

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

MARCH 1, 2011

The Meeting was called to order by President Kuser at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Fitzpatrick. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello asked that all cell phones be silenced for the duration of the meeting; she added that this is a non-smoking facility and anyone wishing to smoke must leave the property.

ROLL CALL: ANDES, FITZPATRICK, GOLINSKI, STECKY, SHAW, SMITH, KUSER
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, FACILITIES
MANAGER CIARDI AND TOWNSHIP ATTORNEY DI YANNI

President Kuser announced that the first order of business will be the interview of Mr. Tom Dolan for the position of Second Alternate on the Board of Adjustment. He invited Mr. Dolan to come forward and take a seat at the table.

President Kuser asked Mr. Dolan if he would like to make a brief statement.

Mr. Dolan thanked everyone for the opportunity to apply for this position. He stated that he is a life-long resident of Denville and has worked with some of the Council members in volunteer situations. Mr. Dolan advised that he is married and has two children, loves Denville and that there have been only a couple of short periods when he did not reside here. He said that he feels that his record as a volunteer demonstrates his commitment to Denville.

Mr. Kuser asked Mr. Dolan why he feels that he is the best candidate for this position.

Mr. Dolan replied that, as indicated in his resume, he has a vested interest in the town with one child in public school and the other soon to enter public school. He said that he feels volunteerism is a big part of what makes Denville a fine town and he has been an active volunteer, which he feels is his civic duty. Mr. Dolan noted that he works for an environmental consulting and engineering company that deals with real estate, health and safety and investigations, which he feels could tie in to zoning issues.

President Kuser asked if Mr. Dolan is aware that the Board of Adjustment meets on the first and third Wednesday of each month and that his attendance would be required to ensure full compliance on voting. Mr. Dolan replied, absolutely. President Kuser advised that there are mandated Land Use courses that Mr. Dolan would have to attend. Mr. Dolan responded that he has taken many courses as a member of the Environmental Commission in Denville and would have no problem taking the required Land Use courses.

President Kuser asked for a motion to appoint Mr. Dolan.

MOTION TO APPROVE R-11-60A: MOVED BY MEMBER STECKY, SECONDED BY
MEMBER ANDES

Township Clerk Costello read R-11-60A into the record. A copy of that resolution is attached to these minutes.

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

The Township Clerk then administered the Oath of Office to Mr. Dolan.

LIAISON REPORTS:

Councilman Andes advised that he has no official report but would like to publicly acknowledge the good work of Mr. Fitzpatrick and Administrator Ward with regard to the N. J. Transit billboard issue.

Councilman Fitzpatrick gave a brief re-cap of the issue and noted that there was a good deal of public support and, ultimately, support from our legislators to put the issue to rest.

Councilwoman Smith congratulated Mr. Fitzpatrick and noted that it was a great victory for all.

Councilman Shaw reported that another senior citizen recently passed away. He said that the gentleman was in a skit at the Joey Bella event a few years ago, at age 83, and he and five other seniors in the skit wore diapers. Mr. Shaw advised that he was approached by one of the senior ladies who wanted to know what she could do for cancer patients. He described the cancer treatment room at Hackensack Hospital and noted that one of the side effects of chemotherapy treatments is hair loss. Mr. Shaw suggested to our senior citizen that she knit hats for these patients and he will deliver them. He said that she gave him five hats on Monday and he delivered them to the Compassionate Care Unit, at St. Clare's in Dover, today.

Councilman Stecky reported that the Environmental Commission and the Green Sustainable Committee will have a joint celebration of Earth Day and Arbor Day on Friday, April 29th, from 3:00 p.m. to 6:00 p.m. He noted that the Beautification Committee is at a stand-still until Mr. Feurtges's greenhouse is repaired.

Mr. Stecky noted that he distributed, from the Green Sustainable and Recycling Committees, a recycling pledge; he said that the Recycling Coordinator, Ed Russick, will be giving a presentation to the Council on March 15th.

Councilman Golinski thanked Mr. Stecky for the internet link that has been established and said that it is very helpful and provides a lot of good information.

Mr. Golinski reported that the Municipal Alliance Committee met and they are planning the Spring Java Jam. He said that the MAC group is still concerned about the DARE program at Riverview School. Mr. Golinski advised that School Board member Barbara DeLuna presented some alternative ideas to the Mayor and Chief that might be helpful to enable the town to complete the Riverview DARE program.

