

TOWNSHIP OF DENVILLE  
MUNICIPAL COUNCIL  
BUDGET MEETING

MARCH 3, 2011

The Meeting was called to order by President Kuser at 7:00 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 reminded all present that this is a non-smoking facility so anyone wishing to smoke must leave the grounds. She also requested that all cell phones be muted or turned off.

ROLL CALL: ANDES, GOLINSKI, SHAW, SMITH, STECKY, KUSER

ABSENT AT ROLL CALL: FITZPATRICK

ALSO IN ATTENDANCE: ADMINISTRATOR WARD AND CMFO GOBLE

Administrator Ward advised that the Mayor is running about five minutes late but will be here.

OPEN PUBLIC PORTION:

President Kuser advised that each speaker will be allotted five minutes and will hear a tone noting that their time is up.

Councilman Fitzpatrick arrived at 7:03 p.m.

Gerry Idec, 1 Longview Trail East, noted that he does not know much about the DARE program but asked if it must be a Denville policeman running the program.

Administrator Ward replied that, under the DARE regulations, it must be a sworn police officer. He explained that a couple of other towns, Hanover being one of them, are also under financial constraints. Mr. Ward advised that Hanover has advertised for a retired, certified DARE officer to work part-time and teach the DARE program, exclusively. He said that, if Denville wanted to do that as well, the person would be hired as a Special Officer and would not be eligible for any health benefits, or anything of that nature.

Mr. Idec asked if it would have to be a Denville policeman. Mr. Ward replied that it would not. Mr. Idec suggested that the part-time officer should be under the jurisdiction of health and safety rather than the Police Dept.

Mayor Husa arrived at 7:05 p.m.

Ed Banagan, 38 Old Mill Dr., stated that he is surprised that he does not hear a lot of creativity from the Council with regard to the DARE program. He said that the Chief wants to add another officer in order to bring back the program and that is an expensive item. Mr. Banagan suggested making a DVD with a certified DARE officer and use that as the teaching tool for the program, with a member of MAC explaining the DVD, or use a retired policeman.

Mr. Banagan commented that Mr. Ward had mentioned the possibility of contracting part of our landscaping out. He said that it is a very interesting idea and that some of the employees who are currently doing the landscaping are highly paid and qualified for other duties. Mr. Banagan suggested reassigning some of those employees to do the catch basin repairs and save on overtime.

Mr. Banagan stated that he does not like the five-minute time limit for the Public Portion. He noted that the only time there is a turn-out for a Council meeting is when

there is a controversial subject on the agenda. Mr. Banagan cited the meeting at which real estate signs were discussed, when Mr. Andes was Council President, and stated that there was no time limit imposed. He added that someone was allowed to speak after the Public Portion was closed. Mr. Banagan commented that he agrees with the time limit if there is a large turn-out, in order for everyone to have a chance to speak. He asked if there is a State law restricting the comments of the public at meetings. President Kuser replied that our ordinance allows the Council President to set the rules for the meeting. He said that five minutes is a decent amount of time for a person to make comments or ask questions. Mr. Kuser noted that Mr. Banagan's five minutes has not yet passed. He commented that the Council often goes into Closed Session after the regular meeting and that leads to very late nights for the Council. Mr. Banagan retorted that, that is not his fault and he did not tell Mr. Kuser to sign up for the job. Mr. Kuser replied that he knows that, but he stays to make sure the Clerk gets to her car safely after the meeting is adjourned. He said that they try to streamline the meetings and get things done as quickly as possible.

Mr. Banagan closed by stating that he heard someone tell Mr. Kuser after the last meeting that he has to enforce the five-minute rule. He said that, if someone up there is going to tell the Council President what to do he will contact Trenton about it. Mr. Banagan asked what ordinance there is in this town that limits the public to five minutes. Mr. Kuser said that he, or Mr. Ward, will send Mr. Banagan a copy of the powers of the Council President.

Mr. Banagan then complained about the web-site and his inability to bring up the ordinances that he wanted to research when he put in "trucks" as his search word. Mr. Kuser noted that tonight is a budget meeting but he does remember the item that Mr. Banagan is referring to. He said that the subject was a one-ton truck that was under discussion but the Council was not changing anything that had to do with the vehicle; construction vehicles were the only thing that was changed in that ordinance.

Mr. Banagan again complained that there has to be equality in allotting time to the public or he will go to the Freeholders and to Trenton.

President Kuser replied that the Council will treat everyone equally.

Councilman Andes noted that, before he was ever a Councilman, public meetings did not include a Public Portion. He said that the State passed a law requiring public hearings at all local meetings. Mr. Andes advised that he took a class when he became a Councilman and one of the items that was taught was that the Council President may run the meeting as he sees fit. Councilman Andes explained that, at the meeting that Mr. Banagan was referring to, he asked one real estate representative to speak for all of those who were present.

There followed a short, heated discussion between Mr. Banagan and Mr. Andes regarding that meeting.

Jay McCullough, 7 Old Mill Drive, stated that the DARE program is very important and the Council needs to find a way to save it. He spoke about his son's experience with the program and said that cancelling it is unacceptable.

Mr. McCullough asked how much money is allotted in the budget for paving. Mr. Ward replied that it is \$310,000 and that is one of the items the Council will be discussing tonight. He noted that the Township had applied for a \$190,000 DOT grant, but it was denied, which was a shock to the Township. Mr. Ward advised that the Township is appealing that denial and it is one of the matters to be discussed tonight. He said that a decision has to be made as to whether or not \$190,000 will be added to the capital budget for local source funding to do all of the streets, with the hope that our appeal will be successful. Mr. McCullough asked what grant was received last year. Mr. Ward replied that it was \$225,000. Mrs. Goble explained that the request was for \$225,000 but the project came in at \$180,000, so that was the amount we received.

