

Minutes of the Conference Meeting of the Borough Council held July 18, 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
Councilmembers: Joseph Cecala
George Coogan
Jason Karr
Frank Mangravite
Suzanne McCluskey

Absent: Council President Laurie Fu

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

ITEMS FOR DISCUSSION

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

Council President Fu arrived at 7:50 pm

Councilmember Karr reported on the August Special Primary Election and the October Special General Election. June has made arrangements for the Community Center and all is in order.

EXECUTIVE SESSION

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution No. 2013-91 entitled "Executive Session" be adopted.

Seconded by Councilmember McCluskey. So ordered.

Voice vote. All present in favor. Motion carried.

Councilmember Coogan moved that the Conference Meeting be adjourned.

Seconded by Councilmember Mangravite.

Frank J. Druetzler, Mayor

June Uhrin, Borough Clerk

Minutes of the Regular Meeting of the Borough Council held July 18, 2013 at 8:45 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

PRESENTATION

Mayor Druetzler and Council President presented the Council's Proclamation recognizing Ms. Nayna Shah and a gift to Ms. Shah. Mayor Druetzler and Council President read the Proclamation and also presented their own comments acknowledging Ms. Shah's accomplishments over the years and thanking her for her willingness to give of her time and effort.

Ms. Penny Jones also thanked Ms. Shah for her many contributions on behalf of the Recycling Committee and presented her with a gift.

Photographs were also taken. Ms. Shah thanked everyone for their Proclamation, gifts and kind words of appreciation.

APPROVAL OF MINUTES

Councilmember Fu moved:

BE IT RESOLVED THAT the minutes of the Executive, Conference, and the Regular Meetings of May 16th 2013.

Seconded by Councilmember Coogan. So ordered.

Voice vote. All present in favor. Motion carried.

APPROVAL OF MINUTES, cont'd.

Councilmember Fu moved:

BE IT RESOLVED THAT the minutes of the Executive, Conference, and Regular Meetings of June 20th 2013.

Seconded by Councilmember Karr. So ordered.

Voice vote. All present in favor, with the exception of Councilmember Mangravite who was not present at this meeting. Motion carried.

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

Borough Clerk, June 2013
Animal Licensing, June 2013
Municipal Court, June 2013
Fire Prevention, June 2013
Sanitarian, June 2013
Police Department, June 2013
Tax Collector, June 2013
Building Inspector, June 2013
Treasurer, June 2013
Tipping Fees, June 2013

Borough Attorney, Quarterly
Borough Engineer, Quarterly

BE IT FURTHER RESOLVED

THAT the Borough Council approve the Mayor's Proclamation recognizing Nayna Shah.

THAT Resolution No. 2013-92 entitled, "GRANT AGREEMENT BETWEEN MORRIS PLAINS BOROUGH AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER: PF13-014," be adopted as attached.

THAT Resolution No. 2013-93 entitled, "RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MORRIS PLAINS, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING DEPUTY RECORDS CUSTODIANS," be adopted as attached.

THAT Resolution No. 2013-94 entitled, "P.L. 1994 CHAPTER 72, STATE OF NEW JERSEY," be adopted as attached.

THAT Resolution No. 2013-95 entitled, "SUSTAINABLE JERSEY SMALL GRANTS PROGRAM," be adopted as attached.

THAT having polled the Council on June 28th 2013, Katie O'Neill was granted permission to serve alcoholic beverages at a picnic held Friday, July 5th 2013 from 11:00 AM to Dusk at Community Park.

APPROVAL OF CONSENT CALENDAR, cont'd.

THAT the Knights of Columbus, Bishop McLaughlin Council, No. 3495 be granted permission to serve alcoholic beverages at a Picnic to be held Friday, August 26th 2013, from 5:00 PM to 10:00 PM., at Community Park.

THAT that the Morris Plains Fire Association be granted permission to serve beverages at their Family Picnic to be held Sunday, September 8th 2013, from 11:00 AM to 9:00 PM, at Community Pool & Park.

THAT the National Multiple Sclerosis Society be granted permission to bicycle through a portion of the Borough on September 21st and September 22nd 2013 as part of its benefit and that the Police Department provide necessary support.

THAT the attached be hired as Summer Camp Counselors for the 2013 Recreation Summer season at the salary stated, effective June 24th 2013.

