

Minutes of the Conference Meeting of the Borough Council held May 3, 2012, at 7:32 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 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 2012; WHICH RESOLUTION WAS ADOPTED BY THE BOROUGH COUNCIL ON JANUARY 5<sup>TH</sup> 2012, 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: Roman Zabihach  
George J. Coogan  
Laurie J. Fu  
Jason C. Karr  
Frank Mangravite  
Suzanne B. McCluskey

Also Present: Gail Fraser, Esq., Borough Attorney

## **DISCUSSION ITEMS**

Mayor Druetzler referenced the Consent Calendar and asked the Borough Attorney, Gail Fraser, Esq., to explain why the bid from D.S. Meyer Enterprises, LLC, was being rejected. Attorney Fraser explained that this company failed to submit a New Jersey Business Registration Certificate, a mandatory document. Therefore, the bid will be awarded to the second lowest responsive and responsible bidder, Top Line Construction Corp.

Councilmember Zabihach reported on the East Hanover Corridor Traffic Study meeting earlier today. Councilmember Zabihach referenced some of the comments and suggestions discussed. We are in favor of Alternative 3, however, we do not believe they need to acquire as much right-of-way to do the improvements. Morris Township requested they extend the study into West Hanover Avenue, but the State is only funding East Hanover Avenue. They went on to recommend two lanes in each direction, and would like the Freeholders to approve funding the West Hanover Avenue Corridor Traffic Study. Councilmember Zabihach is hopeful to receive a copy of the report and various recommendations in June 2012. It is anticipated that the public hearing will take place in July 2012.

Councilmember McCluskey reported that Meredith Petrillo went on a call with Sergeant Michael Koroski and it was determined there was a potential animal cruelty crime that needed to be investigated. This Resolution is on the Consent Calendar appointing Meredith Petrillo as the Animal Cruelty Investigator for Morris Plains.

**EXECUTIVE SESSION**

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2012-65 entitled, "Executive Session" be adopted.

Seconded by Councilmember Zabihach. So ordered.

Councilmember Coogan moved to adjourn the meeting at 8:20 p.m.

Seconded by Councilmember Karr. So moved.

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Frank J. Druetzler, Mayor

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June Uhrin, Clerk

Minutes of the Regular Meeting of the Borough Council held on May 3, 2012, 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:

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Present on Roll Call: Mayor Frank J. Druetzler  
Councilmembers: Roman Zabihach  
George J. Coogan  
Laurie J. Fu  
Jason C. Karr  
Frank Mangravite  
Suzanne B. McCluskey

Also Present: Gail Fraser, Esq., Borough Attorney

### **APPROVAL OF MINUTES**

Councilmember Zabihach moved:

*BE IT RESOLVED* that the minutes of the Executive, Conference & Regular Meeting of April 5, 2012 be approved.

Seconded by Councilmember Coogan. Councilmember Zabihach abstained. So ordered.

Councilmember Zabihach moved:

*BE IT RESOLVED* that the minutes of the Executive, Conference & Regular Meeting of April 19, 2012 be approved.

Seconded by Councilmember McCluskey. Councilmember Fu abstained. So ordered.

## **APPROVAL OF CONSENT CALENDAR**

Councilmember Coogan 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**

None

### **BE IT FURTHER RESOLVED**

**THAT** Resolution No. 2012-66 entitled, "KNIGHTS OF COLUMBUS #3495, BISHOP McLAUGHLIN COUNCIL, RAFFLE LICENSE NO. 237-12," be adopted as attached.

**THAT** Resolution No. 2012-67 entitled, "THE MENTAL HEALTH ASSOCIATION OF MORRIS COUNTY RAFFLE APPLICATION NO. 238-12," be adopted as attached.

**THAT** Resolution No. 2012-68 entitled, "THE MENTAL HEALTH ASSOCIATION OF MORRIS COUNTY RAFFLE APPLICATION NO. 239-12," be adopted as attached.

**THAT** Resolution No. 2012-69 entitled, "MORRIS PLAINS LITTLE LEAGUE RAFFLE APPLICATION NO. 240-12," be adopted as attached.

**THAT** Resolution No. 2012-70 entitled, "A RESOLUTION APPOINTING ANIMAL CRUELTY INVESTIGATOR," be adopted as attached.

**THAT** Resolution No. 2012-71 entitled, "A RESOLUTION PROVIDING FOR OFF HOURS COMPENSATION TO CERTAIN BOROUGH EMPLOYEES," be adopted as attached.

