

Minutes of the Conference Meeting of the Borough Council held March 21, 2013, at 7:30 p.m. in the Council Chambers, Borough Hall, 531 Speedwell Avenue, Morris Plains, New Jersey.

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 2013; WHICH RESOLUTION WAS ADOPTED BY THE BOROUGH COUNCIL ON JANUARY 7, 2013, 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  
Council President Laurie Fu  
Councilmembers: Joseph Cecala  
George Coogan  
Jason Karr  
Frank Mangravite  
Suzanne McCluskey

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

### **ITEMS FOR DISCUSSION**

Mayor Druetzler asked if there were any questions on the Consent Calendar.

Mayor Druetzler commented on what some residents believe is a problem with turkey vultures in the Borough and in surrounding areas. The current proposed plan is to hang a dead vulture in a yet to be selected location in an effort to scare away other vultures.

Cross discussion about the issue of the Borough's turkey vulture problem, including that the Mayor has spoken with Mr. William Dressel of the League of Municipalities about the Borough's vulture problem and the problems being experienced in other municipalities; Mr. Dressel will be writing an article on the subject.

Mayor Druetzler inquired as to whether any of the Councilmembers had any other topics for discussion.

Mayor Druetzler advised that the Freeholders will be in attendance at tonight's meeting to discuss their budget. A meeting is also scheduled with Mayors for this Saturday. He referenced electric rate increases.

Mayor Druetzler explained one of the arguments being made by Jersey Central Power & Light is making in connection with the proposed 4.5% increase, is a claim that due to decreasing costs, the overall impact will be minimal.

### **EXECUTIVE SESSION**

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2013 - 58 entitled "Executive Session" be adopted.

Seconded by Councilmember Karr. So ordered.

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Frank J. Druetzler, Mayor

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June Uhrin, Borough Clerk

Minutes of the Regular Meeting of the Borough Council held March 21, 2013 at 8:30 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 2013; WHICH RESOLUTION WAS ADOPTED BY THE BOROUGH COUNCIL ON JANUARY 7, 2013, 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  
Council President Laurie Fu  
Councilmembers: Joseph Cecala  
George Coogan  
Jason Karr  
Frank Mangravite  
Suzanne McCluskey

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

#### **APPROVAL OF MINUTES**

Councilmember Fu moved:

***BE IT RESOLVED THAT*** the minutes of the Executive Conference and the Regular Meetings of February 7, 2013 be approved.

Seconded by Councilmember Karr. So ordered.

Voice vote. All in favor. Motion carried.

Councilmember Fu moved:

***BE IT RESOLVED THAT*** the minutes of the Executive Conference and the Regular Meetings of February 21, 2013 be approved.

Seconded by Councilmember McCluskey. So ordered.

Voice vote. All in favor, except for Councilmember Coogan who abstained from voting. Motion carried.

***BE IT RESOLVED THAT*** the minutes of the Budget Meeting of March 1, 2013 be approved.

Seconded by Councilmember Karr. So ordered.

Voice vote. All in favor. Motion carried.

#### **PRESENTATION: Freeholder Representatives – Budget**

Mayor Druetzler introduced Freeholder Hank Lyon and offered thanks to him for visiting the Borough in connection with this subject matter.

Freeholder Lyon made his presentation, including issues relating to reducing overall costs; proposed planning studies by the County; open space matters; an overview of County finances; a 0% tax increase; savings accomplished; reductions in salary expenses achieved largely through outsourcing; the Morris

View Health Care Center; County College of Morris; Morris County School of Technology; Morris County Park Commission; public safety services provided by the County; a juvenile detention center; bomb squad; and a youth shelter. He commented on a pie-graph slide he presented showing where County resources are invested.

Continuing, Freeholder Lyon referred to school board issues and the savings of taxpayer dollars; the fact that the use of surplus remains unchanged; attempts being made to reduce borrowing costs and proposed borrowing in 2013; proposed 2013 Freeholder projects and how one or more of the non-profit projects will actually save the County money; additions to the 2013 budget (Tourism Bureau special events, Morris County Economic Development Corporation, disposal of ammunition and fireworks, and retention of a chief information officer(s)). He also advised the Freeholders are in the beginning stages of discussing whether the County might be able to provide IT services to its municipalities.