THAT the Borough Council authorize the release and return of the one-year Maintenance Bond for the Sun Valley Way and Laurel Street improvements to Top Line Construction Corporation, per the Borough Engineer's correspondence dated June 28th 2013.

THAT the residents of Coursen Way, Mountain Way, Tower Hill Road, Holiday Drive, and Stony Brook Drive be granted permission to hold a Block Party on Saturday, September 28th 2013, from 1:00 PM to Dark and that permission to serve alcoholic beverages be granted; and that the Road Department provide necessary barricades.

THAT the Mayor be and he hereby is authorized to execute the Change Order Number -1, Jim Fear Drive, Laurel Street, Maple Avenue, Granniss Avenue, Academy Road, and Watnong Drive Road Improvements, per the Borough Engineer's correspondence dated July 9th 2013.

THAT having received quotes for Community Park Pool interior repairs from the following:

| | |
|--|-------------|
| Luigi Opipari Landscaping & Masonry, LLC | \$ 9,775.00 |
| Greik Paving & Construction | \$11,950.00 |
| John Falcone Masonry | \$13,900.00 |
| A&L Services | \$18,350.00 |

THAT a purchase order be issued to Luigi Opipari Landscaping & Masonry, LLC, Morristown, NJ, in the amount of \$9,775.00.

THAT having received quotes for the Annex Generator from the following:

| | |
|-------------------------|-------------|
| Esposito's Electric | \$11,995.00 |
| Dennis Dondero Electric | \$12,200.00 |
| NJR Home Services | \$14,250.00 |

APPROVAL OF CONSENT CALENDAR, cont'd.

THAT a purchase order be issued to Esposito's Electric, Denville, NJ, in the amount of \$11,995.00.

THAT having received quotes for the DPW, Building #2 roof replacement from the following:

| | |
|---|-------------|
| Shamrock | No Quote |
| Dougherty | No Quote |
| High Grade Contracting | \$13,200.00 |
| Peter W. Smith Roofing & Construction, Inc. | \$ 9,950.00 |

THAT a purchase order be issued to Peter W. Smith Roofing & Construction, Inc. in the amount of \$9,950.00.

THAT Margaret McMahon be appointed a volunteer Intern in the office of the Municipal Court, effective July 15th 2013.

THAT the Borough Council authorize the Borough Engineer to prepare plans and specifications for the Mountain Way road project.

THAT the Borough Council authorize the release and return of the Performance Guarantee, EJK Realty, LLC, in the amount of \$3,501.00, per the Borough Engineer's correspondence dated June 27th 2013.

THAT the Mayor and Clerk be and they are hereby authorized to execute the Temporary Construction Access Easement Agreement, Block 131, Lot 27 from Suzanne Blanchette in connection with the repair of sanitary sewer manholes.

Seconded by Councilmember Cecala.

Mayor Druetzler commented on the Resolution relating to the appointment of Deputy Records Custodians. As stated in this Resolution, the appointments of the additional Deputy Records Custodians are needed due to the increased requests under the Open Public Records Act. The scheduling of a meeting is being coordinated by Senator Pennacchio. When scheduled, he and the Borough Clerk will plan to attend. Other municipalities' representatives will also be attending this meeting.

Yeas: Councilmember 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 reported that the Library held their annual Petting Zoo yesterday with 268 people attending and they collected approximately 289 pounds of food for the food pantry. This event was made possible due to funds received from their periodic shredding days. The Library was very pleased with the attendance at this event and thankful for the generous donations for the food pantry.

The web site is now complete with all the upgrades. The webmaster will review the e-mails shortly to purge those not needed.

The Finance Committee is still in the process of identifying a full-time secretary in the Clerk's office.

Public Safety

Councilmember McCluskey stated that she has no report.

Police Chief Thompson presented his report which included reference to certain cameras and where they will be mounted.

Councilmember Mangravite commented on the new motor vehicle advisory relating to disability plates for parking in handicapped parking that goes into effect on August 1st 2013. He wondered if Chief Thompson was aware of this advisory. He provided the Chief with some information on this advisory.

Chief Thompson replied he does not recall hearing about this, but offered to check in his office to determine if any notification was received regarding this advisory.