**THAT** the Veterans of Foreign Wars, Watnong Post 3401, be granted permission to distribute Little Red Buddy Poppies at various locations within the Borough of Morris Plains from May 1<sup>st</sup> through May 31<sup>st</sup> 2012.

**THAT** Tom Quirk, Special Police Officer be authorized to conduct the Borough's bi-annual dog and cat census at an hourly rate of \$19.13, not to exceed 90 hours.

**THAT** Steve Donnelly, Special Police Officer be authorized to conduct the Borough's bi-annual dog and cat census at an hourly rate of \$19.13, not to exceed 90 hours.

**THAT** Christine O'Rourke, 20 Hillview Avenue be granted permission to hold a child's laser tag birthday party on Sunday, May 6<sup>th</sup> 2012, from 4:00 PM to 5:00 P.M. at Simons Park.

**THAT** having received bids for the Forest Drive, Park Road, Malapardis Road, Mountain Way, Dayton Road, Littleton Road, Community Park and Watnong Drive Improvements, that a contract Alternate A, be awarded to Crossroad Construction Corp. for their low responsible and responsive bid of \$259,686.00, and authorize the Mayor and Clerk to execute the necessary contract in the form approved by the Borough Attorney.

**THAT** having received bids for the Sun Valley Way & Laurel Street Improvements, that the bid proposal of the lowest bidder, D.S. Meyer Enterprises, LLC, be rejected for failure to submit a mandatory non-waivable document and that a contract be awarded to the second lowest responsive and responsible bidder, Top Line Construction Corp. for

their low responsible and responsive bid of \$206,726.35, and authorize the Mayor and Clerk to execute the necessary contract in the form approved by the Borough Attorney.

**THAT** Mark Meehan be granted permission to serve alcoholic beverages at a graduation party to be held Saturday, June 23<sup>rd</sup> 2012, from 11:00 AM to 7:00 P.M. at Community Park.

**THAT** the Mayor be and he hereby is authorized to execute the NJDOT Recommendation of Award, in accordance with the Borough Engineer's correspondence dated May 1<sup>st</sup> 2012.

**THAT** having received quotes for the MP Family Day from the following:

Party Perfect Rentals, LLC	\$4,800.00
Horizon Entertainment & Attractions, Inc.	\$6,700.00
Amazing Amusements	No Quote
Circus Time	No Quote

**THAT** a purchase order be issued to Party Perfect, Freehold, NJ in the amount of \$4,800.00.

Seconded by Councilmember McCluskey

Mayor Druetzler noted that we received a \$200,000 grant to perform the improvements on Sun Valley Way.

Yeas: Councilmembers Zabihach, Coogan, Fu, Karr, Mangravite & McCluskey

Nays: None

Abstain: None

Absent: None

## **GREETING OF PUBLIC AND INVITATION FOR DISCUSSION**

Mayor Druetzler opened the meeting to the public.

Griff Humphrey, Parker Drive resident, aired a complaint about receiving an unsolicited newspaper. Mayor Druetzler stated that he will ask the Police to determine who the delivery person is and request that delivery be stopped.

Hearing no one, Mayor Druetzler closed the public hearing.

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

### **Finance**

Councilmember Karr stated that the Library held their fundraiser on April 21<sup>st</sup> 2012. They shred 36 containers worth of paper; last year they shred 22 containers. The Library thanked everyone for the support.

### **Public Safety**

Councilmember McCluskey reported that the Municipal Court was inspected by the State Judiciary on Friday, April 20, 2012. Their

review of the Court determined that we met all of their requirements. The Court Administrator will be on vacation for two weeks and Karen Black will stand in Monday, Wednesday and Friday from 9:00 a.m. to 1:00 p.m.

Councilmember McCluskey stated that the Morris Plains Volunteer Fire Department conducted a drill at their training facility on Route 53 for the new members. Councilmember Karr's son, Nicholas, was in attendance.

Councilmember McCluskey stated that Chief Thompson recommended starting the animal census early. A reminder will be printed in the Plains Talk.

Councilmember McCluskey reported that the Police Department sponsored Operation Take Back program with the Prosecutor's Office. This program is designed to eliminate unused prescription drugs. Patrolman Adam Klymko attended as an observer.

