

Minutes of the Conference Meeting of the Borough Council held April 5, 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 5TH 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: George J. Coogan
Laurie J. Fu
Jason C. Karr
Frank Mangravite
Suzanne B. McCluskey

Absent: Councilmember Zabihach

Also Present: Gail Fraser, Esq., Borough Attorney
Leon C. Hall, P.E., Borough Engineer (arrived at 8:10 p.m.)

DISCUSSION ITEMS

Mayor Druetzler stated that Leon Hall, P.E., Borough Engineer, will be arriving shortly to discuss Lennar's request for 16 Certificates of Occupancy for the townhouses on Littleton Road.

Councilmember McCluskey reported last month that Meredith Petrillo, Morris Plains Animal Control Officer, received a Call for Hero Award at the Animal Welfare Federation of New Jersey Conference. Councilmember McCluskey shared a letter nominating her for this honor.

EXECUTIVE SESSION

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2012-51 entitled, "Executive Session" be adopted.

Seconded by Councilmember Fu. So ordered.

Councilwoman McCluskey moved to reopen the Conference Meeting at 8:00 p.m. Seconded by Councilmember Coogan. So ordered.

DEVELOPMENT REPORT

Engineer Hall has been informed by Mr. Harrington, of Lennar, that sales of the condominium units have been going well. Lennar would like to close on title to 16 units in Buildings 2 and 5, two of which are model units. The Development Agreement and approvals are structured to prohibit Certificates of Occupancy ("CO's") for dwelling purposes until the site work is completed. This raised practical difficulties for Lennar as the CO's are on a building-by-building basis, and the site work cannot be approved until each building is completed. In speaking with Gail Fraser, Esq., Borough Attorney, it was agreed there would need to be a series of requirements Lennar would need to agree to in order for the CO's to be issued. Engineer Hall recommended requiring a performance guarantee, public safety prerequisites, deed requirements, and compliance with their affordable housing obligation.

Attorney Fraser stated she has reviewed the Performance Bond and will approve same providing Engineer Hall's letter of April 2, 2012 is attached to and made part of the Bond itself.

There was a brief question and answer period. Mayor and Council agreed to approve the issuance of the CO's under the terms described by the Borough Engineer and the Borough Attorney, as referenced on the Consent Calendar.

Engineer Hall added that Lennar will be building townhomes entitled "Waterview at Hanover," a development off of American Road. They will be applying for a Road Opening Permit shortly, and are unofficially expected to CO the first unit this year.

Councilmember Mangravite stated that he attended a Complete Streets Seminar. There is another seminar on April 30, 2012 in Parsippany for engineers and planners. Councilmember McCluskey stated this seminar addresses design standards for new projects and redevelopment of projects such as town centers to make streets safer for all users, including pedestrians, bicyclists and vehicles. There is not much going on in Morris Plains to make it applicable here, however, she will get Engineer Hall additional information.

Councilmember Coogan moved to adjourn the meeting at 8:30 p.m.

Seconded by Councilmember McCluskey. So moved.

Frank J. Druetzler, Mayor

June Uhrin, Clerk

Minutes of the Regular Meeting of the Borough Council held on April 5, 2012, at 8:34 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: George J. Coogan
Laurie J. Fu
Jason C. Karr
Frank Mangravite
Suzanne B. McCluskey

Absent: Councilmember Zabihach

Also Present: Gail Fraser, Esq., Borough Attorney
Leon C. Hall, P.E., Borough Engineer

Mayor Druetzler stated that Councilmember Zabihach would not be attending the meeting this evening as he is on vacation.

APPROVAL OF MINUTES

Councilmember Fu moved:

BE IT RESOLVED that the minutes of the Executive, Conference & Regular Meeting of March 1, 2012 be approved.

Seconded by Councilmember Karr. So ordered.

Councilmember Fu moved:

BE IT RESOLVED that the minutes of the Executive, Conference & Regular Meeting of March 15, 2012 be approved.

