

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

JUNE 21, 2011

The Meeting was called to order at 7:00 p.m. by President Kuser. 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 everyone that this is a non-smoking facility and requested that all cell phones be silenced.

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

ABSENT AT ROLL CALL: GOLINSKI AND FITZPATRICK

ALSO IN ATTENDANCE: TOWNSHIP ATTORNEY SEMRAU, MAYOR HUSSA,
ADMINISTRATOR WARD AND TOWNSHIP ENGINEER RUSCHKE.

President Kuser asked for a motion for:

R-11-145 RESOLUTION TO GO INTO CLOSED SESSION: ATTORNEY/CLIENT
PRIVILEGE AND POTENTIAL LITIGATION

MOTION TO APPROVE R-11-145: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER SHAW

Attorney Semrau interjected, for the record, that the Attorney/Client privilege relates first, to the acquisition of the Curtis property and, secondly, discussion regarding the Ford Road field and, in addition, the solid waste contracts.

AYES: SMITH, SHAW, STECKY, ANDES, KUSER

ABSENT AT ROLL CALL: GOLINSKI AND FITZPATRICK

Council went into Closed Session at 7:02 p.m.

Council came out of Closed Session at 7:42 p.m.

President Kuser advised that the preliminaries of the meeting have been attended to before the Closed Session and he would now like to open the meeting to the public.

OPEN PUBLIC PORTION:

Gerry Idec, 1 East Longview Trail, asked where the money is coming from for the employees' picnic. Mayor Husa replied that it is an incentive for the employees. He said that they are skipping their lunch hour and the money is coming out of the General Fund. The Mayor advised that it is a modest amount.

Mr. Idec asked who authorized the picnic. Mayor Husa replied that he did and he takes responsibility for it.

Mr. Idec asked if isn't the Council that has to authorize spending taxpayers' money. He commented that all employees in Denville are being granted a half day.

Mayor Husa responded that it is not half a day, it is only two hours and he will take the responsibility for it. Mr. Idec retorted that he doesn't want the Mayor to take the responsibility, he wants the Council to take it.

Councilwoman Smith explained that the Council does set the budget and study it line

item by line item and determine what the budget will be. She said that they set "x" percent of dollars for this and "x" percent for that, but the actual authority for spending it lies with the Mayor.

Mr. Idec said that the Mayor then, has complete control over the taxpayers' money. The Mayor replied that is not correct. Mr. Idec became a bit belligerent and told the Council and the Mayor that they are "dancing around the issue".

The Mayor responded that the answer is very straight forward. He said that he explained to Mr. Idec before that the employees are skipping their lunch that day. Administrator Ward interjected that the picnic begins at 12:00 and the employees are required to stay until at least 2:30 p.m. Mr. Ward continued by stating there are many dedicated employees in the municipality and, in corporate America, it is quite common to recognize those employees. He said that one of the things that is done at this once a year event is to recognize individuals who have attained milestones in years of service. Mr. Ward noted that the employees receive pins indicative of their service, in five year increments. He said that the employees look forward to this picnic and the minimal cost of the picnic to the Township is well spent. Mr. Ward noted that recognizing the employees in this way helps to keep them motivated and, he believes that a happy and motivated employee remains a productive employee.

Mr. Idec was not satisfied with Mr. Ward's explanation indicating that most companies have their picnic on a Saturday, when they could bring their families. He said that he still thinks it should be up to the Council to approve it.

Stan Sebastian, 35 Morris Avenue, stated that he is here to support the resolution on tonight's agenda which extends the deer hunt. Mr. Sebastian spoke about testing positive for Lyme Disease recently and noted that his entire family has had the disease. Mr. Sebastian commented on the number of deer on his property and on his daughter's property.

Ed Kwiatkowski, 3 Sue Court, commented that he borders the Board of Education property and asked if the hunt could be expanded to include the Board of Education property. He noted that a serious deer problem exists in that area.

President Kuser asked the Mayor if that property can be considered.

The Mayor replied that he does not think it will be a problem. He asked one of the members of the deer hunt committee, who happened to be in the audience, if it could be worked out and the response was that it could.

Mary McAteer, 37 West Glen and Cathy Banks, 78 Cedar Lake Road, both spoke in favor of extending the deer hunt.