President Kuser reported that he attended the Morris County League of Municipalities meeting, at which Morris County Prosecutor Robert Bianchi spoke. He said that the presentation concerned police staffing and crime issues that are currently going on.

Mr. Kuser provided a handout from the meeting to Administrator Ward and listed some of the programs that are noted in the brochure. He advised that the Township can have one of the prosecutors come to Denville and speak about various issues that are facing communities at this time.

Mr. Kuser noted that he attended the Denville Board of Education meeting and they

presented their preliminary budget. He advised that, at this time, they are at a 1.93% increase, under the 2% budget cap. Mr. Kuser stated that it equates to a \$73.68 increase for the average home owner in Denville. He said that this figure was arrived at without any State aid included; they have since received \$240,000 from the State and they are assessing what they will do with those funds. Mr. Kuser noted that they did take \$200,000 from their surplus for the budget and they are required, by law, to have 2% of their budget in reserve. He said that they are working very hard on alternate measures to preserve the surplus.

Mr. Kuser added that the DARE program was a big topic and the MAC committee was also mentioned. He said there was no final determination but they did not seem too keen on having anyone but a Denville policeman teaching it. Mr. Kuser noted that they are still discussing it and looking for alternatives.

Mrs. Smith commented that she was looking at the amount of funds that our Board of Education in Denville received. She said that it is still lower than a few years ago and she compared it to other municipalities, such as Randolph which receives \$12 million while Denville receives \$750,000. Mrs. Smith stated that she believes that the funding is tied to the rating of the schools. Mr. Kuser interjected that it is the socio-economic code. Mrs. Smith commented that times have changed and we should try to determine how we can have that code changed for our schools, in order for them to receive more State aid. Mr. Kuser advised that he had heard that, if a town had any money above the permitted surplus, the State deducted that amount from the town's State aid. Mrs. Smith noted that there are discrepancies between Denville and other towns of comparable size.

MAYOR'S REPORT:

Mayor Husa reported that the Township will be putting seven signs up, one on each property that was acquired with Green Acres funds.

The Mayor noted that there was an article in the newspaper that implied that Administration, in some way, gave approval to N. J. Transit's reduced size billboard. He said that they never gave any approval to any sign. The Mayor advised that, both times that N. J. Transit met with Administration, they were told that the Township wanted them to reduce it and conform to Denville's local ordinances. The Mayor stated that Administration waited until N. J. Transit met with the Planning Board, which unanimously disapproved of the sign, and, having no jurisdiction at that point, the Mayor wrote to our legislators. He advised that these events occurred even before Mr. Fitzpatrick became involved. Mayor Husa stated that he does not want anyone to think the N. J. Transit was ever given any hope that Denville would approve of them putting a sign up.

Mayor Husa advised that Administration had a meeting with Chief Wagner today and one of the topics was Green Zones. He said that, in the past, some people on the Economic Development Committee thought that the Police didn't want more than two zones. The Mayor explained that we have a one-hour and a two-hour zone; the Green

Zone would be a one-half hour zone. He said that there was a misconception that a third zone would throw a monkey wrench into the system. Mr. Kuser asked if the Mayor is referring to parking. The Mayor replied that is correct. He further explained that a Green Zone is ½ hr. parking and works in places like Hoboken where there is a high traffic area, such as in front of a newspaper store. The Mayor reported that he and Carmine Costello went downtown last Friday to broach the subject with store owners. He said that it received mixed reviews. Mayor Husa commented that, if we can get a few places that like it, we can have a series of public meetings and invite merchants and residents to hear what the community has to say. He stated that the one-hour parking regulation is not working because it is not long enough to go for a meal or go to the doctor, etc. The Mayor noted that he thinks the time is right to begin to have discussions about these Green Zones right along Broadway.

President Kuser asked the Mayor if he would like to put the topic on the agenda for a workshop.

The Mayor replied that it could be put on a workshop but he thinks that the merchants and shoppers should be invited to express their opinions. He said that he does think that this is a small piece of the solution to the parking problem downtown.

President Kuser noted that he thinks that the Chamber of Commerce should be contacted as well. Mayor Husa replied that Kristin Pamprin is all for it.