Chief Thompson reminded that the onsite assessment for Accreditation will be on Sunday, May 6<sup>th</sup> 2012 and Monday, May 7<sup>th</sup> 2012. They will inspect the Police Officers, inspect equipment, and tour the facilities. Chief Thompson invited Mayor Druetzler and Councilmembers to attend. Refreshments will be served. Several JIF members will be in attendance. Thereafter, policies and procedures will be reviewed.

Chief Thompson added to Councilmember McCluskey's Operation Take Back report and added that it was a huge success. In October, 90 pounds of medication were recovered; this year, in combination with another site in Randolph, NJ, 248 pounds were recovered. Out of the 248 pounds, approximately 200 pounds were taken in Morris Plains. The DEA reported to the Prosecutor's Office that 26,000 pounds of medications were collected State-wide on Saturday.

Chief Thompson stated that the Click It or Ticket Grant was executed today.

### **Public Works**

Councilmember Coogan referenced the sign on Grannis Avenue and stated that the very successful Mulch Program is winding down. This is the last week for free mulch at Watnong Park. We are just slightly lower than 6,000 cubic yards.

Councilmember Coogan stated that Ryan Byrne who is working on his Eagle Scout project, showed up with about 30 boy scouts on Saturday, April 21, 2012 to work on the path.

Councilmember Coogan stated that the dirt and compost have been spread at the Community Garden. The fence contractor should be there tomorrow. George Ross anticipates being ready to go by May 1, 2012.

Councilmember Coogan reported that the Community Garden opened last Saturday, April 28, 2012. SLAP came in and finished spreading the mulch.

Councilmember Coogan stated that brass plaques with employee names engraved were given to the Museum. There are some new exhibits.

### **Public Buildings & Grounds**

Councilmember Fu reported that the Recreation Commission recognized Melissa Gibson as Volunteer of the Year. She was nominated for her dedication to the Municipal Alliance and for her inspiration behind the Kids Helping Kids Program.

Councilmember Fu added that pool registration is going on now, summer recreation programs are open, and the enhancement day trips are very popular. Two trips are scheduled for Mets games; one against the Yankees, which is sold out, and one against the Padres.

Councilmember Fu stated that the insurance provided states that there is new legislation requiring coaches to be trained on concussions. Since some of our sports organizations use school fields, recreational coaches need training.

Councilmember Fu stated that Shade Tree did not meet this month, so she will provide a report after their June meeting.

Councilmember Fu stated that Mayor and Councilmembers participated in the Arbor Day Celebration at Mountain Way School last week. The students did a great job reading poetry and singing songs.

Councilmember Fu stated that the Sustain the Plains Committee has their compost and rain barrel sale going on in conjunction with the Morristown Group. The delivery will be at Borough School on May 19, 2012 from 1:00 p.m. to 4:00 p.m.

Councilmember Fu stated that the hazardous waste day, sponsored by the MUA, will take place at the Public Safety Building on May 12<sup>th</sup> 2012 from 9:00 a.m. to 2:00 p.m.

The Board of Education Strategic Plan Committee will hold a group session to compare reports this weekend, May 4<sup>th</sup> and May 5<sup>th</sup> 2012.

### **Public Welfare, Sanitation & Sewers**

Councilmember Mangravite stated that the Teen Center is organizing end of the year activities.

Councilmember Mangravite stated that he will be attending the bi-annual recycling meeting on May 15<sup>th</sup> 2012. He will be attending a tour of the Recycling Facilities next Wednesday, May 9<sup>th</sup> 2012. He mentioned that the use of SLAP people at the Recycling Center because other towns are asking for their assistance.

Councilmember Mangravite stated he will be attending the Strategic Plan Committee this weekend, May 4<sup>th</sup> and May 5<sup>th</sup> 2012. They will be reviewing the study's findings that had a total of 330 responses. An activity list was also compiled.

### **Ordinance & Public Utilities**

Councilmember Zabihach stated that Don Salerno, Zoning Officer, has been researching ordinances from other towns and the Ordinance Committee will be meeting soon to discuss Mr. Salerno's recommendations. The Committee will also be addressing resident concerns about trucks in driveways.

Councilmember Coogan mentioned that the Road Department has completed relighting the Community Center. He will compare bills accordingly. Councilmember Fu stated that she has heard comments that the facility is brighter.

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

Mayor Druetzler opened the meeting to the public. Hearing no one, Mayor Druetzler closed the public portion.

### **ORDINANCES ON FIRST READING**

Councilmember Zabihach introduced the following ordinance and read the same by title and moved that it be passed on first reading.