Ed Banagan, 38 Old Mill Drive, noted that ordinances #13-11 and #14-11 will be discussed this evening. He asked if the Township has settled a contract with the employees.

Administrator Ward explained that there are five negotiating units within the Township; he noted that the town has come to terms with one of the groups and have the same agreement with the confidential employees. Mr. Ward advised that the Police have filed for Interest Arbitration and we are somewhere in between those two spots with the

other associations.

Mr. Banagan commented that he wishes the Police luck with arbitration because he just read that the Teaneck Police just went to arbitration and they were awarded 0% for 2011 and 1% for 2012. He said that he understands that there is a new system for arbitration.

Mr. Ward replied that Denville falls under some of the new arbitration laws, but not others due to when the contract expired.

Mr. Banagan then asked if the number of cars taken home by employees, by contract, are being negotiated out of the new contracts.

Mr. Ward replied that the number is slowly being reduced and there are two less, just since the last time he gave an update. He said that is an outstanding issue with one of the associations that has not settled.

CLOSE PUBLIC PORTION.

ORDINANCE(S) FOR INTRODUCTION.

#13-11 SALARY ORDINANCE FOR MEMBERS OF DENVILLE TOWNSHIP
SUPERVISORY EMPLOYEES ASSOCIATION

Councilman Andes advised President Kuser that he will recuse himself since his son is an employee of the Township.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

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

DISCUSSION: Councilman Golinski noted that this ordinance does not specify a percentage of increase.

Administrator Ward replied that this ordinance establishes the minimum and maximum range. He said that the minimum is actually minimum wage and the maximum is rounded to just above what their actual salary will be. Mr. Ward explained that, on the evening on which these ordinances are up for adoption, there will be a resolution on the agenda to ratify the contract, which will specifically state the percentages.

Councilman Stecky asked if the numbers are different than last year's. Mr. Ward replied that they are considerably different; he said that these are 2% and 2%, which is down considerably from the last proposal. Mr. Stecky said that what he was referring to was the minimum and maximum figures.

Mr. Ward replied that the maximums were adjusted to accommodate the increases that were negotiated with the employees. He said that he standardized the minimums because it is simply a range.

President Kuser asked Mayor Hussa for his recommendation on this ordinance. Mayor Hussa stated that, for those bargaining units that have settled, we should go along with this ordinance. He said that, for those who have not settled by now, they all had the opportunity to settle at the same figures. Mr. Hussa noted that some are going to arbitration and may get 0% or 1%. He said that, in his opinion, they would have been in their best interests to settle. The Mayor commented that we are happy with these two being settled, but for the others, there is no guarantee.

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

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY FOR THOSE EMPLOYEES OF DENVILLE TOWNSHIP SUPERVISORY EMPLOYEES ASSOCIATION GOVERNED BY COLLECTIVE BARGAINING
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 7-12-11 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 GOLINSKI
AYES: SHAW, GOLINSKI, STECKY, SMITH, FITZPATRICK, KUSER
RECUSE: ANDES

#14-11 SALARY ORDINANCE FOR EMPLOYEES OF THE TOWNSHIP OF DENVILLE NOT GOVERNED BY A COLLECTIVE BARGAINING AGREEMENT

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES , VACATIONS, HOLIDAYS AND OTHER WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED BY COLLECTIVE BARGAINING
BE INTRODUCED AND READ BY TITLE ON FIRST READING
MOTION TO INTRODUCE: MOVED BY MEMBER SHAW, SECONDED BY MEMBER FITZPATRICK

DISCUSSION: None.

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

RECUSE: ANDES

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE CONCERNING SALARIES , VACATIONS, HOLIDAYS AND OTHER
WORK CONDITIONS FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF
DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY NOT GOVERNED
BY COLLECTIVE BARGAINING

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 7-12-11 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 GOLINSKI

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

RECUSE: ANDES

R-11-122 RESOLUTION OF THE TOWNSHIP OF DENVILLE, MORRIS COUNTY,
STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE
CONTRACT FOR THE SALE OF BLOCK 61202, LOTS 52 AND 19
KNOWN AS THE CURTIS PROPERTY

MOTION TO APPROVE R-11-122: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER FITZPATRICK

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

R-11-146 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT
TO LANDMARK I APPRAISAL, LLC FOR APPRAISAL SERVICES
RELATING TO THE 79 BROAD HOLDINGS PROPERTY, BLOCK 21,
LOT 4

MOTION TO APPROVE R-11-146: MOVED BY MEMBER SHAW, SECONDED BY
MEMBER GOLINSKI

Councilwoman Smith noted for the record that there appears to be a typo on the
Certification of Funds #1117. She advised that there is a \$700 discrepancy between
the two figures listed on the Certification and that the Clerk will check with the CFO to
have it corrected.