Freeholder Lyon next discussed possible risks in the future. He advised that the Freeholder Board believes the biggest risk may be the uncertainty of Medicaid funding for the Morris View Health Care Center. The Board is carefully following discussions on the matters of Medicaid and Medicare as they occur in Washington, D.C. Their budget does recognize potential cuts and this was proactively assumed in this budget – that approximately \$1M could be lost in funding. Impacts from the Affordable Care Act were also commented on. The Board presented a 23-point plan at one of their recent formal meetings relating to different ideas and initiatives.

The Freeholder Budget Subcommittee will be continued, advised Freeholder Lyon. This Subcommittee will have significant oversight over the budget. He advised on several other matters such as how the County's employee headcount is decreasing, primarily through attrition, but also through some amount of outsourcing.

Mayor Druetzler opened this portion of the meeting for questions related to Freeholder Lyon's presentation. He suggested a discussion on Open Space as a good opening topic.

Various Councilmembers commented on a variety of subject matters while others asked questions of Freeholder Lyon.

Freeholder Lyon provided information about the Family Council/Morris View Advisory Committee.

Councilmember Coogan encouraged continued funding of the Open Space Program. He asked about the possible merger of the County Park Police with the Sheriff's Department.

Freeholder Lyon reported on the work of a study commission established to study the merger concept. This report was only recently received and the Board has not had a formal opportunity to discuss it yet. He hopes to have a concrete plan by the end of 2013 regarding actions planned on this issue.

Cross discussion in connection with open space and various ways to accomplish positive results in the future.

Councilmember McCluskey commented on issues relating to fireworks.

Mayor Druetzler congratulated the Freeholder Board on accomplishing a 0% increase, actually less than 0%. He also commented on the services provided by the Morris View Health Care Center and the Open Space Fund. He stated that when the Open Space Fund was established, there was a solemn promise made

that the funds would be solely for the purchase of open space, not for salaries, maintenance, or any other purpose.

Freeholder Lyon stated that if the purpose of the Open Space Fund was to be changed, it would need to be done through a referendum.

Mayor Druetzler also commented on the decrease of ratables in Morris Plains and in the County as a whole. This is a serious concern of his for the present and the future. He believes this must also be a concern of the County. He also stated that the Borough does not have much interaction with the Morris County Economic Development Corporation. There is a "depression" when it comes to vacant commercial office buildings/office space. How will this situation be overcome going forward? The impact of tax appeals on municipalities is also a real potential problem; some appeals are four to five years old.

Mayor Druetzler thanked Freeholder Lyon for his presentation.

### **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, February 2013  
Building Inspector, February 2013  
Sanitarian, February 2013  
Tipping Fees, February 2013  
Treasurer, February 2013  
Tax Collector, February 2013

### **BE IT FURTHER RESOLVED**

*THAT* the Borough Council authorize the purchase of one (1) 2013 Chevrolet Tahoe Vehicle, from Day Chevrolet, Atlantic City, New Jersey, under the State Purchasing Bid Contract, in the amount of \$25,975.00, 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) 2013 Chevrolet Tahoe Vehicle, from Day Chevrolet, Atlantic City, New Jersey, under the State Purchasing Bid Contract, in the amount of \$28,679.00, which contract was awarded through a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.

*THAT* the attached be hired for the 2013 Recreation program "Kids Helping Kids" reading program at the position and salary stated, effective April 9<sup>th</sup>.

*THAT* the Borough Council authorized the release and return of \$173.13 Inspection Fees to Townsend & Associates, per the Borough Engineer's correspondence dated February 27<sup>th</sup> 2013.

*THAT* having received quotes for the Flusher repair from the following:

Jet-Vac, Inc.	\$7,990.46
Pierce Equipment Co.	\$4,973.56

*THAT* a purchase order be issued to Pierce Equipment Co., Branchburg, New Jersey in the amount of \$4,973.56.

*THAT* having received quotes for the 2013 water treatment to Community and Watnong Park Ponds from the following:

Aquatic Technologies, Inc.	\$2,282.00
Princeton Hydro, LLC	\$5,580.00

*THAT* a purchase order be issued to Aquatic Technologies, Inc., Clifton, New Jersey, in the amount of \$2,282.00

*THAT* Robert Carr, 33 Maple Avenue, be appointed a member of the Municipal Alliance, effective March 21, 2013.

Seconded by Councilmember Cecala.