Public Works

Councilmember Cecala reported that all should have the report from Mr. Signorelli, Superintendent, Department of Public Works. The Borough has been quite busy of late.

Councilmember Cecala reported on the fireworks and advised that the next morning when he visited the site there was a significant amount of fireworks related debris on the field. He notified Mr. Rappa who is his contact at Bay Fireworks about this and also provided photographs to him along with an e-mail. Mr. Rappa's secretary has advised that he has all this material and that a meeting will be held to discuss this situation. Also in connection with the fireworks, he stated that some neighbors complained that some of the outfall was again falling on their homes. He wondered if the materials used to make the fireworks used by Bay Fireworks were to blame; when working with the local fireworks company that makes its own fireworks the problem of debris landing on homes and backyards does not appear to occur. He will be talking with the neighbors lodging complaints within the next few days. He commented that this situation certainly depends on how the wind is blowing and little can be done about that.

Ms. Fraser advised that if Bay Fireworks is not leaving the field in the condition required by the contract, then they must be notified of this in writing. It is important that they know this is unacceptable.

Mayor Druetzler suggested that Councilmember Cecala and Ms. Fraser meet and consider drafting a somewhat stronger letter to Bay Fireworks.

Continuing, Councilmember Cecala advised of work being done on the sidewalks on Watnong Drive. The pond is also being worked on to rid it of the weeds.

Mr. Hall presented his report which included information on the sidewalk project and the Speedwell Avenue projects.

Mayor Druetzler advised that a small portion of the Speedwell Avenue work includes cooperative work with the school that needed some work done and can be accomplished under this contract. The school will reimburse the Borough for this work.

Continuing, Mr. Hall also reported on the work being done at Building 500 on The American Road and how it is progressing. He has been approached for permission to add more parking spaces, apparently they underestimated the number of employees expected to be located at this site.

Councilmember Cecala commented on Ordinance No. 8-2013, the deer culling program. It will acknowledge that the State regulations will allow deer cullers to hunt on private property within 150'.

Ms. Fraser stated the Borough will not allow the deer hunters to do this, but rather is acknowledging that the State regulations allow this with property owners permission.

Cross discussion about various elements of the deer culling ordinance and procedures for the actual deer culling process.

Mayor Druetzler advised that Mr. Signorelli has been experiencing some health issues and may need to have surgery within the week.

Public Buildings & Grounds

Councilmember Fu presented her report. The Grant Agreement for the No Net Loss project in connection with the re-forestation project was accepted. Extended time was also given, and the Borough has until March 31, 2017 to claim any funds. After 2017, there will be a two-year period where inspections can be done of the trees. A planting is scheduled for this fall. She provided information about a grant they would like to apply for. It is for a State of New Jersey program that receives funds offered by Wal-Mart and one or more other companies. There are several grants of varying amounts.

Mayor Druetzler advised that the Dodge Foundation recently announced grants available for Sustainable New Jersey.

Councilmember Fu believes this funding is part of the program she is referring to. The Community Garden would like to do an expansion and the Borough School would like to build an outdoor classroom. She will be meeting with appropriate contacts in connection with these two desires. She reported that Family Day went well; the ribbon-cutting at the basketball court; Community Center air conditioning problems; plans for election coverage for the Special Election in August; Community Center maintenance plans; the Senior Picnic – she thanked the many volunteers for their help; the upcoming Splash Party; the summer camp and recreation programs; the concert series; and the summer theater.

Cross discussion about the fact that the Swim Team suffered its first defeat last night with a loss to Bernardsville, including the issue of the meet being in conflict with a Rutgers event.

Mayor Druetzler advised of the four new poles installed by Jersey Central at Simons Park.

Public Welfare, Sanitation & Sewers

Councilmember Mangravite presented his report. The Board of Health is planning for the Wellness Day on October 20th 2013. The cancer screenings will be off site -- as most other municipalities do it -- it is possible that the blood work and the other services will also be done off site. Wellness Day will be changed to be more of a health fair with exhibitors providing information relating to health services/products. The exhibitors will probably be located in the gymnasium and the flu shots will be given here, too.

Mayor Druetzler commented that this is a good idea.

