

Minutes of the Conference Meeting of the Borough Council held October 15th 2015, at 6:35 p.m. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

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 OCTOBER 2, 2015 SPECIFYING THE TIME, DATE, AND PLACE OF THIS MEETING; POSTING SUCH NOTICE ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING; FOWARDING THE NOTICE TO MORRIS COUNTY'S *DAILY RECORD* AND THE *MORRIS NEWSBEE* 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.*

Present on Roll Call:

Mayor Frank J. Druetzler

Councilmembers: Jason C. Karr, Council President
Joseph Cecala, Jr.
Salvatore Cortese
John Doherty
Laurie J. Fu
Suzanne B. McCluskey

Absent: None

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

ITEMS FOR DISCUSSION

Mayor Druetzler asked the Borough Attorney AirBnB issue may be discussed in public.

The Borough Attorney authorized that the issue may be discussed in public.

The Mayor advised that there will be Mayfair Avenue residents at the Regular Meeting tonight to discuss AirBnB. He commented that AirBnB can pose problems, not only on Mayfair Avenue, but throughout the country. The Zoning Official has researched this matter in connection with the Borough. Apparently, the Zoning Official holds a somewhat different opinion on this matter in that the Borough permits tenants. A Mayfair Avenue resident advertises online to board dogs at her home.

The Zoning Official stated that perhaps this resident walks dogs as opposed to boarding dogs.

Continuing, Mayor Druetzler advised he called the landlord to advise of a potential problem. The landlord stated he cannot evict his tenant unless the tenant violates a specific part of the lease or a Borough regulation.

He then recounted a telephone conversation he had with the tenant who was in Washington State. She explained that her efforts are to raise money so that she can retain the property; that is why she sublet it to those who are living there.

Mayor Druetzler advised that the Governing Body will have to further investigate the issue of AirBnB operations/businesses.

Cross discussion about AirBnB including the need to discuss this further with those presently involved, Zoning Official and the Borough Attorney and further research of Air BnB and how other municipalities are dealing with this matter. Discussion will also need take place concerning the boarding of dogs.

Councilmembers agreed that further research and discussion must take place with regard to these issues.

EXECUTIVE SESSION

Moved by Councilmember McCluskey:

BE IT RESOLVED THAT Resolution No. 2015-122 entitled "Executive Session" be adopted.

Seconded by Councilmember Doherty. So ordered.

Councilmember Cecala moved that the Executive Session be adjourned.

Seconded by Councilmember Karr.

Councilmember Karr moved that the Conference Meeting be adjourned at 8:18 p.m.

Seconded by Councilmember Doherty.

Mayor Frank J. Druetzler

June Uhrin, Borough Clerk

Minutes of the Regular Meeting of the Borough Council held October 15th 2015 at 8:30 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 OCTOBER 2, 2015 SPECIFYING THE TIME, DATE, AND PLACE OF THIS MEETING; POSTING SUCH NOTICE ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING; FOWARDING THE NOTICE TO MORRIS COUNTY'S *DAILY RECORD* AND THE *MORRIS NEWSBEE* 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.*

Present on Roll Call:

Mayor Frank J. Druetzler
Councilmembers: Jason Karr, Council President
Joseph Cecala, Jr.
Sal Cortese
John Doherty
Laurie J. Fu
Suzanne B. McCluskey

Absent: None

Present: Gail H. Fraser, Esq.
Leon Hall, P.E.

PRESENTATION – Borough School Students – Red Ribbon Week

Mayor Druetzler commented on the Proclamation adopted recognizing Red Ribbon Week.

Several teachers/advisers introduced themselves to the Governing Body. The Student Council officers will deliver a short presentation on the Red Ribbon Week activities.

Mayor Druetzler thanked them for their efforts and the red ribbons. He next provided guidance for the students when they present their comments.

Annie Weber introduced herself. She provided information concerning Red Ribbon Week that took place from Monday, October 5 through Friday, October 9. This included the various themes for each day.

