

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

JULY 13, 2010

The Meeting was called to order at 7:31 p.m. by Council President Andes. The Salute to the Flag was recited, followed by an Invocation given by Council President Andes. President Andes requested that all present observe a moment of silence in memory of Nick Best, who held the position of Fire Inspector in the Township for three or four years and was a dedicated volunteer with the Denville Fire and First Aid Squad.

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, POLICE CHIEF WAGNER AND FACILITIES MANAGER CIARDI

President Andes noted that the first order of business will be a presentation by E I Associates concerning the Denville Police Department.

Chief Wagner began by giving a re-cap of events that led to this evening's presentation. He noted that, the last time he met with the Council, a resolution was reached and the orders from the Administration and Council, after a vote was taken, were to spend up to \$500,000 to renovate the locker rooms and the bathrooms and whatever else that amount would cover. The Chief provided the Council with a copy of the estimate from E I Associates, stating that the good news is, we have the report but the bad news is that it is not \$500,000. He advised that the Architects from E I Associates are here tonight, but he would first like to go over what is in the estimate. The Chief noted that, after extensive discussions and various plans being presented, it was determined that, no matter what was to happen later on, if the locker room area was added on now it would never have to be touched when additional work is done. He spoke of several of the items, such as painting, carpeting and an egress door, that are included in the proposal. (A copy of that proposal is attached to these minutes.) The Chief advised that the entire cost for the addition of a new locker room/bathroom area, complete, amounts to \$755,600. He said that he met with E I this morning, and has spoken half a dozen times with them by phone since last month, in an attempt to find another way to go. Chief Wagner noted that there are not a whole lot of other options, short of just painting the entire room. He said that he hopes that this will be the last time that he has to come to the Council for this and that, hopefully, a decision will be made tonight as to what direction we will take. The Chief stated that he holds the same position that he has held all along, that being, that if the locker room expansion and renovation is completed the way that is being propose, it will not have to be touched again for twenty years. He said that they could "bust it back down" to \$500,000 but it would then preclude the possibility for future expansion, without doing major construction work again. The Chief noted that the number that E I is presenting is industry-standard, but it could vary up or down with contingencies.

President Andes asked Mr. Ciardi if he had anything to add. Mr. Ciardi replied that the Chief has covered it pretty well. He added that they have exhausted every means

possible to save money while still reaching the desired goal.

Administrator Goble noted that she did not prepare the bond ordinance because she would have paid the bonding attorney and then would have had to pay an additional fee to amend the ordinance. She said that a decision has to be made now as to what the Council wants to do.

Mayor Husa commented that he is seeing these numbers for the first time. He said that he thought, from previous estimates, that \$500,000 would have done just about everything that we wanted to have done. The Mayor stated that he is not certain why, in this climate where contractors are hungry to get work, the estimate increased by \$250,000. He stated that he is a little chagrined by this because he knows that the Council wants to keep it at as manageable a level as possible. The Mayor advised that he wants to get this cleaned up but he is not sure what to say about it. He said that maybe we should shop around for a hungry contractor who will do it for the price we want. Mrs. Goble advised the Mayor that it would have to go out for bid. Mr. Ciardi noted that the Architect has an obligation to give us industry-standard pricing but it is possible that it could come in lower when people start bidding on it.

The Mayor stated that we have an in-house engineer and asked if he could handle some of this. Mr. Ciardi replied that our engineer is not a structural or architectural engineer so he doesn't think it could be done in-house.

Mrs. Goble suggested that the E I architects go through the estimate and it may help everyone better understand the cost difference.

Michael Wasny, E I Associates, called the Council's attention to the heading of the estimate which indicates that it is a Level One, Order of Magnitude +/-25% estimate. He said that it is a very conceptual cost estimate, since they haven't even designed the building as yet. Mr. Wasny noted that he is not sure how the Township arrived at the \$500,000 number, but E I was never asked to come up with that figure. He said that it may have been estimates from some contractors but he does not believe it included the entire scope of what they have presented here. Mr. Wasny noted that the estimate consists of a portion of a conceptual plan that was previously presented to the Council. He said that some line items are more accurate than others, as an example, the figure for lockers is accurate because a specific locker, which is quite expensive, was requested. Mr. Wasny advised that, although they may get lower bids from some contractors, when they do a plus or minus estimate like this, they target what they think will be the average bid.

Councilwoman Smith commented that, looking at page two "General Notes and Exclusions", she is concerned because these items could add to the cost of the project. Mr. Wasny replied that is correct. He added that, in this case, it involves the locker room so there is no furniture (which is one of the exclusions) involved.

Mrs. Smith asked for an explanation of the line item for "Specialties-Sign & Misc." in the amount of \$67,700. Mr. Wasny advised that it is a large item and it does include the lockers. He said that there are 45 lockers plus the cost of installation. Chief Wagner

advised that the cost of the lockers is \$1,000 each. President Andes asked for an explanation for the high cost of the lockers.