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

R-11-147 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO BEHRE ASSOCIATES, P.C. FOR SURVEY WORK RELATING TO THE ACQUISITION OF BLOCK 21, LOT 4, 79 BROAD STREET, ROCKAWAY BOROUGH, NJ KNOWN AS THE "ROCKAWAY PROPERTY"

MOTION TO APPROVE R-11-147: MOVED BY MEMBER STECKY, SECONDED BY MEMBER SHAW

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

R-11-148 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO APPRAISAL CONSULTANTS CORP. FOR APPRAISAL SERVICES RELATING TO THE COMMERCIAL TAX APPEALS

MOTION TO APPROVE R-11-148: MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER SMITH

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

R-11-149 RESOLUTION AWARDDING PROFESSIONAL SERVICES CONTRACT TO INTEGRA REALTY RESOURCES FOR APPRAISAL SERVICES RELATING TO THE 43 SMITH ROAD PROPERTY, BLOCK 11101, LOT 3

MOTION TO APPROVE R-11-149: MOVED BY MEMBER SHAW, SECONDED BY MEMBER GOLINSKI

DISCUSSION: Councilwoman Smith asked the Mayor for clarification on what the 43 Smith Road property is.

Mayor Husa replied that it is a property that he has been trying to negotiate for as an Open Space acquisition. He said that he believes that Mr. Kuser went on the Open Space Tour when the property was viewed.

Mr. Kuser said that he did go on that tour but does not know how far the Open Space Committee went with it. The Mayor said that they really didn't want to talk about it in open session because it is a contract and land acquisition subject.

Mrs. Smith interjected that she would prefer to discuss a property, in a Council Closed Session, before authorizing an appraisal. She said that she does not think it is appropriate to authorize the funding of anything until the Council is in agreement that it is a property that the Council wants to acquire.

Attorney Semrau asked if this is a 2011 application to Green Acres.

The Mayor replied that it would have been. He added that the owner has agreed to pay half of the appraisal, so the Township is only "on the hook" for half. Mayor Husa noted

that there will be no application. He advised that this was supposed to be a "quick and dirty" appraisal by the appraisal company, but he went far enough that he did the whole appraisal.

Councilwoman Smith commented that \$7,000 is not a "quick and dirty" appraisal. The Mayor replied that is correct, but it started out that way.

Mrs. Smith said that we should not do a "quick and dirty" appraisal. She said that her recommendation would be to hold off on this. Mrs. Smith added that she would vote no, but then asked if it could be tabled.

Attorney Semrau noted that she can certainly ask to have it tabled.

The Mayor interjected that the appraisal has already been done, so tabling it will serve no productive end. Mrs. Smith replied that it will save spending Township money on something that she doesn't even know about.

Attorney Semrau explained that tabling the resolution will not prejudice the Township because it is not on the 2012 application for Open Space.

Councilwoman Smith made a motion to table R-11-149, Councilman Golinski seconded the motion.

AYES: SMITH, GOLINSKI, FITZPATRICK, ANDES, KUSER

NAYS: SHAW, STECKY

R-11-150 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF DISABLED VETERAN'S TAXES

MOTION TO APPROVE R-11-150: MOVED BY MEMBER SMITH, SECONDED BY MEMBER STECKY

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

R-11-151 RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH THE UNITED BOW HUNTERS OF NEW JERSEY FOR THE MANAGEMENT OF DEER

MOTION TO APPROVE R-11-151: MOVED BY MEMBER SMITH, SECONDED BY MEMBER ANDES

DISCUSSION: President Kuser noted that he and Mr. Ward discussed the fact that the Chief of Police and ACO Petrillo have both given the hunt their blessing.