Natasha Thussu Dhar introduced herself advising she is vice president. She introduced her mother. She provided information concerning a visit to the school by Daytop participants for a presentation for the seventh and eighth graders.

Christina Rosman introduced herself stating she is in the eighth grade and is the Student Council President. She commented on an assembly that was held on Tuesday, October 6, 2015 and featured an inspirational speaker, Jake Valentine. There were two assemblies, one for third, fourth, fifth graders and a second one for sixth, seventh, and eighth graders. She provided details of a Red Ribbon Week program provided at Mountain Way School.

Schvonie Mill introduced herself stating she is in the sixth grade. She explained an activity for the week that involved each homeroom teacher receiving a Kindness Jar and pom poms. This idea comes from the book *Wonder*.

Sam Lewis stated he is in the sixth grade and is the Borough School Treasurer. He explained another activity called Kindness in Chalk which involves being registered on a national website and using sidewalk chalk to write positive messages in various locations around the school and to indicate that Borough School is a kind place with a good students and teachers.

The students showed some of the many photographs taken during Red Ribbon Week.

Mayor Druetzler thanked the students for their presentations. He will present the Proclamation to the President. He offered the opportunity for a group photograph(s) to be taken with the Governing Body.

GREETINGS OF PUBLIC AND INVITATION FOR DISCUSSION

Council President opened this portion of the meeting to comments from the public.

PRESENTATION – Michael Swanson – Eagle Scout Project

Mr. Swanson introduced his father Ron who is also the Scoutmaster. He also introduced the Advancement Chair Mr. English. He provided an update on his project, including a brief overview of the budget he is requesting. He will be building and installing five or six bat houses in various Borough parks. The main goal of his project is to maintain a healthy population of bats and also to help reduce bat nesting in Borough buildings. The project should also contribute to a bat population growth. Bats are very good for insect control. He listed several park locations within the Borough that appear to be good sites.

The only financial assistance he believes he will need is help from the Department of Public Works (DPW) to dig the holes for the bat house poles. He anticipates the project being completed by early spring 2016.

Councilmember McCluskey has volunteered to be the representative for this project. He stated that informational material is in a folder at the back of the room if anyone would like to see this documentation.

Mayor Druetzler asked the height of the poles. Where at a site would the bat houses be installed – near the woods or more open area?

Mr. Swanson replied they are 14' to 16' tall and must be planted into the ground at about a 3' to 4' depth in concrete. They would be located in open space but in a corner near a tree line. Human contact would not be expected to be a problem in a corner of a park location.

Councilmember Cecala asked how many bats would nest in a single box?

Mr. Swanson responded that his current box design would accommodate approximately 80 bats. He explained that bats actively move around seeking different places during the roosting season. In the winter the bats move south and return as the weather becomes warm. A bat house would be a more suitable place to live than roosting in shutters.

Councilmember McCluskey asked about the matter of bats and rabies.

Mr. Swanson commented that when he decided to work on this project two of the things he began to look into were rabies and bat droppings.

He attended a presentation by a William Patterson professor whose main focus is bats. He asked the professor about these two issues. The professor stated that in his 15 years in New Jersey he has heard of only two cases of rabies and these involved scientific people who were handling the bats. He said the rough estimate of rabies in bats is 2% to 5%, approximately the same level of risk as a squirrel having rabies would. There are different types of bats, but none that could be a potential threat to humans, and he anticipates his bat houses will attract multiple types since the species intermingle and are not territorial. He handed out a photograph to circulate among the Governing Body. The bat houses will be built at his home.

Mayor Druetzler asked the size of the bat boxes.

Mr. Swanson stated they are about 1' wide and 2' tall. The boxes will be stained black.

Councilmember Cortese asked what type of bats are likely to be attracted to the boxes he will be building. He also mentioned an endangered species bat, the Indiana bat. Would this project help this bat?