The Chief Produced a brochure and explained some of the features of the locker, including an integrated drawer that becomes a bench, storage space for each officer, a flat shelf for bulletproof vest, storage for jackets and boots and a locked firearm box inside of the locked locker. It was noted that they are designed specifically for Police locker rooms.

Councilwoman Smith noted that, if she adds up all of the items, with the +/- 25%, and then adds in the four options at the bottom of the estimate, the total will come up to about \$800,000 to \$850,000. She said that the original proposal was \$1.8 million and asked if that included all of the items on the exclusion list. Mr. Wasny replied that it was prepared the same way and had the same exclusions and included the same soft costs. Chief Wagner interjected that it did have some allowance for furniture. Mr. Wasny said that is correct. Mrs. Smith stated that, that would be more of a comprehensive \$1.8 million and now we are looking at \$850,000 and it only accomplishes the locker room, not the whole project. Mr. Wasny said that is correct.

Councilman Golinski asked if it is correct that what we have been handed here is just for the locker room. Mr. Wasny said that is correct. Mr. Golinski noted that, last month Mr. Ciardi advised that the estimate to expand and completely refurbish the locker room, would be \$225,000. Mr. Ciardi replied that, that was just a contractor coming on-site and giving his opinion of the cost. Mr. Golinski commented that we have gone from \$225,000 to more than triple that amount. Mrs. Goble interjected that there was no substance to what Mr. Ciardi submitted to the Council at that meeting; she said that it was just a contractor coming in and giving an off-the-cuff estimate with no substance behind it.

Mr. Golinski replied that he does not think that the Council can be asked to make a decision based on "no substance". Mr. Ciardi commented that he was told at the time, that the numbers were way too high and it could be done for much less.

Mr. Golinski noted that he spent Saturday morning with Chief Wagner and he is very impressed by how the Chief and his force have taken a 20th century building and brought it into the 21st century with their technology and equipment into all kinds of nooks and crannies and brought in extra people. He said, addressing the Chief, "you guys have done a great job and kept up morale. Thank you." Mr. Golinski said that he is really disappointed by the flip-flop of numbers and that this is a really important project. He asked if there is any way that we can get the Administration, the Mayor, the Police Department, the architects and buildings group to come up with one aligned recommendation and say "we took a good, hard look at this, and this is what we need". Chief Wagner responded that the last thing he wanted to do, after leaving here at five after midnight last month, was to come back here tonight. He said that he believes what Mr. Golinski wants is for everyone to be on board and that is why they have spent the last week talking because when this came back, it was kind of a shock because it was way off the figure that was proposed at the meeting. He said that we jumped Township

before we had professional numbers, which is what we are looking at now.

Mr. Golinski asked the Mayor if we have a unanimous recommendation, noting that the Mayor is part of this team. The Mayor replied that he is seeing this estimate for the first time. President Andes commented that everyone received it at the same time. The Mayor stated that we have had our professionals looking at it and he is as disappointed as Mr. Golinski is.

Councilman Shaw commented that he doesn't like having information dropped on the Council at the last minute. Mr. Shaw noted that this plan doesn't solve the problem of storage.

Chief Wagner indicated on his map three walls that are involved in the expansion plan for the locker room. He pointed out a small area that will be available for storage. The Chief added that, in defense of the expensive lockers, they will also provide storage for each police officer who now stores his summons books and other paperwork in whatever space he can find around the building.

Councilman Stecky commenting on the four options listed at the bottom of the estimate, noted that none of them are included. The Chief said that is correct. Mr. Stecky stated that, realistically, this job cannot be done without doing those things. The Chief replied that the new area would get carpeting, tiles and be painted but the rest of the building would not.

Mr. Stecky noted that he would be hard-pressed to see this project go ahead without the four options being included. He said that he also sees some of the items on the General Notes and Exclusions happening as well. Mr. Stecky stated that, looking at all that is needed, he thinks we will need a \$1 million bond issue. He questioned the condition of the existing furniture. Chief Wagner explained that most of the furniture is new and office chairs are replaced yearly. He said that there is no furniture needed in this plan. The Chief noted that, even in the \$1.8 million plan, only two offices would need new furniture.

Mr. Wasny advised that there are not likely to be any costs associated with the items on the second page. He went item by item explaining why they won't be needed. Mr. Wasny stated that the estimate should not involve any escalation, provided it is done during the next year. He suggested that a budget of \$850,000 should be set.

Mr. Wasny advised that a closer estimate can be arrived at after the level two, detailed design phase is completed.

Mr. Stecky asked what is included in Construction Services, priced at \$112,000. Mr. Wasny explained that it is the contractor's support staff, such as the secretarial staff and sub-contractors. Mr. Stecky said it is basically construction management. Mr. Wasny replied that it would not be a construction manager; he said that everything above the line would be included in the bid. He said that the Construction Services item is what the contractor would need to run the job.

Mr. Stecky mentioned that E I would be doing oversight on the job. Mr. Wasny said that could be tailored to cut the cost as well; they could be here on an as-needed basis and bill the Township at an hourly rate.

