

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

JUNE 15, 2010

The Meeting was called to order by President Andes at 7:31 p.m. The Salute to the Flag was recited, followed by the reading of the Open Public Meetings Act Statement by Deputy Township Clerk Kathy Costello. Mrs. Costello advised that this is a non-smoking facility and requested that cell phones be muted or turned off.

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

President Andes asked the Mayor to provide an update on the deer hunt ordinance before we get into the Public Portion of the meeting.

Mayor Husa advised that a five-year agreement was prepared by Attorney DiYanni but there was some confusion. He said that when the first one was submitted to the Council, Mark Weiss of the United Bow Hunters advised that he had some changes that he would like to have put into the ordinance. The Mayor advised that they were just "tightening up items" but that Councilwoman Smith had submitted some questions. He said that the Council now has a final draft and everything that was discussed previously is in there. Mayor Husa noted that he will answer any questions that the Council may have at this time.

Councilwoman Smith advised that her concern was not addressed. The Mayor asked if she is referring to the \$2,000. Mrs. Smith replied in the affirmative. Mayor Husa noted that the bait money was requested last year and apples were suggested but he was informed that apples attract bears. Mrs. Smith interjected that it is not a matter of what, it's a matter of paying for it. The Mayor responded that they had asked for it last year and we turned them down; the UBH advised that it is standard that they receive that bait money in other towns. He said that the money would come out of open space and, for the service they provide the town, at the cost that they provide it, we are still under the budget that was set last year, even with the \$2,000 in.

Mrs. Smith stated that she understands that but that she objects to the \$2,000. Mayor Husa explained that it is tied to the 200 deer; he said that they wanted \$2,500 and we told them only \$2,000, which amount to \$10 per deer. Mrs. Smith noted that we are also paying for the processing of the deer. The Mayor replied that we only pay for the deer that the hunters donate, not the ones that they take themselves. He said that they took a total of 90 deer last year and we paid for the processing of 68.

President Andes advised that he wants to put the ordinance on next week's agenda and wanted to have any questions answered now, in case there were any potential changes. Councilman Shaw commented that he has seen a significant change in the number of deer in his area. He stated that the UBH only took 90 deer, but public hunters may have taken the same amount, so it may have been as many as 200 deer taken. Mr. Township Council

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Shaw noted that he originally agreed to the hunt but he object strongly to baiting. He said that he would actually like to stop the hunt because he feels that strongly about the baiting. The Mayor asked him if he would stop the hunt for a matter of \$2,000. Mr. Shaw replied in the affirmative. Mayor Hussa asked Mr. Shaw why he objects to baiting the deer with corn. Mr. Shaw replied that, first of all, they don't need to do that and it just adds to their pot. He said that they take a lot of venison.

The Mayor asked if other people on the Council feel that way as well.

Councilman Stecky noted that he voted against the hunt to begin with and is opposed to paying for bait when, as well as being a service to the town, it is the hunters' recreation. Mr. Stecky suggested that it be run by the UBH and find out if it is a deal killer. The Mayor advised that it is a deal killer; he said that Mark Weiss feels that it is provided to the hunters in every other town that they hunt in and does not think it is a whole lot to ask.

President Andes commented that he is looking at what the goal is. He said that we are not providing a sportsmen's activity, we have a problem with unhealthy deer and damage to our woodlands. Mr. Andes noted that, if there is a cost to solving our problem but it is a deal breaker, then we will have to bear the cost.

Councilman Golinski stated that his understanding was that we have an over-population of deer and they are destroying our forestry. He said that, if we have that many deer, he is not sure why we have to spend \$2,000 to bait them. The Mayor replied that the hunters go out in the pre-dawn hours and sit there for hours before a deer comes by; he said that, if they bait them, the deer come to a particular spot and it makes the whole job much easier for them. He said that they are only asking for \$10 per deer. The Mayor noted that all of the donated venison went to Denville residents and indigent people. Administrator Goble interjected that more deer were donated to the residents of Denville than were taken by the hunters. She added that we need to protect our forestry and if we are going to invest our Open Space funds, this is a way to keep our open space green. Mrs. Goble advised that she and the Mayor discussed this extensively last year and did not give them the money for bait at that time. She said that this year it is definitely a deal-breaker and they will just go to another town if we do not pay the bait money. Mrs. Goble noted that it takes a lot of organizing to put the hunt together. The Mayor added that he thinks it would be short-sighted to throw the whole hunt out for \$2,000.

Mr. Shaw asked what about the general hunting population; he said it is not known how many deer they take. The Mayor replied that they are not allowed to hunt on public property, only on private property, with the permission of the owners.

President Andes asked that everyone keep in mind that the UBH administered the hunt and, as soon as we eliminate them and bring in the general hunting public, we must assume the cost of administering the program.

Councilman Kuser noted that he is in favor of the hunt and that it is not the \$2,000 that he is concerned about. He asked if the baiting is attracting the deer that are in Denville or is it bringing deer in from neighboring towns. Mrs. Goble replied that they will bait

certain areas and it will clean the herd out. Mr. Kuser stated that he does not then, think it is a problem. He suggested that we need another year of the hunt and then scale back. Mr. Kuser noted that he thinks it is a good program and he stands behind the Mayor on this one.

Councilman Fitzpatrick asked if it would be possible to have the ACO at the next meeting to give her opinion. President Andes replied that he thinks that she already made it known that she is in agreement with what has been done on the contract. The Mayor said that is correct, but she did say that it would be nice if it was administered by Denville. He added that it would be another level of government that the Council would have to oversee. Mr. Fitzpatrick said that he is fine with that, but he would like to have Mrs. Petrillo come to the meeting and express her opinion, so that he will know that she is supporting this hunt, as she did last year.

Councilwoman Smith suggested that ACO Petrillo send an e-mail to Administrator Goble instead of coming out to a meeting.

Mrs. Goble stated that she thinks that the Township owes it to the UBH, if the Township does not want to go forward, to set them free so that they can contact another town. She said that the Council needs to get it on the agenda.

The Mayor noted that if four Council people are against it, he needs to advise Mr. Weiss and see if a compromise can be reached.

Mr. Andes polled the Council for there position on paying the \$2,000.

Fitzpatrick	Yes	Kuser	Yes	Smith	No
Shaw	No	Stecky	No	Andes	Yes

Mr. Golinski said that he felt that the deer hunt was a tremendous success but he questions the need to pay the hunters \$2,000 to bait the deer.

The Mayor replied that it is the norm for them to charge a bait fee and we got away with it last year, but this year they want that fee.

Mr. Andes and Mr. Kuser defended the \$2,000 cost for baiting. There was additional discussion regarding all costs involved with the deer hunt.

President Andes stated that the deer hunt ordinance will be put on the agenda for next week and the Mayor will notify Mr. Weiss that he is "on the bubble" with regard to the baiting fee.

OPEN PUBLIC PORTION:

Gerald Idec, 1 East Longview Trail, stated that he has researched the subject of chemical treatment of the fields. He said that when chemicals are applied, flags must be set out to alert the public of that fact and added that no one is allowed on the fields for seventy-two hours after the application. Mr. Idec asked if there is a person in charge of parks and fields whom he can ask about these laws being enforced.

Mr. Andes replied that, since the last time Mr. Idec was before the Council, Mrs. Goble did some research on this.

Mrs. Goble advised that the company that is applying the chemicals is responsible and that they are waiting for Mr. Idec's contact information. She said that, when they

receive that information, they will notify Mr. Idec personally when any field is sprayed or treated with any kind of chemical. Mrs. Goble noted that the company is licensed and follows the law and they are waiting for Mr. Idec's information in order to contact him. Mr. Idec replied that his concern is that the Township keep everyone off the fields that have been sprayed for a period of seventy-two hours.