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

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

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

Mr. Douglas Henshaw, attorney for M&M stated he will talk “about establishing a dialogue about the former Pfizer piece of property on Route 53 or Tabor Road that has now been purchased by my client M & M. I was with you and the Planning Board on August 20, 2012 and we talked at your request about development of that site, re-development of the site, buildings that are in the process of being demolished, and we, at your request, made a presentation of what my clients envision for that piece. Since that time some very fortunate things have happened for the Borough and frankly for my client in that Honeywell has decided to become a resident of the Borough of Morris Plains which is a great thing for you and frankly a great thing for M & M, too, because of the synergy between the two pieces of property. I made sure that as I have done some work for Honeywell in their initial development of the Morris Township campus. I made sure that Honeywell and the representatives of M & M had a series of meetings to discuss dialogue on the synergy that could come from the mutual development of those properties which I think work to the Borough’s great benefit. I thought it was interesting or appropriate that the Mayor spoke about ratables and the vacancy rate of office space in Parsippany and that it is enormous County problem. I envision a scenario whereby Borough and representatives of Morris Plains sit down either in full group committees or in some fashion and talk through their issues about the vision for the development of the M & M piece and go forward and get that done and get buildings back up and have that become a vibrant and important structure in the character of the Borough. Is it going to be easy? Not necessarily. Is it going to be a change? Absolutely. But it is something that I think you and your citizens can do, and we are willing to work with you and cooperate to the greatest degree possible and I am desirous of having that dialogue begin. I appreciate your letting me appear and at least you’re here to make sure I can get safely out of the building. I want to stress that the current situation presents . . . it’s not about me, it’s about a large landowner and a municipality working together to get it right. There are a lot of ways that that can happen . . . the most fruitful, cost effective plan. The proper way to do it is to have an exchange of ideas and dialogue and not bang each other on the head in the court system. That’s my little piece. I have no particular plans, don’t want spread out acts or deals with you. I would welcome the opportunity that my client’s professionals could be here and all the

professionals could work together; with Bill Denzler, with Leon, whoever you may designate, but just because there's tax appeals, litigation or hard feelings, that doesn't mean we shouldn't do the right thing and try to advance everyone's interests through meaningful dialogue. It's real simple and that's my pitch."

Mayor Druetzler stated we requested those things that you referred to because we wanted a dialogue, and we thought we had a dialogue. There was a lawsuit, and we responded to your client. It took four months for the Borough to receive a response. At this point we do not feel very comfortable at this moment talking. If the lawsuit were to go away, he believes the Borough will feel much better. He is glad that Honeywell was brought up, commenting on several aspects of that matter. He also referred to a first-class hotel and corporate housing.

Mr. Henshaw asked "if there is a timeframe that he might relate to his client even if it is not ironclad, but something that is . . ."

Mayor Druetzler responded there is no timeframe at this time. The paperwork was not received in time for the last meeting. The matter is still being contemplated.

Mr. Henshaw stated "you are certainly entitled to do that and my thought is that there is nothing ironclad about we responded to in writing and the way this gets done in my view, in my experience, people sit down and compare ideas and say that doesn't work unless this works, or these people need to work together and you reach a result."

Mayor Druetzler commented again on the lawsuit and that it was upsetting.

Mr. Henshaw stated he "extremely understands that. I didn't give that advice, but that doesn't mean it wasn't given. Certainly, the suit was filed so that is the reality of it. My hope would be that those feelings can be overcome and instead of spending money on a lawsuit, we spend money trying to solve the problem. They did it as a placeholder, they were afraid if they didn't file that that someone else would file ahead of them and then they would be in a worse position than they would be otherwise. There is no desire to pursue that suit aggressively, . . . then be done with it. "

Mayor Druetzler asked if there was anyone else who wanted to speak. Hearing none, he closed this portion of the meeting to the public.

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

### **Finance**

Councilmember Karr reported on the recent meeting of the Finance Committee. Some of what was discussed related to impacts resulting from Superstorm Sandy last fall. The meeting was both informative and productive and lasted more than two hours. He provided information concerning several issues that are still being worked on (software and e-mail problems were examples).

Councilmember Coogan commented that the amount of computer literacy varies quite a bit from one employee to another. He also discussed the server(s).

Councilmember Karr also discussed that when computer problems occur during the workday, many employees do not know how to address the problem or have forgotten how to over time. He also talked about basic day-to-day computer safety routines.