Mr. McCullough asked why we received nothing this year.

Mr. Ward responded that everything was administratively complete but the requests for grant money were greater than the funds available. He said that he received that information from government sources, such as our Senator and Assemblyman.

Mr. McCullough stated that he knows that these are difficult times but, in his opinion, our roads are horrible. He noted that Smith Road is in terrible condition, as well as Cramsey Pl.

President Kuser replied that the priorities on the paving list constantly change; he noted that once the snow is gone we don't know what condition some of the roads will be in.

Mr. McCullough suggested, with regard to landscaping, that neighborhoods "adopt" certain areas to cut and keep in good shape. He said that he is sure that he, and a couple of his neighbors, could take care of the small piece of public property in their neighborhood.

Councilman Stecky, speaking as liaison to the Beautification Committee, noted that volunteers are used to do planting around town and he does not think it would be a stretch to use volunteers to cut the grass.

The Mayor thanked Mr. McCullough for volunteering.

Councilwoman Smith interjected that she thinks that the Township's liability needs to be checked before starting such a project.

Mr. Stecky commented that is why there is a form to be signed, relieving the Township of liability.

Mayor Hussa noted that Mr. Stecky is correct, the volunteers are covered under the Township's insurance after signing a "hold-harmless" form.

Mr. Idec asked if the Council has to follow Robert's Rules at the meetings. Mr. Kuser said that they do, and Mr. Idec is out of order.

Barbara DeLuna, 396 Diamond Spring Road, stated that the questions she had at the meeting where DARE was discussed were never answered. She asked if there is a chain of command because the Police Chief said that it is impossible to do DARE at Riverview because he is "strapped". Ms. DeLuna asked if the Chief works for anybody.

Mr. Ward replied that it is somewhat of a complicated question. He explained that he,

as Director of Public Safety, oversees the Police Department for administrative matters. Mr. Ward added that, when it comes to the assignment of personnel and actual police duties and responsibilities, that is solely within the discretion of the Chief of Police. Ms. DeLuna commented that both Mr. Ward and Chief Wagner signed the DARE application for MAC grant funding in August. She asked if Mr. Ward still supports the program to be accomplished in 2011. Mr. Ward replied that he does and there will be a discussion tonight to try and find a solution to save the program for the Spring and Fall. Ms. DeLuna advised that DARE offers substitutes for the short term and that a Denville resident has offered to teach the program. She asked if, with the Chief's agreement, would the Council still fund DARE with a substitute teaching it. Mr. Ward replied that is what they are going to discuss and the answer is yes.

Ms. DeLuna made an impassioned plea to do whatever is necessary to save the DARE program for this year.

President Kuser noted that this is the perfect time to discuss this, since it is a budget meeting. He advised that he attended the Board of Education meeting at which Ms. DeLuna announced that she had found two people to teach the DARE program and it was not received very warmly by the Board of Education and the Superintendent. Ms. DeLuna responded that the Board voted to support it.

Councilman Shaw commented that a substitute is not the same as a regular teacher, just like a school teacher would be. He said that the program is very successful, even though it is not perfect, but the children need to have a Denville police officer with whom to develop a relationship.

Ms. DeLuna noted that there were four suggestions:

1. Look at Officer Underwood's priorities in his new role.
2. Have Chief Wagner pinch-hit, since it is only three hours.
3. Overtime
4. N. J. DARE substitute or retired, DARE certified officer.

She said that this is a small problem in the scheme of what the Council has to deal with. Councilman Golinski thanked Ms. DeLuna for all the hard work she has put into this. He said that she did not just come here to complain, she presented possible solutions.

President Kuser suggested that, if anyone wants to get e-mail messages to the Council, they send them by way of the Township Clerk and she will see that they are distributed to the Council.

President Kuser, addressing the DARE issue, noted that it is really Community Policing which is one of the most important things that our police officers do. He said that he understands that a young Denville police officer can relate much better to the youngsters who participate in the program than an older, retired officer. Mr. Kuser commented that one of the most important things that is taught by the DARE program is child abduction - it saves lives. He said that he does not want to see the program cancelled.

CLOSE PUBLIC PORTION.

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Administrator Ward noted that he provided the Council with a memo, dated March 2<sup>nd</sup>, with the revised budget sheets and the principal changes in the budget.

1. DARE program.

Mr. Ward advised that he, the Mayor and CFO had a two-hour meeting with the Chief of Police regarding the DARE program. He said that Ms. DeLuna's e-mail, with her suggestions were at hand during that meeting. Mr. Ward stated that the Chief's position is that an additional officer added to his staff is the only satisfactory way to keep the program. He said that re-assignment of staff is not a possibility and the Chief's certification as a DARE instructor has expired. Mr. Ward noted that Mr. Underwood's personal situation does not allow for him to do DARE on an overtime basis.

Mr. Kuser asked if, should Mr. Underwood be called in to do overtime, he would decline because he had to go home.

Mr. Ward replied that he actually does overtime but the DARE program, by the Chief's estimation, consists of significantly more time than the 40 hours when class time and prep time is taken into account. Mr. Kuser asked if they inquired if another officer is available to teach DARE. The Mayor replied that there is no other officer available and added that Administration has done some research as well as having that of Ms. DeLuna at hand.