Mrs. Goble responded that the company and the Parks Department work out a schedule so that the fields can be sprayed seventy-two hours before any event will take place on that field. She said that the fields are not sprayed during the season. The Mayor added that they are sprayed once before the season and once after. Mr. Andes noted that the fields are closed from December 1st until April 1st.

Mrs. Goble stated that flags are put up, we are using a new company this year, and they are very aware of all of the laws associated with spraying fields.

Mr. Idec insisted that flags must be put up when fields are sprayed and a sign stating that the fields are closed is not sufficient to satisfy the law. He provided a hand-out to the Deputy Clerk for distribution to the Council and Attorney.

James Prior, Attorney for T-Mobile advised that some representatives of the company have had some discussions with Administration regarding a potential new cell tower at 455 Diamond Spring Road. He said that his purpose this evening is to advise the Council of what T-Mobile is proposing and obtain some feedback from them to see if it is something the Council would like to go forward with. Mr. Prior noted that the property that T-Mobile would like to use is part of the Madison Housing property at Cook's Pond. He said that Madison Housing and Denville would share the revenue and, of course, T-Mobile would have the benefit of a new tower. Mr. Prior explained that the Township would have to go out to bid for the tower and T-Mobile would be one of the bidders. He noted that the bid specs give the Township a level of control over what type and where carriers are going to locate. Mr. Prior advised that T-Mobile is suggesting a tree design for this tower but that is one of the things to be decided by the Council, should they decide to go forward with the proposal. He noted that the Council would also decide what the zoning process would be. Mr. Prior advised that he has a technical expert and design expert here, if the Council has any questions in regard to either of those issues. He asked for the Council's interest as to whether or not they feel this is worth pursuing. President Andes replied that he will ask the Council if they have any questions and will get back to Mr. Prior with their decision.

Questions regarding the following issues were posed by Council members:

- Public preference with regard to tree design versus pole
- Landscaping and fencing
- Number of antennae and carriers with regard to Township revenue
- Leasing town property versus using private property.
- Taxes involved with the leasing of public property
- Costs involved with various types of towers
- Health issues such as radiation

It was noted that many of the issues raised can be covered in the bid specs when the

Township goes out to bid.

President Andes noted that Mrs. Smith and Mr. Kuser have already stated their opinions and asked if the Council wants to workshop this or make a decision now.

Councilman Stecky said that he is on board with it as long as we follow the process and write the scope of work into the bid specs.

Councilman Golinski stated that he is in favor of the tower and would prefer the non-tree look.

Councilman Fitzpatrick noted that he is in favor but would also like the non-tree look.

President Andes stated that he knows that his constituents in the first Ward would be opposed to the tower, so he will vote no on their behalf. He added that he is only one of seven votes.

Councilwoman Smith asked for photos showing a pole-type tower and a tree-type tower in a similar setting as the one being proposed.

Mr. Prior said that he will do a photo simulation and send it to the Clerk's office.

President Andes asked that two views be taken: one from the Diamond Spring Road side and one from the beach at Cook's Pond.

Mr. Andes asked Mrs. Goble if enough has been decided tonight for her to go forward on this project. Mrs. Goble replied that she and Mr. Andes can meet and discuss it and the Council need take no action tonight.

Al Atkinson, 4 Ironwood Trail, Chairman of the Environmental Commission, advised that the Commission has received an Anjac grant in the amount of \$3,000 towards ordinances that they wish to propose.

Ed Bannigan, 38 Old Mill Drive, asked if the Board of Adjustment is appointed by the Town Council. Mr. Andes advised that is correct. Mr. Bannigan stated that when the Board of Adjustment passed an application at the last meeting they stated that only the Town Council could amend the policy on fast foods, so they voted in favor of the application. He said that, if the Board of Adjustment has to get the Council's permission to change the code, how could they vote. Mr. Andes noted that he was not there for the conclusion of that meeting but had gotten some feedback regarding the outcome. He advised that he intends to ask Mr. Denzler, during his portion of this meeting, to discuss possible zoning changes that would tighten up the fast food ordinance. Mr. Andes said that he assumes that is what Mr. Bannigan is asking. Mr. Bannigan replied that is not what he is asking. He said that the Board of Adjustment stated that they think that the ruling on fast foods in Denville is antiquated, should be changed and that they were going to ask the Town Council to re-write the ordinance. He said that, if that is true, what right did they have to pass the application allowing that fast food restaurant to come to Denville without the Council's permission. Mr. Bannigan asked who makes the laws, the Council or the Board of Adjustment.

Councilman Stecky replied that the Council votes on the ordinances and the Board of Adjustment grants variances to the ordinances. Mr. Bannigan noted that the ordinance does not allow fast food restaurants. Mr. Stecky responded that, if that is the wording of the ordinance, than the only way a fast food restaurant could be allowed would be by

variance, which is an exception to the ordinance. Mr. Bannigan asked if the Board has the right to accept a variance. Mr. Stecky replied that they are a quasi-judicial organization and have the authority to make that decision and overrule an ordinance. Councilwoman Smith noted that she can speak from years of experience on the Board of Adjustment to address some of his questions. She advised that, at one time, the definition of a fast food restaurant referred to free-standing establishments such as Wendy's or MacDonald's with drive-through facilities. Mrs. Smith said that she thinks that is what the Board was referring to when they said that the ordinance is antiquated. She commented that, if fast food restaurant had been defined as a place where you walked in and purchased food to carry out with you, the ordinance may have been tighter. Mrs. Smith advised that the Board of Adjustment is appointed by the Town Council; they are a quasi-judicial Board. She noted that the Council is prohibited by law, once they have been appointed, from interfering in any way with their decisions. Mrs. Smith stated that the Council tries very hard to find people that will make decisions that are in the best interests of the Township. She said that the Board has to make a balanced judgement when hearing an application for a variance, taking into consideration what is best for the town. Mrs. Smith explained that, when a vacancy occurs, the Council interviews people who volunteer for the un-paid position and they try to place the best candidate on the Board. Mrs. Smith emphasized that, once the appointment is made, the Council is prohibited from interfering, influencing or voicing any opinion about any Board decisions.

Mr. Bannigan noted that Mrs. Smith has answered his question. He said that he feels that the Board made a big mistake, when they told the public that they will ask the Council to review the present ordinance.

There was an additional, brief discussion during which Mr. Bannigan expressed his displeasure with the Board's decision.

CLOSE PUBLIC PORTION.

President Andes asked Planner Denzler to bring any recommendations that he may have, with regard to tightening up the zoning ordinances in the Route 10 corridor, to the Council at the September workshop. He asked, additionally, that Mr. Denzler research ordinances that he can recommend, off the Highlands Act, that would protect our waters, streams and lakes. Mr. Andes said that he would like that for the September workshop as well. Mr. Denzler noted that several of the ordinances that Mr. Atkinson was referring to, through the Anjac grant, address those issues.

Councilman Kuser asked that steep slopes, from the Highlands Act, also be addressed at the September workshop.

President Andes stated that any ordinances from the Highlands Act that Mr. Denzler thinks would be beneficial to Denville should be brought to the September workshop. President Andes then yielded the floor to Planner Bill Denzler.

Mr. Denzler noted that he provided the Council with a hand-out that contains several ordinances:

Basic Property Maintenance Ordinance

Temporary signage

Outdoor lighting

Amendment to commercial vehicle ordinance to include construction equipment.

A copy of that hand-out is available in the Clerk's Office.