Seconded by Councilmember McCluskey. So ordered.

Councilmember Fu moved:

BE IT RESOLVED that the minutes of the Budget Meeting of March 23, 2012 be approved.

Seconded by Councilmember Karr. So ordered.

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

Tax Collector, February 2012
Municipal Court, February 2012
Building Inspector, February 2012
Treasurer, February 2012
Police Department, March 2012
Fire Prevention, March 2012
Fire Department, Year 2011

Borough Engineer, Quarterly

BE IT FURTHER RESOLVED

THAT Resolution No. 2012-52 entitled, "2012 BUDGET EXAMINATION PROGRAM," be adopted as attached.

THAT Resolution No. 2012-53 entitled, "A RESOLUTION IN SUPPORT OF THE STATE STRATEGIC PLAN," be adopted as attached.

THAT the Borough Council approve the Mayor's Proclamation declaring *May 6th 2012, Celebrating the 5th Annual Susan G. Komen for the Cure® North Jersey Race for the Cure®* in the Borough of Morris Plains.

THAT the Borough Council authorize the purchase of one (1) 2012 Chevrolet Tahoe Vehicle, from Mall Chevrolet, Cherry Hill, New Jersey, under the State Purchasing Bid Contract, in the amount of \$27,601.00, which contract was awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

THAT the Borough Council authorize the Borough Engineer to prepare plans and specifications for the demolition of the existing building located at Block 101, Lot 3.02, 260 Tabor Road.

THAT having received quotes for the purchase and installation of fencing at the Community Garden:

| | |
|------------------------|------------|
| GM Fence | \$1,650.00 |
| All Fence Company, LLC | \$2,590.00 |

THAT a purchase order be issued to GM Fence, East Hanover, NJ, in the amount of \$1,650.00.

THAT the Borough Council grant permission to the Warner-Lambert/Pfizer Retirees Travel Club to park at the Simons Park Parking Lot from May 28th through June 1st 2012.

THAT Morris Plains Cooperative Playschool be granted permission to hold a student picture day at Roberts Garden, Saturday, May 5th 2012, with a rain date of Sunday, May 6th 2012 and Saturday, May 19th 2012, with a rain date of Sunday, May 20th 2012, from 8:00 am to 4:00 pm.

THAT the Borough Council authorize Leon C. Hall, Stormwater Program Manager and Borough Engineer, as the duly authorized representative to prepare and submit the Annual Stormwater Report and Certification 2011.

THAT the letter of retirement from David Banks, Treasurer, be accepted effective May 31st 2012.

THAT Irene Phelan, Skyline Drive, Morristown continue the Senior Exercise Program as a volunteer instructor from April 19th 2012 thru May 24th 2012.

THAT the Borough Treasurer be authorized to advertise for the receipt of bids for the Forest Drive, Park Road, Malapardis Road, Mountain Way, Dayton Road, Littleton Road, Community Park and Watnong Drive Paving Project, with bids to be received on Tuesday, May 1st 2012, up to 10:30 A.M., in the Council Chambers.

THAT Scott Thompson, Police Chief having successfully completed the FBI National Academy receive a 5% increase in base salary effective April 1st 2012.

THAT the Borough Council authorize the purchase of one (1) 2012 Ford Pick-up, from Beyer-Warnock Fleet, East Hanover, New Jersey, under the Morris County Co-Operative Purchasing Contract, in the amount of \$41,289.00, which contract was awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

THAT the Borough Council authorize the purchase of one (1) 2012 Ford Mason Dump, from Flemington Ford, Flemington, New Jersey, under the Morris County Co-Operative Purchasing Contract, in the amount of \$56,598.00, which contract was awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

THAT the Borough Council authorize the settlement of the GRC complaint No. 2010-165, Wolosky v. Borough of Morris Plains in an amount of \$2,700.00 and the appropriate Borough Officials be authorized to execute the necessary settlement documents.