Administrator Ward advised that an adjustment was made in the Police Department's salary and wage budget which incorporates funding that would enable the hiring of a uniformed Denville Special Officer, who would be assigned to DARE. He said that, based on discussions with the Chief, it was felt that this would be the best alternative. Mr. Ward advised that the Chief was not comfortable with this proposal and that the Chief indicated that this was not the full intention of DARE. He said that, short of hiring an additional police officer, this was the best alternative to save the Spring session of DARE. The Mayor noted that this is a part-time position, just for the DARE program. He added that there is one retired officer on the Municipal Alliance Committee who is very enthusiastic about the subject. Mayor Hussa noted that they have not approached this individual until they are sure that everyone is comfortable with the idea of a substitute, part-time person. Councilwoman Smith asked if a retired officer can serve in uniform. Mr. Ward replied that he could but he is speaking with Attorney Semrau concerning any possible changes that may need to be made in the ordinance to accommodate the special status.

Mrs. Smith commented that \$30,000 has been put in for the part-time officer and asked where that figure came from. Mr. Ward replied that it is based on what was advertised in Hanover. He said that they were advertising at \$15,000 per semester to teach their entire school district. Mr. Ward noted that, not having any specific recruiting data, that would be the maximum expenditure for the program. Mrs. Smith said that it seems high to her since it is only a part-time position. Mrs. Goble interjected that they needed to put something in the budget and it does not mean that is what will be expended. Mrs. Smith commented on the number of students and population in Hanover as compared to Denville. Mr. Ward replied that he does have a call in to the Administrator in Hanover to

garner more information. Mrs. Smith noted that the comparison of demographics is what she is looking for in order to back up the \$30,000 figure. She said that she thinks it is a temporary measure that meets the needs of our students and is a middle ground solution. Mrs. Smith noted that it is a much more economical solution than hiring a policeman with a high salary and benefits. She stated that, if this is approved by the Council, she thinks it is very important that the dialog be continued for next year. Councilman Andes asked if the DARE program is run by the State Police Assn. or is it on the education side.

Mr. Ward replied that it is law enforcement that sets the standards for the DARE program.

Mr. Andes asked, for clarification, if the Chief has bought into this plan. Mr. Ward replied that he has not. Mr. Andes noted that he understands about Officer Underwood's overtime situation, but asked if he could do DARE during his regular hours and split his duties among other officers on overtime. Mayor Hussa replied that they did not talk about that but, between now and the tenth, he will get an answer to that question. Councilman Shaw commented that the Chief has to plan for the future as far as DARE goes.

Councilman Stecky stated that he feels that we should run the experiment by taking the creative solution and seeing how it works. He said that it is worth a try. Mr. Stecky noted that, as he understands it, the DARE program is the function of the person who teaches the class. He said that if we get a retired person, who is very enthusiastic, to teach the class it may work out very well. Mr. Stecky commented that we are not in a position to be hiring full-time people and we don't know if this solution will work until we try.

President Kuser stated that the Council asked Administration to fix this because it is important to everyone. He said that Administration has allocated funds for a temporary fix but he was in attendance at the Board of Education meeting and his sense was that they were not too enthusiastic about this. He said that he heard the Superintendent of Schools say that she didn't think it was any good but Ms. DeLuna says that they voted for it. Mr. Kuser suggested that Administration makes sure that it is cleared through the Police Department, the Board of Education and the Superintendent of Schools or it will not go anywhere. Mr. Ward replied that he will certainly discuss it with the Chief. Mr. Kuser said that he should not discuss it, he should just tell him. Mr. Stecky commented that we need creativity and people who say that it may work, not that it won't work. Mayor Hussa interjected that Chief Wagner is a purist when it comes to DARE. He said that the Chief wants to continue to do it the way it has always been done, or not at all. The Mayor advised that Administration can order him to do it but they would rather engage him than take that approach. He said that he agrees with that approach and, if all else fails, the Director of Public Safety can order him to do it.

Mr. Andes noted that the Council asked Administration for a flat budget, we are really close to it and the DARE program is essential. He said that, when all is said and done, if

Administration can't get everyone to agree, then we are putting \$30,000 in the budget that will not have to be used and could be given back to the taxpayers.

Mayor Husa replied that what Administration wants to hear from the Council is whether or not they are willing to try this \$30,000 experiment. Mr. Kuser replied that he does not want to experiment with children. He said he does not like that word used with regard to children. He said that the Council asked Administration to take care of the DARE situation and they already have the Council's input. Mr. Kuser commented that the Council wants it done, end of story. He said that the Council will vote on the budget and, if they don't like the \$30,000, they will vote the budget down. Mr. Kuser told the Mayor to make it happen.

The Mayor asked if the Council wants a new full-time officer or do they want \$30,000 in the budget for a substitute for the DARE program.

Mr. Kuser replied that they want the DARE program and a flat budget.

Mr. Andes added that, what the Council would like to hear from Administration is, that this is what they have been able to get everyone to agree on and they would like the Council to vote yes on it. He said that the Council does not have that yet.

Mr. Kuser stated, "it's simple-make it happen". The Mayor responded, "No problem."

#### PUBLIC WORKS.

Administrator Ward noted that work on the storm basins was accomplished last year by having some of the staff work overtime on week-ends. He advised that, at a cost of \$8,000 in overtime wages, thirteen or fourteen basins were repaired. Mr. Ward stated that an analysis was done to find out if it would be less expensive to contract the work out, but it was determined that the most cost-effective method would be to do it in-house. He said, by increasing overtime, 25 - 30 basins should be able to be repaired in the most cost-effective manner.

