

Minutes of the Conference Meeting of the Borough Council held October 2<sup>nd</sup> 2014 at 7:30 p.m. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

Pledge of Allegiance and Prayer.

Mayor Frank J. Druetzler called the meeting to order and read the following notice:

I HEREBY ANNOUNCE AND STATE THAT ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY VIRTUE OF A RESOLUTION SCHEDULING THE TIME, DATE, AND PLACE OF MEETINGS OF THE BOROUGH COUNCIL OF THE BOROUGH OF MORRIS PLAINS FOR THE YEAR 2014; WHICH RESOLUTION WAS ADOPTED BY THE BOROUGH COUNCIL ON JANUARY 7, 2014, AND WAS PUBLISHED IN THE *MORRIS NEWSBEE* AND IN THE DAILY RECORD AND BY THE FORWARDING OF SUCH RESOLUTION TO ALL PERSONS ON THE REQUEST LIST; BY THE POSTING OF SUCH RESOLUTION ON THE BULLETIN BOARD IN THE BOROUGH HALL; ALL OF THE ABOVE ACTIONS BEING IN ACCORDANCE WITH N.J.S.A. 10:4-6, *ET SEQ.*

Present on Roll Call:

Mayor Frank J. Druetzler  
Councilmembers: George J. Coogan  
Joseph Cecala, Jr.  
Laurie J. Fu  
Jason C. Karr  
Frank Mangravite  
Suzanne B. McCluskey

Absent: None

Present: Gail H. Fraser, Esq., Borough Attorney

#### **ITEMS FOR DISCUSSION**

Mayor Druetzler advised that in the near future photographs will be taken of the Governing Body and others that will be placed in the time capsule to be opened 50 years in the future. The photographs will be in color and will provide the names of all those photographed. He also commented on other ideas that are being considered for insertion into the time capsule.

Councilmember Fu raised the subject of the Shade Tree contract for tree maintenance and the various contract options she has raised for consideration. She advised that at the Shade Tree Commission meeting the members seem to prefer a usual two-year contract, and she provided their reasons.

Mayor Druetzler advised that the County MUA does a one-year contract with additional years optional. To his knowledge they have not encountered any problems with this approach. He believes it is a safeguard that if the first year is not working out, a new contractor can be secured. If the first year is a good one, the contractor can be granted additional years. He does not believe most contractors will object to a one-year contract.

Cross discussion about the various options that can be selected for a new shade tree maintenance contract, including Councilmember McCluskey's explaining how previous fireworks contracts were structured.

Councilmember Fu asked if everyone was agreeable to a one-year shade tree maintenance contract with two one-year extensions. She will advise the Shade Tree Commission of this discussion. She thanked the members for their input.

Councilmember Karr reported that RoseMarie Leyhan will be given a \$1,000 increase to bring her even with everyone else who received a raise at

the start of the year; this is her anniversary date. The bond preparation is complete and should be finished by month's end. The transition process to the P-Cards is still progressing. Once the actual cards are received, there will be a software update and training. The Finance Committee has approved 10 people who will be given P-Cards. He also advised on the status of five bids.

**EXECUTIVE SESSION**

Moved by Councilmember Coogan:

**BE IT RESOLVED THAT** Resolution No. 2014-133 entitled, "Executive Session" be adopted. This Executive Session will address legal, personnel, and contracts/agreements issues.

Seconded by Councilmember McCluskey. So ordered.

Councilmember Karr moved that the Executive Session be adjourned.

Seconded by Councilmember Cecala.

Councilmember McCluskey moved that the Conference Meeting be adjourned at 8:30 p.m.

Seconded by Councilmember Karr.

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Frank J. Druetzler, Mayor

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June Uhrin, Borough Clerk

Pledge of Allegiance and Prayer.

Mayor Frank J. Druetzler called the meeting to order and read the following notice:

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Present on Roll Call:

Mayor Frank J. Druetzler  
Councilmembers: George J. Coogan  
Joseph Cecala, Jr.  
Laurie J. Fu  
Jason C. Karr  
Frank Mangravite  
Suzanne B. McCluskey

Absent: None

Present: Gail H. Fraser, Esq., Borough Attorney

### **RESOLUTION**

Moved by Councilmember McCluskey:

**BE IT RESOLVED THAT** Resolution No. 2014-134 entitled, "RESOLUTION APPOINTING ROBERT JAMES GUILD TO THE MORRIS PLAINS POLICE DEPARTMENT" be adopted.

Seconded by Councilmember Karr.