Mr. Denzler noted that the current Property Maintenance Ordinance is a watered down mixture of other municipalities as well as the accepted UCC building code provisions. He said that the first half of the ordinance covers the legal language and definitions. Mr. Denzler noted that the Property Maintenance Ordinance itself covers the following issues:

1. Exterior Property Maintenance
2. Swimming Pool
3. Exterior Structure
4. Garbage & Rubbish
5. Extermination
6. Storm Drainage
7. Basic interior maintenance for plumbing, water, sanitary sewer, mechanical & electric and heating

Mr. Denzler advised that the last item gives him the authority to go in and require a landlord to provide heat or to repair inadequate plumbing to a tenant. He said that he receives many of those heating calls in the winter and, at present, has no authority to deal with it.

Mr. Denzler explained briefly what each section covers.

Mr. Denzler advised that this ordinance covers about one-quarter of what could be put into it, but it addresses some of the Council's concerns and gives the Zoning and Building Departments additional leverage to address the problems.

Councilwoman Smith had questions regarding several sections of the ordinance:

103.1 - Mrs. Smith asked what is being created by this section.

Mr. Denzler replied that it should be re-worded to indicate that a property maintenance ordinance is being created.

302.4 - Mrs. Smith questioned the stated height of "in excess of one foot" and noted that a yew is higher than one foot. She said that the phrase "plant growth" should be changed. Mr. Denzler noted that it does say "tree, shrubs, and ground cover are exempt". Mr. Kuser asked about partial farmland where grass is allowed to go uncut.

Mr. Denzler replied that language can be added to cover that.

302.9 - Mrs. Smith asked for clarification of "areas not designated for such storage".

Mr. Denzler explained that they are permitted to be stored in certain non-residential zones.

304-3 - Mrs. Smith stated that she had been told by the Police, at one time, that the address should be on the mailbox. She said that she would like to see the ordinance re-worded to reflect that the number of the house must be visible from the street or on the mailbox. There was a brief discussion regarding the fact that mailboxes are not always

placed directly in front of the house and that, in several areas, there are common driveways with multiple mailboxes. It was noted that these situations will not help emergency vehicles to locate a particular house. It was determined that the section would be re-worded in such a way as to make houses easily located for emergency purposes.

307.1 - Mrs. Smith asked why PODS are being permitted. Mr. Denzler noted that PODS are generally used for moving purposes or if the house is under construction and typically takes about a year. Mrs. Smith commented that she thinks there should be a specific use for the POD included in the ordinance. Mr. Denzler said that he can tie it in to a specific use.

307.3 - Mrs. Smith asked if the portable garage structure referred to is in addition to a fixed garage. Mr. Denzler replied that up to two are permitted on a lot that is under two acres.

302.8 - Councilman Golinski asked about unregistered vehicles parked on any premises, because of vehicles parked on gas station lots. Mr. Denzler replied that he can re-word it to reflect that it refers to residential properties. It was also determined that a grace period will be included in the ordinance.

Councilwoman Smith asked where the penalties are on this ordinance.

Mr. Denzler replied that the fines are up to \$1,000 per day, which is usually negotiated at the Municipal Court level.

Mrs. Smith said that the ordinance has to have teeth and it also needs manpower. Mrs. Goble interjected that manpower is her concern as well.

Mrs. Smith stated that her biggest concern is to have a code that can't be enforced for lack of manpower.

President Andes noted that this came about due to the abandoned buildings that are boarded up and there was no ordinance to go after the owners. He said that the intent is certainly not to go out and measure the height of the residents' grass.

Mrs. Goble asked if the intent is to have someone patrol every day, or to have an enforceable ordinance when complaints come in because we do not have the manpower to patrol the town looking for violations.

She said that we have seen many instances this year that pointed up the need for an ordinance and that she feels it will get worse if not addressed.

Mr. Denzler noted that his first draft of this ordinance was much longer and much more restrictive.

Councilman Stecky reiterated Mr. Andes' comment that the reason for this ordinance was the abandoned properties and asked if this is overkill. He said that he feels uncomfortable with a many-paged ordinance that tells people how to run their homes.

Councilman Fitzpatrick noted that he can see Mr. Stecky's concern but he feels that we were in a position where we had so many complaints on certain properties and we were not giving Administration the tools to deal with the complaints. He said that is the reason that he supports this ordinance.

Mrs. Goble interjected that it is not just a health issue but one of upkeep as well. She

noted that there have been numerous complaints about neighbors neglecting their property which effects property values.

There was an extensive discussion regarding upkeep and the health and safety issues that are effected by deteriorating properties.

Mr. Kuser noted that some items in the ordinance are too extreme and suggested that the Council review the ordinance again and get it right the first time.

Mr. Denzler suggested that each Council person e-mail their comments or suggestions to him and he will go over them. He said that if he finds that a majority of the members want something changed, he can re-work it rather than taking it line by line.

Mr. Shaw commented that he would like to see stiffer fines imposed. Mr. Denzler advised that the Municipal Judge makes the final determination on fines.

President Andes commented that it seems that the Council is in favor of the ordinance in principle, with good points being made by Mrs. smith and Mr. Kuser, and the rest of the issues are right on target. He said that he would not like to see this languish and not be brought back until September. Mr. Andes stated that, if we charge Mr. Denzler with formulating it now, we can put it on the agenda for the July meeting. He asked Mr. Kuser to advise Mr. Denzler now, as to the items that he thinks should be removed and we will discuss them. Mr. Andes noted that he thinks that the issues raised are on pages 13 and 14. Mr. Andes commented that he believes the issues being questioned are, Insects under 304.14, Screens, Decorative features and handrails and guards. Mr. Kuser asked how strict we want to be on handrails and guards, although it is a safety issue. Mr. Golinski noted that it is important that handrails and guards be firmly fastened.

Mrs. Smith commented that, on 304.9, she's not sure about the section on protective coating.

Other items that were questioned :

1. Chipped paint
2. Openable windows
3. Guards for basement windows
4. Chimneys and towers
5. Protective treatment

Mr. Golinski stated that the Council could sit here and pick this apart forever, but it is designed for the good of the public and he thinks it is a good ordinance.

President Andes asked the Council what they want to do; he said that a decision needs to be made.

Mr. Shaw commented that, if anyone has a particular beef, they should submit it to Mr. Denzler.

Mr. Andes asked Mr. Denzler if he would please have the ordinance ready for the Council for the July meeting and, within the next week, if anyone has any questions they can submit them to Mr. Denzler. Mr. Kuser suggested that Mr. Denzler go over the ordinance again and put in what he feels is needed. He said that he would like to hear Mr. Denzler's professional opinion.

Mr. Andes asked Mr. Denzler if he would have the ordinance ready for introduction at the July meeting. Mr. Denzler replied that he will have it ready. Mr. Andes asked for a copy two weeks prior to the meeting for the Council to study.

TEMPORARY SIGNS.

Mr. Denzler noted that he has added a section entitled "Additional Temporary Sign Regulations". He went over each of these items. A copy is included in the hand-out available in the Clerk's Office. Mr. Denzler advised that he added two more sections, one for Temporary Non-commercial Signs and the other for Temporary Commercial Signs; each section specifying size, location and time limits. He said that these areas need to be over-regulated as opposed to under-regulated in order to keep them under control.

Mr. Denzler noted that he has provided the Council with an additional hand-out (copy attached) regarding Political signs which specifies size, location and time-frame limitations.

Mr. Kuser asked for clarification regarding the location of civic, religious or charitable organization signs. Mr. Denzler replied that it is limited to the site at which the event will be held and the number of signs is also limited.

