

Minutes of the Special Meeting of the Borough Council held June 11th 2015, at 5:30 p.m. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

PLEDGE OF ALLEGIANCE AND PRAYER

Mayor 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 THE CLERK OF THIS BOROUGH BY PREPARING A NOTICE DATED JUNE 3rd 2015 SPECIFYING THE TIME, DATE AND PLACE OF THIS MEETING; POSTING SUCH NOTICE ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING; FORWARDING THE NOTICE MORRIS COUNTY'S *DAILY RECORD* AND THE *MORRIS NEWS BEE*; AND FORWARDING, BY MAIL, THE SAID NOTICE TO ALL PERSONS ON THE REQUEST LIST; AND I HEREBY HAND A COPY OF SUCH NOTICE TO THE CLERK OF THE BOROUGH OF MORRIS PLAINS FOR INCLUSION IN THE MINUTES OF THIS MEETING, ALL OF THE ABOVE ACTIONS BEING IN ACCORDANCE WITH N.J.S.A. 10:4-6, *ET SEQ.*

NOTICE IS HEREBY GIVEN THAT THE GOVERNING BODY OF THE BOROUGH OF MORRIS PLAINS SHALL HOLD A SPECIAL MEETING AT 5:30 PM ON THURSDAY, JUNE 11TH 2015, IN THE COUNCIL CHAMBERS, BOROUGH HALL, 531 SPEEDWELL AVENUE, MORRIS PLAINS, NEW JERSEY FOR THE PURPOSE OF INTERVIEWING PATROLMAN CANDIDATES, M&M SOIL DISTURBANCE HEARING CONTINUANCE AND ANY OTHER MATTERS WHICH MAY COME BEFORE THE GOVERNING BODY. FORMAL ACTION MAY BE TAKEN HAS BEEN CHANGED FROM 6:00 P.M. TO 5:30 P.M.

Present on Roll Call:

- Mayor Frank J. Druetzler
- Councilmembers: Jason C. Karr
Salvatore Cortese
John Doherty
Laurie J. Fu
Suzanne B. McCluskey

Absent: Councilmember Joseph Cecala, Jr.

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

EXECUTIVE SESSION

Moved by Councilmember McCluskey:

BE IT RESOLVED THAT Resolution No. 2015-75 entitled "Executive Session" be adopted.

Seconded by Councilmember Karr. So ordered.

Councilmember Karr moved that the Executive Session be adjourned.

Seconded by Councilmember McCluskey.

APPROVAL OF MINUTES

Councilmember Fu moved:

BE IT RESOLVED THAT the minutes of the Special Meeting of May 14th 2015 be approved.

Seconded by Councilmember Doherty. So ordered.

Voice vote. All in favor. Motion carried.

BE IT RESOLVED THAT the minutes of the Executive, Conference and the

Regular Meetings of May 21st 2015 be approved.

Seconded by Councilmember Doherty. So ordered.

Voice vote. All in favor. Motion carried.

APPROVAL OF CONSENT CALENDAR

Councilmember Fu moved:

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

- Animal Control, April 2015
- Fire Prevention, May 2015
- Sanitarian, May 2015
- Police Department, May 2015

REPORTS

THAT the Resolution No. 2015-76 entitled, “MORRIS PLAINS FIRE ASSOCIATION #1 RAFFLE LICENSE NO. 267-15”, be adopted as attached.

THAT the Resolution No. 2015-77 entitled, “K OF C #3495 BISHOP MCLAUGHLIN COUNCIL RAFFLE LICENSE NO. 268-15”, be adopted as attached.

THAT the Resolution No. 2015-78 entitled, “RESOLUTION ACCEPTING THE RESIGNATION OF LT. THOMAS R. D’AMBOLA”, be adopted as attached.

THAT the Resolution No. 2015-78A entitled, “RESOLUTION AUTHORIZING THE EXECUTION OF A CONFIDENTIALITY AGREEMENT”, be adopted as attached.

THAT having received quotes for the purchase and installation of fencing at Parking Lot #1 from the following:

GM Fence	\$4,280.00
Essex Fence Company, LLC	\$3,420.00
All Fence	No Quote

THAT a purchase order be issued to Essex Fence Company, LLC, Rockaway, NJ in the amount of \$3,420.00.

THAT the Warner Lambert Retirees/Morris Plains Seniors, be granted permission to park ten (10) cars at Simons Park on July 24 2015; while on a day trip.

THAT the Borough Council approve the membership application of Steven Blenner, 15 Hillview Avenue, Morris Plains, as a member of the Morris Plains Junior Fire Auxiliary.

THAT Carl Laskiewicz, 80 Maple Avenue be granted permission to serve alcoholic beverages at a picnic to be held Saturday, August 15th 2015 from 10:30 AM to dusk at Community Park.