Councilman Shaw stated that he wasn't on the Council when this Municipal Building was built. He said that the public was told that it would cost \$4 million and it came in at \$7.6, which did not make people happy. Mr. Shaw noted that there are things in this building that should not have happened. He stated that he is going to make a proposal that all materials used in any Township construction, from now on, be American made. Mr. Stecky interjected that this building came in at \$7.9 million and, with change orders and add-ons, the final cost was just under \$8.5 million.

President Andes asked Mrs. Goble to confirm that \$4 million was never the estimated cost of this building.

Mrs. Goble stated that it was never proposed as a \$4 million project. She said that she keeps hearing that but she was here from the get-go and that figure was never proposed. Mrs. Goble advised that the lowest figure she ever heard was in the \$7 million range. She said that it then changed and we all got stuck with the fact that, when we went out to bid, right after hurricane Katrina, costs skyrocketed. Mrs. Goble stated unequivocally, that at no time ever, was a \$4 million figure proposed. She said that we have all of the minutes to prove it and Mr. Andes and Mrs. Smith were involved and it was never proposed as a \$4 million project. Mrs. Smith added that, that was an alternative for the old building, it was never the cost to do this building.

Councilman Fitzpatrick asked what the tax impact would be for the \$800,000 project.

Mrs. Goble replied that it would be added to our present bonding. She explained that, when we talked about going for the \$1.8 million building we said that our tax increase could possibly be 2 cents per year, which would be \$60 per average home. Mrs. Goble added that, if we are talking about half of that amount, the increase would be \$30; she said that every \$225,000 equals one tax point, or \$30. There was some discussion concerning the \$30 versus \$60 tax increase. Some members were under the impression that the \$1.8 million project would result in only a \$30 per year increase. Mrs. Goble advised that all of the Township's debt would have to be re-structured and we will have to go out for permanent bonding. She said that we have other debt that will be included in that bond. Mrs. Goble explained that we will have to start making payments on our other debt and will have to have some tax increase for debt payment, not just for this project. Mrs. Smith commented that she and Mrs. Goble engaged in a "sidebar" conversation at the last meeting and her recollection is that Mrs. Goble told her that it would be \$30 per year for three years.

Mrs. Goble replied that we are going to have to gradually do that. She explained that it will not be just because of this project; this project alone, will not increase our debt.

Mrs. Goble note that we have other, existing debt that we will have to start making payments on, and what she had discussed with the Auditor, was starting the gradual progression to do that. Mrs. Goble advised that the increase would be 1 cent in 2011, 2012 and 2013. She said it is not just this debt but all debt that would require the \$30 per year increase.

Mrs. Smith commented, for clarification purposes, that taking the \$1.8 million and combining it in the re-structuring in our existing bond, it results in a \$30 increase the

first year, a \$30 increase the second year and a \$30 increase the third year.

Mrs. Smith said that what she had stated at the last meeting was correct. Mr. Kuser commented that it would be up to \$90 by the third year. Mrs. Goble replied that is correct but repeated that it would be for all debt, not just the police building.

Mr. Fitzpatrick stated that there are a lot of hungry contractors out there and asked if we could show this to a couple of them. Mr. Fitzpatrick was advised that it would be collusion to do that and that we must go out to bid for the project.

Mrs. Goble explained that, if we bonded for \$850,000 and the bid came in at \$650,000, we could cancel out the \$200,000 difference. She said that we would be obligated to show that there is enough funding based on the professional estimate. Mrs. Goble explained that to go any other way except public bid, would be totally against any laws of the State of New Jersey.

Councilman Kuser asked if the ladies' locker room is included in this expansion. Mr. Wasny replied that it is not. Chief Wagner advised that the ladies' locker room has four large lockers, four smaller lockers and has the same size shower, toilet and sink space as the men's locker room which currently has to accommodate 35 or 40 full-time male employees. Mr. Kuser asked what else was included in the \$1.8 million project for the main office area. Mr. Wasny replied that there was substantial reconfiguration of that space. Mr. Kuser commented that, if he takes that \$1.8 million, it doesn't cost \$950,000 to do that front addition that was included in the \$1.8 million. Mr. Wasny replied that it would not. Mr. Wasny explained that the \$1.8 million project involved three sections. Mr. Kuser stated that he can't fault Mr. Ciardi for his estimate of \$500,000 because that figure was based on the best of his knowledge. He said that he is not shocked by this new estimate because that is what things cost. Mr. Kuser added that he believes that we have to do the main Police Station as well because the Chief was promised that it would be brought up to today's standards with carpeting.

Mr. Kuser noted that if we move forward with this project, he would like to see the design include the design for the front addition also, for the future. He said that would be a shovel-ready project then for stimulus money. Mr. Kuser stated that we don't know where the economy is going and there may be more stimulus money coming along. He asked if it would be a lot more money to include that section in the design.

Mr. Wasny replied that it would not cost a lot more. He said that it is more costly to split a project like this into phases than to do it all at once. He noted that there would be cost-saving in designing both phases at the same time.