Mrs. Goble asked for clarification regarding the signs being allowed only on the site of the event. She said that Kiwanis has signs around town advertising their breakfast and the Fire Department puts signs in various spots to advertise their carnival, so limiting to the site of the event could be a hardship to some organizations.

Mr. Denzler replied that there are some exemptions because some events are bigger than others and that can't be defined. He said that it is something that could be done through the Council. Mrs. Smith noted that she thinks it should be re-worked in order to avoid the need for more work by the Council and Clerk's Office to make exemptions for certain organizations.

Mr. Kuser asked if Mr. Denzler could create an exempt list.

Mr. Denzler replied that it certainly could be done but it then becomes a matter of "how much is too much". He gave as an example: exempting a church and then the next week there are 200 signs out advertising Bingo.

There was additional discussion regarding various types of exemptions and the potential problems that could arise.

Mr. Denzler suggested that #2 on the list could be made an exempt list, but he would still recommend that there be some standards for location to avoid the use of municipal right-of-ways. Councilman Shaw suggested that strategically located bulletin boards around town would help to solve the problem.

Mr. Golinski asked about penalties and Mr. Denzler replied that it would be under zoning.

President Andes suggested that section #2 be taken out. Mr. Denzler recommended that the section be considered the exempt list. Mrs. Smith suggested that we check with the Attorney.

President Andes stated that he does not see charitable organizations as being the driving force for a sign ordinance and noted that the organizations in town have always been very respectful and, by and large, they have been taken down right after the event. He recommended that the section just be removed.

Mr. Andes commented that if Mr. Denzler wants to put in a time-frame for non-profit organization it would be fine but that the rest should come out.

Mr. Kuser brought up the subject of political signs. Mrs. Smith questioned the time-frame of 60 days in the ordinance, but 30 days in Mr. Denzler's memorandum. She said that she thinks 30 days would be acceptable and 5 days to remove them.

Mr. Kuser asked about location of political signs. Mr. Denzler recommended that they not be allowed on public property or right-of-way. In reply to a question about signs on Routes 10 or 46, Mr. Denzler noted that it is against the law to post signs on State property. It was agreed that political signs may not exceed 16 feet in size.

President Andes asked Mr. Denzler to include a regulation of real estate signs such as open house and directional signs. Mr. Denzler said that he will take care of that.

OUTDOOR LIGHTING

President Andes called Mr. Al Atkinson forward for his comments on the Outdoor Lighting ordinance.

Mr. Denzler advised that this ordinance would set standards for lighting, which the Township does not currently have, providing for elimination levels, height levels, types of lights to be used, as well as provisions for energy conservation and the submission of plans and standards thereof.

Mr. Denzler then referred to a hand-out that he provided to Council. (A copy is available in the Clerk's Office.)

Councilwoman Smith commented that in Section A-2, she thinks that the standard height should be 18 ft. Mr. Denzler replied that 15', 18', 10' and 24' are all standards that are used. Mrs. Smith said that she thinks 18' is a more reasonable standard. President Andes asked Mr. Atkinson if he has any preference on that from the Environmental Commission's point of view.

Mr. Atkinson replied, not as long as number 3 stays in and that it insures that the lighting does not leave the property.

Councilwoman Smith asked, concerning #8, who decides the architectural style.

Mr. Denzler replied that it is somewhat subjective but, if it is at a Board level, they will look for some consistency throughout the site.

Mrs. Smith noted that there is usually a certain amount of disagreement when it comes to a Board decision. She stated that the shoe box style is generally the more preferred, more efficient means of lighting and the least offensive. Mrs. Smith said that she would think they would be the most recommended style, as opposed to the architectural style of the building.

Mr. Atkinson replied that this gives the architect an opportunity to design lighting that is consistent with the building, rather than setting a standard lighting design for all

buildings. Mrs. Smith stated that she thinks shoe box lighting is preferred. Mr. Atkinson replied that shielded lighting is preferred. Mr. Denzler advised that Section #3 requires shielded lighting.

There was additional discussion regarding the style and design of the lighting as well as sky glow and light intensity. Mr. Denzler noted that he can add language that will satisfy any of the Council's concerns.

Councilwoman Smith questioned section D-4 concerning computer generated photometric grids showing foot-candle readings every 10 feet. She said that, generally, only the manufacturers of the lighting can do that and, if dealing with a 30 ft. scale map, you will not be able to see it. Mr. Denzler noted that it is the actual industrial standard and it is done sectionally. Mr. Stecky advised that he believes there is software available for that.

Mr. Golinski asked if this ordinance pertains to new construction only. Mr. Denzler replied that it is for new construction or change of use.

Mr. Golinski asked about section C-1 regarding the reducing of outdoor lighting during non-operating hours. Mr. Denzler advised that a relatively new standard is being used in municipalities where lights are dimmed by fifty percent or every other light is turned off. Mr. Atkinson noted that several stores are doing it internally already.

There was a discussion regarding the prohibition of strings of lights, except Christmas lights, and flashing, moving or rotating lights. It was noted that it may be a problem if it is tied to a particular holiday. Mr. Denzler said that it can be changed to prohibit only flashing, moving or rotating lights. Mr. Golinski noted that, if the goal is to minimize light pollution, the Council may want to take the opportunity to include all lighting, such as string lighting and lighting in trees. Mr. Atkinson disagreed and added that he thinks flashing, moving and rotating lights should be prohibited but not strings of lights. He suggested that there be a requirement to turn the lights that are in the trees off at the end of the business night.

President Andes asked Mr. Atkinson what he feels may be missing from this ordinance that Mr. Atkinson feels should be put back in.

Mr. Atkinson replied that, at this point, he is happy to see that this has gotten this far. He said that there are more encompassing regulations that include residential lighting and overall planned lighting by municipalities, as well as power lighting that is done by companies such as JCP & L, that need to be addressed. Mr. Atkinson recommended that the Council move forward with this and the Environmental Commission will be pleased to submit additional changes in the future.

Mr. Kuser asked about dome lighting and the turning off of lights at night at the Shoppes at Union Hill when the proposed new unit opens. Mr. Denzler replied that he will have to check with our attorney on that. Mr. Kuser noted that the owners of that mall usually work well with the Township and suggested that we speak with them and try to work towards the goal that this ordinance is setting. There was a brief discussion regarding what constitutes a change of use and what can be required by that change.

President Andes stated that this ordinance will also be introduced at the July meeting.

STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES.

Mr. Denzler noted that he has had many complaints concerning heavy equipment on private property. He said that the offenders have stated that the vehicle in question is no different than a large lawn mower. Mr. Denzler advised that he has added wording to prohibit construction vehicles and/or equipment on residential property, unless it is coincidental with on-site construction; it also notes that such equipment must be removed within seven days of the completion of the work.

Councilwoman Smith asked if the wording should be "not more than one vehicle may stored and/or parked". Mr. Denzler replied that is the current language. Mrs. Smith asked if the word "equipment" can be added to the title. Mr. Denzler said that he will take care of that and added that one commercial vehicle would be allowed but it would not allow construction vehicles or equipment.

Councilman Kuser expressed concern about people who run a business out of their home and have to park their truck in the driveway, citing one instance where the homeowner runs a tree service and parks a large truck in the driveway. Mr. Denzler replied that he is allowed to have one vehicle on the property. Mr. Kuser asked about the size of the vehicle. Mr. Denzler responded that it can be up to one ton.

The Mayor asked if we already have a specification that the vehicle has to be next to the house, rather than in front of it.

Mr. Denzler replied that, in the R-1 zone it must be in a garage, otherwise it can be in the driveway.