Yeas: Councilmembers Coogan, Cecala, Fu, Karr, Mangravite, McCluskey

Nays: None

Abstain: None

Absent: None

### **SWEARING IN OF PROBATIONARY PATROLMAN**

Mayor Druetzler invited Probationary Patrolman Guild and his family to join him for the official swearing in ceremony.

Probationary Patrolman Guild introduced his family and thanked everyone for giving him this opportunity. Photographs were taken.

Mayor invited everyone to the Fire Association Room for congratulations and refreshments.

### **APPROVAL OF MINUTES**

Councilmember Coogan moved:

**BE IT RESOLVED THAT** the minutes of the Executive, Conference and Regular Meetings of September 18<sup>th</sup> 2014 be approved.

Seconded by Councilmember Karr. So ordered.

Voice vote. All in favor. **Motion carried.**

### **CONSENT CALENDAR**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Morris Plains, that the attached reports be accepted and that said reports be kept on file in the Clerk's Office:

#### **REPORTS**

Sanitarian, September 2014

*THAT* the Resolution No. 2014-135 entitled, "REFUND OF OVERPAYMENT," be adopted as attached.

*THAT* the Resolution No. 2014-136 entitled, "RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$5,725,000. GENERAL BONDS OF 2014 OF THE BOROUGH OF MORRIS PLAINS, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE," be adopted as attached.

*THAT* the Resolution No. 2014-137 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF MORRIS PLAINS, IN THE COUNTY OF MORRIS, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL BONDS AGGREGATING \$5,725,000. IN PRINCIPAL AMOUNT," be adopted as attached.

*THAT* the Borough Council authorize the release and return of the Maintenance Bond No. 72BSBGE6615, to Waterview at Hanover, LLC.

*THAT* RoseMarie Leyhan receive a \$1,000.00 for anniversary increase, effective October 1<sup>st</sup> 2014.

*THAT* Ashley Daly, 60 Stiles Avenue, be hired as part-time Teen Center Coordinator at the annual salary of \$5,689.00, pro-rated, effective October 2<sup>nd</sup> 2014.

*THAT* having polled the Council on September 23, 2014, that the residents of Glenbrook Road were granted permission to hold a Block Party with alcoholic beverages on Saturday, September 27, 2014.

*THAT* Phyllis & Dan Smith be granted permission to serve alcoholic beverages at a barbecue to be held Wednesday, October 15<sup>th</sup> 2014 from 12:00 PM to 6:00 PM at Community Park.

*THAT* the Borough Council approve the Mayor's Proclamation declaring the month of November as "PANCREATIC CANCER AWARENESS MONTH" in the Borough of Morris Plains.

*THAT* the Borough Clerk be and she hereby is authorized to advertise for an Auction to be held on Saturday, October 25<sup>th</sup> 2014, at 10:00 A.M., at the Department of Public Works, 10 Borough Terrace, for the purpose of disposing the following pieces of property at the suggested minimum bid:

One	(1)	2004 Ford Explorer	
		Vin#1FMZU72K64UA03658, mi:26,545	\$3,000.
One	(1)	2006 Ford Crown Vic	
		Vin#2FAHP71W56X134562, mi:129,270	\$1,800.
One	(1)	2008 Ford Crown Vic	
		Vin#2FAHP71V08X131112, mi:96,145	\$2,000.
One	(1)	1987 Ford Tractor	
		Vin#UP11163, 4200 Hrs	\$ 800.
One	(1)	2000 Brush Bandit Wood Chipper	
		Model250xP – Cummins Diesel	\$1,000.

Bicycles/Various Items

See Borough Website, [www.morrisplainsboro.org](http://www.morrisplainsboro.org) for additional information

Seconded by Councilmember Cecala.

Yeas: Councilmembers Coogan, Cecala, Fu, Karr, Mangravite, McCluskey  
 Nays: None  
 Abstain: None  
 Absent: None

**GREETINGS OF PUBLIC AND INVITATIONS FOR DISCUSSION**

Mayor Druetzler opened this portion of the meeting to the public.

Ms. Nancy Boyajy, 8 Forest Drive, Morris Plains, stated she is at this meeting to discuss a serious feral cat issue in her neighborhood. She advised she has worked in the past as a volunteer at both St. Hubert's and Mount Pleasant animal shelters. She stated that in her experience animal shelters often do not have a realistic program in place to deal with feral cats that have been trapped and brought to them. She did this and the cat was euthanized; she felt terrible about this and never trapped any cats after that experience.

She is now volunteering with the Denville Animal Control. She commented on the good work being done by Meredith Petrillo and the help she has been providing to Ms. Boyajy's neighborhood. She spoke about the support and donations Ms. Petrillo receives and advised she is not allowed to euthanize the cats. In Denville what they are doing is trapping the cats, having them altered at St. Hubert's for \$50 per cat (the donations received pay for the altering), and giving them the necessary vaccinations. The cats are then released back outside. This program is working very well to begin to shrink the feral cat population in Denville.

Ms. Boyajy proposed that Morris Plains give Ms. Petrillo the authority to conduct this same program (generally defined as Trap/Neuter/Release or TNR) in the Borough for the Borough's feral cat population.

Councilmember Mangravite advised that the Borough's Health Officer has strongly argued against Morris Plains permitting such a program because of health concerns. The Health Officer claims these cats can carry up to 19 different diseases and they also are decimating the songbird populations. The Borough's Board of Health supports the Health Officer's position on this matter and voted against such a program. Having discussed such a program, Governing Body is also against endorsing such a program. He also commented on contractual issues in the contract the Borough has with Denville Animal Control. He stated he understands her compassion for cats caught in this situation.

Ms. Boyajy reminded that the cats will be vaccinated at the time they are altered, although the vaccinations do not remain effective forever.

Mayor Druetzler commented on the Borough's experience working with St. Hubert's. He said the contract with Denville Animal Control requires Ms. Petrillo to "get rid of these cats". How she "gets rid of them" is up to her.

Ms. Boyajy stated she understands the issues of health concerns, but this program works in Denville, and they have not had any problems there using their approach.

Mayor Druetzler stated that if Ms. Petrillo would "catch all the cats here" there will not be a problem in the Borough. This is her job, this is what is in the contract, "catch the cats and get rid of them". He commented on the matter of residents feeding the cats and the legal and other ramifications of doing this.

Ms. Boyajy recounted what has happened if there is talk about Ms. Petrillo traveling around the Borough with the intent of trapping cats (overfeeding of cats, etc.) Neither she nor Mrs. Petrillo know everyone in the Borough who may be feeding cats.

Councilmember McCluskey stated that if a person is feeding a cat(s), they then become responsible and must alter, license and vaccinate the cat(s).

Ms. Boyajy expressed her concern for the euthanasia situation and provided her reasons. Many residents will not cooperate and allow traps on their property – if they are aware or believe cats trapped will be euthanized. Ms. Petrillo advises residents she is not allowed to alter and re-release the cats back into the Borough. Introducing and endorsing a well-run TNR program would help residents cooperate with the goals of the program. She believes the Denville Animal Control is the best animal control service that the Borough has ever had. Why can't a TNR program be tried on a trial basis and "if it turns out to be a problem", then the program can be stopped. She believes "it is really worth giving such a program a shot and see how it goes."

Cross discussion about prior discussions about this subject, enforcement of issuing summons for feeding cats, vaccination issues, and monitoring of cats' health.

Ms. Boyajy commented that cats tend to avoid people and stay away from them. Ms. Petrillo is an amazing person in her ability to humanely remove cats from neighborhoods. She knows Ms. Petrillo really wants to have this program, and it is difficult for her to raise support and funding if she euthanizes cats.

Councilmember Mangravite and others stated Ms. Petrillo has not euthanized even one cat, and she uses available donations to keep them in the shelter(s). There has been significant discussion about the feral cat situation(s) in the Borough.

Ms. Boyajy said that when Ms. Petrillo brings in many cats to the Denville Shelter then available space in the shelter is greatly reduced. She is hoping there is some way to get more support and cooperation to begin to seriously work on reducing the Borough's feral cat population. Doing nothing – which has basically been the case for many years – certainly has only made everything worse; how will doing nothing now and into the future produce any different result?

Mr. Jack Doherty, 3 Forest Court, Morris Plains, stated Ms. Petrillo has been very responsive when he has called her for assistance. As far as he is concerned, she is always there when you need her.

Councilmember McCluskey stated that “if people didn’t feed them, they wouldn’t be there.”

Ms. Boyajy stated “that ship has sailed, unfortunately.” To begin to resolve this problem, there needs to be as much cooperation as possible.

Councilmember McCluskey advised the Borough does not tell Ms. Petrillo to euthanize the cats, we tell her “to get them out of here. What she does with them is up to her.”

Ms. Boyajy stated Ms. Petrillo is not allowed to alter them either, and this would be the next best step to euthanization. She also discussed several other experiences she had during the timeframes when she volunteered in other shelters.

Councilmember McCluskey said this “is not the next best thing. The best thing is to get them out of here and don’t let them come back. We don’t need to neuter them, we don’t want them back here. Get rid of them.”

Cross discussion telling about others’ experiences themselves or of neighbors, friends or families with feral cats on their properties, including that it is generally true to state that Ms. Petrillo is there to provide whatever service is needed when it is needed. The issue of feeding cats was also discussed.

Councilmember Mangravite advised that Ms. Petrillo responds differently in different situations, it is not consistent, but rather based on what she knows works. It varies with the situation. He also commented on the adoption problem facing black cats. He requested that Ms. Boyajy assist the Borough in enforcing its ordinance on no feeding of cats. He thanked Ms. Boyajy for her concern for the cats, but the Borough must follow the recommendation of its Health Officer.

Ms. Boyajy asked if the neighborhood petitioning for a change on how Borough feral cats are treated might make a difference. She thanked the Governing Body for listening to her concerns.

Councilmember Mangravite said TNR cats would have to be kept on a resident’s property; you cannot mandate that an entire neighborhood accept this plan and have the re-released cats roaming everywhere.

Mayor Druetzler asked her to advise the Governing Body of any resident she knows of who is feeding a cat(s).

Councilmember Mangravite commented on the timeframe when there was a fire at the Denville Animal Shelter and when there was a health problem. At both these times when there was quite a back-up, the Borough offered to pay for euthanizations as a one-time action, and the funds were declined. Euthanization was not discussed at the time of contract negotiations.

Seeing no one else wishing to comment, Mayor Druetzler closed this public portion of the meeting.

## **REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS**

### **Finance**

Councilmember Karr advised there will be a paper-shredding event at the Library on October 18<sup>th</sup> 2014.

### **Public Safety**

Councilmember McCluskey advised that signage for court security was ordered and the Police Chief discussed the procedures with all second-floor employees. She suspects it will be unfamiliar at first, but it will work in the end. The Farmers Market will operate for two more weeks. She mentioned the recent award received from TransOptions and that there will be another Learn to Ride program sponsored by the Rotary on Sunday at Community Park. On Wednesday, October 8 (National Walk to School Day) there will be a "Safe Walk to School" program hosted by the Police Department. TransOptions, the Police Department, parents, the principal will participate with the students.

Police Chief Kohn advised that the Drug Take-Back was held on September 27 at Stop & Shop and Morris Plains collected 165 pounds of unwanted drugs.

### **Public Works**

Councilmember Cecala commented on the DPW Superintendent's report and advised that brush pick-up has started. He updated on the deer cull.

### **Public Buildings & Grounds**

Councilmember Fu advised that Eagle Scout Ryan Wolf received approval by the Boy Scout Council to proceed with his project for benches to be installed along the Coty path; the benches are on order. He is hoping the project will be completed by the end of October. The Recreation Commission held its meeting last week and Little League representatives attended to request assistance on the installation of nets behind the backstop and issues relating to a 50/70 softball league. They will update the Commission at the next meeting.

Councilmember Cecala commented on the subject of the 50/70 and softball fields.

The upcoming weekend is the Garage Sales Weekend, rain or shine. Right now approximately 90 sales are listed in the booklet. The booklet is available online and is available at Annabella's, Lovey's, and the Farmers Market, at the corner of Speedwell Avenue and Hillview Avenue on Saturday morning, and some of the sales will also have booklets.

Mr. Salvatore Cortese, Recreation Commission Chair, together with Morris United Soccer Club arranged for new soccer nets to be installed at the Simon's Park turf. The annual Bonfire event will be held on October 25, 6:00 p.m. to 9:00 p.m., with a scavenger hunt held at 5:00 p.m.

Councilmember Fu advised the Recreation Commission is investigating possibly changing how members are admitted to the Pool. There has been difficulty with the badge software which will require that new software and equipment be purchased or that another method needs to be identified.

Councilmember McCluskey reminded that others who have used the current badge system will need to be advised if it changes.

She and Mr. Lloyd Williams, Shade Tree Commission Chair, attended a seminar hosted by PSE&G. She provided a number of details of what was discussed during the seminar relating to tree maintenance and care. A total of 109 trees are ordered for fall planting which will occur in late October/early November. She and Mr. Cortese attended a meeting with the County Park Commission to discuss use of the Central Park turf; she believes it was a very good exchange of information and concerns, including that people cannot randomly use the turf fields when they are not officially in use, although the County is looking at possibly having a turf open for

such use but only when a “turf ranger” would be there to oversee the activities.

