

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

MAY 3, 2011

The Meeting was called to order at 7:31 p.m. by President Kuser. The Salute to the Flag was recited, followed by an Invocation given by Councilwoman Smith. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Clerk Costello reminded all present that this a non-smoking facility and asked that all cell phones be turned off or muted. Mrs. Costello advised that Mr. Andes, Mr. Fitzpatrick and Mr. Golinski will not be in attendance this evening due to business commitments.
ROLL CALL: SHAW, SMITH, STECKY, KUSER
ABSENT: ANDES, FITZPATRICK AND GOLINSKI
ALSO IN ATTENDANCE: MAYOR HUSSA, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY SEMRAU

CEREMONIAL MATTERS AND/OR PRESENTATIONS: None.

LIAISON REPORTS:

Councilman Stecky reported that the Beautification Committee continues to do their planting on Saturdays and could use some more volunteers.

Mr. Stecky advised that the Arbor Day/Earth Day event took place last Friday and was very successful.

Councilman Shaw noted that he had transported a senior citizen, who became ill at the Senior Center, to the hospital and it is becoming a rather routine occurrence.

He commented that he was unable to get an answer when he called 9-1-1 from his cell phone. Mr. Shaw advised that the call was then made from the land line and, after several minutes, there was a response to the call.

Councilwoman Smith said that she has no Liaison Report but, with the public here, she would like to apologize for missing the budget adoption meeting. She advised that she had a business commitment that she was unable to postpone. Mrs. Smith stated that she appreciates the fact that the Clerk read her statement of support for the budget into the record and thanked President Kuser for allowing that. She noted that it is the first budget vote that she has missed in sixteen years. Mrs. Smith added that she does support the 0% budget.

President Kuser reported that the Open Space Committee met last week and possible acquisitions were discussed. He said that a road trip to look at the properties will be held on May 21st.

MAYOR'S REPORT:

Mayor Hussa noted that he has some visitors here from Rockaway Borough, Kathy Haake, Joyce Freiermuth and Councilwoman Joyce Kanigel, who would like to make a presentation to the Council.

The Mayor said that, as everyone will recall, when we purchased the Rockaway

property these are the ladies who pushed the agreement from the Rockaway side. He noted that, even though Rockaway Borough did not formally support the application, he can see by the \$1,200 check that the ladies are holding that they have gone over and above what they committed to as a group of citizens/residents.

Kathy Haake thanked the Council for endorsing this property, which runs continuously from Beach Street, all along the river, down into the Denville area. She noted that they have a list of residents who made cash contributions to this project. Ms. Haake thanked the Township and presented the Mayor with a ceremonial check as a contribution towards the cost of the property. Ms. Haake spoke briefly of the history in Rockaway Borough to try and preserve the river front as Open Space and to mitigate flooding by restricting development in that area.

The Mayor gave a brief overview of the things that are being done, or being planned, for the downtown area.

Mayor Husa noted that he is hoping that the Township will purchase a small piece of property which, if successful, will yield 10 to 20 extra parking spaces.

The Mayor advised that the Beautification Committee is working hard and has a new set of larger planters that are yet to be unveiled.

Mayor Husa stated that a Downtown Improvement Authority is being investigated.

The Mayor noted that Mr. Shaw's idea about green zones is also being looked into. He said that he distributed about twenty surveys, which he analyzed, but they are inconclusive and he is awaiting the return of approximately twenty more.

Mayor Husa reported that he and Mr. Ward spoke with Engineer Ruschke, as recently as today, about planning a whole street scape and we should have information on that fairly soon.

Mr. Husa noted that he and Mr. Ward will be reaching out to various businesses in a formal way.

He advised that John Ruschke will also look into the bike grant which we were not awarded last year. The Mayor said that they believe Mr. Ruschke's professional touch will be successful in getting the grant this year.

Mayor Husa noted that Administrator Ward has reached out to Senator Bucco about the denial of the grant to re-pave Broadway and Palmer Road. He said that he hopes everyone is aware that we are seeking public support for our application for discretionary aid for this project. Mrs. Smith asked, for clarification, if the Mayor is speaking about the paving grant. The Mayor said that is correct.

Administrator Ward gave a brief re-cap of the application for the paving of Broadway and Palmer Road and the denial of the grant by the DOT. He said that he has had a template put on the Township's web site and is requesting Township residents to send letters to Senator Bucco, Assemblyman Bucco and Assemblyman Carroll on the Township's behalf. Mr. Ward noted that an application for the re-paving has been sent, under a different grant program, which is for discretionary aid. He encouraged as many residents as possible to participate in this effort.