THAT Joe Wohlegemuth be hired for the Summer Enhancement Program as Theatre Director at the salary of \$4,500., effective June 29th 2015.

THAT Joseph Esposito be hired for the Community Park Pool as Lifeguard at an hourly rate of \$8.75, effective June 13th 2015.

THAT Joe Verga be hired for the Summer Enhancement Program as Theatre Assistant at an hourly rate of \$10.00, effective June 18th 2015.

THAT Sarah Washington be hired for the Summer Enhancement

Program as Theatre Assistant at an hourly rate of \$10.00, effective June 18th 2015.

THAT John & Debra Trask, 6 Valley Stream Drive be granted permission to serve alcoholic beverages at a family picnic to be held Saturday, June 13rd 2015 from 10:00 AM to dusk at Community Park.

THAT the time of the regularly scheduled Conference Meeting to be held June 18th 2015 be changed from 7:30 P.M. to 6:30 P.M., for the purpose of interviewing Police Department candidates and that the Clerk provide the proper notice.

THAT the Mayor be and he is hereby authorized to execute the NJDOT Permit Application # A-53-N-3152-2015, Affordable Residential Housing.

THAT the Borough Council authorize the release and return of the \$1,249.95 Soil Disturbance/Inspection fee, to Honeywell, per the Borough Engineer's correspondence of June 9, 2015.

THAT the Borough Council authorize the release and return of the \$10,659.70 Engineer Inspection Fee, to JP Morgan Chase-Core State, per the Borough Engineer's correspondence of June 9, 2015.

THAT the Borough Clerk be and she hereby is authorized to advertise for an Auction to be held on Saturday, June 27th 2015, 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) 2009 Ford Crown Victoria
Vin#2FAHP71V09X129474, 91,119 miles \$1,500.

Bicycles/Variou Items

See Borough Website, www.morrisplainsboro.org for additional information

Seconded by Councilmember McCluskey.

Yeas: Councilmembers Karr, Cortese, Doherty, Fu, McCluskey

Nays: None

Absent: Councilmember Cecala

Abstain: None

GREETINGS OF PUBLIC AND INVITATION FOR DISCUSSION

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

PUBLIC HEARING

Soil Disturbance Application

Mayor Druetzler advised there is a Resolution relating to this application. There are some comments by the Applicant.

Ms. Fraser stated that Mr. Calli is covering this meeting as Mr. Henshaw had a conflict. Also present at this meeting are two witnesses for M & M who previously testified: Mr. John Larkins, LSRP, and Mr. Vincent Facchino, Director of Engineering. Ms. Fraser stated that she had shared the Resolution with Mr. Henshaw's office and that she also had a conversation with Mr. Henshaw and Mr. Calli this afternoon. She shared their comments with the Borough Professionals.

Ms. Fraser advised she will review the requested changes to the conditions, highlighting same for the Borough. The first condition she reviewed was Condition #7 (dust monitoring records) and the request is that at the end the phrase "if a copy of the dust monitoring records exists.")

Mayor Druetzler stated that he does not believe the Council can support

this request since the Council has been asking for this information for a very long time. They know these records are being made difficult to obtain since there is a lawsuit, but the Applicant did state they would make every effort to obtain the requested records.

The Council was not willing to accept this requested change.

Ms. Fraser next discussed Condition #10. She asked Mr. Norton if he has a finalized HASP and is he satisfied with it.

Mr. Norton stated this has been provided, and he has reviewed it. It is satisfactory to him.

Mr. Hall stated he does not believe he has seen this item.

Ms. Fraser stated that Condition #10 should be left as it is.

The Council agreed with this.

Ms. Fraser next discussed Condition #11. She asked Mr. Norton if he has reviewed Mr. Gary Honikel's health and safety training certifications. She asked if he would accept a change to this condition so it reads "Prior to the commencement of any soil disturbance activity upon the site, the Applicant has provided proof of Gary Honikel's health and safety training to the Borough Soil Consultant prior to the adoption of this Resolution." Would this be an accurate statement?

Mr. Norton stated he has no problem with the suggested revision to the text, and it is an accurate statement.

Ms. Fraser next discussed Condition #15 relating to off-site movement of soil. She recommended changing "of" to "after". She questions the use of the phrase "significant rainfall" - how do you define this event. Mr. Henshaw still would like this phrase included, but she would like to define "significant."

Cross discussion about this issue, including it might be a rainfall of ½" or more and the concern about the trucks entering onto Route 53 during or soon after rain.

Ms. Fraser reminded that the wording for this Condition could remain the same without inserting the word "significant".

It was agreed that the only change will be to add "after", but not "significant".

Mayor Druetzler raised the matter of a letter received from the State about water line permits and that the water company has turned the water off at the Applicant's site. How will functions that need a water supply be accomplished if the water is turned off.