President Andes asked how big a one-ton truck is. Mr. Denzler replied that it could be a full-size pick-up truck but it would have commercial plates or commercial advertising on it to make it part of this ordinance.

There was a discussion regarding the inequities of the ordinance with regard to restrictions that are in effect for the R-1 zone and not in effect in the R-3 and R-4 zones. Mr. Kuser commented that he feels that the ordinance is way too restrictive.

Mrs. Smith asked Mr. Denzler if he needs this ordinance to enforce certain issues. Mr. Denzler replied that he does because he gets about two calls a week about people having excavators sitting on their properties for years.

Mrs. Smith said that she would be inclined to go forward with this and re-visit it if it causes an issue.

There was a discussion, initiated by Mr. Kuser, regarding small business owners being restricted by the one-ton limitation. The Police Chief was asked his opinion and said that he agrees with the one vehicle limitation. Mr. Denzler added that his decision can be appealed before the Board of Adjustment.

President Andes received a unanimous consensus to put this ordinance on the agenda.

ASTRO PLACE.

Mr. Denzler noted that the Planning Board approved a parking plan for the Pierson property on Astro Place. He said that, right now, the majority of the building is warehouse and all of the parking spaces are not required. Mr. Denzler

advised that a parking plan was submitted to the Engineering Dept., approved by Mr. Rosania and built into the developer's agreement. He said that it was also tied into the site plan and contained some language that referred it to the Council. Mr. Denzler commented that it was a standard, phased parking plan that is typical of these kinds of uses in an Industrial zone.

President Andes asked Mr. Denzler what it is that the Council must do.

Mr. Denzler noted that, after reading the resolution and going over the issue, he is not sure why it was worded that it needed to come to the Council to begin with. He said that he does not believe that the Council needs to take any action.

Mrs. Smith noted that both Attorney Buzak and Attorney Semrau recommended that it come before the Council.

President Andes stated that he will put it on for discussion next week when the attorney is present.

President Andes called for a brief recess at 10:06 p.m.

The Meeting resumed at 10:09 p.m.

PROPOSED ORDINANCE REGARDING SMOKING PROHIBITION FOR PARKS AND RECREATION AREAS

Councilman Kuser advised that he has been approached by concerned citizens who feel that smoking should be prohibited on any Township owned property. He said that he would like to see an ordinance enacted similar to that of other nearby towns. Mr. Kuser stated that he feels it is important, especially because of the children on the fields.

Administrator Goble commented that she was hoping the attorney would be here for this discussion. She said that she is in total agreement with the idea but is concerned about its enforcement.

Mr. Kuser replied that "Smoking Prohibited on Township Property" signs can be posted and, hopefully, 99% of the citizens will refrain from smoking and, if they don't then they are breaking the law.

Mrs. Goble commented that she agrees and is favor of it but, again, enforcement is the question. She asked Chief Wagner for his comments.

Chief Wagner noted that he, too, agrees 100% and does not have an issue with it. He said that if someone ignores the signs and lights up, and the ordinance is not passed, the Police can do nothing. The Chief stated that, if the ordinance is passed, they can advise the offender that he must extinguish whatever he is smoking or receive a summons or be arrested. He said that he feels it is a good ordinance and does not think it will tax the manpower of the Police Department to enforce it. The Chief advised that he encourages his men to walk the fields during events any way.

The subject of family picnics at the pavilion was raised as well as events like the 4th of July. The Chief noted that enforcing the proposed ordinance would be difficult, but not impossible. Mr. Kuser commented that this is a matter of health, quality of life and the

cleanliness of Township property. He suggested that signage be used and the Police be empowered to enforce the ordinance.

President Andes asked the Chief how St. Clare's Hospital handles their employees who are smokers, since they have a "No Smoking on Hospital Premises" policy. The Chief advised that the employees walk down to the bridge on Pocono Road, just past the hospital, and smoke there because it is two feet off the hospital property. It was noted that it is against State law to smoke on school property as well.

Councilman Golinski commented that, should the Council so choose, the ordinance could be strengthened by amending it to any Township-owned property. He asked if there is any opposition to the ordinance as it stands.

Mrs. Goble advised that there is no smoking in any Township vehicle nor in any Township building. She added that there are employees who go outside to smoke and, if this is amended to no Township property, those employees will no longer be able to go outside to smoke. Chief Wagner noted that, from a management point of view, that becomes problematic. He said that there will be employees who say that they need their cigarette and now have to walk three minutes away in order to be off Township property.

Councilman Fitzpatrick suggested that the Council go forward with the ordinance as it is.

President Andes stated that he is in favor of going forward as it is, but noted that something needs to be done about the smoking in front of the building.

Mrs. Goble explained that the employees do not smoke in front of the building; the smokers are people who are coming to Court, or have other business in the building, get out of their car with a cigarette and have to put it out before entering.

President Andes asked if all are in favor of this and received a unanimous affirmative reply.

RECYCLING

Councilman Shaw advised that he had a very productive meeting with Mrs. Goble and Mr. Ciardi regarding the recycling that is NOT going on. He spoke about the companies in town who are throwing their recyclables in with the garbage. Mr. Shaw advised that Mrs. Goble is working with Mr. Ciardi to come up with more and better ideas to encourage recycling. Mr. Shaw stated that we must approach this slowly and educate people to the fact that there is an ordinance mandating recycling. He said that, right now, there is an ordinance on the books which calls for a \$250 fine for mixing recycling with garbage, but we need to enforce it.

Councilman Golinski commented that he thinks the public needs a clearer definition of what is recyclable.

Administrator Goble replied that we have a brochure that is provided in the Utilities office explaining which numbers on plastic containers are recyclable and which are not. She gave an overview of all the avenues that are being explored to get people to participate more fully in the recycling effort. Mrs. Goble noted that the schools are not

as cooperative as they should be when it comes to recycling. She noted that our refuse collector, Blue Diamond, will be notifying the businesses in town that they will no longer pay any fines that they incur for trash that is mixed with recyclables when taking trash to the MUA.

Councilman Stecky advised that the MUA provides free educational programs about recycling and it's a resource that we can tap. Mrs. Goble replied that it is useless to educate the children if the parents don't follow through.

There was a discussion regarding commercial refuse and the fact that they pay their own tipping fees. It was noted that they don't want to pay extra for recycling pick-up. Mrs. Goble advised that it is the law and they have been advised that they can go through the town and pay quarterly. Mrs. Goble noted that it is expensive for the town to recycle and we have only contracted with the MUA for residential pick-up and that fee is included in the residential garbage fee. She commented that we only received \$11,000 in recycling funds last year as opposed to \$55,000 the year before. Mrs. Goble explained that we do bring money in from recycling but it is not enough to offset the cost of recycling in town.

Councilwoman Smith suggested that there be more recycling cans that have covers on them that only allow for cans or bottles to be discarded in them. She added that the ordinance should mandate that commercial properties have that type of recycling can as well.

POLICE STATION.

Councilman Shaw advised that he took a tour of the Police Station with Chief Wagner and was appalled at the condition of some of the areas. He said that he spoke with John Ciardi and we are either going to move ahead or it will stay as it is. Mr. Shaw stated that he would not work in those conditions. He noted that this has been going on for 25 months and he wants to see something done.

Councilwoman Smith asked Mr. Andes if the Council did not take a vote to move forward with the \$1.8 million option, the sooner the better. Mr. Andes concurred. Mrs. Smith commented that a report has been received that the mold is under control, or is not a hazardous situation. She said that she assumes Administration is moving forward, based on the vote of the Council

Mrs. Goble replied that a bond ordinance is scheduled to be introduced at the June 22nd meeting so that both she and Chief Wagner will be here for the public hearing.