Mr. Ward advised that the Road Dept. is down three (3) staff members within the past two (2) years.

Councilwoman Smith commented that Superintendent Egbert had advised the Council that the number of storm basins needing repair totaled 60 and now the figure is 70.

Mr. Ward replied that we were at 60 and 10 were repaired, but another 15 were damaged over the winter so we were behind the curve.

Mrs. Smith asked how many storm drains are severely damaged, how many are on the verge of being severe and how many don't need repair. She said that her assumption is that, if the Superintendent says that 70 need repair, they all need repair. Mrs. Smith noted that Administration is presenting the Council with \$15,000 to repair 25 - 30 basins, but we will probably add another 25 - 30 after this winter, leaving us in the same position. She said that it is also a safety issue and she does not know that what is being proposed is sufficient.

Councilman Andes asked how many basins are repaired on regular time, outside of the road paving project. Mr. Ward replied that he does not think any were able to be addressed. Mr. Kuser interjected that repairs were being done by the regular crew, it's

just that additional basins were collapsing faster than they could repair them.

Councilman Stecky stated that it is a simple question: how many man hours does it take to repair a catch basin. He said that you just multiply that by the number of repairs needed and that will give you the number of man-hours required to do the complete job.

Mr. Ward replied that last year's data was used to calculate that number.

Mr. Stecky said we need to ask the workers what can be done to complete the job faster. He stated that we can't keep doing business around here the way we have been doing it, in government. Mr. Stecky noted that the question is being asked around the country.

Councilman Andes noted that there are only so many workers in DPW that have the skills to repair catch basins. Mr. Andes further noted that the time needed to repair a basin can't be accurately calculated because all catch basins are not created equal. He described a basin on Florence Avenue in Cedar Lake as being completely different from almost any other one in town. Mr. Andes said that he believes that it takes close to a whole day to repair a basin.

Mr. Ward commented that, if he remembers correctly, it usually takes a two-man crew a total of four hours to completely rebuild a storm basin. He agreed with Mr. Andes's assessment of the variations in size and configuration of the basins.

Mr. Kuser added that they cannot be done all at once either, sometimes they must do prep work and finish the next day.

Mr. Stecky asked if they could be purchased pre-assembled.

Mr. Kuser replied that the entire road would have to be dug up to install one of them.

Councilman Fitzpatrick commented that we are aware that it is a very bad situation. He agreed with Mrs. Smith that there needs to be a really good list of priorities here. Mr. Fitzpatrick cited a place where a cone is in place to warn drivers of the condition of the basin and a resident complained that she has been calling to get it fixed for two years. He asked if this can be done as a capital project, even though the question has been asked before, because it may be our only option, at this point.

Mr. Ward replied that, in discussions with John Egbert, it was determined that it would be even more costly. Mrs. Goble added that it could be done, but the cost would probably be tripled.

Mrs. Smith noted that the damage to catch basins is a continuous problem in the winter. She calculated that we are looking at a three-month project for two men, but we have to find a way to do it because it is a hazard. Mrs. Smith added that we have fallen behind and doing the 25 - 30 that has been put in here will help, but the number will only increase. She said that the \$15,000 is not accomplishing enough.

Mr. Ward replied that, in conversation with the Superintendent of DPW, Mr. Egbert feels that we can get ahead of it with this proposal. Mr. Kuser asked if we might have Mr. Egbert come in to speak to the Council at the next meeting.

Mrs. Goble advised that the State is mandating that the budget be adopted by April 22<sup>nd</sup>. She emphasized that April 22<sup>nd</sup> is the drop dead date for adoption - not introduction - adoption. Mrs. Goble added that when they do their best practices this year, we will be

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penalized if our budget is not adopted by April 22<sup>nd</sup>, and cash will be taken away from us. She advised that it will have to be introduced on March 15<sup>th</sup> or the Council will have to have a Special Meeting on March 22<sup>nd</sup>. Mrs. Goble noted that March 22<sup>nd</sup> is the drop dead date so the budget can be adopted on April 19<sup>th</sup>.

Mr. Kuser advised that the March 8<sup>th</sup> workshop will consist of a short workshop meeting and then the Council will spend the rest of the meeting on the budget. Mrs. Goble said that if the budget is not finalized at the March 8<sup>th</sup> meeting, it will not be ready for introduction on March 15<sup>th</sup>. Mr. Kuser again asked if Mr. Egbert can be present at the March 8<sup>th</sup> meeting. Mrs. Smith suggested that, if Mr. Egbert is not available, he send a memo detailing the information for the Council.

Mr. Ward said that they will prioritize a list for the Council.

The Administrator noted that there will be a new apprentice position added to the Road Department beginning May 1<sup>st</sup>. He said that the Road Dept. is two staff member short, plus the Assistant Superintendent position that was never filled. Mr. Ward noted that he has been notified of the upcoming retirement of a senior employee in that department as well. He said that the new apprentice could be assigned to storm basin repair. Mrs. Goble added that the two employees that were hired last year were experienced in storm drain repair, so the possibility of getting experienced people does exist.

The Administrator moved on to the subject of field and lawn maintenance and noted that the opening for the bid on that service will be on March 11<sup>th</sup>. He advised that it is a comprehensive contract, combining some services that are already performed by another contractor into one, all-inclusive contract. Mr. Ward commented that all of the bidders were taken on a tour of all of the sites during a pre-bid meeting. He said that a guestimate of the cost is between \$80,000 and \$90,000, which would mean an additional cost of \$55,000 to have all of the sites under one contract. Mr. Ward explained that anything under \$140,000 to \$150,000 would be a cost saving to the municipality. He noted that part of the reason that he wanted to include the additional personnel in the Road Dept. is that, based upon the estimates from the DPW Superintendent, it is because the two slots in the Parks Dept. that have been vacated by attrition, will not have to be filled.

