

Minutes of the Conference Meeting of the Borough Council held May 16, 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 commented on a meeting relating to insurance and guidance that was provided to the attendees. He asked if anyone had any questions on the Consent Calendar.

Cross discussion on a variety of subjects.

Councilmember Cecala reported on a telephone call he received about an hour ago. The call concerned grass not being picked up. The caller has contacted the Clerk's office several times, but the matter remains unresolved at this time. He will pursue resolution of this situation and will contact the Department of Public Works (DPW) to assist. The resident lives on or near Walsh Way.

Cross discussion about these kinds of DPW pick-ups and whether any changes need to be considered.

EXECUTIVE SESSION

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2013 - 70 entitled "Executive Session" be adopted.

Seconded by Councilmember McCluskey. So ordered.

Voice vote. All in favor. Motion carried.

Councilmember Cecala moved that the Executive Session be adjourned.

Seconded by Councilmember Karr.

Councilmember Coogan moved that the Conference Meeting be adjourned.

Seconded by Councilmember McCluskey.

Frank J. Druetzler, Mayor

June Uhrin, Borough Clerk

Minutes of the Regular Meeting of the Borough Council held May 16, 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

PUBLIC HEARING – Soil Disturbance Application

Mr. Donato Zizza who owns Zizza Landscape Construction explained the details of a project his company is proposing be done on the top half of Mr. Mullens's property to address a natural soil erosion situation. The proposal includes construction of a berm, installation of some plantings, and for the area that was woods there are several trees that need to be removed. They will clean out the existing debris and leaves; they will not raise the elevation of the lawn, but will bring in soil and seed the ground to allow grass to grow. Along the fence will be a berm that will catch whatever water is flowing since his property slopes. There will be a river-bed stone channel around the edge. There is a storm drain right on the property line, at the end of the berm. This drain will be lined with large rocks to halt the erosion, but will still allow the water to flow naturally into the storm drain.

Mr. Hall stated he may request some soil erosion measurements during the construction phase. He provided his reasons why he may request this.

Mr. Zizza stated there is sufficient stone on the property, about the size of rip-rap, 7" or 8" stone. This will be lined by putting fabric down and then placing the stone on top of it. There may need to be minor excavation.

Continuing, Mr. Zizza provided additional details of what his proposal calls for. In between the fence and the existing grass is probably about 20' x 80' long. This equates to roughly 1,600 SF. He will install a thin layer (2") of top soil.

Mr. Dave Sullivan, 11 Sunrise Drive, Morris Plains, Mr. Mullens's neighbor, asked whether there is any nearby land that is considered wetlands.

Mr. Hall replied that after his review of the soils map, he does not believe there are lands that are indicative of wetlands. It is low lying and does somewhat hold moisture.

Jerry McCaffrey, Walsh Way, Morris Plains, stated his one reservation about the proposed project is what impact this might have on the quality of life for the area residents. He requested that whatever due diligence needs to be done be done.

Mr. Zizza provided several other details of what he is proposing, including that he believes there will be less water than currently since 90 percent of the yard will be bermed. There is natural erosion on the property, but they are not going anywhere near it; it will naturally stay how it has been for the past 30 years or so.

Mayor Druetzler asked if there were any additional comments or questions concerning this proposed project. Hearing none, he closed the public hearing on this matter.

Ms. Fraser stated she reviewed the application and proof of service and found the same to be in order.

Mayor Druetzler stated there is a Resolution of Approval.

Ms. Fraser replied she has prepared a DRAFT Resolution of Approval. Listening to the testimony provided allowed her to include additional information in her copy of this resolution that the Council's copies do not contain. She verbally summarized the resolution. Among other items, she stated there will be certain fees that will need to be paid (if not paid yet), and the requirement to comply with all Borough ordinances, rules and regulations.

Moved by Councilmember Coogan

Thereupon, Councilmember Coogan offered the following resolutions:

BE IT RESOLVED THAT Resolution No. 2013-71 entitled, "Resolution Approving the Issuance of a Soil Disturbance Permit" be adopted.

Seconded by Councilmember McCluskey. So ordered

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

APPROVAL OF MINUTES

None.

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

Fire Prevention, April 2013
Police Department, April 2013
Municipal Court, April 2013
Sanitarian, April 2013
Building Inspector, April 2013

BE IT FURTHER RESOLVED

THAT Jonathon Donofrio be hired for summer help in the Department of Public Works at an hourly rate of \$9.00, effective May 6th 2013.

THAT the attached be hired for the 2013 Summer Recreation Enhancement programs at the position, salary and effective date stated.

THAT St Virgil Academy be granted permission to use Simons Park for a play day, on Friday, May 17th 2013, from 8:00 AM to 2:00 PM.

THAT Morris Plains Joyful Noise be granted permission to use Simons Park for a play day, Friday, May 31st 2013, from 9:45 AM to 11:15 AM.