Mrs. Smith noted that five votes are needed to pass a bond ordinance and asked President Andes if we have five affirmative votes. Mr. Andes replied that's why he wants to do a "gut check".

Mrs. Goble stated that she does not want to spend money on a bond ordinance if that's not where we are going. She noted that was the direction she was given and the vote that was taken the last time we were here. Mrs. Goble advised that the only reason that the bond ordinance was not prepared and introduced earlier was because of her and the Chief's schedules, since they both have to be here for the public hearing.

President Andes stated that the Council must decide if they are going to move forward and they have to make that decision tonight.

Mrs. Goble said again that she does not want to spend money on a bond ordinance unless it will pass. She agreed with Mrs. Smith that it was the direction that was given at the last meeting, but she now understands that, to some people, yes means no. Councilman Kuser stated that he had a meeting with Mrs. Goble, Chief Wagner and President Andes. He said that he represents the people of the Fourth Ward and people have come to him and said that they don't want to spend the money. Mr. Kuser told them that he was apprehensive about spending the money. He said that when he met with Mrs. Goble, the Chief and Mr. Andes, he told them that he thinks we should move forward with the renovations of the locker area and renovations to the inside of the building. Mr. Kuser stated that he does not think any space should be added to the building. He said that he has yet to receive a letter from E I Associates saying it is not feasible to use space in the new Municipal Building.

Mrs. Goble interjected that she gave that letter to the Clerk's Office. Mr. Andes stated that he has the letter. Mrs. Goble noted that she told Mr. Kuser two weeks ago that she gave that letter to the Clerk's Office. Deputy Clerk Costello advised Mr. Kuser that the letter was handed to her with the instruction to put it in President Andes' mail box, which she did. Mr. Andes advised that he did not realize it was the only copy of the letter. Mrs. Goble, addressing Mr. Kuser, said that she told him that the Clerk's Office had that letter. Mr. Kuser replied that he asked for a copy of the letter and never got it. Mrs. Goble responded that the Clerk's Office deals with the Council and she told him that she had given the letter to the Clerk's Office.

Mr. Kuser stated that he thinks the climate now, to spend \$1.8 million to add more square footage to our building is insane. He said that this is a 30,000 sq. ft. building that we are sitting in right now and there is ample room to move part of the Police Department into this building.

Councilwoman Smith replied that is impossible. Mr. Kuser asked why. Mrs. Smith explained that it is a security issue and that you can't co-mingle the Police Department with the regular municipal offices.

Mr. Kuser stated that he knows that they can move into the employee kitchen.

Administrator Goble noted that she and Mr. Kuser had discussed this. She advised that the size of the halls and rooms are such that, if we followed any of Mr. Kuser's suggestions, they would no longer meet ADA requirements. Mr. Kuser replied that he and Mrs. Goble had this discussion about two weeks ago and she told him that she would take it under consideration and try to figure out a way to see if it would work. Mrs. Goble replied that is correct and it cannot work.

Mr. Kuser stated that he feels that the lunch room area and the mail room could be cordoned off so that no one else could enter that area. He said that it is the square footage that they need and he does understand that they need more room. Mrs. Goble asked what we would do about a lunch room for the employees if we did that. Mr. Kuser replied that they could go into the all-purpose room or share in the other

kitchenettes within the building. Mrs. Goble commented that she has told Mr. Kuser that they are not kitchenettes and that there is something going on in the Community Room almost every single day. She said that the other option is to say that the Community Room cannot be used by anyone else, such as the AARP doing taxes for the senior citizens, then it would be usable for the employees.

Mr. Kuser said that he is against adding on to the building and noted that he has suggested that we construct the back part of the building. He advised that he spoke to the Chief about it and the Chief stated that he wants the whole thing. Mr. Kuser noted that, that being said, the Chief added that if they won't do that, he would want to construct a new locker room area. Mr. Kuser commented that he would like to see the Police Station itself renovated, without adding more square footage. He also suggested that the Police officers take their break inside the Town Hall. Mrs. Goble asked if they had not said that renovations to the inside part of the Police Station would be the area that would be torn apart in the future. Mr. Kuser replied that is what Mrs. Goble said. Mr. Kuser responded that there is no reason to knock it down.

Councilman Stecky agreed with Mr. Kuser and stated that he had wanted to do minimal work. He said that the Council told him he would be throwing good money after bad. Mr. Stecky commented that E. I. Associates had gone over the scenario of moving the Police in and knocking down the wall would be quite expensive and would not create any new space.

President Andes stated that we need to focus here. He noted that, at the last meeting, there was a five to two vote in favor of the \$1.8 million project. Mr. Andes advised that five votes are needed to pass a bond ordinance. He said that he does not believe we have five affirmative votes any longer. President Andes noted that he voted yes and his apprehension that precipitated that yes vote was throwing good money after bad with any other scenario. He said that he attended the meeting between Mr. Kuser and Mrs. Goble in order to hear what other ideas were out there. President Andes stated that the Council has the following two choices:

1. Do the whole project while the time is right; it is a good time to borrow money and to go out for bids.
2. The only other option that the Chief will accept: push out the back wall and renovate the locker room and bathrooms.

Mr. Andes noted that, doing just the locker room area would not be wasting money because it would not have to be touched when it came time to do the rest of the big project. Mr. Andes asked for the cost estimate to expand the locker room area. Mr. Ciardi advised that the estimate he was given, to expand and completely refurbish the locker room, would be \$225,000. He said that still leaves the central part of the Police Station needing carpeting, painting and ceiling tiles.

President Andes noted that, at this time next year, the Chief will be back before the Council asking for more space.

Chief Wagner said that is correct. He stated that, even if they do the locker room expansion, they must carpet, paint and install new ceiling tiles in the rest of the Police

station. Mr. Andes asked for the cost on that. Mr. Ciardi replied that it would be an additional \$225,000, but if that part of the Police Station is ever re-configured, which would have to be done because almost every office space is inadequate, you would be ruining the \$225,000 that was just spent.

President Andes commented that he misunderstood the cost; he was under the impression that the \$225,000 was all that was required. Mr. Andes said that we clearly have the same question as before: the locker room expansion and renovation of the inside portion of the building could be done at a cost \$500,000, \$225,000 of which would be wasted, or we do the \$1.8 million project.

Mrs. Smith commented that we are back where we were before.

Mr. Kuser commented that there is a lot of legislation coming down, including the 2.25% cap. Mrs. Goble interjected that it is a 2.5% cap and it does not include debt payments.

Mr. Kuser replied that he is aware of that but it will hit us where the employees are. He said that he feels that all of the employees will be decimated by the 2.5% salary cap.

Mr. Kuser stated that he would like to see the locker area expanded and he cannot believe it will cost \$250,000 for carpeting, paint and tiles. Mr. Ciardi replied that these are estimates he has received from contractors, not figures that he pulled out of thin air.

There was a heated exchange between Mr. Kuser and Mr. Ciardi regarding the cost of renovating a commercial area.

Mrs. Goble left the meeting at 10:52 p.m.

Mr. Ciardi stated that he and the Chief feel the same way about this. He said that the Council will vote on something tonight and, whatever they say they want them to do, tomorrow they will go and do it. Mr. Kuser asked Mr. Ciardi to find out what it would cost to carpet and paint. Mr. Ciardi replied that he has already told Mr. Kuser that he has gotten two estimates to renovate the interior of the Police Department. Mr. Kuser said that he is referring to carpeting the existing building and replace all of the ceiling tiles. Mr. Ciardi said that the reason he came to the Council in the first place is that, two years ago he got an estimate to only replace the ceiling tiles and the estimate was \$50,000. Mr. Kuser asked if Mr. Ciardi thinks it would cost another \$200,000 for carpeting and paint. Mr. Ciardi responded that he can only go by the estimates he has received and that the \$50,000 estimate for tiles was two years ago. He reiterated that two contractors have come in, looked at the proposed work and each said it will cost about \$225,000 to do it.