#### **ORDINANCE NO. 8-2012**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION KNOWN AS: BLOCK 112, LOT 1 AND BLOCK 113, LOTS 29.08, 36, 37, 38, 39, 40, 41, AND 42 ON THE TAX MAP OF THE BOROUGH MORRIS PLAINS AND ALSO KNOWN AND DESIGNATED AS A PORTION OF ROUTE 178 FREEWAY, SECTION 1, PARCELS 29, VX32A, VX33, VX 35, VX36, VX37, VX38, VX39, AND VX42 SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 178 FREEWAY, SECTION 1, FROM ROUTE 24 FREEWAY TO ROUTES 10 & 53 INTERCHANGE" AND FURTHER AUTHORIZING THE ACQUISITION OF A LEASEHOLD INTEREST IN**

**REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION KNOWN AS BLOCK 101.01, LOT 1 AND BLOCK 111, LOT 1 ON THE TAX MAP OF THE BOROUGH MORRIS PLAINS AND ALSO KNOWN AND DESIGNATED AS A PORTION OF ROUTE 178 FREEWAY, SECTION 1, PARCEL X46 AS SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 178 FREEWAY, SECTION 1, FROM ROUTE 24 FREEWAY TO ROUTES 10 & 53 INTERCHANGE" AND PARCEL VX67A3 AS SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 10 (1953) SECTION 3, TABOR ROAD TO TROY HILLS ROAD, WHIPPANY."**

Councilmember McCluskey seconded the motion.

Yeas: Councilmembers Coogan, Fu, Karr, Mangravite, McCluskey & Zabihach

Nays: None

Absent: None

Abstain: None

Thereupon, Councilmember Zabihach offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on May 3, 2012 and passed on first reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on May 17, 2012 at 8:30 P.M. 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 the proper notice therefore, 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 Karr seconded the resolution. All in favor.

### **ORDINANCES ON SECOND READING**

Councilmember Zabihach read by title the ordinance entitled:

#### **ORDINANCE 7-2012**

**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 13-4.5 ENTITLED "MINOR SITE PLAN PROCEDURE."**

which ordinance was introduced and passed on first reading at a meeting held on April 19, 2012.

The Clerk read the following notice:

**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 13-4.5 ENTITLED "MINOR SITE PLAN PROCEDURE."**

PURSUANT TO N.J.S.A. 40:49-2.1, NOTICE Is hereby given that the following ordinance, submitted in writing at a regular 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 April 5, 2012, introduced and read by title and passed on first reading and that the Governing Body further considered the same and amended the Ordinance at a regular meeting held on April 19, 2012 at which time the Ordinance was amended and tabled. The said Governing Body will consider the Amended Ordinance for second reading and final passage thereof at a regular meeting beginning at 8:30 p.m. on May 3, 2012 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 Amended Ordinance.

Councilmember Zabihach read the following notice and ordinance by title and stated that the Notice and Ordinance had been published as required by law that the ordinance had 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 was 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, Mayor Druetzler closed the Public Hearing.

Thereupon Councilmember Zabihach 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.

Mayor Druetzler ordered the Clerk to call the roll on the passage thereof and the vote was as follows:

Yeas:	Councilmembers Zabihach, Coogan, Karr, Mangravite & McCluskey
Nays:	None
Abstain:	None
Absent:	Councilmember Fu

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**

Councilmember Karr moved the adoption of the 2012 budget.

Councilmember Zabihach seconded the motion.

Mayor Druetzler opened the meeting to the public.

Mayor Druetzler stated that the Budget is \$12,518,871.00 up \$5,109.00, a .04 increase. Our tax effort increase approximately \$110,000.00, up 1.15, about \$128 for a home assessed at \$400,000.00. Mayor Druetzler introduced our Treasurer, Ana Thomas, and our Auditor, Bill Schroeder, to answer any questions.

Hearing no one, Mayor Druetzler closed the public hearing.

Councilmember Karr moved the adoption of the 2012 Municipal Budget. Seconded by Councilmember Zabihach.

Mayor Druetzler thanked the Finance Committee, Ana Thomas, Bill Schroeder, Dave Banks, and the Borough employees.

Mayor Druetzler ordered the Clerk to call the roll on the passage thereof and the vote was as follows:

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

## **NEW BUSINESS**

None.

## **VOUCHERS**

None.

Councilmember McCluskey moved to adjourn the meeting at 9:05 p.m.

Seconded by Councilmember Karr. So moved.

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Frank J. Druetzler, Mayor

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June Uhrin, Clerk