Administrator Ward advised that the Chief of Police did not take a positive or negative approach; he neither endorsed it nor declined to endorse it. He noted that the Animal Control Officer said that she would like to see a population count of the deer in Denville. President Kuser asked if we did not do a population count; he said that he thought that we had a committee.

The Mayor replied that they started to do it but didn't have the manpower to complete it. He said that the short answer is that they intended to, but it never actually happened. Councilwoman Smith commented that she doesn't know if there would be a willingness for a slight amendment in the wording. She noted that under the heading

“Qualifications”, number 1, she thinks it should read “posses a current or active” N J Firearms ID card or a current letter from a Police Department. Mr. Stecky said that is already covered by State law. Mrs. Smith replied that we are only talking about what UBNJ will do. Mr. Semrau stated that he does not think it would be a material change. President Kuser asked the Mayor for his recommendation on this resolution. The Mayor said that he definitely echos everything that was said here tonight. He reiterated the remarks from the public regarding Lyme Disease and the destruction of the undergrowth in large areas of town. The Mayor stated that the forests are ruined by the white tail deer and we need to do at least one more hunt, maybe several more.
AYES: SMITH, ANDES, SHAW, GOLINSKI, FITZPATRICK, KUSER
ABSTAIN: STECKY

R-11-152 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, DESIGNATING THE MONTH OF JULY AS PARKS AND RECREATION MONTH
MOTION TO APPROVE R-11-152: MOVED BY MEMBER ANDES, SECONDED BY MEMBER STECKY
AYES: ANDES, STECKY, SHAW, SMITH, GOLINSKI, FITZPATRICK, KUSER

R-11-153 RESOLUTION AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE FO THE FADA GROUP, INC. d/b/a SOGO #1408-33-010-005
MOTION TO APPROVE R-11-153: MOVED BY MEMBER ANDES, SECONDED BY MEMBER SMITH
DISCUSSION: Councilman Golinski asked if there is an automatic review to see if there have been any complaints regarding the establishment. Attorney Semrau explained that the application is circulated to various departments, comes back to the Clerk’s office and is not placed on the agenda until all clearance has been provided. He said that tax clearance from the State of N. J. must also be provided. Mr. Kuser noted that it was not included on the resolution approving all the other liquor licenses last week because the tax clearance had not come through from the State in time. Mr. Golinski further questioned the procedure for clearing the license. Deputy Clerk Costello assured him that it would not get by Clerk Donna Costello if there were any kind of problem.
AYES: ANDES, SMITH, STECKY, SHAW, GOLINSKI, FITZPATRICK, KUSER

ITEMS FOR DISCUSSION AND/OR ACTION:
ORDINANCES:

#12-11 AMENDMENT TO LOCAL ASSISTANCE BOARD AND SOCIAL SERVICES
Administrator Ward explained that, in May, the Council passed a resolution, with the

impending retirement of Social Services Director Grace Predmore, to send the function of that office dealing with the administration of public assistance to the County of Morris. He noted that a Local Assistance Board was established to assist Director Predmore with that program. Mr. Ward advised that the Board is made up of very dedicated and able volunteers. He said that, although we have to disband the Local Assistance Board, it was decided that an ordinance would be drafted to establish a new volunteer group to be known as the Local Assistance Advisory Board. Mr. Ward stated that the ordinance would also outline its new charge, which is being more involved with assisting with the special programs, food drives, food bank and assisting the new Social Services Coordinator. The Administrator reported that he began interviewing for that position today and some excellent and very qualified individuals have applied. He said that the Local Assistance Board met, looked at the draft and made some additional comments which Councilman Golinski provided to him. Mr. Ward noted that he has incorporated some of them into this draft ordinance.

Councilman Golinski advised that he has met twice with the Board to discuss this ordinance and he received their feedback and support going forward to help with the transition. He said they had discussed the makeup of the new Board at previous meetings and it is understood that the Mayor will appoint the current members to start the new Board. Mr. Golinski noted that it was agreed that the new Board would consist of seven members.

President Kuser commented that the sub-committee met and they recommended seven members and Administration agreed with that number.