Mr. Stecky asked if the estimates were based on having to move furniture. Mr. Ciardi replied in the affirmative. He noted that the reason the ceiling tile replacement is so expensive is because, in almost every ceiling tile, there is some component in that ceiling tile that must be cut in. Mr. Ciardi advised that there is nothing in that building that is routine.

President Andes, addressing the Mayor, noted that, being aware of the alternative choice of a \$500,000 project, there is a recommendation from the Administrator, the Chief and the Building Manager. He asked the Mayor what his recommendation is. The Mayor replied that his position is the same as Mr. Kuser's. He said that he has met

with Mrs. Goble and Mr. Andes and discussed the timing, as far as borrowing and competitive bids, for the \$1.8 million project. He said that he now feels that the project should be done in three pieces; first, the \$225,000 right now, then do the second \$225,000 piece of carpeting, paint and tiles. The Mayor noted that the second piece is the one that will be thrown out the window as soon as we do the third piece. He said maybe we should do the third piece second. Mr. Hussa stated that he agrees with Mr. Kuser, in that he does not want to spend the \$1.8 million now, but we absolutely have to do the first piece.

Councilman Golinski asked how much we will lose, in the economy of scale, if we break it into three projects instead of one.

Mrs. Smith commented that she believes it will be well over \$2 million.

Mr. Kuser noted that he believes it is two projects: first, renovate and expand the locker area and second, renovate the existing building and build the new section out front.

Mr. Ciardi noted, as E I had explained, the thing that makes putting the addition out there work is that, once we move the people into the new section out front it makes renovating the interior of the Police Department doable. Mr. Kuser said that would be Phase II. He noted that Phase II, if we did decide to do it at a later date, would include doing exactly what Mr. Ciardi is saying. Mr. Ciardi agreed but added that the decision then has to be made that the carpeting, tiles and painting will not be done right now.

Mrs. Smith commented that, that is not acceptable. Mr. Ciardi stated that it would be a waste of money to do that and he does not know if that is acceptable. The Chief added that no one can make a decision as to when it is going to be a good time to spend \$1.4 million.

Councilwoman Smith advised that Mrs. Goble had to leave since the hour is late and she has a much longer drive than the rest of us who live in town. Mrs. Smith noted that the Council has spoken about finances before and now she would like to speak about the \$1.8 million. She said that when this Municipal Building was constructed, we re-financed and it did not include an increase to the taxpayer. Mr. Andes interjected that it pushed out the debt for a longer period of time.

Mr. Stecky stated that, that is all very misleading.

Mrs. Smith continued her comments by stating that, if we go with the \$1.8 million, we have notes that are coming up and notes that we turn into bonds. She said that it will result in the following increases to the taxpayer, and then it will be level:

2011	\$30
2012	\$30
2013	\$30

Mr. Kuser said that he had heard \$60 increases.

Both Mrs. Smith and Mr. Andes stated that they had gone over it again with Mrs. Goble and were advised that it would be \$30 per year for the average home for the next three years. Mrs. Smith noted that we all know it is a rotten economy but we are going to put \$225,000 into this which may not have the desired result and have to have something else done later on. She said that she remembers putting money into renovating the

Clerk's Office and the Administrator's Office in the old building and "pissing away" at least \$150,000. Mrs. Smith stated that the Council is talking about not wanting to incur debt, but it's O.K. to "piss away" \$250,000. She said that there is something wrong here, it is just not the right way to go. Mr. Ciardi noted that he and the Chief are not thrilled to spend that money either. Mrs. Smith commented that she is very disappointed if this Council is not going to move forward.

Mr. Kuser said he would like to hear from the other Councilmen who voted no. Councilman Stecky stated that the \$1.8 million project is the right one and he even wonders if that one would be adequate. He added, however, that this is not the time to go into a project of that magnitude. Mr. Stecky said that it is exactly what we need, but not now. He predicted that the economy will be worse in 2011.

Councilman Fitzpatrick commented that the numbers he is hearing now are different than the numbers that he heard the first time. He said that we don't have clarification on that now. Councilwoman Smith asked Mr. Andes if he got the same numbers as she did from Mrs. Goble. Mr. Andes said yes, \$30, \$30 and \$30. Mrs. Smith told Mr. Fitzpatrick that he can take those numbers into consideration. Mr. Fitzpatrick replied that she and Mr. Andes are telling him that but last time we had charts and there was a little more to it. He said that he would need to see back-up on that. Mr. Fitzpatrick noted that the first discussion resulted in so many different ideas and that is primarily why he didn't vote for the \$1.8 million. He said that he had wanted to get the immediate needs taken care of and that is what he still wants. Mr. Fitzpatrick commented that he has not been convinced differently of that cost yet and is still open to hearing more things. He said that there just doesn't seem to be money for this and it is really expensive.

Mr. Andes took a poll of the Council on doing this as a one-shot deal for \$1.8 million or expanding the locker/bathroom area with no carpet or tiles. He said that he will not waste any money and, in his mind it is either one or the other.

Poll on the \$1.8 million:

Shaw	Yes	Stecky	No	Golinski	Yes
Smith	Yes	Kuser	No	Fitzpatrick	No
Andes	Yes				

Mr. Andes advised that there are not enough yes votes to support a bond ordinance. Chief Wagner stated to the Council, "you are going to clean my building, you're going to make it healthy for my employees, you're going to paint it and carpet it - like tomorrow. President Andes replied that, that is what he is going to address now.

Mr. Andes said that this poll of the Council will be for the \$225,000 to expand the locker room and make that shower/locker area adequate. Mr. Ciardi noted that this is an estimate and it could come in at a little more or a little less.

Mr. Andes replied that he understands that.

Before Mr. Andes polled the Council, Mr. Kuser said that he has another question. Mr. Andes said that if he votes no now, we haven't helped the Chief out at all. Mrs. Smith asked if they will be voting for the \$450,000. Mr. Andes replied no, we are talking about

\$225,000. Mr. Ciardi interjected that the Chief is not accepting the plan that does not include carpeting, painting and tiles. The Chief stated that it is not a matter acceptance, it is a matter of what the Council will vote for, and tomorrow we will move beyond the filthy building and filthy locker room and the Council will have to deal with that tomorrow. Chief Wagner asked for some finality tonight so that they can put a shovel in the ground or a paint brush on the wall.

Mrs. Smith asked if the \$225,000 expansion of the locker room is based on the \$1.8 million plan. The Chief replied that it is.

Mr. Kuser suggested that we get a professional carpet cleaner in to clean the carpet for now and do the addition on the back.

Chief Wagner advised that they had a lady come in last year and she said that it is uncleanable. Mr. Kuser asked if the Chief is saying that the carpet is unsafe. The Chief replied, "No, it is disgusting". He said that the carpet cleaner advised that, if you clean the carpet, you will suck the dirt through it and make the carpet dirtier.

Mr. Kuser asked the Chief if he would agree to have broken and stained tiles replaced, have inexpensive carpet laid, paint and then build the nice section on the back. He said that it is hard for him to go from \$225,000 or even \$500,000 to \$1.8 million when there is off-site space for the Police Department to use. Mr. Kuser spoke of various options that he previously proposed for off-site space.

Mrs. Smith asked if it is not true that the major cost of new carpeting is not the quality of the carpet, but the moving things around in order to install it. Mr. Ciardi asked if they would want to waste even \$150,000 if the cost came in at that figure.