Mr. Swanson advised that all New Jersey bats are insect-eating bats. Most are small and there are nine different species in New Jersey. There are no fruit bats in New Jersey. This project would help the endangered bats. He provided information concerning the maintenance process for the boxes. Maintenance is done during the winter months. He expects he would check on the boxes every several months or once a year.

Mayor Druetzler thanked Mr. Swanson for his presentation.

PRESENTATION – Ellie Falco/Ruth Mills – All Seasons Garden Club

Mrs. Ruth Mills made the presentation on behalf of the All Seasons Garden Club. The Club wishes to purchase a bronze statue and are considering one that would portray a young girl watering flowers. In order to do this, the Club must obtain Council approval and would also need guidance as to a location for the statue.

Mayor Druetzler suggested that a site at the Borough Hall would be a wonderful location. He thought near the end of the entrance sidewalk so that people coming to both the Borough Hall and the Post Office would be able to see the statue. He agrees it should be installed in a very visible site.

Mrs. Mills advised that the Club will need some assistance from the Borough/volunteers to get the statue installed since the Club does not have significant funds. The Club will also include a plaque with the statue.

Several Councilmembers believed the location suggested by the Mayor was a very good one.

Cross discussion about actually purchasing the statue, having it delivered, details about the plaque, and having it installed.

Mrs. Mills thanked the Governing Body.

Mayor Druetzler thanked the Club for all their efforts and interest over the years in keeping the Borough looking beautiful.

Mayor Druetzler asked if there was anyone else who wished to address the Governing Body.

Mr. John Claffey, 12 Mayfair Road, Morris Plains, stated they have a problem with the person who lives at 11 Mayfair Road. This person is renting the property and is operating an AirBnB business as well as a dog sitting business. As he sees it, the business(es) bring in many transients to the area. He and his family are not happy with this situation. He presented his questions about the legality of these businesses.

Mayor Druetzler stated that the Zoning Officer believes this is something he cannot do anything about. He has spoken with the landlord, but the landlord does not appear to be able/willing to provide any help. He also has spoken with a woman who was in Washington State.

Continued research will be done on these matters, particularly the AirBnB situation. He advised that he expects there will be a future request to discuss this with Mayfair Road residents and the Ordinance Committee.

Cross discussion about AirBnB, including that on the AirBnB website there is a telephone number listed where callers can raise complaints or problems with others operating these businesses in residential areas; specific problems that Mr. Claffey has had to deal with; matter of hotel/business taxes; how other municipalities have dealt with or are dealing with this; zoning issues; Ordinance Committee; the website of the woman running the AirBnB and dog boarding businesses; that apparently the person renting this property is now back in Morris Plains; and other issues relevant to this discussion.

Another resident who did not provide information stated he attended this meeting to support his friends, the Claffeys. He stated he would think there must be some kind of existing Borough regulation that regulates how many unrelated persons can live in the same residence or boarders. His recommendation was not to seek regulation, but rather prohibition as it relates to residential zones.

Mayor Druetzler asked the Fire Chief if he had any comments, particularly relating to the situation raised about AirBnB and Mayfair Road.

The Fire Chief stated he thought that perhaps the AirBnB might present some fire code issues. He will check this further.

Mayor Druetzler asked if anyone else needed to address the Governing Body. Hearing none he closed this portion of the meeting.

Mayor Druetzler thanked the residents for attending the meeting and bringing their concerns to the attention of the Governing Body. He also thanked those who made presentations to the Governing Body.

The Scout organization representative thanked the Governing Body for all the support it has given over time.

Several Councilmembers thanked the Scout organization for all the assistance it has provided such as helping at Family Day.