Mayor Husa reported that he has spoken with two full-time Army recruiters and they have some interesting things that they would like to help Denville with. He said that they would like to have a recognition program for residents who either enlist, are deployed or who return from service. The Mayor noted that they will also help us to get some Army bands for our concert series and would like to have a presence at our parades. He identified the recruiters as Staff Sgt. David Sperry and Staff Sgt. Christopher Gentile.

The Mayor reported that the Deer Hunt is completed for the year and was very successful.

Mayor Husa noted that, last week, the Municipal Alliance Committee passed a resolution stating that they would like the community to pro-actively look for alternatives to having the Police do the full-time DARE program. He said that he has investigated some alternatives, which he plans to bring to the table at the appropriate time.

The Mayor advised that he met with Recreation Director Bogardus and they came up with about seven dates for the summer concert series. He said that he will provide a schedule but, primarily, they have two early ones planned: a MAC/Recreation-sponsored Youth Battle of the Bands and, around the Fourth of July, there will be the regular concert. The Mayor commented that he doesn't know if this needs Council approval, but he certainly wants them to be part of the process. He noted that there will be three or four in July and August that will be regular concerts; there will be a Soldier's Day concert and on Sri Lanka Day, the Sri Lankans will be asked to provide their own entertainment. Mayor Husa advised that he will keep the Council posted.

ADMINISTRATOR'S REPORT:

Mr. Ward reported that he and the Mayor have been working with Senator Bucco's office over the last several months on an issue that was brought to them by the local American Legion Post. He said that apparently, for decades, the Legion has been using the land directly behind their property for horseshoe pits and it is actually N. J. Transit property. Mr. Ward noted that N. J. Transit has now contacted the Legion and advised them that, if they wish to continue using the property, they will have to lease it for a steep monthly rental fee. He advised that they have also been working with Assemblyman Bucco and Mr. Ward has just received the first draft of an agreement in which N. J. Transit will lease the property to the American Legion at no cost. Mr. Ward added that the agreement will come before the Council at a future meeting.

Administrator Ward noted that the budgets have not been distributed because he, CFO Goble and Mayor Hussa will be meeting with Auditor Ray Sarinelli tomorrow morning to go over them. He said that they will be provided to Council tomorrow afternoon in order for the Council to have them for the Thursday budget meeting. Mr. Ward advised that he, Mrs. Goble and Mayor Hussa have been meeting and have incorporated changes in the budget that were suggested by the Council at previous meetings. He said that one of the changes is a shifting of personnel in the DPW to include an additional Roads employee to work, initially on overtime, to repair storm basin repairs. Mr. Ward noted that it should enable 25 to 30 basins to be repaired this year to put us ahead of the curve. He added that doing it by overtime is more cost-effective than any other manner that they could think of.

Administrator Ward reported that they have been looking for creative ways to solve the issue of the DARE program being eliminated at Riverview School. He noted that, modeling Hanover's solution to the same problem, it is proposed in the budget that we fund a retired police officer, who is certified in teaching the DARE program, to serve as a Special Police Officer for the program. Mr. Ward advised that they will be working with the Attorney, because we do not, at this time, have a provision for Special Officers. The Administrator added that, in doing various adjustments to personnel and through attrition, as well as some adjustments to our fund balance, we were able to maintain a flat budget.

President Kuser suggested that, before advertising for a retired police officer, the Board of Education should be consulted to be sure that it is something that they want.

Administrator Ward replied that he and the Mayor spoke with Chief Wagner this morning and the DARE program was one of the topics that they discussed at length. He advised that, as the Chief mentioned at his budget presentation, the Chief is steadfast in his desire to hire a new, full-time police officer. Mr. Ward noted that the Chief did not think that any of the programs that were put forward were workable. He said that one of the things that the Chief did mention that Mr. Ward felt was productive was that, in addition to DARE, there are other programs that the Municipal Alliance Committee can assist with that would be a benefit to the school.

President Kuser replied that the school already teaches drug awareness and he thinks

that the Chief was more concerned about an additional officer for Community Policing. Mr. Kuser reiterated his suggestion that Mr. Ward check with the Board of Education because he did not hear approval of the plan for a special officer last night at their meeting.