President Kuser commented that he would like to have whoever wins the bid be told up front of the level of service we expect to receive. Mr. Ward and Mrs. Goble assured Mr. Kuser that the provisions in the bid specs are quite stringent.

The Mayor interjected that, after the tour, Mr. Ciardi noted that a small number of the sites are not actually Township-owned property. He said that these marginal properties are being investigated.

President Kuser requested that a list of the properties be e-mailed to the Council. Mr. Ward said that he will provide it.

There was a discussion concerning the new hire and it was explained that it is not in the Parks Dept., it is in the Road Dept. Councilman Andes asked if it is true that the Parks Dept. now consists of three (3) employees. He was told that is correct. Mr. Andes commented that the busiest time of the year for the Parks Dept. is May through October.

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He noted that we will have only three employees taking care of all the playgrounds, the bathrooms and garbage, Cook's Pond, maintain Gardner Field playground and dress the infields on the playing fields. Mr. Andes asked if Administration thinks that three people can handle all of that. Mrs. Goble replied that there will be three seasonal and one summer employee along with the three regular Parks Dept. employees.

President Kuser asked about health insurance for the two employees that are charged to Open Space. He said that the health insurance does not show on this page. Mrs. Goble explained that it is shown in a different part of the budget. Mr. Kuser asked if the insurance for these employees has always been charged there for these employees. Mrs. Goble replied that it has been since 2005.

Administrator Ward noted that he passed out to Council a draft resolution and notified the employee who will be affected that there will be potential discussion. He said that the understanding was that there will be no formal discussion regarding the individual, specifically. Mr. Ward advised that, currently, the Township administers public assistance to approximately 32 residents. Mr. Kuser questioned Mr. Ward with regard to discussing this resolution. Mr. Ward replied that there will be no vote on this until March 15<sup>th</sup>. Mrs. Smith asked if this is a budget item. Mr. Ward replied that it is.

The Administrator advised that they have been working with the Division of Social Services at the County and currently, 34 of the 39 municipalities in Morris County have their public assistance administered through the County. He noted that the local Social Services office, the food bank and a lot of the other programs that are run throughout the year and are very beneficial to the residents will be maintained. Mr. Ward advised that this will be strictly a matter of moving the administration of public assistance to the County as opposed to doing it locally. He said that it will save approximately \$30,000 and it is a service that is provided by the County with no charge to the municipality. Mr. Ward noted that it is actually paid through the current tax base so, technically, it is being paid by the taxpayers. The Administrator advised that he would like the resolution to be effective June 1<sup>st</sup>, which will allow enough time to notify the clients that will be affected. Mr. Kuser asked if the clients will then have to go to Morristown. Mr. Ward replied that the office is actually in West Hanover. Mr. Kuser asked if Denville will provide busing. Mrs. Goble replied that the County will provide transportation, if needed.

Mr. Kuser asked if there will be any decline in services. The Mayor replied that the services will be enhanced, the County provides a lot more. Mr. Ward distributed a list of services and noted that families in need will still have services provided at the local level in Denville and will have additional services available to them at the County that they may not be aware of. Mr. Ward noted that Mrs. Goble just reminded him that many clients already go to the County for food stamps. Mrs. Goble commented that the services were "chopped up" with some here and some there. She said that the main thing that Denville is, will remain, and that is the community. Mrs. Goble noted that it was always felt that the Social Services person should be here for the community and to Township Council

run all of the special programs such as the food bank, the backpack program, adopt-a-family at Christmas, etc. She said that, since people have to go to the County for food stamps, we talk about being responsible and Administration felt it was very responsible not to pay double.

Councilman Golinski requested a summary of the services that will be transferred to the County, what new services our residents would be entitled to and what services would be retained in Denville.

Administrator Ward replied that only one service will be transferred - the administration of the general welfare fund.

Mr. Golinski commented that he thought that he just heard someone say that this would entitle our residents to more benefits at the County. The Mayor stated that the only thing that is administered here is the welfare checks. Mr. Golinski said that maybe he misunderstood, but he thought someone said that, because we would be moving that to the County, our residents would actually be entitled to a few more services that we don't currently offer. The Mayor said they are entitled to everything in that booklet. Mr. Ward noted that, since they will be going to the County, the other services will be more readily available. Mr. Golinski stated that his request would then be for what services we plan to maintain in Denville, and how we plan to do that.

Mrs. Goble replied that it will be all of our local services and they will provide Mr. Golinski with that list, as well as how many hours we will be maintaining our Director for.

Mr. Ward then discussed the revenue side of the budget.

The Administrator noted a change in the tipping fees in the budget. He said that \$1.55 million was anticipated as garbage fees to be collected in the original budget, but it is being increased to \$1.596. Mr. Ward explained that they feel very comfortable with that figure since the actual billing will be \$1.7 million, based on the rate increase last year. He said that they are actually anticipating less than they collected last year and noted that the increase in tipping fees took effect in mid-year.

Councilman Fitzpatrick asked if the increase that the Council voted for last year was too high. Mrs. Goble replied that it was not; she explained that by a 100% billing would be \$1.7 million. She explained that the fund balance is generated by underestimating the fees that you are going to collect.

