possibility that we will lose out on grant money in 2011. The Mayor replied that is what Denean told us.

Mr. Ward interjected that his understanding it that the urgency is related more to the

CRS and the eligibility to receive reductions for homeowners with flood insurance. The Mayor said that is correct, the hazard mitigation grants is a different story altogether; that will be conducted with the County.

Mr. Ward explained the CRS point system which reduces homeowners insurance rates by 5% for each one point that is deducted from the town. He noted that approving this resolution is a pre-requisite to being accepted into the CRS program.

Councilman Shaw stated that he thinks this should have been done a long time ago. He spoke about serious floods that he has witnessed in town over the years and noted that he thinks this is a way to prepare for that type of flood. Mr. Shaw said that he strongly supports it.

Mr. Kuser asked which five towns have adopted this. The information was not immediately available. He then asked if we are giving control to the County with this resolution. The Mayor replied that we have no control over what happens with the river, are not permitted to de-silt and cannot make any kind of modification. He said that, in order to control flooding, someone has to have some kind of control. Mr. Husa stated that we are not giving control, we are forming an alliance with the County in order to tap into their resources to fight the flooding problem.

Mr. Kuser said that he just wanted some clarification because the Mayor is asking them to vote on something that they have not seen and to take his word that it is a benefit to Denville. He noted that, in the absence of more information, he would like to know if Mr. Ward is endorsing this as something that is good for us. Mr. Kuser added that he would also like to know if the Attorney and Engineer endorse this plan. He said that he is not just going to take a layman's opinion on this, he wants a professional from our town and wants them all on board that this is the way to go.

The Mayor stated that the plan was available in the Clerk's Office and added that the resolution was prepared by Nick Rosania.

Mr. Ward noted that, in reading and reviewing the document himself, he finds that the language is very non-committal as to an individual municipality's obligation under the plan. He said that the majority of it is just best management practices and is almost like reading a boilerplate of a master plan, except that it is related to flooding. Mr. Ward advised that he met with the Engineer and discussed his concerns; many of the projects concerned the OEM and not necessarily the Engineer's office.

Mr. Kuser asked if Mr. Ward is in favor of this. Mr. Ward said that he is.

Mr. Kuser asked Attorney Semrau if he is in favor of it. Mr. Semrau replied that he has not read the plan at all but has read correspondence regarding the plan, including Mr. Rosania's memorandum. He said that the plan does not bind the municipality but he suggested a minor language change at the end of the resolution to read "resolve to make the best effort to execute the actions".

Mr. Kuser asked if the Township can easily opt out of this commitment. Mr. Semrau replied that it is a resolution and he cannot say definitively but he does not see that there would be a problem in the future if the Council passed a resolution requesting to withdraw. Mr. Fitzpatrick stated that he will support this but, he would like

Administration to present a solid case on topics that they bring to the Council, in order for the Council to make an informed decision. He noted that the plan can be found on the Morris County Emergency Management website.

President Andes noted that the resolution was not on the original Agenda for this evening. He said that the Mayor asked, on Wednesday, to have it included and added that there was some controversy about the resolution. Mr. Andes advised that he had the opportunity to review the plan with Mr. Ward on Friday afternoon and thinks that it is something that we need to do. He stated that it was unsettling to the Council that a document dated July 23rd and in the Mayor's possession for several months, was brought to the Council at the 11th hour. The Mayor replied that he did not know that it would have to be adopted as part of the CRS until recently.

President Andes asked the Mayor if, in the future, he would provide the Council with sufficient time to review matters that they will have to vote on. The Mayor said that he will do his best to do that.

President Andes asked Attorney Semrau to provide the language change that he suggested. Mr. Semrau noted that he suggests that the motion be amended to state: "make best efforts to execute the actions in the Plan."

President Andes asked Mr. Shaw and Mr. Stecky, who made the motion and seconded it, if they will amend the motion to include the suggested change. Both replied in the affirmative.

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

R-10-276 RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT TO ACQUIRE A PORTION OF REAL PROPERTY KNOWN AS BLOCK 41301 LOT 8 FROM RICHARD FELS AND KAREN FELS

Attorney Semrau explained that this is an Open Space acquisition of a property owned by the Felses at 26 Broad Street, Block 41301 Lot 8. He noted that the acquisition price is \$450,000. Mr. Semrau advised that the normal procedure is to introduce and adopt an ordinance and then, by resolution, authorize a contract. He said that the reason the Council is being asked to approve the funding first, is in order for the owner to pursue the sub-division that is needed for the portion of the property that the Township seeks to acquire. Mr. Semrau noted that the owners must go before the appropriate Boards to gain approval for the sub-division. He said that this would give them a head-start and next year the Council could pass the ordinance for the ultimate acquisition of the property. Mr. Semrau explained further that the funding is comprised of: \$375,000 from Open Space, \$25,000 from Green Acres and \$50,000 from the Township, which he believes is from the Township's Open Space Trust Fund.

The resolution was read into the record by Township Clerk Costello and a copy is attached to these minutes.

MOTION TO APPROVE R-10-276: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI

DISCUSSION: Councilwoman Smith asked if the resolution should also state that it is

contingent upon the approval of the sub-division. She said that the sub-division is mentioned in the contract but she questioned whether it should be in the resolution as well. Attorney Semrau replied that, by virtue of it being in the contract, it binds the Township. He said that the Township makes that a specific condition of closing, that the sub-division has to go through. Mrs. Smith noted that the year of the closing is incorrect in the contract and needs to be changed to 2011.

Mr. Kuser asked if we have the money for this. CFO Goble replied that we have the money but do not yet have the ordinance adopted but, as soon as all of this is completed, our attorney will let her know that we can go forward. Mr. Semrau added that if the Council does not adopt the ordinance, the contract is void.

AYES: SMITH, GOLINSKI, FITZPATRICK, KUSER, STECKY, SHAW, ANDES
President Andes extended best wishes to everyone for a Merry Christmas and Happy New Year. He then called for a motion to adjourn.

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

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

MEETING ADJOURNED AT 8:30 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Township Clerk