The Mayor said that he was unable to attend that meeting and he thinks that the number should be raised to nine members. He noted that there are 13 members on the Recreation Committee and 11 members on the MAC committee and this is far more important, to some people, than the other two committees. Mayor Hussa commented that there are always extra people waiting in the wings to help out, so why not allow them the opportunity to be a full member. He said that he would definitely want that number to be at least nine.

Councilman Fitzpatrick stated that he agrees with having nine people if we can.

Mrs. Smith brought up the question of Mr. Golinski being a voting member of the newly formed Board, since he is the liaison. The Mayor said that Mr. Golinski is a voting member. Mrs. Smith asked Attorney Semrau if, since the new unit will be a Committee rather than a Board, the status of the Council liaison member changes. Attorney Semrau replied that a Committee doesn't necessarily have the same authority. Mrs. Smith said that there would still be a liaison but he wouldn't have a vote.

Mr. Semrau noted that it could be put in the ordinance. The Mayor said some committees are different, for instance, the Planning Board liaison is a voting member. Mrs. Smith commented that it is a statutory requirement on the Planning Board. Mr. Semrau said that is correct. The Mayor stated that this will become a statutory requirement. Attorney Semrau replied that it would not, it is different. The Mayor said that it can be written into the ordinance.

Councilwoman Smith stated that she does not believe that this type of committee generally has a liaison who is a voting member. She also noted that she does not have a problem with having nine members but we now have four members to be appointed for three years. Mrs. Smith suggested that, as a courtesy to the new Mayor, any new members that are appointed have a term that expires at the end of this year.

The Mayor replied that he would not agree to that because it is not fair to those being appointed. Mrs. Smith retorted that it is not a matter of the Mayor's agreement, it is her recommendation to the Council. She said that she would like him to agree to it but she thinks that the people that are appointed know that we want to continue it, but she thinks the courtesy should be given. The Mayor stated that, as a practical matter, there will not be a majority of the people being reappointed in a given year. He said that, with nine members, only two will be appointed in any given year.

Councilman Andes noted that the ordinance reads, "a period not exceeding three years". He said that he reads that as meaning a person can only be on the committee for a total of three years. Mr. Andes pointed out that it is a Committee, not a Board and the term of appointment for committees is one year and they expire at the end of the year. He said that the Boards have the staggering terms.

Attorney Semrau interjected that the appropriate term is one year. He said that, when speaking about committees, it is within the Council's authority to, at a maximum, have a one year term, which would expire at the end of the year for all members. Mr. Semrau added that the three year maximum should not exist in this ordinance.

Councilman Golinski commented that he will have to defer to the legal opinion, but the committee felt that a three year staggered term would be the best. He noted that some of the members have served for over twenty years. Mr. Golinski advised that they do not want this to be affected by politics and, if it is a three year staggered term, it won't be affected by political changes every two years. He said that serving the needy people of our town is more important than the political wins and losses.

Mrs. Smith commented that it should be noted that, looking at many of the committees in this town, there are many long serving members who serve one year terms and are not tossed out because of political winds. She told Mr. Golinski that the people he has spoken with need to be assured that their long years of service are appreciated and their experience is needed. Mrs. Smith said that this is not meant as a slap in anyone's face, it is the common way of settling things by having a one year term. Mr. Andes noted that it is the way that they were accustomed to being appointed, because they were a Board; now they are a Committee and the appointment procedure is different. The Mayor said that most committees have a one year term.

Attorney Semrau noted that, by law, this Governing Body cannot bind future Administrations and the bottom line is that they can't bind themselves beyond the end of the term.

Mr. Kuser asked if the Council wanted nine members. Mr. Fitzpatrick stated that he is in favor of nine and, with nine, he doesn't think the liaison needs to be a voting member. Mr. Kuser said that he feels the number should be seven. Mr. Andes agreed

with seven. Mr. Golinski also agreed with seven and noted that managing too big a group can become cumbersome.

Attorney Semrau suggested going with seven plus two alternates.

There was a brief discussion regarding the pros and cons of having seven with two alternates or appointing seven.

Mr. Kuser asked for a consensus on having seven members and two alternates:

Golinski	Yes	Stecky	Yes	Shaw	Yes	Andes	Yes
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Fitzpatrick	Yes	Smith	Yes	Kuser	Yes		
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President Kuser asked if there were any other suggestions. No one responded.

#15-11 AMENDMENT TO CHAPTER 19, LAND USE REGULATIONS WITH REGARD TO OUTDOOR STORAGE

Mr. Kuser noted that this proposed ordinance has been discussed before and called the Council's attention to the italics in subsection B, item 2 which indicates that "no registered motor vehicle or boat shall be kept on these premises for more than sixty days for repair and a maximum of two unregistered motor vehicles are permitted to be stored for a maximum period of ninety days on these premises, with the exception of those vehicles associated with approved new and/or used automobile sales establishments."

Mr. Kuser noted that this was discussed, at length, in sub-committee meetings, brought to the Council, questions were raised regarding definitions and it went back into committee. He said that changes have been made and it is now back before the Council for their perusal. Mr. Kuser stated that he feels it would be best not to get too specific with descriptions, that some of it should be left to the Zoning Official.

Mrs. Smith commented that she is getting the implication that no boat or registered vehicle may be kept on the premises for more than sixty days, even in a garage.

Mr. Kuser said that it's fine if it is in a building. Mrs. Smith noted that is not what the ordinance says. Mr. Kuser replied that it is in another part of the ordinance, where it says it is garaged. Mrs. Smith said that this is supposed to be outdoor storage and the "in addition" is too broad. She suggested that something like "outdoors this may not occur" be inserted.

Mr. Golinski commented that this section is entitled "Outdoor Storage", so everything referred to in this section pertains to outdoor storage.

After a brief discussion, Attorney Semrau suggested that it should read "60 days for repair and/or storage"

Mr. Kuser noted that Mrs. Smith is referring to the wording that indicates storage for a maximum of 90 days. He said that the intent of the changes to the ordinance is to prevent repair shops from becoming junk yards and keeping vehicles there for parts.

Mrs. Smith stated that she thinks 90 days is a very generous time frame and asked why it is for two vehicles. Mr. Ward replied that the 90 days is for unregistered vehicles.

Mrs. Smith said that she does not think that any unregistered vehicle should be on there for 90 days. Mr. Ward explained that the focus for that 90 day time frame

centered around vehicles that may be abandoned by the owner when he finds that the repair will cost more than the car is worth. Mr. Ward further explained that, in that instance, it would take time for the owner of the repair facility to do what is legally necessary to dispose of the car, or take legal possession of it.

There was a brief discussion regarding the process of declaring a vehicle as abandoned and the authority of the Zoning Officer to grant an extension to the shop owner under certain mitigating circumstances.

Attorney Semrau noted that it is a valid point, but suggested that wording be incorporated into the ordinance to ensure an even-handed approach to any extensions that are requested. He said that, just leaving it to the discretion of the Zoning Officer could be problematic. Mr. Semrau added that he feels there should be language that precludes an owner from leaving a car for 59 days, picking it up and then bringing it back.

Mrs. Smith then asked where are the "teeth" in this ordinance.

Mr. Ward replied that there is an enforcement section in the ordinances that applies to all of our zoning and the fines are at the discretion of the Municipal Judge. He said that his guess would be that the maximum is \$1,000 or \$2,000.

Attorney Semrau advised that the maximum is \$2,000 and each day past the 60 day time frame could be considered an individual violation and be fined per day after the 60 day period. He said that language should be added to this section specifying that.

There were comments regarding the lack of enforcement for many existing ordinances and the need to add consequences in the body of these ordinances.

Mr. Semrau stated that he feels that the way the Governing Body is going about changing these ordinances is a very effective procedure. He noted that the enforcing officers, such as Zoning and Health, are being included in the discussions and given the tools that they need to enforce the ordinances.

Mr. Fitzpatrick asked for clarification regarding the section that requires "screening". The type of screening was discussed and Mr. Fitzpatrick expressed concern that the "screening" could be some unsightly covering.

Attorney Semrau replied that it is part of the Land Use regulations and he will check with Planner Denzler on the issue.

Mr. Fitzpatrick then asked about the Zoning Officer granting an extension. Mr. Ward explained the procedure that would be followed.

President Kuser asked if anyone had any further comments and are they ready to move forward with it. He advised that the changes discussed tonight will be taken care of by Mr. Semrau, a copy of the revised ordinance provided to the Council and, if at all possible, it will be ready for introduction on July 12th. Mr. Kuser said that he would really like to move this along, but wants it to be done right. He added that the sign ordinance is being looked at by the sub-committee and is being tightened up so that it is also done right.