Mr. Wasny addressed the estimate and stated that E I is not interested in padding their fees to raise the cost. He said that their estimate is not based on construction costs and their only interest is to see that the Township budgets enough money for this project.

Mr. Wasny noted that someone mentioned using American-made products. He said that, as much as possible, they specify using products that are manufactured within 500 miles of the site.

Mr. Kuser asked for a rough estimate on the additional design fees.

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Mr. Wasny replied that they would have to go back and discuss what is involved. Mr. Kuser commented that Mr. Wasny advised that he did not think it would be a substantial increase.

Mr. Wasny advised that he would not want to present a figure until he can sit down and figure out exactly what is involved with the additional design.

Mr. Kuser noted that he has been advised by Mr. Ciardi that there is funding available for new lighting in the building. Mr. Ciardi replied that the Township has entered the Direct Install program and he has met with the contractor for two days. He said that, so far, they have gone through all of our buildings and they all qualify. Mr. Ciardi advised that the contractor had some better news regarding a solar project at the Public Works, which could turn out to be a really good benefit for the Township. Mr. Kuser asked if Mr. Ciardi is referring to a sola panel farm. Mr. Ciardi replied in the affirmative. Mr. Kuser noted that, if funds are available, he would like to see new lighting put into the Police station, rather than just replacing tiles. Mr. Ciardi advised that the program is a 60/40 deal and we would only have to pay 40% of the cost.

Attorney Semrau commented that, should the Council decide to go forward with this plan, and the bid exceeds the amount of the proposal, the Council would have the right to reject the bid on that basis. He said that the project does not have to cost the Township any more than the proposal because they would be able to legally walk away from the bid if it came in too high.

President Andes stated that he has two questions and hopefully, there will be a plan of action decided upon. He said that his first question involves the "waste money" factor. Mr. Andes asked, if we do Phase I and then come back and do Phase II, how much money is being wasted out of this \$750,000.

Mr. Wasny replied that there are two kinds of money that will be wasted:

1. Things that will be installed and ripped out, such as carpeting, tiles and paint. Windows and doors will not be effected.

2. Contractor costs because you will pay the base fee twice, once for each job.

3. The design portion will also require two separate fees.

Mr. Wasny said that he could not give an accurate amount of wasted money, but listed the line items from the estimate that was provided tonight that would be impacted by splitting the project into two phases.

President Andes asked, if we built Phase I and the economy improved immediately and we turned around and built the second phase, would Phase II cost more than \$850,000. Mr. Andes noted that he is asking the question because five votes are needed to pass a bond ordinance and this Council is coming from all different directions. He said that he would like some kind of answer because if this Phase costs \$850,000, doing the second phase would certainly bring it up to more than \$1 million, and the total plan that the Chief presented was \$1.8 million.

Mr. Wasny replied that, if the original project was \$1.8 million and you split it up, you are adding \$100,000 to \$200,000 to the project.

Mr. Andes stated that he is looking for the "wasted money" factor. Mr. Wasny replied Township Council

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that it would be roughly, \$100,000 to \$200,000 total for both phases.

President Andes advised Chief Wagner that the Council cannot make a decision tonight because they have just received this information. He said that the Administrator, Mayor, Chief and Mr. Ciardi must make one recommendation out of the two that have been put forth, with all of the figures, and let the Council make the decision, yes or no, on that recommendation. He asked that all of the information be provided to the Council in advance of the meeting, so that they may make an educated decision.

President Andes advised the Chief that the only decision this Council can make would be one that is based on the recommendation that comes from the entirety of the Administration. He said that, once we get that, we'll see if we can get five people to vote for it so that we can proceed.

Mrs. Smith asked if they will present it as doing Phase I or doing the entire project, with the tax costs and everything.

Mr. Andes replied that they will give a recommendation for one plan and the Council will either say yes or no.

Mrs. Goble commented, addressing the Council President, that she does not think that Administration should be doing that, because they don't vote on the spending of the money. She said that the Council votes on the cost of the project and the impact on the taxpayer, not on the decision of the lay-people. Mrs. Goble agreed with Mrs. Smith that the decision should come from the Council based on the costs and what the elected officials are comfortable with.

Mr. Andes replied that they can lay out two plans for the Council, but the Mayor will have to make a hard recommendation, at that time, which plan he favors.

The Mayor said that he is prepared to make his recommendation right now.

He said that we promised the Chief last time that we were going to do certain things and it came back at more than John Ciardi anticipated. The Mayor stated that he is prepared to say, right now, that we should go with what is presented because we promised the Chief. He said that he would still prefer to see this plan, even at \$800,000, over the \$1.8 million. The Mayor advised that, this would be his recommendation at this point. He added that he is looking forward to going over this estimate with Mrs. Goble, Mr. Ciardi and the Chief, at which time he may revise his comments.

Mrs. Goble stated that the Council will be provided with two proposals and that she feels that the Council should make the decision on the proposals that are brought to them.