THAT the Borough Council authorize the Performance Guarantee from US Home Corporation d/b/a Lennar subject to the conditions set forth in the Borough Engineer's April 2, 2012 letter.

Seconded by Councilmember McCluskey.

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

Nays: None

Abstain: None

Absent: Councilmember Zabihach

GREETING OF PUBLIC AND INVITATION FOR DISCUSSION

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

REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS

Finance

Councilmember Karr advised that the Library is offering another paper shredding fundraiser on April 21, 2012 from 9:00 a.m. to noon. They are requesting a \$5.00 donation per box.

Councilmember Karr stated that the cleaning lady we have had previously has signed on with the new cleaning company.

Public Safety

Councilmember McCluskey reported that the Police Department's annual report was distributed. The Fire Department prepared their annual report, and there are three binders that can be reviewed in the Clerk's Office.

Chief Thompson reported that the Police Department has been given the dates of Sunday, May 6th 2012 and Monday, May 7th 2012 for the onsite assessment for Accreditation.

Chief Thompson reported that the two new police officers are doing well and should be graduating from the Police Academy on June 14, 2012.

Chief Thompson stated that he graduated with a class of 257 from the FBI Academy on March 16, 2012. There were eight participants from New Jersey. He enjoyed the classes, the physical training and the challenges.

Public Works

Councilmember Coogan stated that the Department of Public Works' report was distributed. Councilmember Coogan highlighted the free mulch program, adding that it was very successful. The Department of Public Works transported 3,500 cubic yards of mulch, three times the minimum amount each town was required to take. DPW delivered mulch to 318 homes and stockpiled a supply at Watnong Park.

Councilmember Coogan stated that Sections 1 and 2 have been street swept; Sections 3 and 4 will be done next week. There have also been two rounds of brush collection.

Councilmember Coogan stated that relative to the energy program, the Road Department changed the lights in Room C at the Community Center. The bulbs were reduced from four to two with reflectors and new ballasts; the cost for both the reflectors and new ballasts was less than the cost of a new ballast alone. These are designed to reduce energy consumption by 66 percent. The DPW will complete one room at a time at the Community Center when time allows.

Councilmember Coogan stated that he and Councilmember Fu met with Ryan Byrne, who will be working on his Eagle Scout project. He staked out the path that will connect the existing front circular path with the back path that once ran through the quarry site. Councilmember Coogan shared a map outlining the path. This project will start April 14, 2012.

Councilmember Coogan stated that he and Councilmember Fu met with representatives of Donnelly and Rymer to walk through the Community Center to review energy improvements. They will be putting controls on the boiler and reviewed needs for the air conditioners. They also reviewed energy improvements at the DPW buildings. They also reviewed heating needs and are recommending potential updates. Their proposals will need to be approved by the State since these projects are being funded with grant money.

Public Buildings & Grounds

Councilmember Fu stated that the Shade Tree Commission met yesterday, April 4, 2012, and they are reviewing their Policies and Procedures Manual. They are awaiting further notice on the No Net Loss Reforestation Program.

Councilwoman Fu reported that the Recreation Commission held a very successful Easter Bunny Breakfast on Saturday, March 30, 2012 and there were over 200 attendees. The Municipal Alliance Volunteer Corp. was represented by many youths who volunteered their time and they were extremely helpful. One youth played the Easter Bunny and over 1,700 eggs were distributed.

Councilwoman Fu reminded that Opening Day for Little League is scheduled for Saturday, April 14, 2012 at Community Park.

Councilwoman Fu reported that Sustain the Plains Committee of the Sustainable New Jersey Committee met two weeks ago. Virginia Lamb will demonstrate a composting event on April 14, 2012 at 1:30 p.m. at the Community Center. Orders can be picked up on May 19, 2012. Another event they are considering is a Green Challenge

Contest that will include providing a list of conservation ideas to residents, and ask them to pick five ideas they can work with. This can be promoted at the Farmer's Market and the next *Plainstalk*.