OPEN PUBLIC PORTION:

President Kuser advised that there will be a five-minute limit adhered to during the Public Portion. He asked that anyone wishing to speak use the floor microphone. Ed Banagan, 38 Old Mill Drive, stated that he received an e-mail, which was sent out by the Chief of Police, concerning a Neighborhood Watch program. He asked what advantage there is to using an outside agency, as opposed to having the police patrol the neighborhood. Councilman Golinski replied that it is not an outside agency. He said that it is a program that has been in place for a long time and the Chief is just changing the notification. Mr. Banagan asked why it was recommended and also, who is paying for it. Mr. Shaw asked Mr. Banagan for some information about what he received. Mr. Banagan explained that people on the Neighborhood Watch list would receive an e-mail about possibly dangerous situations. He stated that the notification advised that, as of March 15th, there would be no more Neighborhood Watch sent; it advised that a person would have to click on a certain link and register with the organization or they would not be informed as to what is going on in the town. Mr. Banagan asked if the Council was going to workshop this to find out what's going on and is it going into effect on March 15th. Mr. Shaw replied that no one knows anything about it except Mr. Banagan. Mr. Kuser responded that the Council will be meeting on Thursday and they will look into it and discuss it then.

Mr. Banagan then asked for an explanation of the MAC organization that the Council is mentioning.

The Mayor explained that it is the Municipal Alliance Committee that deals with drug awareness among youth, prescription drug awareness among older people and substance abuse. He said that it is a seven member volunteer group.

Mr. Banagan's next question was regarding discussions that the Council had concerning mobile homes and trucks in one's driveway and he does not see anything connected to those discussions in the ordinances on tonight's agenda. He asked if the Council just decided to forget that. Mr. Banagan went on to explain that the discussions had to do with commercial vehicles, diesel trucks and trucks that are over a certain weight. He said that the Council also looked at a situation where a boat was parked too close to the end of a neighbor's driveway, causing a line of sight issue for the neighbor.

Mayor Hussa replied that, that was an issue that was brought to the Council and no action was taken on it, on the advice of our Planner. He explained that the Planner advised that the person was not violating any ordinance. The Mayor noted that the person who came to the Council requested that they pass an ordinance but, on the advice of the Planner, it was determined that they would not move ahead with that type of ordinance, specifically dealing with that boat.

Mr. Banagan asserted that he was told by the inspection department that, if you have a boat it cannot be in the driveway, it must be put as far back as the property line will allow and it must have a cover. The Mayor asked Mr. Banagan which inspector he was referring to. Mr. Kuser suggested that Mr. Banagan speak with the Mayor off-line regarding this whole issue. The Mayor agreed that was the way to go.

Mr. Banagan insisted that the Council had planned to address commercial vehicles in residential neighborhoods and the only ordinance he sees on this agenda is for walls and fences.

Councilwoman Smith interjected that the Council was talking about gross vehicle weight and about property maintenance. She said that a sub-committee, which Mr. Kuser is a part of, was set up because the property maintenance ordinance had gone a little overboard. Mrs. Smith noted that the Council is waiting for results from that sub-committee on that area, if they have discussed it yet.

Mr. Kuser explained that they will be going into the second phase, the first phase having dealt with some of the ordinances that have already been passed. He said that he really needs to talk to Administration and the Zoning official, and noted that the weight of vehicles has been changed and no bucket loaders or back hoes are allowed.

Mr. Banagan noted that his concern is not with the number of complaints, but whether or not there is an ordinance to deal with them.

Mr. Ward advised Mr. Banagan that, when he speaks to the Chief about the Neighborhood Watch, he will also discuss this issue.

Councilman Stecky added that there were a number of ordinances that were being examined and the ones that made it through committee are the ones that are on tonight's agenda. He further commented that some members had a problem with the property maintenance ordinance, himself included, because it was thought to be too intrusive. Mr. Stecky noted the ordinance has been put on the back burner.

Mr. Banagan replied that his concern is not about that, he would like to hear, at the next meeting, if there is an ordinance and what the weight limit is for a vehicle in a driveway.

Mr. Kuser asked Mr. Ward to e-mail the ordinance to Mr. Banagan.

Tom Dolan, speaking from personal experience, advised that he is a member of the Community Watch. He noted that he is guessing that it is more of a Police budget issue. Mr. Dolan stated that for many years the Police have sent e-mails concerning alarming situations in the neighborhood. He said that he believes that they are just switching to a service called Nixel that will notify by e-mail, cell phone, home phone or work phone. Mr. Dolan commented that, although he is not positive, he thinks that the Police just have to send it to Nixel for distribution to those residents who have signed up. He said that he knows that it works because he has already received information from Nixel. Mr. Dolan advised that, with regard to the ordinance dealing with vehicles, one can go to the Denville web-site and click on any ordinance that you would like to check on. He noted that he had issues with a neighbor who had a huge flatbed and who went out with it at all hours of the night. Mr. Dolan stated that, after a few notices from the Zoning Officer, the truck was removed.