President Andes stated that the Mayor needs to sign the ordinance and he needs to tell the Council, up front, what he is recommending at that time. He said that we all have some soul searching to do on this, once again.

Mrs. Smith interjected that she cannot make an educated decision on how she will vote without looking at all the options with their costs and impact on the taxpayer. She said that she would like to have all of that before the August meeting because we only have one meeting in August.

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President Andes stated that it will be put on the agenda as soon as Administration is ready.

LIAISON REPORTS:

Councilman Shaw reported that the Nutrition Program, which involves the County bringing meals to the three senior citizen groups, has been very well received. He said that the only down-side to the program is that a lot of forms, asking for personal information, must be filled out since it is stimulus money.

Mr. Shaw noted that the feedback regarding the Farmer's Market is that it went very well.

Mr. Shaw said that he would like to mention the Rotary Club and their diligent effort to erect the new bandstand in Gardner Field. Councilman Shaw reminisced about various programs that have been run by the Rotary Club over the years. He noted that the Rotary Club members were out there in the intense heat working on the bandstand. Councilman Stecky reported that he has attended the Farmer's Market and it has become a fun place with many people attending. He encouraged everyone to support it.

Councilman Golinski reported that the Firemen's Carnival was a very successful event and many Council members were there to help out. He thanked them for their assistance. Mr. Golinski spoke highly of the improvements to the website and noted how quickly items are being posted for the public.

Mrs. Goble said that they are trying to improve it more each day and, if the Council would like anything posted, they should contact her.

Councilwoman Smith noted that the Chairman of the Environmental Commission is here so she will leave that report to him at the Open Public Portion. She had nothing else to report.

Councilman Kuser had no report.

Councilman Fitzpatrick had no report.

President Andes reported that the Senior Social Barbeque was held on a very hot day, he cooked a lot of hamburgers and it was a lot of fun. Mr. Andes noted that the "Senior Prom" was also held and some Council members and Firemen were there dancing with the senior ladies. He said that, on a recent First Aid call, the lady who called the squad for her husband looked at the young fireman who answered the call and said, "I know you, I know you - we danced together". Mr. Andes commented that it had made her day to have this young man ask her to dance at the Social. He gave kudos to the Fire Dept. for having extra-special volunteers who were willing to do that.

MAYOR'S REPORT:

The Mayor reported that the Fourth of July concert was a huge success. He said that the West Morris Community Concert Band was excellent. The Mayor noted that the Township received \$6,000 in contributions for the fireworks and he does not know how the fireworks company can do what they do for \$12,000. He commented that Denville Township Council

has the best fireworks in the area.

Mayor Husa reported that the Beautification Committee has multiple projects in progress.

The Mayor noted that Councilman Shaw mentioned the Rotary Club and the Mayor agreed that they worked very hard on the bandstand. He said that a CO was acquired on the Friday before the concert. Mayor Husa stated that Construction Official Walter Stefanacci certified the bandstand as usable, even though it was not entirely completed. President Andes interjected and asked the Mayor if there is going to be a dedication or ribbon-cutting for the bandstand. The Mayor replied that there will be a dedication at some time, when they are ready. He said that they are not exactly finished with it. Mr. Andes noted that Rotary needs to do that. The Mayor replied that Rotary will do it. Mrs. Goble added that they will do it when it is time.

Mayor Husa advised that they have to finish the lighting, add removable panels around the back and some railings. He said that there are a few details to be finished, but it was certified as usable on the Friday before the concert.

The Mayor reported that the Beautification Committee has undertaken several projects around town. He said that they have cleaned up the Route 53 exit and they cleaned up around the bandstand. The Mayor advised that the planters are being completed and mulch has been spread around all of the trees.

Mayor Husa reported that the Committee had a meeting on Saturday to determine how the grant money for Hepner Park will be spent. He noted that several other committees were represented at that meeting. The Mayor advised that he will provide the Council with a list of projects that the Committee decided on at that meeting.

Mayor Husa noted that Open Space issues will be covered in the Closed Session.

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

At the conclusion of Mrs. Goble's report, President Andes stated that he would like to commend DPW for the fine job they did at Gardner Field. He said that they were an enormous help during the Joey Bella festivities, making sure that Mr. Andes had a key to the rest rooms, that there were sufficient supplies and positioning extra recycling cans throughout the tent. President Andes noted that he wanted to state publicly that Mr. Egbert and the Parks Department did a fine job, both evenings, to ensure that the residents had a good time.

PUBLIC PORTION:

Chief Christopher Wagner stated that he would like to take a minute to praise the members of his Department. He said that we have had a pretty eventful month in terms of criminal events and investigations. The Chief noted that he would like to publicly state how proud he is of the work that the members of his, and the Township's, Police Department has done for the last month. He said that they investigated a homicide that occurred on June 19th and it is the first homicide that has been investigated during the Township Council

tenure of any member of the current police force. The Chief commented on the nature of the crime and the diligence and professionalism displayed by the detectives who investigated it. He noted that two detectives were dispatched, at a moment's notice, to fly to the state of Washington and did so without a question. Chief Wagner stated that they performed their duty with honor and pride and just did their job. He also described a graphic and horrific, fatal motor vehicle accident and stated that the officers and all other emergency staff involved did their jobs perfectly. The Chief added that former Officer Richie Byrne has been notified that he will begin receiving his pension, after more than two years and will now be able to move on.