Cross discussion about best methods for computer operation.

### **Public Safety**

Councilmember McCluskey stated the only item she has to report on is that the Borough police department participated in a recent gun buyback event in Morristown.

The Borough Police Chief presented his report, including a status update report on the E-Ticket.

### **Public Works**

Councilmember Cecala presented his report, including preparation for events such as the Breakfast with the Easter Bunny and Egg Hunt to be held on Saturday, March 23, 2013.

### **Public Buildings & Grounds**

Councilmember Fu advised Mr. Leon Hall, Borough Engineer, will present a report.

Mr. Hall reported on various contracts that currently are out for bid, with a due date of April 4, 2013. He also met with Chris Guasso about a situation relating to a pond. The purpose of the meeting was to attempt to discourage him from calling the sediment islands in the pond as pre-emerging wetlands. If they are declared wetlands, additional wetlands permit(s) will need to be applied for. He was unsuccessful in persuading Chris from making a determination that they are wetlands. He provided additional details of what must happen next. He also reported on a recent meeting with engineers for Honeywell to review the site plan application for submission to the Planning Board.

Councilmember Fu presented her report, including details related to the Breakfast with the Easter Bunny and Egg Hunt event, Pool registrations, Little league batting cages, upcoming scheduled sign-ups for the summer recreation programs and a general update about the summer recreation programs for 2013. She also provided an update on the Shade Tree Commission events and grant opportunities, including the April 26 Arbor Day celebration.

Mayor Druetzler congratulated Councilmember Fu on the receipt of a grant that was approved, commenting that he is well aware that she spent considerable time and effort toward this goal.

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

Councilmember Mangravite presented his report, including an updates of the activities of the Board of Health, plans for Wellness Day (probably in the latter part of October 2013), flu shots and receipt of the vaccine, recycling, and Teen Center issues,.

### **Ordinance & Public Utilities**

Councilmember Coogan presented his report, including issues in connection with electrical bills and a process that is scheduled to begin on April 1, 2013.

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

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

### **INTRODUCTION OF ORDINANCES**

None.

### **ORDINANCES ON SECOND READING**

Councilmember Coogan read by title the ordinances entitled:

#### **ORDINANCE 3-2013**

**AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" WITH THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REPEAL OF CERTAIN CONDITIONS SET FORTH IN SECTION 13-5.4A, "CONDITIONAL USES, HELISTOPS"; THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION 13-5.2A(12.6), "PROHIBITED USES IN THE OB OFFICE BUILDING**

**ZONE TO PERMIT RETAIL SALES AND SERVICES AND MOTOR VEHICLE SALES AND SERVICES ON CERTAIN PROPERTIES; AND SECTION 13-5.1C, "SCHEDULE OF PERMITTED USES" AND FOOTNOTES TO SCHEDULE "C: IN CONNECTION THEREWITH.**

which ordinance was introduced and passed on first reading at a meeting held on February 21, 2013.

Seconded by Councilmember McCluskey.

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 February 21, 2013, 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 March 21, 2013 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 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 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.

Seconded by Councilmember McCluskey.

Yeas: Councilmembers Fu, Cecala, Coogan, 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.

Councilmember Coogan read by title the ordinances entitled:

**ORDINANCE 4-2013**

**BOND ORDINANCE APPROPRIATING \$631,000 AND AUTHORIZING THE ISSUANCE OF A \$600,000 BOND OR NOTES FOR THE BOROUGH FOR VARIOUS IMPROVEMENTS FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MORRIS PLAINS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY.**

which ordinance was introduced and passed on first reading at a meeting held on March 7, 2013.

The Clerk read the following notice:

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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 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.

Seconded by Councilmember Karr.

Yeas: Councilmembers Fu, Cecala, Coogan, 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**

None.

#### **VOUCHERS**

Councilmember Karr moved:

**BE IT RESOLVED** that the following vouchers for March 21, 2013 be approved. Seconded by Councilmember Coogan.

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

Absent: None  
Abstain: None

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Frank J. Druetzler, Mayor

**ADJOURNMENT**

Councilmember Mangravite moved to adjourn at 9:38 P.M.

Seconded by Councilmember Cecala. All in favor.

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Frank J. Druetzler, Mayor

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June Uhrin, Borough Clerk