Administrator Ward commented that he and the Chief worked on Nixel for a month or Township Council

3-1-11

Page 8

two in reviewing various programs. He explained that it has advanced capabilities, such as a geographic capability that our current system does not have. Mr. Ward, as an example, explained that if an elderly person wandered away, the system could focus on a certain area and notify Nixel participants in that area to be on the alert for the person. Mr. Ward emphasized that it is a free service.

Gerry Idec, 1 East Longview Trail, suggested that a podium be put at the microphone for people who come up to speak and have paperwork with them. Mr. Idec stated that the property that is being acquired through Ordinance #2-11 should be available for residents to leave a boat or canoe and go fishing there. He also suggested that the property should be named after former Mayor Jack O'Keeffe, who recently passed away.

Bob Belz, 7 Memory Lane, stated that the boat ordinance requires twenty-five feet from the street line. He said that the issue should be addressed in the property maintenance ordinance, which he does not believe should be put on the back burner.

President Kuser explained the delay in bringing the property maintenance ordinance forward.

John Murphy, 22 Dogwood Drive, thanked Administrator Ward, the Mayor and Councilman Fitzpatrick for their letters to N. J. Transit. He said that N. J. Transit seems to want to be a good community citizen but, it seems as though we have to pull them along. Mr. Murphy spoke about the hazard caused by N. J. Transit not clearing the snow on Rte. 53. He cited another hazard caused by them when they replaced the railroad ties between Mt. Tabor Station and Denville station with concrete but stacked the old ties behind Redmond Press. Mr. Murphy advised that they are stacked at least fifteen high and spread for about forty yards. He said that he is unaware of what the ties are made of but does know that there are kids climbing on them all the time. Mr. Murphy also advised that there is a good deal of N. J. Transit garbage at the railroad crossing at Fox Hill Road and he thinks that N. J. Transit should be notified to clean it up. Mr. Murphy noted that a recent newspaper article stated that Governor Christie, at a town hall meeting, was asked about the billboard but knew nothing about it. He said that the Governor replied that he would review it. Mr. Murphy noted that the article concluded that the Chairman who oversees N. J. Transit said that they would not do anything in the immediate future, that they would review it. Mr. Murphy wondered if, after they review it, they will go ahead. He asked that Administration write to N. J. Transit and ask to be notified if there is any change after that review takes place.

Administrator Ward replied that he has a letter from our legislators saying that the plan has been suspended indefinitely. The Mayor interjected that the plan is definitely cancelled. Mr. Kuser commented that he thinks Mr. Murphy's idea about notification of any changes is a good one.

Councilwoman Smith stated that, having attended the JIF meeting tonight, we should all be reminded that, when we are aware of hazardous conditions, we have to address them immediately. President Kuser replied that Mr. Ward will advise N. J. Transit.

Tom Ellison, 1 Henning Terrace, said that he and his wife are here in support of the sexually oriented businesses ordinance. Mr. Ellison advised that they have lived in Denville for a number of years and feel it is one of the premier townships in Morris County and New Jersey, in general. He said that they are concerned about some of the businesses and activities that they see, primarily along Route 10. Mr. Ellison stated that he does not believe that they are consistent with the best place to live theories that we think Denville is all about. He noted that he thinks that the ordinance that is being passed does a terrific job in trading off the requirements of a legitimate business and those that bring activities that are probably not consistent with the values that we see in Denville.

Carol Spencer, 86 Woodstone Road, noted that she wants to speak on the Nixel system. She advised that the Mayor, Mr. Ward and John Ciardi have all been trained in a County emergency management notification system called "McUrgent". She displayed posters that explained that the system uses social media to notify the public about multi-jurisdictional emergencies. Ms. Spencer further explained that, if something were to happen in multiple municipalities notices would go out, headed by the Morris County Office of Emergency Management, on Twitter and Facebook. She added that, with Twitter, you can sign up to get notification directly to your cell phone. Ms. Spencer quoted statistics indicating the success of the system. Ms. Spencer advised that, after receiving the training, municipalities can also send out notifications.