Councilwoman Smith suggested that Mr. Ward advise of the amount of the grant for the

benefit of the public. Mr. Ward noted that the amount of the grant that was denied was \$193,000. He added that it is the first time in recent memory that an application has been denied. Mr. Ward advised that he has spoken with the engineer at DOT and was told that there were not only no deficiencies in the application, but it was actually lower than the average request, State-wide and slightly above the average award for Morris County. He said that he was told that there were just more requests for money than there was money to spread around.

Mayor Husa reported that a developer recently came before the Economic Development Committee with a very conceptual design for a parking garage downtown. He said that the developer seems to be very serious about it and, although it is in the very early conceptual stage, at some point he will bring it to the Council.

The Mayor noted that \$10,000 is put into the budget every year for curbs and sidewalks and many of the curbs that are in need of repair are in the downtown area. He said that money is being invested in the infrastructure. Mayor Husa commented that there was a major effort two years ago, from our Engineering Department, to involve the local businesses in street scaping and a lot of sidewalks were fixed. He said that there have not been any that are dangerous since that time so we haven't done it again. The Mayor stated that, should Mr. Ruschke determine that there are dangerous areas, we will invoke our existing ordinance, which mandates replacement with decorative pavers, and have the businesses repair them.

The Mayor advised that the Township is committed to being a part of Main Street USA, a Main Street N.J. town, it is being looked into and the wheels are turning on that.

Mayor Husa reported that he attended the 75th Anniversary luncheon of the Denville Fire Department Ladies Auxiliary at Atillio's in Dover on Sunday. He said that it was a lovely event. The Mayor also advised that the Fire Department will be celebrating its 85th Anniversary in October and he suggested that the Mayor and Council should prepare to present something to them from the Township at that time.

Mayor Husa noted that on May 7th there will be a Public Health and Safety meeting which will consist of a walk to the park, exercise and gardening tips. He said that the group will meet here at 9:00 a.m. on Saturday.

ADMINISTRATOR'S REPORT:

The Administrator noted that last Friday marked the retirement of Engineer Nick Rosania after many years of service to the municipality. He added that, as is the Township's tradition, the street at the far end of the parking lot is named for retiring employees and the street sign is now "Rosania Road".

Mr. Ward advised that yesterday Mr. John Ruschke, of Hatch Mott Macdonald, hit the ground running as our new Consulting Engineer. He added that Mr. Ruschke has met with Mr. Rosania and the Engineering staff over the last few weeks, at no charge, to get up to speed on current engineering matters. Mr. Ward noted that the road paving project will be the priority for the next several weeks.

Administrator Ward reported that one of the initiatives that he has personally

undertaken is to form a group comprised of Morris County Municipal Managers and Administrators. He said that he sent out the notification today to the other thirty-eight municipalities, as well as to John Bonanni, Count Administrator. Mr. Ward further noted that June 22nd will mark the start of the quarterly series of meetings in order to have the other individuals from Morris County get together for a luncheon. He advised that they will discuss common problems and issues as well as the potential for shared or inter-local services agreements.

He said that there will also be speakers on topics of mutual interest. Mr. Ward advised that he has already received a response from half of the Administrators in Morris County, having just sent the notification today. He said that most are very enthusiastic about it.

PUBLIC PORTION.

Gerry Idec, 1 East Longview Trail, stated that he was passing Gardner Field early one morning and thought he saw outside contractors cutting grass. He asked if he is correct that we have a staff and we hiring outside people to cut the grass as well.

Administrator Ward replied that it is a fairly significant cost-saving measure in this year's budget. He explained that, due to the retirement of one of the Parks employees and another one leaving for other reasons, we had two vacancies. Mr. Ward said that it was estimated that, although all five Parks employees are dedicated to Parks full-time, year round, during the summer months the equivalent of two employees are dedicated to cutting lawns in our local parks. He explained that we were able to go out to competitive bid for a contractor to cut all of the fields at a tremendous savings for the municipality. Mr. Ward advised that the savings for this year is estimated to be \$70,000 to \$80,000 to have an outside contractor instead of replacing the two employees with their attendant salaries and benefits. Mr. Ward, in answer to Mr. Idec's additional question, stated that the contractor is cutting all parks and fields, as well as the grass around the Municipal Building.

Mr. Idec became irate and said that he saw town employees cutting the grass around the infield of the ball fields. He said that if Mr. Ward is telling him that we are saving money, then these people are being paid too much. Mr. Idec asked how the town can save money and hire outside contractors.

President Kuser suggested that Mr. Ward write down the savings for Mr. Idec, since they are significant savings.