Mr. Kuser repeated that he is not convinced that we need to add a huge square footage building for the Police Station. Mr. Ciardi asked Mr. Kuser if he feels that the office space that the officers are working in now is adequate. Mr. Kuser replied that he doesn't think it's perfect but it's what we deal with.

Mr. Andes noted that the Council could vote to expand the locker/shower area and do the carpet, tiles and paint and direct Mrs. Goble to do a bond ordinance for \$450,000. He said that his issue with that is that we will be throwing away approximately \$250,000, which he is not prepared to do. Mr. Andes stated that he is willing to go for the \$1.8 million in order not to do that and his second choice is to do the locker/bathroom area. He said that he can look the taxpayer in the eye and say "you may not be happy with the Police building, but we didn't waste any money on it", but he can't look them in the eye and say "we wasted your money". Mr. Andes stated that he feels the Council's choice is clear, either spend \$225,000 and expand the locker area or spend the \$1.8 million and do it once right. He said that we need to do something and we need to do it now.

Mr. Stecky commented that, if the Council goes for the \$1.8 million, it would be about a three year process and they will have to live under the bad conditions for that length of time. Chief Wagner replied that it would actually make it five years because we are more than two years into this. Mr. Stecky said that he has never heard it discussed. Chief Wagner replied that he has said that every time he has been before the Council.

Mrs. Smith commented that, that is why we took a vote the last time, because it had been over two years. She said that the Council promised at that last meeting to come up with a decision and voted in favor of the \$1.8 million with a vote of five to two, and now here we are tonight.

Councilman Golinski noted that Mr. Stecky stated that it is the right project but not the right time. Mr. Golinski said that we will not start paying for it until two years from now, so this might be the right time to do it, in order to save money in the long run.

Mr. Stecky responded that one of the things that he has a big issue with is that, at the last meeting he was told it would be a \$60 increase, and he voted against it. He said that now, all of a sudden, it is \$90. Mrs. Smith interjected that it is \$30 per year for three years. Mr. Kuser stated that "nobody tells us anything"; he said that half of the people on the Council know one story, so their confusion is understandable. He repeated that his stand is that they do the project in two phases, as he has said from the beginning. Councilman Fitzpatrick asked if the \$225,000 is spent now, is the \$1.8 million still on the table. He was told that is correct. Mr. Fitzpatrick asked if that process can be started right now.

Chief Wagner asked why the Council doesn't just do what they did five years ago: paint the building, put in new carpet and put ceiling tiles in it. He said that he will then walk out of here tonight and come back another time when we can reach some consensus and when there is money. The Chief commented that maybe it will be fifty years from now and the Police Department will continue to work in the cramped quarters that they work in, but they will just keep plugging along as they have for the past twenty-six months. He said that, if that makes it easier, just do that because "you have got to give me that tonight". Chief Wagner stated that the building has got to be cleaned. He stated, "don't clean the locker room. I am almost to the point where I almost don't care about building the new locker room - I want it clean first". The Chief asked the Council to commit to \$250,000, that's it, and he is walking out the door. He said that he will then come back in September and we will start again, or he will wait until the next election and start with a new Council, and who knows who else. The Chief advised that a commitment was made to the previous Chief that the building would be cleaned and it has never been done. Mr. Kuser asked if the commitment included expansion. The Chief replied that they were told that since they made such of mess of the Police Station, while constructing this building, that they would clean it up when this building was finished.

Chief Wagner said, "Let's move on. I think it is a shame that I've played in this pond, this long." The Chief commented that it is now 11:15 p.m. and we have gotten nowhere. He lifted his folder of materials on the expansion and said this is worthless, it has not been worth a minute of his time. Chief Wagner asked that the Council make a commitment tonight to paint the building so he can leave. He said that he will then tell the members of his Police Department that the building will be painted. Mr. Kuser asked if he wanted paint and carpet.

The Chief replied that he would love to have it painted, carpeted and have all the ceiling tiles replaced - the promise that was made to Tony Strungis, four years or more ago. He said that is what he would, minimally, have to have right now. The Chief stated that they can forget the rest and turn it around on him and say, "the Chief said that he doesn't want the addition anymore." He said it is all on him, paint the building and we are done. The Chief stated that it is clearly not going to happen and he will come back another time.

President Andes replied that he disagrees with the Chief. He said this is what you call debating the issue. He asked the Council members how they can look their constituents in the eye and tell them that they are wasting \$200,000 to \$250,000, when the \$1.8 million project will ultimately be done.

Mr. Ciardi commented that the Council was elected to do the right thing, not to listen to what a few constituents say. Mr. Kuser replied that Mr. Ciardi is totally incorrect. Mr. Ciardi said that if 10 people say don't do it and 15,000 people don't say anything, what is the right thing to do.

Mr. Stecky stated that, in his judgement, it is not the right time to do this.

Mr. Ciardi replied that, if that is the right decision, everyone should vote no and he can accept that. But, he said, if the right decision is to do the \$1.8 million project, then vote yes and do it. Mr. Ciardi noted that he is a constituent in this town and he can look them straight in the eye and say that the right thing to do is to do the job that we spent \$10,000 on, to find out it's the right thing to do.

Councilwoman Smith commented that they are also elected to make the hard decisions and balance what is right and wrong. Mr. Kuser related that, while he was campaigning, a constituent told him that she would vote for him as long as he understood that he was to listen to her and not vote for what he wanted to do or what everyone else wanted him to do. Mr. Ciardi replied that Mr. Kuser still has to listen to all of the facts of the case and come to the best conclusion for everyone in the town, not just his one constituent. Mr. Kuser said that he has come to that conclusion and reiterated his suggestion that Phase I and Phase II be done. He noted that he believes we will soon have a much smaller government and he is thinking about the future. Mr. Stecky agreed with Mr. Kuser.

Mr. Ciardi stated that he can't do anything until the Council votes on something, and tomorrow he has to do something.

Councilman Fitzpatrick commented that he doesn't necessarily think we will be wasting money. He said that he is in favor of doing the locker room and cleaning the Police Station.

Mr. Kuser stated that paint and carpet are short-lived items, buildings last for 30 or 40 years. He said that he is not convinced that we need to add that much more space. Mr. Ciardi asked if just painting and carpeting are going to be done, should there be an attempt made to re-configure the existing space to make it more useable. The Chief interjected that they should just paint. He said that they have been in the building for Township Council

almost thirty years and it is as usable now as it was then. Chief Wagner advised that there are three people currently working in offices that were previously holding cells. Mr. Kuser replied that they would still be in those cells if we did the \$1.8 million project. The Chief responded that is correct but they would have ventilation, windows and doors. There was additional discussion between the Chief and Mr. Kuser regarding the need for additional space in the Police Department and the possible use of Municipal Building space. Mr. Kuser noted that former Mayor Gene Feyl told him that this building was designed with flex space and it is time to flex.

Councilman Stecky stated that there is no flex space in this building; he said that it is totally immutable.

Discussion continued covering the same suggestions and possibilities that were brought up during this meeting and the last meeting.

It was finally determined that a vote would be taken on seeking a bond ordinance for up to \$500,000 for expansion of the locker room, paint, carpet and tiles in the Police Station. The vote is as follows:

Shaw	Yes	Stecky	No	Golinski	Yes
Smith	No	Kuser	Yes	Fitzpatrick	Yes
Andes	Yes				

Mr. Ciardi commented that his next step will be to meet with E I Associates and come up with the best plan for that amount of money.

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

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

MEETING ADJOURNED AT 11:32 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Township Clerk