### **Public Health, Sanitation & Sewers**

Councilmember Mangravite reported that Mr. Andy Jensen is having difficulty keeping up with the disassembly of metal items for recycling due to increased loads and the overall process itself. This metal recycling results in roughly \$1,200 and \$1,800 to the Borough per year. He reported on the Teen Center activities and the appointment of and his meeting with a new part-time Teen Center Coordinator. He reported that actions of the Board of Health, including details regarding the feral cat issue and the possible need for several new ordinances to address this issue.

### **Ordinance & Public Utilities**

Councilmember Coogan reported on the installation of the new boiler at the Community Center, including that DPW staff will be trained in how to handle problems that may happen and that they can manage. With this new equipment, the Borough will not have to pay the \$400 per year licensing fee to the State, unless the Department of Environmental Protection (DEP) lowers the limit relating to BTUs. Gas consumption should be reduced by about 50%. He updated on the generator to be installed in the Borough Hall, including the tentative installation plan for work during late November. He reported on a street light issue at Coventry on Welsh Way, including that further investigation in connection with maintenance of these street lights has resulted in a credit that will be given to the Borough that dates back to January 2013. JCP&L will not maintain or replace these lights, including replacement of burnt-out bulbs, because Lennar installed their own equipment, not that recommended by JCP&L. Lennar will be responsible for all maintenance and replacement regarding the street lights. He next reported on improvements done in the area of the train trestle and the nearby retention wall.

### **PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.**

None

### **INTRODUCTION OF ORDINANCES**

None

### **ORDINANCES ON SECOND READING**

Councilmember Coogan read by title the ordinance entitled:

#### **ORDINANCE NO. 15-2014**

**AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" WITH THE AMENDMENT AND REVISION OF SECTION 13-3.1 ENTITLED "PLANNING BOARD" TO AUTHORIZE THE APPOINTMENT OF TWO ALTERNATE MEMBERS.**

which ordinance was introduced and passed on First Reading at a meeting held on September 4<sup>th</sup> 2014.

The Clerk read the following notice:

Notice is hereby given that the following ordinance was submitted in writing at a meeting of the Mayor and Borough Council of the Borough of Morris Plains on September 4<sup>th</sup> 2014, introduced and read by title and passed on first reading, and that the said Governing Body will further consider the same for second reading and final passage thereof at a regular meeting beginning at 8:30 P.M., on October 2<sup>nd</sup> 2014 at the Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey, in said Borough at which time and place a public hearing will be held thereon by the

Governing Body and all parties in interest and citizens and all persons shall have an opportunity to be heard concerning said ordinance.

Councilmember Coogan read the following notice and ordinance by title and stated that the Notice and Ordinance has been published as required by law that the ordinance has been posted on the bulletin board in the Municipal Building and that copies had been made available to members of the general public.

Mayor Druetzler announced that the meeting is open for a public hearing on the ordinance and stated that any taxpayer of the Borough of Morris Plains and all parties and persons in interest and citizens may be heard. Seeing no one, he closed the public portion.

Thereupon Councilmember Coogan offered the following Resolution and moved its adoption:

**RESOLVED**, that the above ordinance as read by title on Second Reading, at this meeting, be adopted and finally passed.

Councilmember McCluskey seconded the motion.

Yeas: Councilmembers Coogan, Cecala, Fu, Karr, Mangravite,  
McCluskey  
Nays: None  
Absent: None  
Abstain: None

Mayor Druetzler declared the ordinance adopted and finally passed, approved the same and ordered the Clerk to publish the proper notice thereof in the newspaper and to record the ordinance in the proper place.

#### **RESOLUTIONS**

None.

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

##### **Best Practices 2014/2015**

Councilmember Karr commented on the Best Practices Work Sheet, a 50-question questionnaire. The Borough scored 86% on this Work Sheet, resulting in placement in the 100% of the State aid bracket.

Mayor Druetzler commented on the Work Sheet, stating that the budget introduction was a few days late and advised the Council members must carefully schedule the 2015 budget meetings to allow for sufficient time to be certain the budget introduction is timely.

#### **VOUCHERS**

None

#### **EXECUTIVE SESSION**

None

#### **ADJOURNMENT**

Councilmember Coogan moved that the Regular Meeting be adjourned at 10:15 P.M.

Seconded by Councilmember Karr.

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Frank J. Druetzler, Mayor

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June Uhrin, Borough Clerk