Al Atkinson, Environmental Commission Chairman, commented that he is here tonight because of a resolution that is on the agenda. He explained that the resolution authorizes matching funds from the Township in the amount of \$3,000 and acceptance of an ANJEC grant, also in that amount. Mr. Atkinson asked that the Council approve that resolution and accept the matching grant. He noted that the Planner has been ill so things are a bit backed up, but he assured the Council that additional information will be forthcoming. President Andes commented that due to Mr. Denzler's illness, and the death of his mother, all the ordinances that were planned for tonight's agenda had to be postponed for a month.

Alex Adams, 19 Oak Avenue, commended whoever is responsible for the change in the traffic flow at the intersection of Diamond Spring Road and Broadway. Mr. Andes responded that the lights were re-timed there, but it was done a few years ago. Mr. Adams noted that there needs to be better pedestrian control at the crosswalks and at the lights. Administrator Goble replied that she will be happy to discuss that with the Chief of Police.

Bill Kolbe, 9 Bowers Place, stated that there have been some issues over near the Vo-Tech School. He said that he called Sgt. Partin and a 25 mph speed sign was immediately installed at the park by the school. Mr. Kolbe noted that there are a lot of issues in his neighborhood, one of which is a developer who wants to build there, and the Peck Meadow Civic Association has been resurrected to deal with them. He noted the outrage of residents over the traffic issue and the train horns.

Mayor Husa advised that he has spoken with the Administrator at the Vo-Tech School and noted that Mr. Kolbe's neighbors requested that another lane be formed to solve the traffic problem, but the only one who can do that is the school. The Mayor noted that the Township cannot expand and put in an additional lane on the Master Grinding side of the road, but we could on the school side. He advised that, in order to do that, the school would have to move their utility box. The Mayor said that, once they move that back, a second lane can be put in there.

The Mayor spoke about the issue of noise from the train horns. He noted that the Council has investigated solutions for this problem on several occasions. Mr. Husa said that the Federal Government requires quad gates as the only way to eliminate train noise. The Mayor noted that Denville simply does not have the quarter million dollars to purchase a set of quad gates. President Andes interjected that it would require two Township Council

sets, making the cost a half million dollars. He explained that the Township is always on the lookout for grant money and, he further explained, that there are ancillary costs which are generally not covered by any grant money.

Councilman Fitzpatrick asked if we could request that the Chief put one of the special radar speed signs over at the Vo-Tech intersection. Mrs. Goble replied that she will speak with the Chief.

Councilman Kuser suggested that the Vo-Tech School investigate another entrance to the school which may be feasible and less expensive because they have frontage all along Route 53.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:

President Andes noted that, with regard to the accident on Palmer Road on July 4th, the Fire Department First Aid volunteers also witnessed the horrific things that the Chief had mentioned. He said that the call went out at 12:30 a.m. and they returned home at 5:30 a.m. Mr. Andes commented that we can't thank these volunteers enough for what they do. He stated that this is the second fatal accident that has happened on Palmer Road, both involving high speed and, at least in this last case, alcohol. President Andes said that there is an issue with the County bridge, which is in Denville up to the bridge and Randolph after it. He suggested that the County, Denville and Randolph get together to devise a plan to make it safer over there.

Councilman Kuser, in whose ward Palmer Road is located, volunteered to join President Andes on a committee to reach out and work on something.

Mayor Husa stated that, before they do that, he would like to look into it by making a few phone calls himself.

ORDINANCE(S) FOR ADOPTION:

#20-10 PROHIBITS SMOKING IN PARKS AND RECREATION AREAS

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 22, PARKS AND RECREATION AREAS, OF THE REVISED GENERAL ORDINANCES TO INCLUDE A NEW PROVISION REGARDING THE PROHIBITION OF SMOKING IN SUCH PLACES

BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:

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

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

Township Council

7-13-10

OPEN PUBLIC HEARING ON THIS ORDINANCE:

Alex Adams, 19 Oak Avenue, noted that he is an Exempt Fireman and former smoker. He said that it was very difficult to give up smoking and what he noticed was that there were too few people who objected to smoking. Mr. Adams advised that he is here to commend and encourage the Council to be less accepting of people with a smoking addiction. He said that it will not only protect the general public from second-hand smoke, but may encourage the smokers to give up the habit.