Mr. Facchino stated this relates to a well that is to be decommissioned. There is water on the site with trucks, and there is a main they can tap into. This well is no longer used. He does not know why the Southeast Morris County MUA would have received this letter.

Mr. Hall stated he does not know why the Southeast Morris County MUA would also receive this letter.

Cross discussion about the issue of a water supply at the site, including the unused well, RPZ's, Warner Lambert's water supply needs, that there needs to be further investigation on this matter, and the need to report back to the Borough once there is a clarification.

Ms. Fraser stated she will make the need to report back to the Borough once there is a clarification a condition. She will add an additional condition that will require an adequate water supply on the site with text such as "Prior to the commencement of any soil disturbance activity upon the site, the Applicant shall provide proof of an adequate water supply and clarification of the New Jersey Department of Environmental Protection (NJDEP) letter dated June 4th 2015 concerning the non-payment and delinquent notice."

Mayor Druetzler asked if the Applicant has been in contact with the Southeast Morris county MUA on these issues. He believes representatives from the company were at the site and went into their water pits and turned them off.

Mr. Facchino provided commentary concerning the water supply and the well at the site. The only source of water in the future will be from "city water".

Ms. Fraser next commented on Condition #23. Mr. Henshaw would like to add "that the engineer and his staff and the soil consultant have to provide 24-hour telephone notice to the Applicant prior to entering the site except in the case of a health . . ."

Mayor Druetzler stated the Council will not accept this revision.

Mr. Fraser next reviewed Condition #24. Mr. Henshaw wanted to include language that would clarify that the duration of the permit would be two months or at least 45 days from the adoption of this Resolution. She advised that Mr. Hall is recommending that the duration be stated as "two months". She believes it should say ". . . two months from the start of any soil disturbance activity under this permit." Mr. Hall agreed with this recommendation. Mr. Henshaw also wanted the number of truckloads be changed to 360. She sees no problem with this change. Various actions must be taken before actual soil disturbance can take place. She explained what these would be. She eliminated the NJDEP from the pre-con meeting.

No one disagreed with the elimination of the NJDEP from this meeting since the LSRPs, Mr. Hall, Soil Conservation and others will be at this meeting.

Mr. Fraser next reviewed Condition #25. Mr. Henshaw requested a change that makes it read ". . . will be fully implemented within the timeframe as permitted by the NJDEP and that the Applicant would provide proof within ten (10) days thereof". She provided commentary relating to this Condition.

Mr. Hall also commented on the content of this Condition.

Ms. Fraser stated she plans to revise this Condition to say "that the Applicant shall provide us with the new NJDEP deadline prior to the commencement of soil disturbance".

She next reviewed Condition #31. This condition relates to the Borough Engineer determining that there is a violation of the Soil Disturbance Permit and that the Borough Engineer provide the Applicant with 24 hours written notice to cure the violation. Mr. Henshaw wanted to revise it to limit the notice method to an overnight delivery service with an acknowledgment of receipt by the Applicant. It was decided "there would telephone notification to Vincent followed by a facsimile or overnight delivery".

Mr. Cali provided commentary on this matter and what is being addressed in this Condition.

Cross discussion about the issue of the violation notification procedure.

At this point, none of the Borough Professionals had anything to add to this discussion.

Councilmember McCluskey moved that Resolution No. 2015-79 entitled,

"RESOLUTION APPROVING THE ISSUANCE OF A SOIL DISTURBANCE PERMIT TO M&M AT MORRIS PLAINS, LLC," be adopted as attached.

Seconded by Councilmember Karr.

Yeas: Councilmembers Karr, Cortese, Doherty, Fu, McCluskey

Nays: None
Absent: Councilmember Cecala
Abstain: None

Mayor Druetzler thanked everyone.

REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS

Finance

Councilmember Karr reported on issues at the Finance Office. He also reported on the work completed at the 9-11 Memorial which turned out very well.

Public Safety

Councilmember McCluskey reported that the Farmers Market opens on Saturday, June 13th 2015. Chris Gardner will provide music. Arlene Stoller from the Morris County Department of Health will distribute information on sun safety.

Public Works

In Councilmember Cecala's absence, there was no report.

Public Buildings & Grounds

Councilmember Fu stated that the Pool will be open this weekend and the following weekend; however, the Snack Bar will not be open yet. The Shade Tree Commission was notified that the next planting has been delayed past the June 15th 2015 deadline; trees won't be planted until the end of this month. The Sustainability application was submitted.

Public Welfare, Sanitation & Sewers

Councilmember Doherty stated the dumpster situation at Recycling was resolved, and it is now empty. Tomorrow night there will be a Teen Center event held at Community Park with 100-110 participants expected.