Ms. Spencer then addressed Nixel, stating that it is a free service but, you cannot get on Nixel unless you can prove that you are a governmental jurisdiction, primarily a municipality. She explained all the options available to anyone who signs up for Nixel, which is a single-jurisdiction system. Ms. Spencer stated that she is very pleased to see Denville taking the lead in this issue.

President Kuser commented that he used to get e-mail from the County but does not anymore. He asked if he has to re-log into the new system.

Ms. Spencer explained the various methods available to sign up to be contacted.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

ORDINANCE(S) FOR ADOPTION:

#2-11 ACQUISITION OF ROCKAWAY PROPERTY

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 21, LOT 4, LOCATED IN THE BOROUGH OF ROCKAWAY AND KNOWN AS 79 BROAD STREET, ROCKAWAY, N.J.

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

MOTION TO READ BY TITLE: MOVED BY MEMBER SHAW, SECONDED BY

MEMBER FITZPATRICK

President Kuser asked if it is not so that the Fels property is the right-of-way to this Rockaway property. He said that, if the Fels property deal falls through, he'd would like to know that there is a way that we can get out of this Rockaway purchase.

The Mayor replied that there is the Fels property, but Broad Street is a right-of-way. Mr. Kuser noted that Broad St. is in Rockaway and he would like to have this purchase contingent upon the Township being able to back out if we don't get the Fels property.

The Mayor reiterated that Broad Street allows access to this property.

Mr. DiYanni advised that the public right-of-way can be used to access this property.

The Mayor explained the location and the surrounding property and right-of-way.

Mr. Kuser replied that he is aware of the lay of the land but thinks it would be prudent to put in a clause indicating that, if the Fels property deal falls through, we can re-think whether or not we want to buy this property. The Clerk reminded Mr. Kuser that an amendment cannot be made at adoption of an ordinance.

Councilwoman Smith noted that the Council received a memo today regarding the 25 foot strip of land along the Fels property. She asked if it is in the contract that we can use that as an easement through to the back of the Fels property. The Mayor explained that it is part of the sub-division, not an easement. He commented that he does not think that Mr. Kuser has reason to be concerned. The Mayor added that he will speak with Attorney Semrau, who is more familiar with this property, and will provide clarification for Mr. Kuser. Mrs. Smith asked if this is the appropriate time to discuss this.

Township Clerk Costello noted that there is a motion on the floor, a second is on the floor and the Roll should have been called to open the Public Hearing on this ordinance. She said that it cannot be discussed until the Roll is called.

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

OPEN PUBLIC HEARING:

Carol Spencer, 86 Woodstone Rd., stated that she is pleased that this ordinance is up for adoption and hopes that all Council members will vote affirmatively. She congratulated the Mayor for bringing this acquisition to fruition. Ms. Spencer noted that there are many places in Denville where one has to go through another town to get to. She said that flooding is the issue and cited a time when Denville had a very serious flooding condition.

CLOSE PUBLIC HEARING.

Councilwoman Smith commented that she will not be supporting this acquisition. She said that she feels that a proper site plan would help more than keeping it vacant. Mrs. Smith stated that the Council was told it would not cost the Township anything but now they are hearing that it will cost the town \$11,000. She said that she will be voting no on adoption. Mayor Hussa advised that it is only \$10,000 because the citizens in Rockaway Borough are contributing \$1,000. It was noted that there are soft costs, in

addition to the \$10,000. Mrs. Smith added that soft costs are not insignificant. Councilman Andes commented on Mr. Idec's suggestion that canoes and kayaks be permitted on this property, once Denville acquires it. He said that it is a valid point but we must be extremely careful because we could wind up with a junk yard there in no time at all. He said that there could be permanent slips built there and it would make an excellent Eagle Scout project. Mr. Andes noted that it would probably have to go through the Recreation Committee and be administered in a similar manner to the tennis badge program.

Councilwoman Smith added that, if it is to be used in that manner, the Township should check with JIF to determine what our liability would be. She recalled that fencing had to be put around Cook's Pond at first and suggested that a sign prohibiting boating be posted until everything is checked out.

Mayor Husa stated that he is not contemplating this at all, it is Mr. Idec's idea. He said that he believes that anyone can put a canoe in the Rockaway River anywhere they wish. The Mayor noted that the suggestion will be checked out but he does not see it happening.

Mrs. Smith stated that the Township has to be concerned with signage, risk and liability. She noted that we must do our due diligence.

