

TOWNSHIP OF DENVILLE  
MUNICIPAL COUNCIL  
REGULAR MEETING

JUNE 1, 2010

The Meeting was called to order by President Andes at 7:33 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.

ROLL CALL: FITZPATRICK, GOLINSKI, KUSER, SHAW, SMITH, STECKY, ANDES  
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR GOBLE, TOWNSHIP ATTORNEY SEMRAU, COAH ATTORNEY DeBONA AND PLANNER DENZLER

President Andes announced that the first order of business this evening will be the recognition, by Mayor Hussa, of Devin James Pallitto, Eagle Scout.

Mayor Hussa noted that Eagle Scout Pallitto refurbished the wall at the entrance to the parking area at Veteran's Memorial Park. He said that the wall was in danger of being demolished by construction vehicles until Devin came forward to restore it. The Mayor then presented Eagle Scout Pallitto with a proclamation in praise of his work on this project.

President Andes advised that Township Planner Bill Denzler will give a presentation on the Housing Element and Fair Share Plan.

Mr. Denzler noted that the Housing Element and Fair Share Plan that is before the Council tonight was unanimously adopted by the Planning Board last Wednesday at their public hearing on the matter. He advised that the report addresses the current third round rules for COAH. Mr. Denzler stated that the first part of the report summarizes the vast history of the Fair Housing Act in COAH, as well as some demographic data for the township. He said that it is noted in the report that it is based on the 2000 census figures, so it is somewhat out of date. Mr. Denzler noted that they are looking at the 2010 census and that we should have some up-dated figures the next time we look at this.

Mr. Denzler read from Page 11 of the report concerning the numbers that COAH has assigned to Denville, beginning with the first round and proceeding through the current third round. A copy of the document is attached to these minutes.

Mr. Denzler noted that the obligation required by rounds one through three amounts to 615 units, but when the 356 units that have been completed is subtracted from that number, it leaves a total obligation of 259 units. He said that when additional credits that have been earned are subtracted, our total obligation is reduced to 231.5 units. Mr. Denzler went on to explain various areas in the Township that are capable of producing housing to fulfill the COAH obligation. Mr. Denzler advised that the day after this plan was completed, Trenton released additional language and the Governor announced, on May 13<sup>th</sup>, potential legislation to abolish COAH and change the rules. He said that is anticipated to occur some time in June or July. Mr. Denzler stated that Bill S-1 is in its fifth revision and is scheduled for a vote on June 3<sup>rd</sup>. He explained the legislative procedure that the bill will go through.

Mr. Denzler reported that this Plan satisfies our June 8<sup>th</sup> deadline but is subject to significant change during the course of the year and we will re-visit it at that time. Councilman Stecky asked how much more this obligation is than the one we would have with the Highlands.

Mr. Denzler replied that it would have been an obligation of 100 more. He noted that the problem with the comparison between the 100 and the 232 is that the Highlands build-out does not count the exempted single family units that could be built throughout the Township, and that would still create an obligation under the 20% set-aside. Mr. Denzler advised that he did a quick calculation, including the single family units, and came up with an obligation of between 160 and 175 versus the 231.

Councilman Fitzpatrick asked if there is any indication regarding what things may be changing with the COAH rules. Mr. Denzler replied that the big thing is that, instead of a 20% set-aside, it will be a 10% set-aside meaning that for every 10 units built, only one affordable unit must be built. He said that the other thing is that it will be based on actual growth instead of the way it is calculated now.

Councilman Kuser asked Mr. Denzler what his estimate is on the number of residential units left to be built. Mr. Denzler replied that there are approximately 600 one-family lots in town and, taking away the ones that have constraints, it leaves about 500. Mr. Kuser said that means 10 affordable units. Mr. Denzler replied that would be if there is a full build-out, which he does not believe will happen.

President Andes asked Mr. Denzler to explain R-10-125A.

Mr. Denzler replied that it is the Council resolution endorsing the Housing Element and Fair Share Plan that is required for the Township to submit its documentation to COAH.

R-10-125 RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR  
SHARE PLAN AS ADOPTED BY THE TOWNSHIP OF DENVILLE  
PLANNING BOARD ON 5-26-10

MOTION TO APPROVE R-10-125: MOVED BY MEMBER SHAW, SECONDED BY  
MEMBER GOLINSKI

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

R-10-125A RESOLUTION AUTHORIZING AMENDMENT TO MADISON  
AFFORDABLE HOUSING CORPORATION ADMINISTRATIVE AGENT  
AGREEMENT

MOTION TO APPROVE R-10-125A: MOVED BY MEMBER SHAW, SECONDED BY  
MEMBER FITZPATRICK

Attorney DeBona explained that the Township entered into an agreement with the Madison Affordable Housing Agency to administer the controls on the units that were built as a result of the growth share ordinance. She noted that this is just an amendment to that agreement to provide for an hourly rate for them to do some of the work that is required by COAH. Mrs. DeBona advised that some of that work involves preparation of manuals and marketing plans.

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

LIAISON REPORTS:

Councilman Shaw reported that the Senior Citizens enjoyed a trip to Pennsylvania recently and look forward to more trips in the near future. He noted that some birthdays were celebrated and that there are several members who are in their nineties.

Mr. Shaw advised that he would like to speak about the tour that he took of the Police Station and about re-cycling at the next workshop meeting.

Councilman Stecky reported that the Beautification Committee has been very busy and accomplished much throughout the Township. He advised that the Sustainability Committee has been putting together the point application for Sustainable Jersey certification and are well on the way to completing that application. Mr. Stecky noted that everyone was present for the Memorial Day parade and it was an exceptional day.

Councilman Golinski commented that the Memorial Day service was very impressive.

He thanked the Fire Department for being top-notch, as usual. He added that there were two first aid calls right there at the end of the ceremony, and a third elsewhere in town, all at the same time. Mr. Golinski noted that waiting for an ambulance to arrive really brings home the need for enough, and proper, equipment for our Fire Dept.

Mr. Golinski advised that the MAC Spring Concert was held, but the Battle of the Bands was postponed.

Councilwoman Smith had no report.

Councilman Kuser had no report.

Councilman Fitzpatrick had no report.

President Andes had no report.

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

ADMINISTRATOR'S REPORT:

Administrator Goble advised that she has no report but she is still looking for volunteers for the Township booth at the Rotary Street Festival. She noted that, to date, two Council members have volunteered. Mrs. Goble said that she will pass the sign-up sheet along to the Council with the hope that more members will volunteer some time on Sunday. She noted that some employees will aid in the set-up and there will be flyers and literature from each department available to the public.

Councilman Fitzpatrick noted that the Bike Rodeo is scheduled to be held shortly.

Mayor Husa stated that the Rodeo will be on June 10<sup>th</sup> and some volunteers are needed for that event as well. He said that volunteers are requested to arrive at about 5:00 p.m. at the Riverview School parking lot.

OPEN PUBLIC PORTION:

Michelle McGlynn, 38 Longview Trail East, spoke briefly about the Bike Rodeo. She noted that the Police Department, Fire Department, Bike Committee and MAC are all

involved. She stated that all of the children in attendance will have a chance to win a brand new bicycle.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council .  
MATTERS OF OLD AND/OR NEW BUSINESS.

ORDINANCE(S) FOR ADOPTION:

#19-10 BOND ORDINANCE - CAPITAL PROJECTS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$1,203,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$919,100 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 SMITH, SECONDED BY MEMBER GOLINSKI

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

OPEN PUBLIC HEARING ON #19-10 ONLY: No one wished to be heard.  
CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$1,203,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$919,100 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 6-9-10

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

Councilwoman Smith explained, for the benefit of the public, that this ordinance is the result of the Council's work on the budget. She noted that the Council spent many hours deciding what items should go into this ordinance and it is not being passed lightly.