Mayor Druetzler commented on issues relating to recycling and electronics.

Ordinance & Public Utilities

Councilmember Cortese reported on Mack-Cali's presentation at the recent Special Planning Board meeting. He believed it was very well presented by the Applicant and very well received by all in attendance at the meeting.

Mr. Hall reported on contracts approved by Ms. Fraser relating to the Speedwell Avenue projects. He also commented on another project and upcoming meetings. A check was received from CSH in the amount of \$46,000 to apply to the Speedwell Avenue project.

Ms. Fraser stated she has received the Deed from Mr. Hall for recording.

General cross discussion about several other matters, including receipt of the permits from the New Jersey Department of Transportation (NJDOT) for the affordable housing project.

Mayor Druetzler stated that Councilmember Karr had to leave (at 6:45 p.m.), but will return at the end of the event he is attending.

PRESENTATION OF COMMUNICATION, PETITIONS, ETC.

Mayor Druetzler opened the meeting to the public. Seeing none, Mayor Druetzler closed the meeting to the public.

INTRODUCTION OF ORDINANCES

Councilmember Cortese introduced the following ordinance and read the same by title and moved that it be passed on First Reading.

Councilmember McCluskey seconded the motion.

Yeas: Councilmembers Karr, Cortese, Doherty, Fu, McCluskey
Nays: None
Absent: Councilmember Cecala
Abstain: None

Thereupon, Councilmember Cortese offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on June 11th 2015 and passed on First Reading.

NOW, THEREFORE, BE IT RESOLVED that at a meeting to be held on July 16th 2015 at 8:30 PM prevailing time in the Municipal Building in the said Borough, this Council will further consider for Second Reading and final passage of said ordinance.

AND BE IT FURTHER RESOLVED that the Clerk of this Borough be and she is hereby directed to publish and mail the proper notice therefor, including the ordinance, post the ordinance on the Bulletin Board in the Municipal Building and make copies available to members of the general public.

Councilmember McCluskey seconded the resolution. Voice vote. All in favor.

Councilmember Karr left the meeting at 6:45PM

ORDINANCES ON SECOND READING

Councilmember Cortese read by title the ordinance entitled:

ORDINANCE NO. 12-2015
AN ORDINANCE AUTHORIZING A LEASE OF 555
SPEEDWELL AVENUE, MORRIS PLAINS, TO SIMON
O'BRIEN AND KNAPP

which ordinance was introduced and passed on First Reading at a meeting held on May 21st 2015.

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, in the County of Morris and State of New Jersey held on May 21st 2015, 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 6:00 P.M., on June 11th 2015 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 Cortese 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.

Mayor Druetzler asked if anyone wished to address the Governing Body. Seeing no one, he closed the public hearing.

Thereupon Councilmember Cortese offered the following Resolution and

Thereupon Councilmember Cortese 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 Doherty seconded the motion.

Yeas: Councilmembers Cortese, Doherty, Fu, McCluskey
Nays: None
Absent: Councilmembers Cecala, Karr
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.

UNFINISHED BUSINESS

None.

EXECUTIVE SESSION

Patrolmen Candidate Interviews

Moved by Councilmember McCluskey:

BE IT RESOLVED THAT Resolution No. 2015-80 entitled "Executive Session" be adopted.

Seconded by Councilmember Doherty. So ordered.

Voice vote. All in favor.

Councilman Karr returned to meeting at 8:34 PM

Councilmember Karr moved that the Executive Session be adjourned.

Seconded by Councilmember McCluskey.

RESOLUTIONS

Appointing Joseph Heinz to the Morris Plains Police Department

Councilmember McCluskey moved that Resolution No. 2015-81 entitled,

"RESOLUTION APPOINTING JOSEPH HEINZ TO THE MORRIS PLAINS POLICE DEPARTMENT

Seconded by Councilmember Karr.

Yeas: Councilmembers Karr, Cortese, Doherty, Fu, McCluskey
Nays: None
Absent: Councilmember Cecala
Abstain: None

Appointing Ann Marie Ferris to the Morris Plains Police Department

Councilmember McCluskey moved that Resolution No. 2015-82 entitled,

"RESOLUTION APPOINTING ANN MARIE FERRIS TO THE MORRIS PLAINS POLICE DEPARTMENT

Seconded by Councilmember Karr.

Yeas: Councilmembers Karr, Cortese, Doherty, Fu, McCluskey
Nays: None
Absent: Councilmember Cecala

Abstain: None

NEW BUSINESS

None.

VOUCHERS

None.

ADJOURNMENT

Councilmember Karr moved that the Regular Meeting be adjourned at 10:08 PM

Seconded by Councilmember Doherty.

Frank J. Druetzler, Mayor

June Uhrin, Borough Clerk