APPROVAL OF MINUTES

None

Councilmember Karr 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 2015, September 2015
Police Department, September 2015
Fire Prevention, September 2015
Municipal Court, September 2015
Sanitarian, September 2015
Scout Club, September 2015

Borough Clerk, September 2015
Animal Licensing, September 2015
Building Inspector, September 2015
Tax Collector, September 2015
Treasurer, September 2015

THAT Resolution No. 2015 - 123 "CHRISTMAS TREES AND RELATED ITEMS AT THE VETERANS OF FOREIGN WARS, POST #3401,Route 53," be adopted as attached.

THAT Resolution No. 2015-124 entitled, "REFUND OF OVERPAYMENT," be adopted as attached.

THAT Resolution No. 2015-125 entitled, "CANCELLATION OF TAXES BOROUGH OWNED PROPERTIES," be adopted as attached.

THAT Resolution No. 2015-126 entitled, "RESOLUTION AUTHORIZING A CONTRACT FOR THE TRANSPORTATION AND DISPOSAL OF E-SCRAP RECYCLABLE MATERIALS," be adopted as attached.

THAT Resolution No. 2015-127 entitled, "RESOLUTION OF CONCURRENCE BY THE BOROUGH OF MORRIS PLAINS DESIGNATING BUS STOP ON TABOR ROAD (ROUTE 53) IN THE BOROUGH OF MORRIS PLAINS," be adopted as attached.

THAT Jeremy Diamond be promoted to Master Operator, granted the appropriate hourly increase, effective November 1, 2015.

THAT Tom Silk be promoted to Master Operator, granted the appropriate hourly increase, effective November 1, 2015.

THAT the Mayor be and he hereby is authorized to execute NJ DOT road opening permit for the installation of a sewer lateral at 260 Tabor Road.

THAT the Borough Council authorize the release and return of the one-year Maintenance Bond to Haskell Paving, Inc, Contract 2014.01, per the Borough Engineer's correspondence dated October 7, 2015.

THAT the Borough Treasurer is authorized to advertise for the receipt of bids on November 10, 2015 up to 10:30 a.m. for the provision of Bulk CC Salt for a period of between one to two years, a one and a two-year option for calendar years 2016 and 2017, based upon contract documents in the form approved by the Borough Attorney.

THAT the Borough Council approve the membership application of Scott Dunnan, PO Box 441, Morris Plains, as a member of the Morris Plains Junior Fire Auxiliary.

Seconded by Councilmember McCluskey.

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

Nays: None

Absent: None

Abstain: None

REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS

Finance

Councilmember Karr reported that the treasurer is preparing to send out the budgets to Department Heads by late October/early November. Computer work is being done to link the Finance Department and the Tax Department.

Public Safety

Councilmember McCluskey reported that the Fire Department held a

drill at 250 Johnson Road on Tuesday and there will be another one next Thursday. She next discussed ISO (insurance service online) that is an organization that accepts insurance rates based on the Fire Department in the municipality. This is how the different Borough businesses have their insurance rates/cost determined.

Police Chief Kohn presented his report advising on an active-shooter drill at the Borough School last Wednesday. He provided the details of this drill, stating the drill went very well. The students were not in the school during this drill; it was done earlier in the morning. Every police officer from Morris Plains was involved, except one who was on vacation. Also, the academy recruits will be getting sprayed with pepper tomorrow.

Mayor Druetzler asked for an update regarding massage licensing.

Chief Kohn provided an update stating they are currently processing applications. The only hold-up is VIP where their State license is pending. Apparently, there is still an active criminal case that he believes this is part of.

Public Works

Councilmember Cecala stated that Councilmembers should have a copy of Superintendent Signorelli's report. There is also a report on the deer cull.

Mr. Hall reported on communications he has received on various projects, such as the Speedwell Avenue project. There was a meeting today relating to M & M, and he reported on some of the details of this meeting, some of which were discussed by various Councilmembers. This meeting involved issues such as the soil removal project.