It was noted that a bid for solid waste collection is currently out and will be opened on April 27<sup>th</sup>. Mr. Fitzpatrick asked if that contract will affect 2011. Mr. Ward replied that it will affect the appropriations section but not the revenue section of the budget.

Councilman Fitzpatrick asked if a recycling coordinator has been added on budget sheet #25-02. Mrs. Goble explained that, by law, we must have a recycling coordinator. She noted that Joe Lowell held that position until he retired and the new person will fill that position now. Mrs. Goble advised that the recycling coordinator fills out the application for the grant and advises us on any new recycling laws. Mr. Ward stated that the position was covered by another employee last year but we found someone with greater qualifications, who works in the recycling industry. The Mayor interjected that the

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coordinator will be making a presentation to the Council on March 15<sup>th</sup>. Mr. Kuser asked if this individual is an employee. Mrs. Goble explained that we do not have a licensed recycling coordinator on our payroll. She said that last year we had an employee who showed an interest in getting that license but it didn't work out. Mrs. Goble stated that the Township was fortunate enough to find an individual who is certified, whom we do not have to train and who is willing to take on the responsibility that we are mandated to have. Mr. Ward noted that, based upon the stipend we were paying last year and the \$1,000 we are paying this year, we are saving money on the recycling coordinator.

Mr. Kuser asked if the individual is a resident and asked what his duties are.

Mayor Husa replied that he is a resident, his name is Ed Russick, he is a member of the Green Committee and he is a professional in this field.

Mr. Kuser inquired as to whether the Mayor has asked Mr. Russick if he would do the job gratis. The Mayor replied that Mr. Russick had been acting in that capacity for a while but, because there are certain State requirements, we offered him half of what we had been paying our employee last year and he accepted that.

Councilman Andes asked if the gentleman will be considered an employee or a contractor. Mrs. Goble replied that he is being paid quarterly through payroll. She said that because he is our licensed person, his name goes on everything we send to the State.

There was a brief discussion regarding the recycling as a revenue generator.

Mr. Kuser asked the Council to get back to discussing the budget and noted that recycling will be discussed with Mr. Russick on March 15<sup>th</sup>.

Administrator Ward said that the main change in the budget to be discussed is the fund balance. He advised that Mrs. Goble has put together a ten-year history, projecting two years of our fund balance to show where it is going. Mr. Ward gave a brief re-cap of the activity of the fund balance and noted that it has stabilized with an increase of \$400,000 over previous years. Administrator Ward stated that Administration feels very confident in taking \$2.5 million from the fund balance this year. He said that the general rule is never to take more from the fund balance than your anticipated revenue. Mr. Ward briefly explained how the fund balance is regenerated. He advised that, all things being equal, it was felt that this will set us up very nicely to maintain a stable fund balance.

Mrs. Goble noted that she is in constant contact with our auditor and we have stayed a bit on the conservative, which she feels is a big part of the reason we that we are in good shape with our fund balance. In response to a question from Councilman Golinski, Mrs. Goble explained that the cable franchise is an item of unanticipated revenue, which helps to regenerate our fund balance.

Mr. Golinski commented that, if he understands the 2009 budget figures correctly, the budget was \$19.5 million, we spent \$19.1 and had a balance of \$400,000. Mrs. Goble said that is correct and of that balance, some will be transferred into the reserve for sick bank, part will go into the fund balance, etc. She said that she has not closed out the 2010 budget as yet and, at the March 15<sup>th</sup> meeting, she will be presenting transfer

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resolutions for 2010 to the Council. Mrs. Goble noted that some of the funds will be transferred into the reserve for snow and some into the reserve for sick bank.

Mr. Ward noted that the final analysis is a five-year comparison of the terminal leave bank. He said that it indicates everyone who is eligible to retire over the next five years and advised that, if all of them retired, our liability would be \$704,000. Mr. Ward explained that part of the transfer that will go into reserve for sick bank will bolster this account, in the event that several employees should retire.

Councilwoman Smith had a question concerning budget sheet #13-02. She said that there is a 3% salary increase showing on that page and she wanted to point out that it is an error. Mrs. Smith noted that there are two sheets that are numbered #13-02 and on the first one, she assumes it is the step increases that are causing the salary increase in varying percentages. Mrs. Goble said that is always the case.

Mrs. Smith stated that, as she had previously mentioned, she does not think that the fuel line item has been increased enough, given the increase in fuel costs that is being projected. She asked for a summary from 2010 budgeted and spent and 2011 recommended, in order for her to feel more comfortable with the fuel budget.

President Kuser asked about the difference in the budget for the Library between 2010 and 2011. Mrs. Goble explained that they are paying off their note and the lower figure is what they have left to pay. Mr. Kuser noted, for clarification, that the Library will pay that money to the Township and the Township will immediately use it to pay the debt.

Mrs. Goble replied that is correct. Mr. Ward noted that our budget will show an increase in revenue in that amount and will show the same amount in expenditures.

President Kuser stated that it looks like the budget is increasing by \$49,000. He stated that he heard at the Board of Education meeting that Denville has lost \$5 million in valuation. Mrs. Goble called the Council's attention to the last page of their budget sheets and advised that it is \$10 million. She said that, compared to other towns, it is a minute amount. Mrs. Goble added that the amount to be raised by taxation is \$42,000 less in 2011 than in 2010, but it is against \$10 million.