Mr. Ward said that he will write down employee costs, contractor costs and where the savings come from for Mr. Idec.

Mr. Idec said that he would also like to see the savings to the town by paying town employees overtime to repair storm drains.

Mr. Idec then asked if the fireworks at the Firemen's Carnival is paid for by the Fire Department.

President Kuser replied that it is.

Albert Szolossi, 61 Crystal Drive, stated that he wanted to address the Mayor and Mr.

Andes, but Mr. Andes is not present. He said that he knows that both of them are
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familiar with the conditions on Mary Avenue. Mr. Szolossi asked for an up-date on the schedule for the work that is planned for Mary Avenue, now that the weather is more favorable. He spoke about the conditions on Mary Avenue and the overgrowth of bushes, requesting that they be cut back so as not to damage cars passing down the road. Mr. Szolossi also asked the Mayor to direct the DPW to remove the Crystal Drive sign from the top of a tree to a more conventional location.

The Mayor replied that he will do that.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

President Kuser announced that the meeting scheduled for May 10th will begin at 6:30 p.m., an hour earlier than usual. He advised that the Council will go into Closed Session as soon as the meeting is opened and the regular meeting will begin at about 7:30 p.m. Mr. Kuser noted that the Closed Session relates to Attorney/Client privilege.

MATTERS OF OLD AND/OR NEW BUSINESS:

Councilwoman Smith noted that we have been talking about the downtown area and revitalizing it, but we do have a Route 10 corridor and we do have an eyesore there, which is called Denville Commons. She stated that the parking lot there has eroded through the years and she believes that, under Title 39, we do police it. Mrs. Smith advised that, if that is the case, then we have the right to ask them to repair it. She said that she has brought to light some of the situations with the buildings themselves. Mrs. Smith advised that there is black mold growing inside of the old Marty's Shoe store building. She noted that, if the ventilation system is connected throughout the strip, then it is a health issue for the few other stores that remain in the strip.

Administrator Ward replied that he will pass the information along to the Health Officer. Mr. Ward mentioned that, in the last couple of weeks, the property owner has brought forth plans to do facade improvements, has been meeting with the Construction Dept. and has spoken with our Attorney. Attorney Semrau added that the owner brought this up when we resolved the tax appeal, which was favorable to the Township.

He said that he relayed those concerns to the manager of the property and, as Mr. Ward indicated, Mr. Semrau was also advised by the Tax Assessor that they are now moving forward with a face-lift and improvements throughout the entire shopping center. Mrs. Smith commented that she saw that mold condition inside, a face-lift is to the outside, and there are food establishments in that strip. She again noted that exterior work on the building will not alleviate the interior problems or the rotted parking lot. Mrs. Smith said that she is pleased that John Ruschke will be working with our DPW Supervisor, John Egbert, on the paving program. She noted that her annual complaint about the program is that she believes that the roads are not compacted to the proper depth and do not last as long as they are intended to last. Mrs. Smith stated

that she would like to be assured that Mr. Ruschke will look into the manner of paving the roads.

Councilman Stecky agreed with Mrs. Smith regarding the roads. He said that, taking a ride around town and looking at the roads, there are many roads that can be seen as not having a full two inches of paving.

Councilman Shaw commented that he was speaking to a gentleman who was interested in buying one of the gas stations in town, but he was advised by the EPA that they would never allow those two stations to open again.

Mr. Shaw advised that a soldier from Indian Lake, whose name he does not want to reveal, has been wounded in Afghanistan.

President Kuser noted that he reached out to Administrator Ward for some clarification regarding the Openaki Dam and Bridge. He said that people are asking him when the lake is going to be filled up again. Mr. Kuser advised that we are 18 to 24 months away from that because they are still waiting for more tests and more information. He added that there are no plans to widen the Openaki Bridge.

President Kuser said that another item that he brought to Mr. Ward and forwarded to the Chief of Police, our Engineer and to DPW, concerned a portion of Openaki Road that is very narrow, and a jogger was struck by a car in that area. He advised that Mr. Ward is going to look into who owns the portion of land that juts out into the road. Mr. Kuser added that there are some massive trees on that property as well as a telephone pole. He said that it seems to be a small lot at the point where the road narrows.

Administrator Ward advised that he is checking with the Tax Assessor and Construction Office to track down deeds and surveys relative to the right-of-way.

ORDINANCE(S) FOR INTRODUCTION:

#9-11 BEAVER BROOK WATER MAIN PROJECT

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$525,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

Clerk Costello advised, as is required by law, that we are in receipt of the Supplemental Debt Statement.

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

DISCUSSION: Councilman Stecky asked the Clerk about the vote on this, since we only have four Councilpersons present. Mrs. Costello advised that a mandatory five are needed for adoption but you may introduce with three out of four Councilpersons.

President Kuser, addressing the Mayor, noted that the Mayor had said that he was going to contact the residents in that area to see if they want to go through with this

project. The Mayor replied that he has a meeting scheduled with one of the residents to discuss issues but, at this time, no one has reached out to him to say that they don't. The Mayor said that between now and the final adoption he will definitely bring this up. Councilman Stecky interjected that he was walking in that neighborhood and spoke with the same gentleman and the first thing he was asked about was the progress of the water main project. Mr. Stecky added that the issue is that the potable water line has been somewhat undermined by the sewer project.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN
AND BY THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS, NEW
JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$525,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING
THE COST THEREOF

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 OF THE TOWNSHIP OF DENVILLE ON 6-14-11 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, SHAW, KUSER
ABSENT: GOLINSKI, SMITH, ANDES

#10-11 TRANSFER OF PORTION OF TOWNSHIP OWNED LAND NOT
 NEEDED FOR PUBLIC PURPOSES TO CLEAR THE TITLE TO THE
 LAND

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND
LOCATED AT THE REAR PORTION OF BLOCK 70501, LOT 502 (FORMERLY
KNOWN AS BLOCK 47 LOT 502A) COMMONLY KNOWN AS HILLCREST ROAD IN
THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY
BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: None.

AYES: SHAW, STECKY, SMITH, KUSER

ABSENT: GOLINSKI, FITZPATRICK, ANDES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND LOCATED AT THE REAR PORTION OF BLOCK 70501, LOT 502 (FORMERLY KNOWN AS BLOCK 47 LOT 502A) COMMONLY KNOWN AS HILLCREST ROAD IN THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY 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 6-14-11 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 SHAW, SECONDED BY MEMBER STECKY

AYES: SHAW, STECKY, SMITH, KUSER

ABSENT: GOLINSKI, FITZPATRICK, ANDES.

ITEMS FOR DISCUSSION AND/OR ACTION: None.

President Kuser asked if anyone, from the public or the Council, would like to have anything removed from the Consent Agenda.

Mayor Husa commented that, with regard to the resolution concerning fireworks, he signed a letter today to be sent to all local businesses to solicit funds to pay for the fireworks. He said that this practice is followed every year and the fireworks are not paid for out of tax money, almost 100% comes from donations. President Kuser advised the Mayor that the fireworks referred to in the resolution are the ones that the Fire Department has at their Carnival. The Mayor noted that there is another resolution regarding the July 4th fireworks and those are the ones that the letter is being sent out for. Clerk Costello advised that the town fireworks resolution is not on the Consent Agenda.

CONSENT AGENDA:

R-11-109 RESOLUTION AUTHORIZING FIREWORKS DISPLAY BY GARDEN

- STATE FIREWORKS, INC. AT THE DENVILLE FIRE DEPARTMENT CARNIVAL
- R-11-110 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2011
- R-11-111 RESOLUTION ENDORSING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
- R-11-112 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A LICENSE RENEWAL AGREEMENT WITH KLEINFELDER EAST, INC. FOR THE PROPERTY LOCATED AT 27 WEST MAIN STREET, BLOCK 50308, LOT 3

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

NON-CONSENT RESOLUTIONS:

- R-11-113 RESOLUTION AUTHORIZING JULY 4TH FIREWORKS DISPLAY AND EXECUTION OF A CONTRACT WITH SCHAEFER PYROTECHNICS, INC.

MOTION TO APPROVE R-11-113: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

DISCUSSION: Councilwoman Smith asked if there should be a rain date included in the contract. Clerk Costello noted that the rain date is in the contract but not the resolution. Mrs. Smith advised that the Fire Department resolution has a rain date. Mrs. Costello replied that she did not write the resolution. Mrs. Smith asked the attorney if it should be in the resolution. Attorney Semrau replied that it is sufficient that it is in the contract. Mrs. Smith responded that she has not seen the contract. Clerk Costello said that she is sure it is in the contract. The Mayor commented that it is pretty standard procedure to have a rain date in the contract. Mrs. Costello advised that she will check the rain date and put a note in everyone's mail box.

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

MOTION TO APPROVE MINUTES OF 3-15-11: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY
AYES: SMITH, STECKY, SHAW, KUSER
ABSENT: GOLINSKI, FITZPATRICK, ANDES

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

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

MEETING ADJOURNED AT 8:18 P.M.

Respectfully submitted,

Kathleen A. Costello
Deputy Township Clerk