Public Welfare, Sanitation & Sewers

Councilmember Mangravite stated that he reviewed the current garbage and recycling contracts with regard to insurance coverage.

Councilmember Mangravite stated that the Teen Center's patio has been completed. In an effort to grow grass in the back, some of the events are going to be relocated.

Councilmember Mangravite stated that the Recycling Center is implementing new procedures for recycling smoke detectors and large car batteries. Don Jon will now be taking those items, in addition to presently taking electronics and metals; the town will receive a stipends for these items.

Councilmember Mangravite stated that the Municipal Alliance continues to organize drug free events and programs for the youth in Morris Plains.

Ordinance & Public Utilities

Councilmember Zabihach will provide a report at the next meeting.

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

ORDINANCE 5-2012

BOND ORDINANCE APPROPRIATING \$350,000, AND AUTHORIZING THE ISSUANCE OF \$332,500 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MORRIS PLAINS, IN THE COUNTY OF MORRIS, NEW JERSEY.

Councilmember McCluskey seconded the motion.

Mayor Druetzler stated this Ordinance will allow us to make improvements and upgrades on municipal buildings, purchase of a dump truck, and road improvements on Speedwell Avenue.

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

Thereupon, Councilmember Coogan offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on April 5, 2012 and passed on first reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on April 19, 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.

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

ORDINANCE 6-2012

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF MORRIS PLAINS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

Councilmember McCluskey seconded the motion.

Mayor Druetzler stated this Ordinance will allow us to pave Park Road, Forest Drive, and a section of Malapardis; drainage at Community Park; and sidewalks on Mountain Way, Littleton Road, Dayton Road and Watnong Drive.

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

Thereupon, Councilmember Coogan offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on April 5, 2012 and passed on first reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on April 19, 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 Fu seconded the resolution. All in favor.

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

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."

Councilmember Karr seconded the motion.

Mayor Druetzler stated this Ordinance was recommended by the Planning Board and Zoning Officer to allow us to expedite the cumbersome process of change of ownership in order to be more business-friendly.

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

Nays: None

Absent: Councilmember Zabihach

Abstain:None

Thereupon, Councilmember Coogan offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on April 5, 2012 and passed on first reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on April 19, 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 McCluskey seconded the resolution. All in favor.

ORDINANCES ON SECOND READING

None.

RESOLUTIONS

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2012-54 entitled, "Speedwell Avenue Project" be adopted.

Seconded by Councilmember McCluskey.

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

Nays: None

Absent: Councilmember Zabihach

Abstain: None

UNFINISHED BUSINESS

None.

NEW BUSINESS

2012 BUDGET INTRODUCTION

Councilmember Karr introduced the 2012 Municipal Budget.

Councilmember McCluskey seconded the motion.

Mayor Druetzler provided a brief summation of the budget, explaining the total budget is up a total of \$5,109.00 or .04 percent increase from 2011, which is the smallest increase he has seen in his years serving the Borough. The tax effort is going up \$110,080.00 or 1.15 percent, which under the two percent tax cap. The tax rate for 2011 was 66.2 and this year it is 69.4, for a total of 3.2 cents difference. This calculates to \$128.00 on a \$400,000.00 home. Mayor Druetzler commended the Governing Body and staff for dedicating so much time to make this an excellent budget. There are no new hires and the Borough is able to provide the same services to the residents in tough economic times. Mayor Druetzler added that there are no new programs in this budget. The public hearing will be held on May 3, 2012 at 8:30 p.m.

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

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

Nays: None

Absent: Councilmember Zabihach

Abstain: None

VOUCHERS

None.

Councilmember McCluskey moved to adjourn the meeting at 9:16 p.m.

Seconded by Councilmember Mangravite. So moved.

Frank J. Druetzler, Mayor

June Uhrin, Clerk