It was noted that there will be two fewer employees who can be used for snow plowing this year. Mr. Kuser asked what Administration's plan for snow plowing is, based on that information. Mr. Ward replied that we were at that point for most of this winter because the employees left before the first of the year. Mr. Ward noted that they are working with DPW to resolve that. Mrs. Goble said that they are working on a plan and are trying to get this year done. Mr. Kuser advised that at the Board of Education meeting it was stated that they had to close school one day because the plows did not get there. Mr. Ward responded that the issue has been corrected.

Mr. Kuser said that he would like to bring our Auditor in. Mrs. Goble advised that the Auditor comes in to the meeting where the public hearing is held. Mr. Ward added that the Auditor has to sign the budget before it is even introduced. Mrs. Goble said that this is the first time that she has not met with the Auditor by this time. (It had been noted that Mr. Sarinelli was unable to attend a scheduled meeting with Mr. Ward and Mrs. Goble due to illness.)

Mrs. Smith inquired about an up-dated capital page. Mr. Ward advised that there were no changes except that the road paving is still outstanding. He said that it needs to be re-examined after the winter and, in addition, the loss of State aid will have to be addressed. Mr. Kuser asked what Administration's plan is with regard to that loss. Mr. Ward replied that our first step is to appeal it and we have money in our Capital Improvement Fund to fund it, should the appeal fail. Mr. Kuser asked if Mr. Ward is suggesting that the Township pay the \$190,000. Mr. Ward replied that they are still exploring all avenues. Mayor Hussa stated that we are going to approach it in a similar manner to which the billboard issue was handled. He said that we will write letters, scream loudly, make phone calls and pass a Council resolution. The Mayor noted that losing those funds was a big hit for us.

Mr. Ward added that, as part of the budget process, although it does not have to be decided before the budget is adopted, we have the money in the Capital Improvement Fund for the down payment, if the appeal is unsuccessful and we decide to go ahead and pave those roads. Mrs. Goble noted that a firm answer has to be given to the Council by March 8<sup>th</sup> in order to introduce the budget on the 15<sup>th</sup>. Mr. Ward added that the alternative to having the answer on March 8<sup>th</sup>, would be to amend the capital budget later in the year.

Councilman Fitzpatrick asked if, after re-examining the road list and developing a new priority list there are funds left, would there be flexibility to use the excess to repair storm basins. Mrs. Goble explained that the funds for basin repairs are reserved in the prior year so there are funds to do some of the basins. She added that the Council must remember that there are other costs involved with roads, beyond just the paving. President Kuser asked Mr. Ward if the Council may please have a clear-cut plan from Administration for handling the catch basins by the March 8<sup>th</sup> meeting. He said that doing 25 per year is not sufficient. There was a brief discussion concerning the basins and using some of the road paving funds for their repair. President Kuser suggested that the discussion be held at the March 8<sup>th</sup> meeting when, hopefully, Mr. Egbert will be in attendance.

Councilman Shaw noted that he has had discussions with residents and advised them that they may have only a portion of their road paved this year.

Mrs. Smith interjected that it is alright to pave a portion of a very long road, but makes no sense to bring the equipment to a short road on two separate occasions. She commented that every year she raises the same concern that the roads are not being paved properly so that the life of the project is prolonged. Mrs. Smith noted that she has never gotten acceptable answers to her questions about the paving method and materials.

Councilman Fitzpatrick stated that he is learning from Administration, DPW and Engineering that they strongly oppose doing partial roads because it is inefficient. He said that he wasn't aware of that last year and feels it is something to be discussed with the DPW Superintendent.

President Kuser commented that he would like to clarify that. He said that Engineer Township Council

Rosania recommended not doing a road like Hillcrest in parts because you don't want to pave the first part and then drive over it with your equipment to do the next segment. He said that a road like Birch Run, however, can be accessed from two directions and can be done in sections. Mr. Kuser stated that Mrs. Smith's concerns are correct, too. He said that macadam is not made the same way that it used to be and the road is only as good as what we pave over. Mr. Kuser advised that he is a big proponent of milling because when you see cracks it is not due to the sub-base, it is the top, two-inch layer and it will continue to crack. He said that the best thing about buying from the Co-op is that they charge per ton, so they want to put down as much as they can and it is not a burden on us to have them travel to different locations in town.

Councilman Golinski recommended that some funds be allocated in the capital budget for the North Shore retaining wall. He said that it is getting to be an unsafe situation, has not been resolved and he thinks we should plan in the capital budget to address it.

Mr. Ward advised that, after the last meeting, a survey was ordered to determine the boundaries.

Mayor Husa commented that it is not clear that it is our responsibility.

Mr. Golinski said that he thinks that the responsible thing to do is put money in the capital budget and, if we find that it is our responsibility, the money will be there to cover it. Mayor Husa stated that he thinks we should get the results before we speculate.

Mr. Golinski replied that it is not speculation; this Council, and a previous Council, all agreed that it is important to the town and we should partner with the community. The Mayor retorted that they did not accept any offer that we put forth.

Mr. Golinski said that he does not want to dig up "who did what"; we were unable to reach an agreement and we are going to go further with an analysis. He said that we have an unsafe situation and he feels that the responsible thing to do would be to budget for it and, if it comes back and it is clear that it is our responsibility, he does not want to wait to take action.

Mr. Kuser commented that he remembers being at a meeting when Mr. Husa was Mayor-elect and he was in favor of fixing that wall. The Mayor replied that is correct, he wanted to partner with them, but they refused option after option that we offered to them. He said that they have not accepted one offer and we have not been the unwilling partner.

The availability of the survey was questioned and Mr. Ward replied that he will ask that it be expedited. Mr. Ward advised that he and Mrs. Goble have discussed amending the wording in the ordinance that covered the funding for the East Shore wall and keep some funding available should it be determined that North Shore is our responsibility.