THAT Morris Plains Cooperative Playschool be granted permission to hold a student picture day at Roberts Garden, Saturday, May 18th 2013, with a rain date of Sunday, May 19th 2013 and Saturday, June 1st 2013 with a rain date of Sunday, June 2nd 2013, from 8:00 AM to 4:00 PM.

THAT Audra Tonerio be granted permission to serve alcoholic beverages at a picnic to be held on Tuesday, May 21st 2013 from 12:00 PM to 4:00 PM at the Community Park Pavilion.

THAT Jennifer Simms be granted permission to serve alcoholic beverages at a graduation party to be held on June 22nd 2013 from 12:00 PM to Dusk at the Community Park Pavilion.

THAT having awarded Contract 2013.01, Jim Fear Drive, Laurel Street, Maple Avenue, Granniss Avenue, Academy Road and Watnong Drive Improvements to D. S. Meyer Enterprises, LLC, as the lowest responsive and responsible bidder for a bid price of \$269,635.98, the Borough Council ratifies the declaration of default of the low bidder, D. S. Meyer Enterprises, LLC and deems D. S. Meyer's low bid proposal as abandoned for failure to execute the contracts within the time and as required by the terms of the Contract Documents; and the Borough Council hereby awards Contract 2013.01, Jim Fear Drive, Laurel Street, Maple Avenue, Granniss Avenue, Academy Road and Watnong Drive Improvements to Haskell Paving, Inc., for its next lowest responsive and responsible bid price of \$303,027.97, and authorizes the Mayor and Clerk to execute the necessary contract in the form approved by the Borough Attorney.

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. Seeing no one, he closed this portion of the meeting to the public.

REPORTS OF COMMITTEES AND/OR DEPARTMENT HEADS

Finance

Councilmember Karr advised that the auditors are here and will most likely be here several more days.

Public Safety

Councilmember McCluskey presented her report, including information concerning graduation events, a dedication at Roberts Garden, and the Farmers Market.

Chief Thompson presented his report, including an upcoming meeting(s), comments on a company involved with maps/mapping and updating the traffic flow issue at Central Avenue, and the Click It or Ticket program, among other commentary.

Public Works

Councilmember Cecala presented his report, including reference to the Superintendent's report, the cleaned tennis courts, final work on the Pool, and summer help working with the DPW.

Mr. Hall provided comments regarding permits and discussion he had with the architect for Coty Cosmetics (Building 500, The American Way), among a variety of other comments.

Public Buildings & Grounds

Councilmember Fu presented her report, including that yesterday was the final day for the Early Bird registration for Summer Camp. There are 343 campers signed up for the camp so far; last year there were 340 total. Of the 343 total, 128 are for the Teen Camp, eight more than for last year. The enhancement programs are quite popular with some requiring that a second session be offered. She reminded of the Memorial Day Parade on Saturday, May 25th 2013. Ninety-two units are marching and there will be a flyover (weather permitting – here and elsewhere).

Public Welfare, Sanitation & Sewers

Councilmember Mangravite presented his report.

(NOTE: All of Public Welfare, Sanitation & Sewers was inaudible)

Ordinance & Public Utilities

Councilmember Coogan advised that he believes progress is being made with Jersey Central as a result of recent meetings with a representative. He provided additional information as to why he believes this is so. He also referenced the cable company and advised that the Beautification Committee has formalized how they hope to proceed with the gardening at the front of the building and will be starting work on this shortly.

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

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

ORDINANCE NO. 6-2013

BOND ORDINANCE APPROPRIATING \$216,000 AUTHORIZING ISSUANCE OF \$205,300 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 provided commentary in connection with Ordinance 6-2013

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

Thereupon, Councilmember Coogan offered the following resolution:

WHEREAS, the above ordinance was introduced and read by title at this meeting on May 16th 2013 and passed on First Reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on June 20th 2013 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 thereof, 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 Mangravite seconded the resolution. All in favor.

ORDINANCES ON SECOND READING

None.

RESOLUTIONS

Moved by Councilmember Fu:

BE IT RESOLVED THAT Resolution No. 2013-72 entitled, "Summer Recreation Season Employees for 2013" be adopted.

Seconded by Councilmember Coogan

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

Abstain: Councilmember Karr

Moved by Councilmember Fu:

BE IT RESOLVED THAT Resolution No. 2013-73 entitled, "Community Park Pool Season Employees for 2013" be adopted.

Seconded by Councilmember Coogan

Yeas: Councilmembers Fu, Coogan, McCluskey, Mangravite

Nays: None

Absent: None

Abstain: Councilmembers Cecala, Karr

UNFINISHED BUSINESS

None:

NEW BUSINESS

None.

VOUCHERS

Councilmember Karr moved that the vouchers for May 16th 2013 in the amount of \$2,398,000.47 be approved.

Seconded by Councilmember McCluskey.

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

Nays: None

Absent: None

Abstain: None

EXECUTIVE SESSION

None.

Councilmember Mangravite moved to adjourn at 9:18 PM.

Seconded by Councilmember Coogan. Voice vote. All in favor. Motion carried.

Frank J. Druetzler, Mayor

June R. Uhrin, Borough Clerk