Continuing, Councilmember Mangravite advised about the Recycling program. Items continue to be dropped at the Recycling Center that are a problem and should not be put there; he believes there are several reasons for this happening such as people bringing things when the Center is closed; the number of persons with keys; and turnover of personnel and the keys. He commented on a sewer construction application from Parsippany. Parsippany wants to transfer some of their sewage through the Borough to Morris Township.

Mayor Druetzler advised he spoke with Bill Ryden who said there needs to be another letter. Ms. Jasmine Lim further advised of a preferred plan which will be sent to him. He also said this project will need to be moved to another committee, most likely the Public Works Committee because of the conflict Councilmember Mangravite has.

Councilmember Cecala said that it could be handled by Councilmembers Coogan, Karr and himself.

Cross discussion about the picking up of the recycling and garbage at the Teen Center as to who is supposed to be picking this up, including that Ms. Rooney notified the garbagemen of the need to pick up the garbage and that there is uncertainty as to whether Recycling was asked to pick up that.

Ordinance & Public Utilities

Councilmember Coogan reported on the \$500 contribution received by the Beautification Committee from Johnson & Johnson and the work that has been done with that funding. He also commented on a problem with the sprinkler system. Plots at the community Garden that were not used by the June 15th deadline have been re-assigned. As of yesterday, 82 pounds of produce have been taken to the food pantry and there are plans to enhance this program with new ideas. Issues with the utilities have been progressing surprisingly well. The big outstanding item was the utility pole at 23 Brook Drive. It is leaning so much that it pulled the electrical service out of his house. Mr. Banks paid to have it all re-connected because the utility is not responsible. He advised he has been advised by the utility that tree work and pole work will be completed within the next month with work beginning next week.

Mayor Druetzler commented that the power on Jaqui Avenue must be upgraded. There are continuing problems in this area, including a recent transformer fire. There must be an upgrade of the entire street.

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. 8-2013

ORDINANCE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF CHAPTER 28 ENTITLED DEER CULLING PROGRAM OF THE REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972 WITH PROVISIONS RELATED TO HUNTING ON PRIVATE LANDS.

Councilmember Cecala seconded the motion.

Ms. Fraser advised that the word “shall” must be added in the fifth line of Section 2, the new language 28-4. It should read: “. . . and it shall include the following information. . .” She will give this to the Borough Clerk tomorrow.

Yeas: Councilmember 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 July 18th 2013 and passed on First Reading.

NOW, THEREFORE, BE IT RESOLVED at a meeting to be held on August 15th 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 Cecala seconded the resolution. All in favor.

ORDINANCES ON SECOND READING

Councilmember Coogan read by title the ordinance entitled:

ORDINANCE NO. 7-2013

ORDINANCE PROVIDING FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REPEAL OF CERTAIN FEES SET FORTH IN THE FEE SCHEDULE OF THE BOROUGH OF MORRIS PLAINS, CHAPTER 2, SECTION 2-46 AND A REVISED ORDINANCE OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972.

which ordinance was introduced and passed on first reading at a meeting held on June 20th 2013.

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 June 20th 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 July 18th 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 is 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. He advised this is a housekeeping ordinance correcting duplication of some fees. 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.

Councilmember McCluskey seconded the motion.

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

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|----------|---|
| Yeas: | Councilmember 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

Moved by Councilmember Cecala:

BE IT RESOLVED THAT Resolution No. 2013-96 entitled, "BOROUGH OF MORRIS PLAINS SPEEDWELL AVENUE PROJECT CHANGE ORDER" be adopted.

Seconded by Councilmember Coogan

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

Mayor Druetzler advised this is for curbing near the school that needs to be corrected.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

VOUCHERS

Councilmember moved that the vouchers for July 18th 2013 in the amount of \$7,470,962.05 be approved.

Seconded by Councilmember Cecala.

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

EXECUTIVE SESSION

Moved by Councilmember Coogan:

BE IT RESOLVED THAT Resolution 2013-97 entitled "Executive Session" be adopted.

Seconded by Councilmember McCluskey. So ordered.

Voice vote. All present in favor. Motion carried.

The Regular Meeting of the Council resumed after adjournment of the Executive Session.

Moved by Councilmember Karr:

BE IT RESOLVED THAT Resolution No. 2013-98 entitled, "ROSANNE DENMAN" be adopted.

Seconded by Councilmember Cecala

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

Frank J. Druetzler, Mayor

June R. Uhrin, Borough Clerk