President Kuser asked what the plan of action is if the survey shows that it is not our responsibility. Mr. Ward replied that we would have our attorney send a letter to their attorney. Mr. Kuser asked what would happen if the road collapses. Mr. Ward said that we would have to take immediate corrective action.

Mr. Kuser stated that he thinks that the prudent thing to do is have an engineer check the road for safety, because it would be a catastrophe.

There was a brief discussion regarding the type and cost of the project that would be needed to correct the situation. Mr. Kuser asked what the plan would be if the wall collapses. Mr. Ward replied that when the East Shore Road wall was repaired, they had the contractor look at the North Shore wall and he determined that the most prudent action would be to repair the entire damaged section and it would cost \$30,000 to \$35,000.

Mr. Kuser stated that he feels that, for that small amount of money, we should consider doing this repair. Mrs. Smith interjected that it is not the money, it's the welfare of the residents that has to be considered.

The Mayor commented that this is being blown out of proportion and that the road is not in jeopardy of collapsing. He said that, all the Council has to do is go out and look at it. Councilman Stecky agreed that it is probably not about to collapse. He said that, since the Council is aware of the condition, it is a matter of "c.y.a." and we should hire a structural engineer to check the wall.

Mayor Husa stated that our attorney identified the collapsing part of the wall as clearly being the responsibility of the Indian Lake Assn. and we have ordered a survey to verify it. He said that there is an area of eight to twelve feet between where the wall is collapsing and the beginning of our responsibility.

There was a discussion concerning the funds that were put into the budget for repairs in Indian Lake. It was determined that \$15,000 had been put in the budget for North Shore, but it was used to repair the East Shore wall. Mr. Andes asked if there is money in the budget now for repairs. Mr. Ward explained that there is money for future repairs, when needed, on the East Shore wall because that is in our right-of-way. He said that if the survey comes back indicating any responsibility for the Township, the language in the capital budget could be adjusted and the funds used to repair the North Shore wall. Councilman Andes asked Mrs. Goble if it would be prudent to put 5% of the cost of the wall into the capital budget, just in case it is our responsibility. Mrs. Goble replied that we would have sufficient funds in our capital fund to absorb that 5%. She noted that we don't go out for our bond ordinance until the budget is adopted. Mrs. Goble suggested that we have some latitude here and can include it in our bond ordinance, if necessary. She said that we can put the 5% in now and, if we find that we are not responsible, we just won't include it in our bond ordinance. Mrs. Goble said that she would include \$35,000 in the budget.

There was a discussion concerning exactly where the wall is located and what type of structure it is. Mr. Golinski and Mr. Kuser expressed the belief that the main purpose of the wall is to hold up the road. Mr. Shaw noted that Indian Lake Assn. has repaired the wall in the past.

Mr. Golinski noted that, as he understands it, the current proposed budget includes no tax increase and does plan for the hiring of one police officer to bring the force up to 32. He added that the budget must be adopted by April 22<sup>nd</sup>, meaning that it must be introduced by March 15<sup>th</sup>. Mrs. Goble further explained that we need twenty-eight days and our last meeting in March is the 15<sup>th</sup>, so it has to be introduced on March 15<sup>th</sup>, or a

special meeting would have to be called.

Mr. Golinski commented that the Council will finalize the budget on March 8<sup>th</sup>, and asked what will be done at the March 10<sup>th</sup> meeting. Mr. Kuser advised that the March 10<sup>th</sup> meeting is being canceled.

Mr. Ward noted that the retirement of the Township Engineer, as of April 30<sup>th</sup>, will be discussed at the March 8<sup>th</sup> meeting as well. He said that we will be discussing the plan going forward regarding the proposal to use a consulting engineer and, in the case of a stop-gap need, he has spoken to neighboring towns concerning use of their engineers.

Mr. Kuser asked how much money is in the budget for an engineer from April 30<sup>th</sup> on.

Mr. Ward replied that there is \$30,000 split among several departments - Zoning, Planning, Utilities, etc. Mr. Kuser asked if it is mandatory to have an engineer on Planning and Zoning. Mr. Ward replied in the affirmative. Mr. Kuser noted that

Administration must have a plan for that and asked if there is any interest in hiring Mr. Rosania, per diem. Mr. Ward said that there is not and it would not be permitted, due to pension requirements. He said that he and the Mayor have been speaking to two consulting firms and they will make the case at the March 8<sup>th</sup> meeting as to why they feel this is the best course of action.

Mr. Kuser asked if Planning, Zoning and the Council will be asked for input and be part of the choice, as has been the case in other situations.

The Mayor said that they will present the candidates to the Council, once they interview them. Mrs. Smith asked if it would require advice and consent and was advised that it would need approval of a contract by the Council.

Mr. Kuser stated that he thinks it should be handled the same way as it was with the Administrator and Planner. He said that he thinks it would be prudent to involve the other two Boards and the Planner so we can all work together. Mr. Kuser noted that the Council will put together a sub-committee and meet with the two candidates. Mr. Ward advised that he and the Mayor are meeting with a final candidate tomorrow and will then finalize the schedule and dates in order to get it done sooner, rather than later.

President Kuser reminded everyone that there will be a Budget Workshop on Tuesday, March 8<sup>th</sup>, there will be an ordinance for introduction and then we will go right into the budget.

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

AYES: UNANIMOUS

MEETING ADJOURNED AT 9:15 P.M.

Respectfully submitted,

Kathleen A. Costello  
Deputy Township Clerk