Public Buildings & Grounds

Councilmember Fu reported that the Recreation Commission will be meeting next Thursday and will review the Fee Schedule. The various sports organization have also been invited to attend this meeting. The bonfire will be held on Saturday, October 24, at 6:00 p.m. at Community Park. The Halloween Parade and Party will be held at the end of the month. Recreation submitted a request for use of the turf at Central Park.

Councilmember Fu reported that the Shade Tree Commission is still awaiting a date for the fall planting to begin. She provided some specific details and a request for Roberts Garden in connection with this planting. There will be an Opening on Tuesday, October 27. The Borough has been re-certified by the State of New Jersey.

Cross discussion about use of fields.

Councilmember Fu reported that the One Day, One School event was a huge success and an amazing event. She thanked all those who helped make it so.

Mayor Druetzler thanked all those who contributed to the success of the One Day, One School event.

Public Welfare, Sanitation & Sewers

Councilmember Doherty reported that Wellness Day is this Saturday, October 17, from 8:00 a.m. to 11:00 a.m.

Councilmember Doherty reported that the Teen Center met this past Tuesday night; there is now an official Board. The Teen Center Director (Ashley) will be not working for a while since she is having her third child around November 21. The board members will cover for her while she is not working.

Councilmember Doherty reported that recycling members continue to work with the County to acquire the proper covers for the dumpsters in the winter. He believes the E-waste problem has been resolved.

Councilmember Doherty reported on the Municipal Alliance and Senior activities.

Councilmember Cecala asked if any volunteers were needed to help at the Wellness Day.

Councilmember Doherty explained that he cannot think of anything specific, but he would welcome anyone who would like to help because surely some need will arise during the event.

Ordinance & Public Utilities

Councilmember Cortese advised that Honeywell received their Certificate of Occupancy today, only some exterior dining area work must still be fully completed. The proposed assisted living facility is anxious to begin work on their project. He reported on several other Building Department issues and their status.

Councilmember Cortese reported on the various communications and meetings he has been involved.

PRESENTATION OF COMMUNICATION, PETITIONS, ETC.

Mayor Druetzler opened the meeting to the public. Seeing none, he closed this public portion of the meeting.

INTRODUCTION OF ORDINANCES

None

ORDINANCES OF SECOND READING

None

RESOLUTIONS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

2016 Speedwell Avenue Improvements

Councilmember Cecala moved:

THAT Resolution No. 2015-128 entitled that the Borough Engineer be authorized to prepare plans for specifications for the 2016 Speedwell Avenue Improvements from Borough School to West Hanover Avenue.

Seconded by Councilmember Karr.

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

VOUCHERS

Councilmember Karr moved the vouchers for October 15, 2015, in the amount of \$2,371,388.28 be approved.

Seconded by Councilmember Doherty.

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

EXECUTIVE SESSION

Moved by Councilmember McCluskey:

BE IT RESOLVED THAT Resolution 2015-129 entitled "Executive Session" be adopted.

Seconded by Councilmember Doherty. So ordered.

Councilmember Karr moved that the Executive Session be adjourned.

Seconded by Councilmember Cecala.

Voice vote. All in favor.

RESOLUTIONS

Lieutenant Promotion

Councilmember McCluskey moved:

THAT Resolution No. 2015-130 Resolution appointing Michael E. Rolph to the rank of Lieutenant in the Morris Plains Police Department effective October 16, 2015.

Seconded by Councilmember Cecala.

Lieutenant Promotion

Councilmember McCluskey moved:

THAT Resolution No. 2015-131 Resolution appointing Michael M. Koroski to the rank of Lieutenant in the Morris Plains Police Department effective October 16, 2015.

Seconded by Councilmember Cecala.

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

Mayor Druetzler raised the subject of construction fees and stated that they are “way over.”

There was cross discussion regarding the issue.

ADJOURNMENT

Councilmember Karr moved that the Regular Meeting be adjourned at 10:40 p.m.

Seconded by Councilmember Cecala.

Mayor Frank J. Druetzler

June Uhrin, Borough Clerk