Bill Kolbe, 9 Bowers Place, noted that he lost his parents to throat cancer and never took up the habit himself. He stated that cigarette butts litter every street in Denville and, eventually, wind up in the streams. Mr. Kolbe advised that the smokers from Vo-Tech cannot smoke on that property so they go to Fox Hill Road and throw their cigarette butts on the ground there. He said that he does not think this ordinance goes far enough; he would like to see an ordinance passed that would make Denville a non-smoking town. Mr. Kolbe cited statistics regarding deaths from the use of tobacco products. He urged the Council to pass this ordinance and to pass another ordinance in the very near future banning smoking in the downtown area.

Dave Bratton stated that he works for "Prevention is Key", a small, non-profit alcohol, tobacco and drug prevention agency that serves Morris County. He said that, in that capacity, he is here to support the non-smoking ordinance. Mr. Bratton advised that he is also here as a Dad. He said that he lives in Rockaway but brings his 5 year-old daughter to the Gardner Field Playground and supports the ordinance for that reason as well. Mr. Bratton noted that it appears that some people feel that "all the world is their ashtray", and he would like to see that change. He said that he would like to see the change especially in places where children and families gather, such as parks and playgrounds. Mr. Bratton thanked the Council for considering passing this ordinance. Karen Blumenfeld, Global Advisors on Smokers Policies based in southern New Jersey. She commended the Council for moving forward on this issue. Ms. Blumenfeld noted that it will be a great benefit to the children and residents as well as the streams and plant life of Denville. She spoke of various ordinances throughout the country that deal with smoking bans.

CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 22, PARKS AND RECREATION AREAS, OF THE REVISED GENERAL ORDINANCES TO INCLUDE A NEW PROVISION REGARDING THE PROHIBITION OF SMOKING IN SUCH PLACES

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 7-21-10 ISSUE OF THE CITIZEN.

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

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

Township Council

ORDINANCE(S) FOR INTRODUCTION:

#21-10 EMERGENCY REPLACEMENT OF AIR CONDITIONING SYSTEM IN THE COMPUTER SERVER ROOM

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE APPROPRIATING THE SUM OF \$35,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE FOR EMERGENCY REPLACEMENT OF THE AIR CONDITIONING SYSTEM IN THE TOWNSHIP'S SERVER ROOM

BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER KUSER

Discussion: Councilman Fitzpatrick commented that he thinks the cost is quite high. Mrs. Goble replied that the cost is not just for the unit and, if not enough money is appropriated all of the costs that come in, will not be covered. She said that it is a lot easier to cancel the excess appropriation than to have to seek additional funds. Mrs. Goble added that Mr. Ciardi can provide the history of what happened while she was away.

President Andes asked Mr. Ciardi to explain the situation and said that it seems a little soon for this problem to have occurred.

Mr. Ciardi explained that when the air conditioning failed, he called our local HVAC company to determine if it was a simple repair. He noted that they did not work on this building but they do all of our other HVAC work. Mr. Ciardi advised that they discovered that the compressor was seized and had to be replaced. He noted that all efforts were made to replace the compressor with a similar type, since a replacement of the current unit was unavailable, but that was cost-prohibitive. Mr. Ciardi stated that the contractor advised him that it would have to go out to public bid because the cost would be beyond the bid threshold, and engineering would also be required for design and load calculations. Mr. Ciardi advised that he has discovered that the system that was installed when the building was constructed is not the proper system. He said that is a legal issue and we may, or may not want to go down that road. Mr. Ciardi noted that what is being requested now is the approval to do the engineering portion; design and spec out a system and put it out to bid. He said that the system itself will be in the \$24,000 range. Mr. Ciardi stated that he considers this to be an emergency situation.

President Andes asked if it is a normal situation to have an air conditioning system just for the server room. Mr. Ciardi replied that it is necessary because it must run 24/7/365 and the normal air conditioning can't be used because it doesn't run in the winter. He said that the system that was installed was not designed for that work load and that is why we only got three years of use out of it. Mrs. Goble added that they have met with our attorney and our warranty is up on some of this. She said that they are looking into some issues to determine if they were design flaws, but in the meantime we have to have a certain climate in that room to protect our equipment.

Mr. Ciardi was advised by several Council members that they are having continuing Township Council

difficulty accessing their e-mail. Mr. Ciardi replied that they have had no problems in the building and, since the same server is used, he feels that it may be an external connection issue. Mr. Andes noted that several Council members are experiencing the same problem. Mr. Ciardi explained that they are all accessing through the Internet, rather than through an internal connection in the building.

Councilman Kuser advised that he has seen the server room and, because Mr. Ciardi has to bring in additional air, the room is not secure. He said that it sounds like it is immediate, it does sound expensive, but it is an emergent need. Mr. Kuser noted that it should be investigated to determine if the unit that was in the design specs is the unit that was installed. Mrs. Goble replied that the unit in the specs is the one that was installed but in the Township's opinion, it is a design flaw. She explained that an engineering firm that was hired by our architect designed it and should have known that a residential unit would not work in that room.