SECTION 2A-1, ENGINEERING FEES, OF THE REVISED GENERAL ORDINANCES

Administrator Ward explained that, when there is a development inspection by the Engineer or Asst. Engineer, the escrow is paid out at the rate of straight time and overtime, plus a \$5 administrative fee. He noted that, that was under the assumption that we would always have a staff engineer. Mr. Ward advised that, now that we have a Consulting Engineer, the language has been added that, if the Township has a Consulting Engineer, the fee set forth for these inspections to be deposited in escrow will be based upon the actual Engineer's fee pursuant to their contract with the municipality. He said that both fee schedules are in there in order to cover either contingency, staff or consulting engineer.

Mrs. Smith asked if this is the only inspection fee that is being changed and is it necessary to have this,

Mr. Semrau replied that it is a fair point but, in 2008 the Planning Board was unsuccessful when an applicant challenged the fees. He said that the escrow fees had to be returned because the County Board of Construction said that the approval process was inaccurate. Attorney Semrau suggested that this ordinance be circulated to Mr. Buzak and Mr. Wiener, Attorneys for the Planning Board and Board of Adjustment, for their input.

Mrs. Smith noted that we have a fee schedule now and asked again if this change is necessary.

Mr. Semrau replied that it is because we had an in-house engineer and now we have a consultant and that, in itself, needs to be addressed in this ordinance.

Mrs. Smith reiterated that she feels that we need to look at all fee sections.

Mr. Ward noted that there is another ordinance for discussion this evening that also deals with fees.

President Kuser stated that we will make sure the fee schedule is correct and all areas are looked at, with regard to fees. Mr. Semrau again suggested that the ordinance be sent to Mr. Wiener and Mr. Buzak.

#17-11 AMENDMENT TO CHAPTER 8, PARKING LOTS AND PARKING METERS, WITH THE ADDITION OF SECTION 8-4, COOKS POND SENIOR HOUSING PARKING LOT OF THE REVISED GENERAL ORDINANCES

Administrator Ward explained that there are parking spots that are assigned to residents at the Cook's Pond Housing facility. He noted that often visitors will pull into one of the resident's spots, rather than park at the far end of the lot causing great inconvenience to the resident whose spot they have taken. Mr. Ward advised that this ordinance codifies the parking spots that are assigned to the residents. He reported that he and the Police Chief met with representatives of Madison Senior Housing Authority and some of the senior citizens about six weeks ago. The Administrator noted that everyone was very much in favor of this ordinance and think it will do a great

service to the residents. President Kuser commented that it basically extends our parking enforcement to Cook's Pond Senior Housing, with the same parking violation fees that would be incurred for illegal parking downtown.

Mrs. Smith asked who will issue the fine.

Mr. Ward advised that the resident will call the Police Department and a warning will be issued initially. He said that, at the meeting with the residents, they were asked to be self-policing and remind their visitors to be respectful of the residents' spaces. Mr.

Ward added that additional signage will be done to specify resident parking.

Mr. Kuser asked if there were any further comments. No one responded and Mr. Kuser asked that the ordinance be put on the July 12th agenda.

#18-11 ORDINANCE TO REPEAL A CERTAIN PORTION OF CHAPTER 19,
 LAND USE REGULATIONS WITH REGARD TO BOARD OF
 ADJUSTMENT FEES

Administrator Ward advised that, in speaking with the Planner and the Engineer, there is an exemption on Page 2 for additions. He said that F-2 states that no review fee shall be required when the property involves a single family home and the application is for an addition or alteration, permitted accessory structure, deck or fence. Mr. Ward noted that the Planner, and with confirmation of the Engineer based on experience with other municipalities, feels that additions and alterations to single family homes have quite detailed plans and a nominal escrow fee of \$250 would be appropriate for the review of these applications. He added that there will still be an exemption from any fee for accessory structure, fence or deck.

Mr. Kuser noted that this ordinance will also be introduced on July 12th.

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

AYES: UNANIMOUS

MEETING ADJOURNED AT 8:56 P.M.

Respectfully submitted:

Kathleen A. Costello
Deputy Township Clerk