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

CONSENT AGENDA:

R-10-107 REISSUED

RESOLUTION AUTHORIZING EXECUTION OF DEVELOPERS  
AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND TRI-M  
ENTERPRISES

- R-10-126 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT  
FEE - \$222.00
- R-10-127 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID  
FOR CALENDAR YEAR 2010 - \$1,726.55
- R-10-128 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID  
FOR CALENDAR YEAR 2010 IN VARIOUS AMOUNTS ALL UNDER  
\$150.00
- R-10-129 RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED FROM  
KATHERINE P. HALL FOR INCREASE OF THE RIGHT OF WAY OF  
TULIP LANE TO 50 FEET
- R-10-130 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR A  
BACKHOE AND TRAILER
- R-10-131 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL  
SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN  
PROPERTIES IN THE TOWNSHIP OF DENVILLE

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

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

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

NON-CONSENT RESOLUTIONS:

- R-10-132 RESOLUTION AMENDING AGREEMENT WITH JOSEPH. J. LOWELL  
TO SERVE AS THE LICENSED WATER/SEWER OPERATOR FOR THE  
TOWNSHIP OF DENVILLE THROUGH JULY 31, 2011

MOTION TO APPROVE R-10-132: MOVED BY MEMBER KUSER, SECONDED BY  
MEMBER SHAW

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

- R-10-133 RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL  
SERVICES WITH AUDITOR JAMES W. O'NEILL, CPA, FOR STATE OF  
NEW JERSEY REQUIREMENTS RELATIVE TO AN OPEN SPACE  
PARCEL KNOWN AS "THE CURTIS PROPERTY ACQUISITION" - NOT

TO EXCEED \$2,500.00.

MOTION TO APPROVE R-10-133: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

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

R-10-134 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$50,047.07

MOTION TO APPROVE R-10-134: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH

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

R-10-135 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO JON P. BRODY - APPRAISAL CONSULTANTS CORP. FOR APPRAISAL SERVICES RELATING TO THE COMMERCIAL TAX APPEALS FOR 2010 NOT TO EXCEED \$10,000.00

MOTION TO APPROVE R-10-135: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

Councilwoman Smith questioned the use of two different appraisers and Mrs. Goble and Attorney Semrau explained the expertise of each and the economy of their services.

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

R-10-136 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO ERNEST F. DEL GUERCIO - APPRAISAL SYSTEMS, INC. FOR APPRAISAL SERVICES RELATING TO THE 2010 ADDED ASSESSMENTS - NOT TO EXCEED \$10,000.00

MOTION TO APPROVE R-10-136: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI

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

R-10-137 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO HATCH MOTT MACDONALD FOR ENGINEERING SERVICES RELATING TO THE EXPANSION OF ADDITIONAL RECREATIONAL FIELDS AT VETERANS MEMORIAL FIELD - NOT TO EXCEED \$28,000.00

MOTION TO APPROVE R-10-137: MOVED BY MEMBER KUSER, SECONDED BY MEMBER SMITH

Councilman Kuser noted that, in reading the contract, he sees that they have excluded several important items. Administrator Goble asked what items he is referring to. Mr. Kuser replied that in Exhibit A it appears that Hatch Mott is just doing a topography. Mrs. Goble replied that Hatch Mott would be involved in the entire project whether it be

drainage, working with the developer and any other work that is involved. Mr. Kuser asked if Hatch Mott has been instructed to lean in a particular direction with regard to the type of field being considered. Mrs. Goble replied that they have not. She said that they have to do the topography before they can determine anything but they were told that we are leaning towards turf. Mrs. Goble noted that they will make two studies and then we can make our determination.

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

NAY: SHAW

R-10-138 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.40A:4-87)

MOTION TO APPROVE R-10-138: MOVED BY MEMBER STECKY, SECONDED BY  
MEMBER SMITH

Councilman Stecky asked if this resolution refers to the grant money that we are to receive for Muriel Hepner Park. Mrs. Goble said that is correct and this resolution approves putting that money into our budget. Mayor Hussa listed some of the items that the grant money will be used for.

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

MOTION TO APPROVE MINUTES OF 5-4-10: MOVED BY MEMBER SHAW,  
SECONDED BY MEMBER KUSER

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

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

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

MEETING ADJOURNED AT 8:22 P.M.

Respectfully submitted by:

Kathleen A. Costello  
Deputy Township Clerk