Councilman Golinski asked what the consequences would be if we do not do this. Mr. Ciardi explained that it involves a lot more than the server. He said that he found out about this problem when the Police called him at 8:00 p.m and told he that the phones were not working and when he came to check the temperature in the server room was 110 degrees.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE APPROPRIATING THE SUM OF \$35,000 FROM THE GENERAL
CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE FOR
EMERGENCY REPLACEMENT OF THE AIR CONDITIONING SYSTEM IN THE
TOWNSHIP'S SERVER ROOM

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 8-17-10 AT 7:30 P.M. IN THE
EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP
OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL
BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE
BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND
DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO
LAW

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

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

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

Township Council

CONSENT AGENDA:

- R-10-156 RESOLUTION AMENDING TRANSFER RESOLUTION R-10-149 FOR THATCHER MCGHEE'S RESTAURANT
- R-10-157 RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT FOR THE 2011 "PALMER ROAD AND BROADWAY" PAVING PROJECT
- R-10-158 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF \$1,154.07
- R-10-159 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2010 IN THE AMOUNT OF \$49.60
- R-10-160 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
- R-10-161 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
- R-10-162 RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A NEW ESCROW AGREEMENT FOR THE TRUST DEVELOPMENT FEE ACCOUNT
- R-10-163 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES IN THE AMOUNT OF \$155.00

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

NON-CONSENT AGENDA:

- R-10-164 RESOLUTION AUTHORIZING AWARD OF PAVING CONTRACT THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL IN THE AMOUNT OF \$195,168.00

MOTION TO APPROVE R-10-164: MOVED BY MEMBER SMITH, SECONDED BY MEMBER FITZPATRICK
AYES: SMITH, FITZPATRICK, KUSER, SHAW, STECKY, GOLINSKI, ANDES

- R-10-165 RESOLUTION AWARDED PROFESSIONAL SERVICES CONTRACT
Township Council

TO E. I. ASSOCIATES FOR ENGINEERING SERVICES RELATING TO
THE UPGRADE OF THE DENVILLE TOWNSHIP MUNICIPAL BUILDING
MDF ROOM AIR CONDITIONING SYSTEM

MOTION TO APPROVE R-10-165: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER STECKY

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

Attorney Semrau asked Mrs. Goble, with regard to the last resolution, if the funds will be subject to coming from the ordinance. He said that would be the \$8,000 for the air conditioner. Mrs. Goble replied that the certification of funds states that it will be subject to adoption of the resolution.

R-10-165A RESOLUTION AUTHORIZING THE 2010 SMART GROWTH PLANNING
GRANT PROJECT AGREEMENT BETWEEN THE ASSOCIATION OF
NEW JERSEY'S ENVIRONMENTAL COMMISSIONS (ANJEC) IN THE
TOWNSHIP OF DENVILLE

MOTION TO APPROVE R-165A: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER STECKY

BE IT RESOLVED THAT THE ATTACHED \$3,000.00 2010 SMART GROWTH
PLANNING PROJECT AGREEMENT BETWEEN THE TOWNSHIP OF DENVILLE AND
THE NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) TO ASSIST IN
DEVELOPING UPDATED ENVIRONMENTAL ORDINANCES BE APPROVED AND
THE MAYOR AND CLERK BE AUTHORIZED TO EXECUTE THE AGREEMENT ON
BEHALF OF THE MUNICIPALITY.

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

MOTION TO APPROVE MINUTES OF 2-16-10 CLOSED SESSION AND 6-15-10
WORKSHOP:

Councilwoman Smith asked when the Council received the 2-16-10 Closed minutes. It was determined that those minutes had not been distributed to Council.

MOTION TO APPROVE MINUTES OF 6-15-10: MOVED BY MEMBER SMITH,
SECONDED BY MEMBER KUSER

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

R-10-166 RESOLUTION AUTHORIZING CLOSED SESSION RELATIVE TO
CONTRACT NEGOTIATIONS AND LITIGATION

MOTION TO APPROVE R-10-166: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER FITZPATRICK

Attorney Semrau added that it pertains to the litigation that is on-going with the PBA and Mr. Knapp is here to participate. He said that it also concerns the acquisition of land from the Paterson Diocese.

Township Council

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

President Andes called for a brief recess at 9:43 p.m., prior to going into Closed Session.

Regular meeting resumed at 11:05 p.m.

President Andes asked Attorney Semrau for the proper wording for the resolution regarding the Diocese property.

R-10-167 RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT
 TO THE CONTRACT FOR THE SALE OF THE PROPERTY KNOWN AS
 BLOCK 21201 LOT 6 OWNED BY THE ROMAN CATHOLIC DIOCESE
 OF PATERSON

Mr. Semrau noted that the Council has the resolution and he would ask that the resolution be amended to reflect that this is specifically conditioned upon the Administration providing a letter of endorsement from the Township Engineer, which includes the scope of the project as set forth by the environmental expert hired by the Township. Mr. Kuser added that the paperwork from P K Environmental should also be included in that condition.

MOTION TO APPROVE R-10-167: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER GOLINSKI

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

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

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

MEETING ADJOURNED AT 11:08 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Township Clerk