Councilman Shaw commented that he grew up in that area and thinks it is a great buy, at any price. Comparing the area to Cook's Pond, Mr. Shaw noted that it will take time to develop it. He commended the Mayor on the acquisition.

Councilman Stecky stated that it is a great idea for recreation. He said that the priorities should be kept in order: acquire the property, then make it safe relying on the advice of our insurance professionals.

Councilman Golinski added his opinion that it is a great acquisition.

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 AUTHORIZING THE ACQUISITION OF BLOCK 21, LOT 4,
LOCATED IN THE BOROUGH OF ROCKAWAY AND KNOWN AS 79 BROAD
STREET, ROCKAWAY, NJ

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE 3-9-11 ISSUE OF THE CITIZEN.

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

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

NAY: SMITH

ORDINANCE(S) FOR INTRODUCTION:

#3-11 RENTAL/LEASED RESIDENTIAL DWELLINGS MAINTENANCE

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 19, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

DISCUSSION: None.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 19, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES

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 4-5-11 AT 7:30 P.M. IN THE EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE. BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW.

MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

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

#4-11 REGULATIONS REGARDING SEXUALLY ORIENTED BUSINESSES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE WITH THE ADDITION OF CHAPTER 39 ENTITLED, "SEXUALLY ORIENTED BUSINESSES"

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: Councilwoman Smith suggested that this ordinance be sent to surrounding municipalities, since some may not have such an ordinance. She said that she thinks it would be wise to forward it, once it is adopted, or being considered for adoption, to the other thirty-eight municipalities in Morris County.

Councilman Shaw noted that other municipalities were previously contacted and were not interested.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE WITH THE ADDITION OF CHAPTER 39 ENTITLED, "SEXUALLY ORIENTED BUSINESSES" 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 4-5-11 AT 7:30 P.M. IN THE EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.
BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW.

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

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

#5-11 REGULATIONS REGARDING WALL AND FENCES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 19, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES REGARDING FENCES

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

MOTION TO INTRODUCE: MOVED BY MEMBER ANDES, SECONDED BY MEMBER SMITH

DISCUSSION: None.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CERTAIN PORTIONS OF CHAPTER 19, LAND USE REGULATIONS, OF THE REVISED GENERAL ORDINANCES REGARDING FENCES

BE PASSED ON FIRST READING

AND BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE

Township Council

CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE ON 4-5-11 AT 7:30 P.M. IN THE EVENING PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE. BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW

MOTION TO PASS ON FIRST READING: MOVED BY MEMBER ANDES, SECONDED BY MEMBER SMITH

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

President Kuser asked if anyone wished to have anything removed from the Consent Agenda. Councilman Golinski had a question regarding R-11-63. He asked if this is a different surveyor than we previously employed. Administrator Ward replied that the Township received three quotes and this was the most competitive one. He said that, although we have not used this surveyor before and it is not a Denville-based company, the quote was considerably less expensive than the other two for the same service. Mr. Ward explained that the survey is of the North Shore Road wall, in order that the exact property line may be determined and it is a one-time event.

CONSENT AGENDA:

R-11-61 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF \$1,000

R-11-62 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

R-11-63 RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH FRED STEWART

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

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

NON-CONSENT AGENDA:

R-11-64 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2011 - \$5,188.33

MOTION TO APPROVE R-11-64: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

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

R-11-65 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR A GRANT TOWARD THE PURCHASE OF PROPERTY KNOWN AS

Township Council

3-01-11
Page 15

BLOCK 21, LOT 4, LOCATED IN THE BOROUGH OF ROCKAWAY AND
KNOWN AS 79 BROAD STREET, ROCKAWAY, NJ
MOTION TO APPROVE R-11-65: MOVED BY MEMBER STECKY, SECONDED BY
MEMBER FITZPATRICK
AYES: STECKY, FITZPATRICK, GOLINSKI, SHAW, SMITH, ANDES, KUSER

MOTION TO APPROVE THE MINUTES OF 2/3/11 AND 2/8/11: MOVED BY MEMBER
SMITH, SECONDED BY MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, STECKY, SHAW, FITZPATRICK, ANDES, KUSER

MOTION TO ADJOURN: MOVED BY MEMBER STECKY, SECONDED BY MEMBER
SHAW
AYES: UNANIMOUS.

MEETING ADJOURNED AT 8:58 P.M.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk